

# VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

## CHAPTER 36

*An Act to amend and reenact §§ 46.2-872, 46.2-1139 through 46.2-1142 and 46.2-1143 through 46.2-1149.1 of the Code of Virginia, relating to motor vehicle special permits.*

[S 277]

Approved March 4, 1996

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-872, 46.2-1139 through 46.2-1142 and 46.2-1143 through 46.2-1149.1 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-872. Maximum speed limits for vehicles operating under special permits.

The maximum speed limit shall be ten miles per hour less than the posted speed limit on any highway if the vehicle or combination of vehicles is operating under a special permit issued by the Commonwealth Transportation ~~Board~~ Commissioner in accordance with § 46.2-1139. The Commonwealth Transportation ~~Board~~ Commissioner may, however, further reduce the speed limit on any permit issued in accordance with § 46.2-1139.

§ 46.2-1139. Permits for excessive size and weight generally; penalty.

A. The Commonwealth Transportation ~~Board~~ Commissioner and local authorities of cities and towns, in their respective jurisdictions, may, upon written application and good cause being shown, issue a permit authorizing the applicant to operate on a highway a vehicle of a size or weight exceeding the maximum specified in this title. Any such permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting the permit.

B. Except for permits issued under § 46.2-1141 for overweight vehicles transporting containerized freight and permits issued for overweight vehicles transporting irreducible loads, no overweight permit issued by the ~~Board~~ Commissioner or any local authority under any provision of this article shall be valid for the operation of any vehicle on an interstate highway if the vehicle has:

1. A single axle weight in excess of 20,000 pounds; or
2. A tandem axle weight in excess of 34,000 pounds; or
3. A gross weight, based on axle spacing, greater than that permitted in § 46.2-1127; or
4. A gross weight, regardless of axle spacing, in excess of 80,000 pounds.

C. Every permit issued under this article for the operation of oversize or overweight vehicles shall be carried in the vehicle to which it refers and may be inspected by any officer. Violation of any term of any permit issued under this article shall constitute a Class 1 misdemeanor.

D. Any permit issued by the Commonwealth Transportation Commissioner or local authorities of cities and towns pursuant to state law may be restricted so as to prevent travel on any federal-aid highway if the continuation of travel on such highway would result in a loss of federal-aid funds. Before any such permit is restricted by the Commissioner, or local authority, written notice shall be given to the permittee.

§ 46.2-1140. Authority to use certain streets and highways in cities and towns.

When the Commonwealth Transportation ~~Commission~~ Commissioner issues a permit to a person to move a vehicle of excessive size and weight along specified highways in Virginia, the Commonwealth Transportation ~~Board~~ Commissioner may also include within such permit, after coordinating with the authorities of a city or town, the authority to use specified highways at specified times within any such city or town which highways constitute extensions of any part of the primary highway system. No city or town otherwise having jurisdiction over its highways, shall have authority to prohibit the use of its highways to a person holding a permit issued by the Commonwealth Transportation ~~Board~~ Commissioner so long as such person travels upon the highways specified in the permit.

§ 46.2-1141. Overweight permits for containerized freight.

Permits to operate on the highways a vehicle exceeding the maximum weight specified in this title shall be granted without costs if the vehicle is hauling containerized cargo in a sealed, seagoing container bound to or from a seaport and has been or will be transported by marine shipment. In order to qualify for such a permit the contents of such seagoing container shall not be changed from the time it is loaded by the consignor or his agents to the time it is delivered to the consignee or his agents. Cargo moving in vehicles conforming to specifications shown in this section shall be considered irreducible and eligible for permits under regulations of the Commonwealth Transportation ~~Board~~ Commissioner.

§ 46.2-1142. Overweight permits for concrete haulers.

The Commonwealth Transportation ~~Board~~ Commissioner and local authorities of cities and towns, in their respective jurisdictions, upon written application made by the owner or operator, shall issue overweight permits for operation of certain vehicles used to haul concrete. Permits under this section

shall be issued only for three-axle vehicles used exclusively for the mixing of concrete in transit or at a project site or for transporting necessary components in a compartmentalized vehicle to produce concrete immediately upon arrival at a project site. Any vehicle operating under a permit issued pursuant to this section shall have a gross weight of no more than 60,000 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 40,000 pounds. Such permits shall be issued without cost. Such permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways.

Each vehicle, when loaded according to the provisions of a permit issued under this section, shall be operated at a reduced speed. The reduced speed limit is to be ten miles per hour slower than the legal speed limit in fifty-five, forty-five and thirty-five miles per hour speed limit zones.

§ 46.2-1143. Overweight permits for coal haulers; penalties.

The Commonwealth Transportation ~~Board~~ *Commissioner* and local authorities of cities and towns in their respective jurisdictions, upon written application by the owner or operator of vehicles used exclusively for hauling coal from a mine or other place of production to a preparation plant, loading dock, or railroad shall issue, without cost, a permit authorizing those vehicles to operate with gross weights in excess of those established in § 46.2-1126 on the conditions set forth in this section.

