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PROPOSAL OF

SUBCHAPTER A. GENERAL PROVISIONS

43 TAC §219.2

SUBCHAPTER B. GENERAL PERMITS

43 TAC §§219.11, 219.13-219.15

SUBCHAPTER D. PERMITS FOR OVERSIZE AND OVERWEIGHT OIL WELL RELATED VEHICLES

43 TAC §219.42 and §219.43

SUBCHAPTER E. PERMITS FOR OVERSIZE AND OVERWEIGHT UNLADEN LIFT EQUIPMENT MOTOR

VEHICLES

43 TAC §§219.61-219.63

INTRODUCTION. The Texas Department of Motor Vehicles (department) proposes amendments to Title 43 TAC §§219.2, 219.11, 219.13 - 219.15, 219.42, 219.43, and 219.61 - 219.63, concerning: 1) payment methods for oversize or overweight permits to streamline department processes; and 2) escort flag vehicles to conform the rules to Transportation Code §547.305(e-3) and (f)(1), as added by House Bill (HB) 61, 86th Legislature, Regular Session (2019).

EXPLANATION. Amendments to Title 43 TAC Subchapters A, B, D, and E are necessary to conform the rules to HB 61, 86th Legislature, Regular Session (2019). House Bill 61 added a new definition for "escort flag vehicle" under Transportation Code §547.305 and provided the operator of an escort flag vehicle with the option of equipping the escort flag vehicle with alternating or flashing blue and amber lights.

1 Amendments to Title 43 TAC §219.11(f) are necessary to streamline department processes to
2 improve program efficiency by eliminating two escrow account payment methods for customers that
3 purchase oversize or overweight permits. One of the escrow account payment methods requires
4 department personnel to manually process payments, and the second escrow account payment method
5 requires department personnel to reconcile the payment records.

6 Transportation Code §547.305(f)(1) defines an "escort flag vehicle" as a vehicle that precedes or follows
7 an oversize or overweight vehicle to facilitate the safe movement of the oversize or overweight vehicle
8 over roads. To implement HB 61, the term, "escort vehicle" is changed to the term "escort flag vehicle"
9 throughout Title 43 TAC Chapter 219.

10 Transportation Code §547.305(e-3) is permissive, allowing escort flag vehicles to be equipped
11 with alternating or flashing blue and amber lights. Transportation Code §623.099(c)(1) already requires
12 that escort flag vehicles have two lights flashing simultaneously or one rotating amber beacon of not less
13 than eight inches when escorting a manufactured house. Transportation Code §623.129 already requires
14 that escort flag vehicles have two lights flashing simultaneously or one rotating amber beacon of not less
15 than eight inches when escorting a portable building and compatible cargo because the requirements
16 under Transportation Code §623.099 apply to the movement of these vehicles.

17 Transportation Code §623.008(b) allows the department to require a person operating under a permit
18 issued under the subtitle to use one or more escort flag vehicles if required by the Texas Department of
19 Transportation or for the safe movement over roads of an oversize or overweight vehicle. Transportation
20 Code §547.305(e-3) adds that the flashing lights for an escort flag vehicle may be alternating flashing blue
21 and amber lights, and it controls under Government Code §311.025(a) to the extent of a conflict with
22 §623.099 because §547.305(e-3) is the latest legislative enactment.

1 Proposed amendments to §219.2 add the word "flag" to the term "escort vehicle" to define
2 "escort flag vehicle" as a vehicle that precedes or follows an oversize or overweight vehicle to facilitate
3 the safe movement of the oversize or overweight vehicle over roads. This change is necessary to track the
4 statutory language in Transportation Code §547.305(f)(1) and clarify the use of the term throughout Title
5 43 TAC Chapter 219. Proposed amendments to §219.2 delete the term "permit account card" and
6 renumber the remaining definitions because the department is proposing to eliminate this form of
7 payment for an oversize or overweight permit.

8 Proposed amendments throughout §219.11 add the word "flag" to the term "escort vehicle" to
9 conform to the definition of the term "escort flag vehicle" under Transportation Code §547.305(f)(1).
10 Proposed amendment to §219.11(k)(7)(B) track the statutory language in Transportation Code §547.305,
11 which permits an escort flag vehicle to be equipped with alternating or flashing blue and amber lights.
12 Proposed amendments to §219.15(f)(3)(C) track the statutory language in Transportation Code §547.305,
13 which permits an escort flag vehicle to be equipped with alternating or flashing blue and amber lights.

14 Proposed amendments to §§219.13-219.15, 219.42, 219.43, 219.61-219.63 add the word "flag"
15 to the term "escort vehicle" to clarify that the use of the term throughout the chapter is as defined under
16 proposed amended §219.2 regarding an "escort flag vehicle."

17 Proposed amendments to §219.11(f) eliminate both permit account cards and escrow accounts (together
18 referred to as "escrow accounts") as methods of payment for oversize or overweight permits.

19 **FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Linda M. Flores, Chief Financial Officer,
20 has determined that for each year of the first five years the amendments will be in effect, there will be no
21 fiscal impact to state or local governments as a result of the enforcement or administration of the
22 proposal. The proposal does not add to or decrease state revenues or expenditures, and local
23 governments are not involved in enforcing or complying with the proposed rule. Jimmy Archer, Director

1 of the Motor Carrier Division, does not anticipate any measurable effect on local employment or the local
2 economy as a result of this proposal.

3 **PUBLIC BENEFIT AND COST NOTE.** Mr. Archer has also determined that, for each year of the first five years
4 the amended sections are in effect, there are anticipated public benefits.

5 Anticipated Public Benefits. The public benefits anticipated as a result of the proposal include
6 conforming the rules to existing law under to Transportation Code §547.305(e-3) and (f)(1). The public
7 benefits of removing the escrow account payment methods for purchasing an oversize or overweight
8 permit include improved efficiency by encouraging the use of electronic payment methods and reducing
9 the amount of transactions that department personnel must manually process or reconcile.

10 Anticipated Costs To Comply With the Proposal. Mr. Archer anticipates that regulated entities will
11 not incur costs as a result of the proposed rules.

12 The proposed amendments do not directly impose any fees for using the following payment methods:
13 credit card, Automatic Clearing House (ACH), check, money order, cashier's check, and cash. The cost, if
14 any, in this proposal is the difference between using an escrow account and another authorized method
15 of payment.

