

## Department of Planning and Budget 2017 Fiscal Impact Statement

1. **Bill Number:** HB1695

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. **Patron:** Marshall, D.W.

3. **Committee:** Transportation

4. **Title:** Crossing bridge or culvert by vehicle heavier than allowed.

5. **Summary:** This bill allows a vehicle whose gross weight exceeds the posted carrying capacity for a bridge or culvert to cross such bridge or culvert if (i) no more than one axle combination is on such bridge or culvert at the same time and (ii) the weight on one axle combination does not exceed the carrying capacity for such bridge or culvert.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Preliminary. See #8.

8. **Fiscal Implications:** The exact fiscal impact of this bill cannot be estimated. This bill provides a safe harbor for certain vehicles which weigh more than the posted weight limit on certain bridges; it would allow them to legally cross the bridge so long as only one axle is on the bridge at a time, and that axle is within the structure's carrying capacity. There are 1,420 bridges posted with a restricted weight limit in Virginia; however, it is unknown how many bridges are short enough that a vehicle could realistically only have one axle upon the bridge at a time.

Should this bill pass, it would be expected that there would be a reduced number of overweight citations issued to vehicles for overweight vehicles. The Department of Motor Vehicles (DMV) issued 38,622 overweight citations in FY 2015 and 37,102 overweight citations in FY 2016, but how many were issued to vehicles which would qualify for an exemption under this bill is unknown. For this reason, the number of citations which are issued under current law but would be avoided should this bill pass cannot be estimated.

For each overweight citation issued by DMV and paid, the defendant pays a \$25 civil penalty which goes to the Literary Fund, a \$20 processing fee which goes to the DMV, a \$2 weighing fee which goes to the State Police, and liquidated damages, which go to the Highway Maintenance and Operating Fund, in the amount of \$20 plus a variable amount that varies from 1¢ per pound overweight to 35¢ per pound overweight. The variable amount will depend on the amount over the weight limit which the vehicle weighed, the goods being carried by the vehicle, and whether or not the vehicle held an overweight permit. Cities may pass local ordinances charging liquidated damages, but under § 46.2-1138.1 the liquidated damages may not exceed the amounts charged by the state. These damages are paid to the

city and used by them for the construction and maintenance of the city's roads. Cities are also authorized to charge civil penalties and processing fees, but not weighing fees. Those fees are paid to the city. Any reduction in the number of citations would reduce revenue to the entities which receive revenue from overweight citations.

According to the Virginia Department of Transportation (VDOT), this bill will allow overweight vehicles to ignore any posting restrictions for posted bridges statewide, presenting the very real possibility of structural failure. The annual structure replacement cost to VDOT is estimated to be \$4.5 million per year and the annual maintenance and repair cost is \$308,000 per year. VDOT based its calculations on the replacement cost of currently posted short span structures that would be incurred due to structural failure, assuming an annual failure rate of five percent. The additional maintenance cost was estimated assuming \$5.00/sf per year due to overload.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Motor Vehicles, Virginia Department of Transportation, Department of Education, Virginia State Police, Cities.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

**Date:** 1/17/2017

**Document:** Janet Vogelgesang G:\16-18\FIS 2017\HB1695.docx

cc: Secretary of Transportation