Vehicles with three axles may have a maximum gross weight, when loaded, of no more than 60,000 pounds, a single axle weight of not more than 24,000 pounds and a tandem axle weight of no more than 45,000 pounds. Vehicles with four axles may have a maximum gross weight, when loaded, of no more than 70,000 pounds, a single axle weight of no more than 24,000 pounds, and a tri-axle weight of no more than 50,000 pounds. Vehicles with five axles having no less than thirty-five feet of axle space between extreme axles may have a maximum gross weight, when loaded, of no more than 90,000 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 40,000 pounds.

No load of any vehicle operating under a permit issued according to this section shall rise above the top of the bed of such vehicle, not including extensions of the bed. Three-axle vehicles shall not carry loads in excess of the maximum bed size in cubic feet for such vehicle which shall be computed by a formula of 60,000 pounds minus the weight of the empty truck divided by the average weight of coal. For the purposes of this section, the average weight of coal shall be fifty-two pounds per cubic foot. Four-axle vehicles shall not carry loads in excess of the maximum bed size for such vehicle which shall be computed by a formula of 70,000 pounds minus the weight of the truck empty divided by the average weight of coal.

For the purposes of this section, the term bed shall mean that part of the vehicle used to haul coal. Bed size shall be measured by its interior dimensions with volume expressed in cubic feet. In order to ensure compliance with this section by visual inspection, if the actual bed size of the vehicle exceeds the maximum as provided above, the owner or operator shall be required to paint a horizontal line two inches wide on the sides of the outside of the bed of the vehicle, clearly visible to indicate the uppermost limit of the maximum bed size applicable to the vehicle as provided in this section. In addition, one hole two inches high and six inches long on each side of the bed shall be cut in the center of the bed and at the top of the painted line. Any vehicle in violation of this section shall subject the vehicle's owner or operator or both to a penalty of \$250 for a first offense, \$500 for a second offense within a twelve-month period, and \$1,000 and revocation of the permit for a third offense within a twelve-month period from the first offense.

If the bed of any vehicle is enlarged beyond the maximum bed size for which its permit was granted, or if the line or holes required are altered so that the vehicle exceeds the bed size for which its permit was granted, the owner, operator, or both shall be subject to a penalty of \$1,000 for each offense and revocation of the permit. Upon revocation, a permit shall not be reissued for six months. The penalties provided in this section shall be in lieu of those imposed under § 46.2-1135.

For any vehicle with a valid permit issued pursuant to the conditions required by this section, when carrying loads which do not rise above the top of the bed or the line indicating the bed's maximum size, if applicable, it shall be, in the absence of proof to the contrary, prima facie evidence that the load is within the applicable weight limits. If any vehicle is stopped by enforcement officials for carrying a load rising above the top of the bed or the line indicating the bed's maximum size, the operator of the vehicle shall be permitted to shift his load within the bed to determine whether the load can be contained in the bed without rising above its top or above the line.

No such permit shall be valid for the operation of any such vehicle for a distance of more than thirty-five miles from the preparation plant, loading dock, or railroad.

§ 46.2-1144. Overweight permits for solid waste haulers.

The Commonwealth Transportation ~~Board~~ *Commissioner*, upon written application by the owner or operator of vehicles used exclusively for hauling solid waste other than hazardous waste, shall issue without cost a permit authorizing the operation on the highway of such vehicles at gross weights in excess of those set forth in § 46.2-1126.

No permit issued under this section shall authorize a single axle weight of more than 20,000 pounds or a tandem axle weight of more than 40,000 pounds. No such permit shall be issued for a total gross

weight in excess of 40,000 pounds for a two-axle vehicle, or of more than 60,000 pounds for a three-axle vehicle. Such permit shall be obtained annually at the time the vehicle is registered. The ~~Commonwealth Transportation Board~~ *Commissioner* shall promulgate regulations governing such permits.

No such permit shall authorize the operation of any vehicle enumerated in this section beyond the boundary of the county or city where it is principally garaged or for a distance of more than twenty-five miles from the place where it is principally garaged, whichever is greater. However, the permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways. Each vehicle, when loaded according to the provisions of a permit issued under this section, shall be operated at a reduced speed of ten miles per hour slower than the legal speed limit in fifty-five, forty-five and thirty-five miles per hour speed limit zones.

For the purposes of this section, the terms "solid waste" and "hazardous waste" shall have the meanings provided in § 10.1-1400.

§ 46.2-1145. Overweight permits for certain trucks operated by Arlington County.