16 Each payment method may result in an indirect cost to a customer from the customer's third-
17 party vendor (such as the bank's fee for a cashier's check), or it may result in a direct cost to a customer
18 if a customer pays in cash by traveling to one of the department's Regional Service Centers to pay.

19 The department anticipates that the customer will have the information necessary to determine
20 as a business decision its own costs and the customer's business needs. Because the department does not
21 impose additional fees, the customer will be in the best place to determine the most efficient way to pay
22 for an oversize or overweight permit.

1 **ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** As required by Government
2 Code, §2006.002, the department has determined that the proposed amendments will not have an
3 adverse economic effect on small businesses, micro-business, and rural communities because the
4 proposed amendments conform Title 43 TAC Chapter 219, Subchapters A, B, D, and E to Transportation
5 Code §547.305(e-3) and (f)(1) and do not add additional requirements to regulated persons. Although the
6 department proposes to remove two methods of payment for oversize or overweight permits, customers
7 will continue to have alternative methods of payment, including methods that cost less than the methods
8 the department proposes to remove.

9 The department currently accepts the following methods of payment for oversize or overweight
10 permits for online purchases through the Texas Permitting and Routing Optimization System (TxPROS):
11 credit card, ACH, check, money order, cashier's check, cash, escrow accounts administered by the
12 department, and the Permit Account Card (PAC), which is an escrow account administered by Frost Bank.
13 The department currently accepts these same methods of payment, except for the ACH, for purchases of
14 oversize or overweight permits by non-online methods, such as applications submitted by facsimile.

15 To determine whether the proposed removal of the two escrow methods of payment would have
16 an adverse economic effect on small businesses, the department analyzed the total direct and indirect
17 costs to a customer to buy one of three different permits using the current methods of payment. For the
18 purposes of this analysis, the department excluded any setup fees or monthly service or maintenance fees
19 charged by the third-party service providers, as well as the requirement for a customer to make an initial
20 deposit of \$305 with the department to set up an escrow account that the department administers under
21 §219.11(f). Setup fees and monthly service or maintenance fees varied too much, based on the type of
22 account or how much money a customer has in their account. Also, the Elavon fees vary by contract. Some
23 banks waive monthly service or maintenance fees, based on the type of account. The department

1 assumed that the customers who pay by check already have a checking account and that they use the
 2 checking account to write checks for other purchases, so the department did not factor in the cost for
 3 buying printed checks. The department also assumed that the average customer must drive 20 miles to
 4 pick up a money order or cashier's check, and that the average customer must drive 50 miles to the closest
 5 Regional Service Center if they want to pay by cash. For mileage costs, the department used the state's
 6 automobile mileage reimbursement rate of \$0.57.5 per mile, which amounts to \$11.50 for 20 miles and
 7 \$28.75 for 50 miles. For purposes of this analysis, the department chose the cheapest oversize or
 8 overweight permit, the most expensive oversize or overweight permit, and one of the most commonly
 9 purchased oversize or overweight permits.
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Method of Payment	Indirect Costs for Method of Payment, based on Examples Provided by Third-Party Vendors or Sample Calculations	Hay Permit – \$10	General Single-Trip Permit for Gross Weight between 120,001 and 160,000 Pounds – \$285	Intermodal Shipping Container Port Permit – \$6,000
Credit Card	Only accepted via Texas.gov, which charges 25¢ plus 2.25% of total transaction.	\$10.48	\$291.67	\$6,135.26
ACH	Elavon fee: \$0.15 per transaction up to 250,000 transactions per year ¹	\$10.15	\$285.15	\$6,000.15
Check	NA	\$10.00	\$285.00	\$6,000.00
Money Order	The U.S. Postal Service fee, based on dollar amount: \$1.25 for \$0.01 to \$500.00	\$22.75	\$297.75	\$6,022.00

Method of Payment	Indirect Costs for Method of Payment, based on Examples Provided by Third-Party Vendors or Sample Calculations	Hay Permit – \$10	General Single-Trip Permit for Gross Weight between 120,001 and 160,000 Pounds – \$285	Intermodal Shipping Container Port Permit – \$6,000
	\$1.75 for \$500.01 to \$1,000.00 Cost to drive to Post Office.			
Cashier's Check	Wells Fargo fee: \$10.00 each Cost to drive to bank.	\$31.50	\$306.50	\$6021.50
Cash	Cost to drive to one of the department's 16 Regional Service Centers	\$38.75	\$313.75	\$6028.75
Escrow Account Administered by the Department	\$5.00 administrative fee for each deposit. Deposits are made via check, money order, cashier's check, commercial check, cash, and wire.	\$15, plus any costs for method of payment used for deposit.	\$290, plus any costs for method of payment used for deposit.	\$6,005, plus any costs for method of payment used for deposit.
PAC	Frost Bank charges \$1.00 per permit transaction.	\$11.00	\$286.00	\$6,001.00

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 2 The department determined that there will not be an adverse economic effect on small or micro-
 3 businesses as a result of the enforcement or administration of amendments to §219.11(f). A total of
 4 30,529 customers purchased oversize and/or overweight permits in the last twelve months. The
 5 department was unable to obtain information regarding the number of customers affected by this
 6 proposal that qualify as a small business or a micro-business under Government Code 2006.002. However,
 7 out of 30,529 customers who purchased oversize and/or overweight permits in the last twelve months,
 8 the department estimates that a majority of them are small or micro-businesses that may be affected by

1 this proposal. Also, in the last 14 months, only 317 customers purchased oversize or overweight permits
2 using an escrow account that the department administers. In the last 14 months, only 225 customers
3 purchased oversize or overweight permits using the PAC. The cost of compliance will not vary between
4 large businesses and small or micro-businesses. As demonstrated in the calculations above, customers
5 will continue to have methods of payment that are cheaper than the two methods of payment that the
6 department proposes to remove.

7 The objective of this proposal is to enable more department transactions to be done
8 electronically, which should make the program more efficient. The proposal removes two oversize or
9 overweight permit escrow account payment methods that require physical handling by the department.
10 Although Frost Bank administers the PAC escrow accounts, the department's staff must engage in a
11 month-end reconciliation process for payments made by PAC. The proposal allows customers to continue
12 using other payment methods to purchase the permits with no additional fees imposed by the
13 department, including: payment by credit card, ACH, check, money order, cashier's check, and cash. The
14 customer is in the best position to make the business decision to determine which method of payment is
15 most suitable and cost-effective for their business practices.

