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HOUSE BILL NO. 1985

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on January 24, 2013)

(Patron Prior to Substitute—Delegate May)

*A BILL to amend and reenact §§ 46.1-1104, 46.2-1129.1, 46.2-1139, and 46.2-1148 of the Code of Virginia, relating to vehicle weight limits and overweight permits.***Be it enacted by the General Assembly of Virginia:****1. That §§ 46.1-1104, 46.2-1129.1, 46.2-1139, and 46.2-1148 of the Code of Virginia are amended and reenacted as follows:****§ 46.2-1104. Reduction of limits by Commissioner of Highways and local authorities; penalties.**

The Commissioner of Highways, acting through employees of the Department of Transportation, may prescribe the weight, width, height, length, or speed of any vehicle or combination of vehicles passing over any highway or section of highway or bridge constituting a part of the interstate, primary, or secondary system of highways. Any limitations thus prescribed may be less than those prescribed in this title whenever an engineering study discloses that it would promote the safety of travel or is necessary for the protection of any such highway.

If the reduction of limits as provided in this section is to be effective for more than 90 days, a written record of this reduction shall be kept on file at the central office of the Department of Transportation. In instances where the limits, including speed limits, are to be temporarily reduced, the representative of the Department of Transportation in the county wherein such highway is located shall immediately notify the Chief Engineer for the Department of Transportation of such reduction. The Chief Engineer shall either affirm or rescind the action of reducing such limits within five days from the date the limits have been posted as hereinafter provided. A list of all highways on which there has been a reduction of limits as herein provided shall be kept on file at the central office of the Department of Transportation. Anyone aggrieved by such reduction of limits may appeal directly to the Commissioner of Highways for redress, and if he affirms the action of reducing such limits, the Commonwealth Transportation Board shall afford any such aggrieved person the opportunity of being heard at its next regular meeting.

The local authorities of counties, cities, and towns, where the highways are under their jurisdiction, may adopt regulations or pass ordinances decreasing the weight limits prescribed in this title for a total period of no more than 90 days in any calendar year, when an engineering study discloses that operation over such highways or streets by reason of deterioration, rain, snow, or other climatic conditions will seriously damage such highways unless such weights are reduced.

In all instances where the limits for weight, size, or speed have been reduced by the Commissioner of Highways or the weights have been reduced by local authorities pursuant to this section, signs stating the weight, height, width, length, or speed permitted on such highway shall be erected at each end of the section of highway affected and no such reduced limits shall be effective until such signs have been posted.

Notwithstanding any other provision of law to the contrary, it shall be unlawful to operate a vehicle or combination of vehicles on any public highway or section thereof when the weight, size, or speed thereof exceeds the maximum posted by authority of the Commissioner of Highways or local authorities pursuant to this section.

Any violation of any provision of this section shall constitute a Class 2 misdemeanor. Furthermore, the vehicle or combination of vehicles involved in such violation may be held upon an order of the court until all fines and costs have been satisfied.

§ 46.2-1129.1. Further extension of weight limits for certain vehicles utilizing an auxiliary power unit or other idle reduction technology.

Any motor vehicle that utilizes an auxiliary power unit or other idle reduction technology in order to promote reduction of fuel use and emissions due to engine idling shall be allowed up to an additional 400 500 pounds total in gross, single axle, tandem axle, or bridge formula weight limits.

To be eligible for this exception, the operator of the vehicle must be able to prove (i) by written certification, the weight of the auxiliary power unit or other idle reduction technology unit and (ii) by demonstration or written certification, that such idle reduction technology is fully functional at all times.

Certification of the weight of the auxiliary power unit must be available to law-enforcement officials if the vehicle is found in violation of applicable weight laws. The additional weight allowed cannot exceed 400 500 pounds or the weight certified, whichever is less.

For purposes of this section, "auxiliary power unit" means a mechanical or electrical device affixed to a motor vehicle that is designed to be used to generate an alternative source of power for any of the

60 motor vehicle's systems other than the primary propulsion engine, and "idle reduction technology" refers
61 to a technology that allows engine operators to refrain from long-duration idling of the main propulsion
62 engine by using an alternative technology.

63 § 46.2-1139. Permits for excessive size and weight generally; penalty.

64 A. The Commissioner and, unless otherwise indicated in this article, local authorities of cities and
65 towns, in their respective jurisdictions, may, upon written application and good cause being shown, and
66 pursuant to the requirements of subsection A1, issue a permit authorizing the applicant to operate on a
67 highway a vehicle of a size or weight exceeding the maximum specified in this title. Any such permit
68 may designate the route to be traversed and contain any other restrictions or conditions deemed
69 necessary by the body granting the permit.

70 A1. Any city or town, as authorized under subsection A, or any county that has withdrawn its roads
71 from the secondary system of state highways that opts to issue permits under this article shall enter into
72 a memorandum of understanding with the Commissioner that at a ~~minimum~~:

73 1. Allows the Commissioner to issue permits on behalf of that locality; and

74 2. Provides that the locality shall satisfy the following requirements prior to issuing such permits:

75 a. The locality shall have applications for each permit type available online.