The ~~Commonwealth Transportation Board~~ *Commissioner*, upon written application by Arlington County, shall issue without cost to such county a permit authorizing the county's operation of vehicles used for hauling household waste and vehicles used for highway or utility construction, operation, or maintenance upon the highways of such county at gross weights exceeding those set forth in § 46.2-1126. Permits issued hereunder shall specify that vehicles with two axles may have a maximum gross weight of no more than 48,000 pounds and a single axle weight of not more than 24,000 pounds and that vehicles with three axles may have a maximum gross weight of not more than 60,000 pounds and a single axle weight of not more than 24,000 pounds and a tandem axle weight of not more than 40,000 pounds.

The permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways. Each vehicle, when loaded according to the provisions of a permit issued under this section shall be operated at a reduced speed of ten miles per hour slower than the legal speed limit in fifty-five, forty-five, and thirty-five miles per hour speed limit zones.

§ 46.2-1146. Excess height and length permits for haulers of certain imported goods.

The ~~Commonwealth Transportation Board~~ *Commissioner* and local authorities of cities and towns in their respective jurisdictions, upon written application by the owners or operators of motor vehicles used to transport items arriving at a Virginia port by ship from overseas points of origin and consigned to an assembly plant in this Commonwealth, shall issue without cost permits for the operation of such motor vehicles on the highways if those vehicles do not exceed the height limitation set forth in § 46.2-1110 by more than one and one-half feet and not exceeding the length limitation as set forth in §§ 46.2-1112 and 46.2-1113 by more than three feet. The ~~Commonwealth Transportation Board~~ *Commissioner* and local authorities may designate the routes such permittees shall use from the port to the assembly plant.

§ 46.2-1147. Permits for excessive size and weight for articulated buses.

The ~~Commonwealth Transportation Board~~ *Commissioner* and local authorities of cities and towns in their respective jurisdictions, upon written application by the owner or operator of passenger buses having three or more axles consisting of two sections joined together by an articulated joint with the trailer being equipped with a mechanically steered rear axle, and having a gross weight of no more than 60,000 pounds, a single axle weight of no more than 25,000 pounds and a width of no more than 102 inches shall issue to such owner or operator, without cost, a written permit authorizing the operation of such vehicles on the highways.

§ 46.2-1148. Overweight permit for hauling Virginia-grown farm produce.

In addition to other permits provided for in this article, the ~~Commonwealth Transportation Board~~ *Commissioner* and local authorities of cities and towns, in their respective jurisdictions, upon written application by the owner or operator of any three-axle vehicle used for hauling farm produce grown in Virginia shall issue permits for overweight operation of such vehicles as provided in this section. Such permits shall allow the vehicles to have a gross weight of no more than 50,000 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 36,000 pounds. Additionally, any five-axle combination used for hauling Virginia-grown farm products may have a gross weight of no more than 80,000 pounds and any four-axle combination hauling Virginia-grown produce, may have a tandem axle weight of 36,000 pounds.

Except as otherwise provided in this section, no such permit shall designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways.

No permit issued under this section shall authorize any vehicle whose axle weights or axle spacing would not be permissible under §§ 46.2-1122 through 46.2-1127 to cross any bridge constituting a part of any public road.

Permits issued under this section shall be valid only in Accomack and Northampton Counties.

§ 46.2-1149. Unladen, oversize and overweight, rubber-tired, self-propelled haulers and loaders; permits for individual trips; engineering analysis; costs.

The Commonwealth Transportation ~~Board~~ *Commissioner* and local authorities of cities and towns in their respective jurisdictions, upon written application by the owner or operator of any empty, oversize and overweight, rubber-tired, self-propelled hauler or loader used in the construction and coal mining industries, may issue to such owner or operator a permit authorizing operation upon the highways of such equipment with gross empty weights in excess of those established in §§ 46.2-1122 through 46.2-1127 and sizes in excess of those established in §§ 46.2-1105 through 46.2-1108. The permits shall be issued only after an engineering analysis of a proposed routing has been conducted by the affected jurisdictions to assess the ability of the roadway and bridges to be traversed to sustain the vehicles' size and weight. Permits shall be issued on an individual trip basis and costs will be assessed against the applicant to cover engineering analysis.

No permit issued under this section shall be valid for the operation of the equipment for a distance of more than thirty-five miles.

§ 46.2-1149.1. Excess tandem axle weight permits for cotton module haulers.

The Commonwealth Transportation ~~Board~~ *Commissioner*, upon application made by the owner or operator of vehicles used exclusively to transport seed cotton modules, shall issue without cost a permit authorizing the operation on the highway of such vehicles at tandem axle weights in excess of that authorized in § 46.2-1125. The ~~Commonwealth Transportation Board~~ *Commissioner* shall promulgate regulations governing such permits. Such permits shall allow the vehicles to have tandem axle weights of no more than 40,000 pounds. No permit issued under this section shall authorize a single axle weight in excess of that authorized in § 46.2-1124 or a gross weight in excess of that authorized in § 46.2-1126.