16 The department balanced the needs of providing cost-effective payment options for customers
17 with the goal of improving program efficiency by having more transactions processed electronically. The
18 department determined that due to the other available payment options, terminating escrow accounts
19 will improve program efficiency.

20 The department determined that the proposal will not have an adverse economic effect on rural
21 communities because the department does not charge municipalities for oversize or overweight permits.
22 As a result, and in accordance with Government Code §2006.002(c), it is not necessary for the department
23 to address rural communities in its regulatory flexibility analysis.

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2 **TAKINGS IMPACT ASSESSMENT.** The department has determined that no private real property interests
3 are affected by this proposal and that this proposal does not restrict or limit an owner's right to property
4 that would otherwise exist in the absence of government action and, therefore, does not constitute a
5 taking or require a takings impact assessment under the Government Code, §2007.043.

6 **GOVERNMENT GROWTH IMPACT STATEMENT.** The department has determined that each year of the
7 first five years the proposed amendments are in effect, the proposed amendments:

8 will not create or eliminate a government program;

9 will not require the creation of new employee positions or the elimination of existing employee
10 positions;

11 will not require an increase or decrease in future legislative appropriations to the department;

12 will not require an increase or decrease in fees paid to the department;

13 will not create new regulations;

14 will not expand existing regulations;

15 will repeal existing regulations;

16 will not increase or decrease the number of individuals subject to the rule's applicability; and

17 will not positively or adversely affect the Texas economy.

18 **REQUEST FOR PUBLIC COMMENT.**

19 If you want to comment on the proposal, submit your written comments by 5:00 p.m. CDT on September
20 21, 2020. A request for a public hearing must be sent separately from your written comments. Send
21 written comments or hearing requests by email to rules@txdmv.gov or by mail to Office of General
22 Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is
23 held, the department will consider written comments and public testimony presented at the hearing.

1 **STATUTORY AUTHORITY.** The department proposes amendments under Transportation Code §§623.002,
2 1001.009, and 1002.001.

3 Transportation Code §632.002 authorizes the board of the Texas Department of Motor Vehicles
4 (board) to adopt rules as necessary to implement Transportation Code Chapter 623.

5 Transportation Code §1001.009 authorizes the board to adopt rules regarding the method of
6 collection of a fee for any goods or services provided by the department.

7 Transportation Code §1002.001 authorizes the board to adopt rules that are necessary and
8 appropriate to implement the powers and the duties of the department under the Transportation Code.

9 **CROSS REFERENCE TO STATUTE.** Transportation Code §547.305, Chapter 621, and Chapter 623.

10 **TEXT.**

11 **Subchapter A. General Provisions**

12 **43 TAC §219.2**

13 §219.2. Definitions.

14 (a) The definitions contained in Transportation Code, Chapters 621, 622, and 623 apply to this
15 chapter. In the event of a conflict with this chapter, the definitions contained in Transportation Code,
16 Chapters 621, 622, and 623 control.

17 (b) The following words and terms, when used in this chapter, will have the following meanings,
18 unless the context clearly indicates otherwise.

19 (1) Annual permit--A permit that authorizes movement of an oversize and/or overweight
20 load for one year commencing with the effective date.

21 (2) Applicant--Any person, firm, or corporation requesting a permit.

22 (3) Axle--The common axis of rotation of one or more wheels whether power-driven or
23 freely rotating, and whether in one or more segments.

1 (4) Axle group--An assemblage of two or more consecutive axles, with two or more wheels
2 per axle, spaced at least 40 inches from center of axle to center of axle, equipped with a weight-equalizing
3 suspension system that will not allow more than a 10% weight difference between any two axles in the
4 group.

5 (5) Board--The Board of the Texas Department of Motor Vehicles.

6 (6) Closeout--The procedure used by the department to terminate a permit, issued under
7 Transportation Code, §623.142 or §623.192 that will not be renewed by the applicant.

8 (7) Complete identification number--A unique and distinguishing number assigned to
9 equipment or a commodity for purposes of identification.

10 (8) Concrete pump truck--A self-propelled vehicle designed to pump the concrete product
11 from a ready mix truck to the point of construction.

12 (9) Crane--Any unladen lift equipment motor vehicle designed for the sole purpose of
13 raising, shifting, or lowering heavy weights by means of a projecting, swinging mast with an engine for
14 power on a chassis permanently constructed or assembled for such purpose.

15 (10) Credit card--A credit card approved by the department.

16 (11) Daylight--The period beginning one-half hour before sunrise and ending one-half
17 hour after sunset.

18 (12) Department--The Texas Department of Motor Vehicles.

19 (13) Digital signature--An electronic identifier intended by the person using it to have the
20 same force and effect as a manual signature. The digital signature shall be unique to the person using it.

21 (14) Director--The Executive Director of the Texas Department of Motor Vehicles or a
22 designee not below the level of division director.

1 (15) District--One of the 25 geographical areas, managed by a district engineer of the
2 Texas Department of Transportation, in which the Texas Department of Transportation conducts its
3 primary work activities.

4 (16) District engineer--The chief executive officer in charge of a district of the Texas
5 Department of Transportation.

6 (17) Electronic identifier--A unique identifier which is distinctive to the person using it, is
7 independently verifiable, is under the sole control of the person using it, and is transmitted in a manner
8 that makes it infeasible to change the data in the communication or digital signature without invalidating
9 the digital signature.

10 (18) Escort flag vehicle--~~A vehicle that precedes or follows an oversize or overweight~~
11 ~~vehicle to facilitate the safe movement of the oversize or overweight vehicle over roads [A motor vehicle~~
12 ~~used to warn traffic of the presence of an oversize and/or overweight vehicle].~~

13 (19) Four-axle group--Any four consecutive axles, having at least 40 inches from center of
14 axle to center of axle, whose extreme centers are not more than 192 inches apart and are individually
15 attached to or articulated from, or both, to the vehicle by a weight equalizing suspension system.

16 (20) Gauge--The transverse spacing distance between tires on an axle, expressed in feet
17 and measured to the nearest inch, from center-of-tire to center-of-tire on an axle equipped with only two
18 tires, or measured to the nearest inch from the center of the dual wheels on one side of the axle to the
19 center of the dual wheels on the opposite side of the axle.