76 b. The locality shall have designated telephone and fax lines to address permit requests and inquiries.

77 c. The locality shall have at least one staff member whose primary function is to issue permits.

78 d. The locality shall have one or more engineers on staff or contracted to perform bridge inspections
79 and provide analysis for overweight vehicles.

80 e. The locality shall maintain maps indicating up-to-date vertical and horizontal clearance locations
81 and limitations.

82 f. The locality shall provide to the Department an emergency contact phone number and assign a
83 staff person who is authorized to issue the permit or authorized to make a decision regarding the permit
84 request at all times (24 hours a day, seven days a week).

85 g. The locality shall process a "standard permit" for a "standard vehicle" by the next business day
86 after receiving the completed permit application. Each locality shall define "standard vehicle" and
87 "standard permit" and provide the Department with those definitions. All other requests for permits shall
88 be processed within 10 business days.

89 h. The locality shall retain for at least 36 months all permit data it collects.

90 i. The locality shall maintain an updated list of all maintenance and construction projects within that
91 locality. The list shall provide starting and ending locations and dates for each project, and shall be
92 updated as those dates change.

93 j. The locality shall maintain a list of restricted streets. This list shall indicate all times of travel
94 restrictions, oversize restrictions, and weight restrictions for streets within the locality's jurisdiction.

95 If the locality satisfies the requirements in the memorandum of understanding, the locality may issue
96 permits under this article.

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

101 1. A single axle weight in excess of 20,000 pounds; or

102 2. A tandem axle weight in excess of 34,000 pounds; or

103 3. A gross weight, based on axle spacing, greater than that permitted in § 46.2-1127; or

104 4. A gross weight, regardless of axle spacing, in excess of 80,000 pounds.

105 C. The Commissioner may issue permits to operate or tow one or more travel trailers as defined in
106 § 46.2-1900 or motor homes when any of such vehicles exceed the maximum width specified by law,
107 provided the movement of the vehicle is prior to its retail sale and it complies with the provisions of
108 § 46.2-1105. A copy of each such permit shall be carried in the vehicle for which it is issued.

109 D. 1. Every permit issued under this article for the operation of oversize or overweight vehicles shall
110 be carried in the vehicle to which it refers and may be inspected by any officer or size and weight
111 compliance agent. Violation of any term of any permit issued under this article shall constitute a Class 1
112 misdemeanor. Violation of terms and conditions of any permit issued under this article shall not
113 invalidate the weight allowed on such permit unless (i) the permit vehicle is operating off the route
114 listed on the permit, (ii) the vehicle has fewer axles than required by the permit, (iii) the vehicle has less
115 axle spacing than required by the permit when measured longitudinally from the center of the axle to
116 center axle with any fraction of a foot rounded to the next highest foot, or (iv) the vehicle is
117 transporting multiple items not allowed by the permit.

118 2. Any multi-trip permit authorizing the applicant to operate on a highway a vehicle of a size or
119 weight exceeding the maximum specified in this title may be transferred to another vehicle no more than
120 two times in a 12-month period, provided that the vehicle to which the permit is transferred is subject to
121 all the limitations set forth in the permit as originally issued. The applicant shall pay the Department an

administrative fee of \$10 for each transfer.

E. Any permit issued by the Commissioner or local authorities 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.

F. When application is made for permits issued by the Commissioner as well as local authorities, any fees imposed therefor by the Commissioner as well as all affected local authorities may be paid by the applicant, at the applicant's option, to the Commissioner, who shall promptly transmit the local portion of the total fee to the appropriate locality or localities.

G. Engineering analysis, performed by the Virginia Department of Transportation or local authority, shall be conducted of a proposed routing before the Commissioner or local authority issues any permit under this section when such analysis is required to promote safety and preserve the capacity and structural integrity of highways and bridges. The Commissioner or local authority shall not issue a permit when the Virginia Department of Transportation or local authority determines that the roadway and bridges to be traversed cannot sustain a vehicle's size and weight.

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

In addition to other permits provided for in this article, the Commissioner, 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~~ 24,000 pounds, and a tandem axle weight of no more than ~~36,000~~ 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds. Additionally, any five-axle combination used for hauling Virginia-grown farm products may have a gross weight of no more than 80,000 90,000 pounds and, any four-axle combination hauling Virginia-grown produce, may have a tandem axle weight of 36,000 pounds gross weight of not more than 70,000 pounds, any three axle-combination may have a gross weight of no more than 60,000 pounds, and any two-axle combination may have a gross weight of no more than 40,000 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.

The fee for a permit issued under this section shall be \$45, to be allocated as follows: (i) \$40 to the Highway Maintenance and Operating Fund, with a portion equal to the percentage of the Commonwealth's total lane miles represented by the lane miles eligible for maintenance payments pursuant to §§ 33.1-23.5:1 and 33.1-41.1 being redistributed on the basis of lane miles to the applicable localities pursuant to §§ 33.1-23.5:1 and 33.1-41.1, to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a \$5 administrative fee to the Department. Such permits shall be valid only in Accomack and Northampton Counties.