20 (21) Gross weight--The unladen weight of a vehicle or combination of vehicles plus the
21 weight of the load being transported.

22 (22) Height pole--A device made of a non-conductive material, used to measure the height
23 of overhead obstructions.

1 (23) Highway maintenance fee--A fee established by Transportation Code, §623.077,
2 based on gross weight, and paid by the permittee when the permit is issued.

3 (24) Highway use factor--A mileage reduction figure used in the calculation of a permit
4 fee for a permit issued under Transportation Code, §623.142 and §623.192.

5 (25) Hubometer--A mechanical device attached to an axle on a unit or a crane for
6 recording mileage traveled.

7 (26) HUD number--A unique number assigned to a manufactured home by the U.S.
8 Department of Housing and Urban Development.

9 (27) Indirect cost share--A prorated share of administering department activities, other
10 than the direct cost of the activities, including the cost of providing statewide support services.

11 (28) Load-restricted bridge--A bridge that is restricted by the Texas Department of
12 Transportation, under the provisions of Transportation Code, §621.102, to a weight limit less than the
13 maximum amount allowed by Transportation Code, §621.101.

14 (29) Load-restricted road--A road that is restricted by the Texas Department of
15 Transportation, under the provisions of Transportation Code, §621.102, to a weight limit less than the
16 maximum amount allowed by Transportation Code, §621.101.

17 (30) Machinery plate--A license plate issued under Transportation Code, §502.146.

18 (31) Manufactured home--Manufactured housing, as defined in Occupations Code,
19 Chapter 1201, and industrialized housing and buildings, as defined in Occupations Code, §1202.002, and
20 temporary chassis systems, and returnable undercarriages used for the transportation of manufactured
21 housing and industrialized housing and buildings, and a transportable section which is transported on a
22 chassis system or returnable undercarriage that is constructed so that it cannot, without dismantling or
23 destruction, be transported within legal size limits for motor vehicles.

1 (32) Motor carrier--A person that controls, operates, or directs the operation of one or
2 more vehicles that transport persons or cargo over a public highway in this state, as defined by
3 Transportation Code, §643.001.

4 (33) Motor carrier registration (MCR)--The registration issued by the department to
5 motor carriers moving intrastate, under authority of Transportation Code, Chapter 643.

6 (34) Nighttime--The period beginning one-half hour after sunset and ending one-half hour
7 before sunrise, as defined by Transportation Code, §541.401.

8 (35) Nondivisible load or vehicle--

9 (A) Any load or vehicle exceeding applicable length or weight limits which, if
10 separated into smaller loads or vehicles, would:

11 (i) compromise the intended use of the vehicle, i.e., make it unable to
12 perform the function for which it was intended;

13 (ii) destroy the value of the load or vehicle, i.e., make it unusable for its
14 intended purpose; or

15 (iii) require more than eight workhours to dismantle using appropriate
16 equipment. The applicant for a nondivisible load permit has the burden of proof as to the number of
17 workhours required to dismantle the load.

18 (B) Emergency response vehicles, including those loaded with salt, sand,
19 chemicals or a combination thereof, with or without a plow or blade attached in front, and being used for
20 the purpose of spreading the material on highways that are or may become slick or icy.

21 (C) Casks designed for the transport of spent nuclear materials.

22 (D) Military vehicles transporting marked military equipment or materiel.

23 (36) Oil field rig-up truck--An unladen vehicle with an overweight single steering axle,

1 equipped with a winch and set of gin poles used for lifting, erecting, and moving oil well equipment and
2 machinery.

3 (37) Oil well servicing unit--An oil well clean-out unit, oil well drilling unit, or oil well
4 swabbing unit, which is mobile equipment, either self-propelled or trailer-mounted, constructed as a
5 machine used solely for cleaning-out, drilling, servicing, or swabbing oil wells, and consisting in general of,
6 but not limited to, a mast, an engine for power, a draw works, and a chassis permanently constructed or
7 assembled for this purpose.

8 (38) One trip registration--Temporary vehicle registration issued under Transportation
9 Code, §502.095.

10 (39) Overdimension load--A vehicle, combination of vehicles, or vehicle and its load that
11 exceeds maximum legal width, height, length, overhang, or weight as set forth by Transportation Code,
12 Chapter 621, Subchapters B and C.

13 (40) Overhang--The portion of a load extending beyond the front or rear of a vehicle or
14 combination of vehicles.

15 (41) Overheight--A vehicle or load that exceeds the maximum height specified in
16 Transportation Code, §621.207.

17 (42) Overlength--A vehicle, combination of vehicles, or a vehicle or vehicle combination
18 and its load that exceed(s) the maximum length specified in Transportation Code, §§621.203, 621.204,
19 621.205, and 621.206.

20 (43) Oversize load--A vehicle, combination of vehicles, or a vehicle or vehicle combination
21 and its load that exceed(s) maximum legal width, height, length, or overhang, as set forth by
22 Transportation Code, Chapter 621, Subchapter C.

23 (44) Overweight--A vehicle, combination of vehicles, or a vehicle or vehicle combination

1 and its load that exceed(s) the maximum weight specified in Transportation Code, §621.101.

2 (45) Overwidth--A vehicle or load that exceeds the maximum width specified in
3 Transportation Code, §621.201.

4 (46) Permit--Authority for the movement of an oversize and/or overweight vehicle,
5 combination of vehicles, or a vehicle or vehicle combination and its load, issued by the department under
6 Transportation Code, Chapter 623.

7 ~~[(47) Permit account card (PAC)--A debit card that can only be used to purchase a permit
8 and which is issued by a financial institution that is under contract to the department and the Comptroller
9 of Public Accounts.]~~

10 (47) [(48)] Permit officer--An employee of the department who is authorized to issue an
11 oversize/overweight permit.

12 (48) [(49)] Permit plate--A license plate issued under Transportation Code, §502.146, to a
13 crane or an oil well servicing vehicle.

14 (49) [(50)] Permitted vehicle--A vehicle, combination of vehicles, or vehicle and its load
15 operating under the provisions of a permit.

16 (50) [(51)] Permittee--Any person, firm, or corporation that is issued an
17 oversize/overweight permit by the department.

18 (51) [(52)] Pipe box--A container specifically constructed to safely transport and handle
19 oil field drill pipe and drill collars.

20 (52) [(53)] Portable building compatible cargo--Cargo, other than a portable building unit,
21 that is manufactured, assembled, or distributed by a portable building unit manufacturer and is
22 transported in combination with a portable building unit.

23 (53) [(54)] Portable building unit--The pre-fabricated structural and other components

1 incorporated and delivered by the manufacturer as a complete inspected unit with a distinct serial number
2 whether in fully assembled, partially assembled, or kit (unassembled) configuration when loaded for
3 transport.

4 (54) ~~[(55)]~~ Principal--The person, firm, or corporation that is insured by a surety bond
5 company.

6 (55) ~~[(56)]~~ Roll stability support safety system--An electronic system that monitors vehicle
7 dynamics and estimates the stability of a vehicle based on its mass and velocity, and actively adjusts
8 vehicle systems including the throttle and/or brake(s) to maintain stability when a rollover risk is detected.

9 (56) ~~[(57)]~~ Shipper's certificate of weight--A form approved by the department in which
10 the shipper certifies to the maximum weight of the shipment being transported.

11 (57) ~~[(58)]~~ Single axle--An assembly of two or more wheels whose centers are in one
12 transverse vertical plane or may be included between two parallel transverse planes 40 inches apart
13 extending across the full width of the vehicle.

14 (58) ~~[(59)]~~ Single-trip permit--A permit issued for an overdimension load for a single
15 continuous movement over a specific route for an amount of time necessary to make the movement.

16 (59) ~~[(60)]~~ State highway--A highway or road under the jurisdiction of the Texas
17 Department of Transportation.

18 (60) ~~[(61)]~~ State highway system--A network of roads and highways as defined by
19 Transportation Code, §221.001.

20 (61) ~~[(62)]~~ Surety bond--An agreement issued by a surety bond company to a principal
21 that pledges to compensate the Texas Department of Transportation for any damage that might be
22 sustained to the highways and bridges by virtue of the operation of the equipment for which a permit was
23 issued. A surety bond is effective the day it is issued and expires at the end of the state fiscal year, which

1 is August 31st. For example, if you obtain a surety bond on August 30th, it will expire the next day at
2 midnight.

3 (62) ~~[(63)]~~ Tare weight--The empty weight of any vehicle transporting an overdimension
4 load.

5 (63) ~~[(64)]~~ Temporary vehicle registration--A 72-hour temporary vehicle registration, 144-
6 hour temporary vehicle registration, or one-trip registration.

7 (64) ~~[(65)]~~ Three-axle group--Any three consecutive axles, having at least 40 inches from
8 center of axle to center of axle, whose extreme centers are not more than 144 inches apart, and are
9 individually attached to or articulated from, or both, to the vehicle by a weight equalizing suspension
10 system.

11 (65) ~~[(66)]~~ Time permit--A permit issued for a specified period of time under §219.13 of
12 this title (relating to Time Permits).

13 (66) ~~[(67)]~~ Tire size--The inches of lateral tread width.

14 (67) ~~[(68)]~~ Traffic control device--All traffic signals, signs, and markings, including their
15 supports, used to regulate, warn, or control traffic.

16 (68) ~~[(69)]~~ Trailer mounted unit--An oil well clean-out, drilling, servicing, or swabbing unit
17 mounted on a trailer, constructed as a machine used for cleaning out, drilling, servicing, or swabbing oil
18 wells, and consisting in general of, but not limited to, a mast, an engine for power, a draw works, and a
19 chassis permanently constructed or assembled for this purpose.

20 (69) ~~[(70)]~~ Truck--A motor vehicle designed, used, or maintained primarily for the
21 transportation of property.

22 (70) ~~[(71)]~~ Truck blind spot systems--Vehicle-based sensor devices that detect other
23 vehicles or objects located in the vehicle's adjacent lanes. Warnings can be visual, audible, vibrating, or

1 tactile.

2 (71) [(72)] Trunnion axle--Two individual axles mounted in the same transverse plane,
3 with four tires on each axle, that are connected to a pivoting wrist pin that allows each individual axle to
4 oscillate in a vertical plane to provide for constant and equal weight distribution on each individual axle
5 at all times during movement.

6 (72) [(73)] Trunnion axle group--Two or more consecutive trunnion axles whose centers
7 are at least 40 inches apart and which are individually attached to or articulated from, or both, to the
8 vehicle by a weight equalizing suspension system.

9 (73) [(74)] Two-axle group--Any two consecutive axles whose centers are at least 40
10 inches but not more than 96 inches apart and are individually attached to or articulated from, or both, to
11 the vehicle by a weight equalizing suspension system.

12 (74) [(75)] TxDOT--Texas Department of Transportation.

13 (75) [(76)] Unit--Oil well clean-out unit, oil well drilling unit, oil well servicing unit, and/or
14 oil well swabbing unit.

15 (76) [(77)] Unladen lift equipment motor vehicle--A motor vehicle designed for use as lift
16 equipment used solely to raise, shift, or lower heavy weights by means of a projecting, swinging mast with
17 an engine for power on a chassis permanently constructed or assembled for such purpose.

18 (77) [(78)] USDOT Number--The United States Department of Transportation number.

19 (78) [(79)] Variable load suspension axles--Axles, whose controls must be located outside
20 of and be inaccessible from the driver's compartment, that can be regulated, through the use of hydraulic
21 and air suspension systems, mechanical systems, or a combination of these systems, for the purpose of
22 adding or decreasing the amount of weight to be carried by each axle during the movement of the vehicle.

23 (79) [(80)] Vehicle identification number--A unique and distinguishing number assigned

1 to a vehicle by the manufacturer or by the department in accordance with Transportation Code, §501.032
2 and §501.033.

3 (80) ~~[(81)]~~ Water Well Drilling Machinery--Machinery used exclusively for the purpose of
4 drilling water wells, including machinery that is a unit or a unit mounted on a conventional vehicle or
5 chassis.

6 (81) ~~[(82)]~~ Weight-equalizing suspension system--An arrangement of parts designed to
7 attach two or more consecutive axles to the frame of a vehicle in a manner that will equalize the load
8 between the axles.

9 (82) ~~[(83)]~~ Windshield sticker--Identifying insignia indicating that a permit has been issued
10 in accordance with Subchapter C of this chapter.

11 (83) ~~[(84)]~~ Year--A time period consisting of 12 consecutive months that commences with
12 the effective date stated in the permit.

13 (84) ~~[(85)]~~ 72-hour temporary vehicle registration--Temporary vehicle registration issued
14 by the department authorizing a vehicle to operate at maximum legal weight on a state highway for a
15 period not longer than 72 consecutive hours, as prescribed by Transportation Code, §502.094.

16 (85) ~~[(86)]~~ 144-hour temporary vehicle registration--Temporary vehicle registration
17 issued by the department authorizing a vehicle to operate at maximum legal weight on a state highway
18 for a period not longer than 144 consecutive hours, as prescribed by Transportation Code, §502.094.

19

20

SUBCHAPTER B. GENERAL PERMITS

21

43 TAC §§219.11, 219.13-219-219.15

22 §219.11. General Oversize/Overweight Permit Requirements and Procedures.

23 (a) Purpose and scope. This section contains general requirements relating to

1 oversize/overweight permits, including single-trip permits. Specific requirements for each type of
2 specialty permit are provided for in this chapter.

3 (b) Prerequisites to obtaining an oversize/overweight permit. Unless exempted by law or this
4 chapter, the following requirements must be met prior to the issuance of an oversize/overweight permit.

5 (1) Commercial motor carrier registration or surety bond. Prior to obtaining an
6 oversize/overweight permit, an applicant permitted under the provisions of Transportation Code, Chapter
7 623, Subchapter D, must be registered as a commercial motor carrier under Chapter 218 of this title
8 (relating to Motor Carriers) or, if not required to obtain a motor carrier registration, file a surety bond
9 with the department as described in subsection (n) of this section.

10 (2) Vehicle registration. A vehicle registered with a permit plate will not be issued an
11 oversize/overweight permit under this subchapter. A permitted vehicle operating under this subchapter
12 must be registered with one of the following types of vehicle registration:

13 (A) current Texas license plates that indicate the permitted vehicle is registered
14 for maximum legal gross weight or the maximum weight the vehicle can transport;

15 (B) Texas temporary vehicle registration;

16 (C) current out of state license plates that are apportioned for travel in Texas; or

17 (D) foreign commercial vehicles registered under Texas annual registration.

18 (c) Permit application.

19 (1) An application for a permit shall be made in a form and by the method prescribed by
20 the department, and at a minimum shall include the following:

21 (A) name, address, telephone number, and email address (if requested) of the
22 applicant;

23 (B) applicant's customer identification number;

1 (C) applicant's MCR number or USDOT Number, if applicable;

2 (D) complete load description, including maximum width, height, length,
3 overhang, and gross weight;

4 (E) complete description of vehicle, including truck year, make, license plate
5 number and state of issuance, and vehicle identification number, if required;

6 (F) vehicle axle and tire information including number of axles, distance between
7 axles, axle weights, number of tires, and tire size for overweight permit applications; and

8 (G) any other information required by law.

9 (2) Applications transmitted electronically are considered signed if a digital signature is
10 transmitted with the application and intended by the applicant to authenticate the application.

11 (A) The department may only accept a digital signature used to authenticate an
12 application under procedures that comply with any applicable rules adopted by the Department of
13 Information Resources regarding department use or acceptance of a digital signature.

14 (B) The department may only accept a digital signature to authenticate an
15 application if the digital signature is:

16 (i) unique to the person using it;

17 (ii) capable of independent verification;

18 (iii) under the sole control of the person using it; and

19 (iv) transmitted in a manner that will make it infeasible to change the
20 data in the communication or digital signature without invalidating the digital signature.

21 (d) Maximum permit weight limits.

22 (1) General. An overweight permitted vehicle will not be routed over a load-restricted
23 bridge when exceeding the posted capacity of the bridge, unless a special exception is granted by TxDOT,

1 based on an analysis of the bridge performed by a TxDOT approved licensed professional engineer or by
2 TxDOT. Any analysis by a non-TxDOT engineer must have final approval from TxDOT.

3 (A) An axle group must have a minimum spacing of four feet, measured from
4 center of axle to center of axle, between each axle in the group to achieve the maximum permit weight
5 for the group.

6 (B) The maximum permit weight for an axle group with spacing of five or more
7 feet between each axle will be based on an engineering study of the equipment conducted by TxDOT.

8 (C) A permitted vehicle will be allowed to have air suspension, hydraulic
9 suspension, and mechanical suspension axles in a common weight equalizing suspension system for any
10 axle group.

11 (D) The department may permit axle weights greater than those specified in this
12 section, for a specific individual permit request, based on an engineering study of the route and hauling
13 equipment performed by a TxDOT approved licensed professional engineer or by TxDOT. Any analysis by
14 a non-TxDOT engineer must have final approval from TxDOT.

15 (E) A permitted vehicle or combination of vehicles may not exceed the
16 manufacturer's rated tire carrying capacity, unless expressly authorized in the language on the permit
17 based on an analysis performed by a TxDOT approved licensed professional engineer or by TxDOT. Any
18 analysis by a non-TxDOT engineer must have final approval from TxDOT.

19 (F) Two or more consecutive axle groups having an axle spacing of less than 12
20 feet, measured from the center of the last axle of the preceding group to the center of the first axle of the
21 following group, will be reduced by 2.5% for each foot less than 12 feet.

22 (2) Maximum axle weight limits. Maximum permit weight for an axle or axle group is
23 based on 650 pounds per inch of tire width or the following axle or axle group weights, whichever is the

1 lesser amount:

2 (A) single axle--25,000 pounds;

3 (B) two axle group--46,000 pounds;

4 (C) three axle group--60,000 pounds;

5 (D) four axle group--70,000 pounds;

6 (E) five axle group--81,400 pounds;

7 (F) axle group with six or more axles--determined by TxDOT based on an

8 engineering study of the equipment, which will include the type of steering system used, the type of axle

9 suspension, the spacing distance between each axle, the number of tires per axle, and the tire size on

10 each axle; or

11 (G) trunnion axles--30,000 pounds per axle if the trunnion configuration has:

12 (i) two axles;

13 (ii) eight tires per axle;

14 (iii) axles a minimum of 10 feet in width; and

15 (iv) at least five feet of spacing between the axles, not to exceed six feet.

16 (3) Weight limits for load restricted roads. Maximum permit weight for an axle or axle

17 group, when traveling on a load restricted road, will be based on 650 pounds per inch of tire width or the

18 following axle or axle group weights, whichever is the lesser amount:

19 (A) single axle--22,500 pounds;

20 (B) two axle group--41,400 pounds;

21 (C) three axle group--54,000 pounds;

22 (D) four axle group--63,000 pounds;

23 (E) five axle group--73,260 pounds;

1 (F) axle group with six or more axles--determined by TxDOT based on an
2 engineering study of the equipment, which will include the type of steering system used, the type of axle
3 suspension, the spacing distance between each axle, the number of tires per axle, and the tire size on
4 each axle;

5 (G) trunnion axles--54,000 pounds; and

6 (H) two or more consecutive axle groups having an axle spacing of less than 12
7 feet, measured from the center of the last axle of the preceding group to the center of the first axle of the
8 following group will be reduced by 2.5% for each foot less than 12 feet.

9 (e) Permit issuance.

10 (1) General. Upon receiving an application in the form prescribed by the department, the
11 department will review the permit application for the appropriate information and will then determine
12 the most practical route based on information provided by TxDOT.

13 (2) Routing.

14 (A) A permitted vehicle will be routed over the most practical route available
15 taking into consideration:

16 (i) the size and weight of the overdimension load in relation to vertical
17 clearances, width restrictions, steep grades, and weak or load restricted bridges;

18 (ii) the geometrics of the roadway in comparison to the overdimension
19 load;

20 (iii) sections of highways restricted to specific load sizes and weights due
21 to construction, maintenance, and hazardous conditions;

22 (iv) traffic conditions, including traffic volume;

23 (v) route designations by municipalities in accordance with

1 Transportation Code, §623.072;

2 (vi) load restricted roads; and

3 (vii) other considerations for the safe transportation of the load.

4 (B) When a permit applicant desires a route other than the most practical, more
5 than one permit will be required for the trip unless an exception is granted by the department.

6 (3) Movement to and from point of origin or place of business. A permitted vehicle will
7 be allowed to:

8 (A) move empty oversize and overweight hauling equipment to and from the job
9 site; and

10 (B) move oversize and overweight hauling equipment with a load from the
11 permitted vehicle's point of origin to pick up a permitted load, and to the permitted vehicle's point of
12 origin or the permittee's place of business after dropping off a permitted load, as long as:

13 (i) the load does not exceed legal size and weight limits under
14 Transportation Code, Chapters 621 and 622; and

15 (ii) the transport complies with the permit, including the time period
16 stated on the permit.

17 (f) Payment of permit fees, refunds.

18 (1) Payment methods. All permit applications must be accompanied by the proper fee,
19 which shall be payable as provided by §209.23 of this title (relating to Methods of Payment).

20 ~~[(A) Permit Account Card (PAC). Application for a PAC should be made directly to~~
21 ~~the issuing institution. A PAC must be established and maintained according to the contract provisions~~
22 ~~stipulated between the PAC holder and the financial institution under contract to the department and the~~
23 ~~Comptroller of Public Accounts.]~~

1 ~~[(B) Escrow accounts. A permit applicant may establish an escrow account with~~
2 ~~the department for the specific purpose of paying any fee that is related to the issuance of a permit under~~
3 ~~this subchapter.]~~

4 ~~[(i) A permit applicant who desires to establish an escrow account shall~~
5 ~~complete and sign an escrow account agreement, and shall return the completed and signed agreement~~
6 ~~to the department with a check in the minimum amount of \$305, which shall be deposited to the~~
7 ~~appropriate fund by the department with the Comptroller of Public Accounts. In lieu of submitting a check~~
8 ~~for the initial deposit to an applicant's escrow account, the applicant may transfer funds to the~~
9 ~~department electronically.]~~

10 ~~[(ii) Upon initial deposit, and each subsequent deposit made by the~~
11 ~~escrow account holder, \$5 will be charged as an escrow account administrative fee.]~~

12 ~~[(iii) The escrow account holder is responsible for monitoring of the~~
13 ~~escrow account balance.]~~

14 ~~[(iv) An escrow account holder must submit a written request to the~~
15 ~~department to terminate the escrow account agreement. Any remaining balance will be returned to the~~
16 ~~escrow account holder.]~~

17 (2) Refunds. A permit fee will not be refunded after the permit number has been issued
18 unless such refund is necessary to correct an error made by the permit officer.

19 (g) Amendments. A permit may be amended for the following reasons:

20 (1) vehicle breakdown;

21 (2) changing the intermediate points in an approved permit route;

22 (3) extending the expiration date due to conditions which would cause the move to be
23 delayed;

1 (4) changing route origin or route destination prior to the start date as listed on the
2 permit;

3 (5) changing vehicle size limits prior to the permit start date as listed on the permit,
4 provided that changing the vehicle size limit does not necessitate a change in the approved route; and

5 (6) correcting any mistake that is made due to permit officer error.

6 (h) Requirements for overwidth loads.

7 (1) Unless stated otherwise on the permit, an overwidth load must travel in the outside
8 traffic lane on multi-lane highways, when the width of the load exceeds 12 feet.

9 (2) Overwidth loads are subject to the escort requirements of subsection (k) of this
10 section.

11 (3) A permitted vehicle exceeding 16 feet in width will not be routed on the main lanes of
12 a controlled access highway, unless an exception is granted by TxDOT, based on a route and traffic study.
13 The load may be permitted on the frontage roads when available, if the movement will not pose a safety
14 hazard to other highway users.

15 (4) An applicant requesting a permit to move a load exceeding 20 feet wide will be
16 furnished with a proposed route. The applicant must physically inspect the proposed route to determine
17 if the vehicle and load can safely negotiate it, unless an exception is granted based on a route and traffic
18 study conducted by TxDOT. A permit application and the appropriate fee are required for every route
19 inspection.

20 (A) The applicant must notify the department in writing whether the vehicle and
21 load can or cannot safely negotiate the proposed route.

22 (B) If any section of the proposed route is unacceptable, the applicant shall
23 provide the department with an alternate route around the unacceptable section.

1 (C) Once a route is decided upon and a permit issued, the permit may not be
2 amended unless an exception is granted by the department.

3 (i) Requirements for overlength loads.

4 (1) Overlength loads are subject to the escort requirements stated in subsection (k) of this
5 section.

6 (2) A single vehicle, such as a motor crane, that has a permanently mounted boom is not
7 considered as having either front or rear overhang as a result of the boom because the boom is an integral
8 part of the vehicle.

9 (3) When a single vehicle with a permanently attached boom exceeds the maximum legal
10 length of 45 feet, a permit will not be issued if the boom projects more than 25 feet beyond the front
11 bumper of the vehicle, or when the boom projects more than 30 feet beyond the rear bumper of the
12 vehicle, unless an exception is granted by TxDOT, based on a route and traffic study.

13 (4) Maximum permit length for a single vehicle is 75 feet.

14 (5) A load extending more than 20 feet beyond the front or rearmost portion of the load
15 carrying surface of the permitted vehicle must have a rear escort flag vehicle, unless an exception is
16 granted by TxDOT, based on a route and traffic study.

17 (6) A permit will not be issued for an oversize vehicle and load with:

18 (A) more than 25 feet front overhang; or

19 (B) more than 30 feet rear overhang, unless an exception is granted by TxDOT,
20 based on a route and traffic study.

21 (7) An applicant requesting a permit to move an oversize vehicle and load exceeding 125
22 feet overall length will be furnished with a proposed route. The applicant must physically inspect the
23 proposed route to determine if the oversize vehicle and load can safely negotiate it, unless an exception

1 is granted based on a route and traffic study conducted by TxDOT. A permit application and the
2 appropriate fee are required for every route inspection.

3 (A) The applicant must notify the department in writing whether the oversize
4 vehicle and load can or cannot safely negotiate the proposed route.

5 (B) If any section of the proposed route is unacceptable, the applicant shall
6 provide the department with an alternate route around the unacceptable section.

7 (C) Once a route is decided upon and a permit issued, the permit may not be
8 amended unless an exception is granted by the department.

9 (8) A permitted vehicle that is not overwidth or overheight, and does not exceed 150 feet
10 overall length, may be moved in a convoy consisting of not more than four overlength permitted vehicles.
11 A permitted vehicle that is not overwidth or overheight that exceeds 150 feet, but does not exceed 180
12 feet overall length, may be moved in a convoy consisting of not more than two overlength permitted
13 vehicles. Convoys are subject to the requirements of subsection (k) of this section. Each permitted vehicle
14 in the convoy must:

15 (A) be spaced at least 1,000 feet, but not more than 2,000 feet, from any other
16 permitted vehicle in the convoy; and

17 (B) have a rotating amber beacon or an amber pulsating light, not less than eight
18 inches in diameter, mounted at the rear top of the load being transported.

19 (j) Requirements for overheight loads.

20 (1) Overheight loads are subject to the escort requirements stated in subsection (k) of this
21 section.

22

1 (2) An applicant requesting a permit to move an oversize vehicle and load with an overall height of 19 feet
2 or greater will be furnished with a proposed route. The applicant must physically inspect the proposed
3 route to determine if the oversize vehicle and load can safely negotiate it, unless an exception is granted
4 based on a route and traffic study conducted by TxDOT. A permit application and the appropriate fee are
5 required for every route inspection.

6 (A) The applicant must notify the department in writing whether the oversize
7 vehicle and load can or cannot safely negotiate the proposed route.

8 (B) If any section of the proposed route is unacceptable, the applicant shall
9 provide the department with an alternate route around the unacceptable section.

10 (C) Once a route is decided upon and a permit issued, the permit may not be
11 amended unless an exception is granted by the department.

12 (k) Escort flag vehicle requirements. Escort flag vehicle requirements are provided to facilitate the
13 safe movement of permitted vehicles and to protect the traveling public during the movement of
14 permitted vehicles. A permittee must provide for escort flag vehicles and law enforcement assistance
15 when required by TxDOT. The requirements in this subsection do not apply to the movement of
16 manufactured housing, portable building units, or portable building compatible cargo.

17 (1) General.

18 (A) Applicability. The operator of an escort flag vehicle shall, consistent with
19 applicable law, warn the traveling public when:

20 (i) a permitted vehicle must travel over the center line of a narrow bridge
21 or roadway;

22 (ii) a permitted vehicle makes any turning movement that will require the
23 permitted vehicle to travel in the opposing traffic lanes;

1 (iii) a permitted vehicle reduces speed to cross under a low overhead
2 obstruction or over a bridge;

3 (iv) a permitted vehicle creates an abnormal and unusual traffic flow
4 pattern; or

5 (v) in the opinion of TxDOT, warning is required to ensure the safety of
6 the traveling public or safe movement of the permitted vehicle.

7 (B) Law enforcement assistance. Law enforcement assistance may be required by
8 TxDOT to control traffic when a permitted vehicle is being moved within the corporate limits of a city, or
9 at such times when law enforcement assistance would provide for the safe movement of the permitted
10 vehicle and the traveling public.

11 (C) Obstructions. It is the responsibility of the permittee to contact utility
12 companies, telephone companies, television cable companies, or other entities as they may require, when
13 it is necessary to raise or lower any overhead wire, traffic signal, street light, television cable, sign, or other
14 overhead obstruction. The permittee is responsible for providing the appropriate advance notice as
15 required by each entity.

16 (2) Escort requirements for overwidth loads. Unless an exception is granted based on a
17 route and traffic study conducted by TxDOT, an overwidth load must:

18 (A) have a front escort flag vehicle if the width of the load exceeds 14 feet, but
19 does not exceed 16 feet, when traveling on a two lane roadway;

20 (B) have a rear escort flag vehicle if the width of the load exceeds 14 feet, but
21 does not exceed 16 feet, when traveling on a roadway of four or more lanes; and

22 (C) have a front and a rear escort flag vehicle for all roads, when the width of the
23 load exceeds 16 feet.

1 (3) Escort requirements for overlength loads. Unless an exception is granted by TxDOT,
2 based on a route and traffic study, overlength loads must have:

3 (A) a front escort flag vehicle when traveling on a two lane roadway if the vehicle
4 exceeds 110 feet overall length, but does not exceed 125 feet overall length;

5 (B) a rear escort flag vehicle when traveling on a multi-lane highway if the vehicle
6 exceeds 110 feet overall length, but does not exceed 125 feet overall length; and

7 (C) a front and rear escort flag vehicle at all times if the permitted vehicle exceeds
8 125 feet overall length.

9 (4) Escort requirements for overheight loads. Unless an exception is granted by TxDOT,
10 based on a route and traffic study, overheight loads must have:

11 (A) a front escort flag vehicle equipped with a height pole to ensure the vehicle
12 and load can clear all overhead obstructions for any permitted vehicle that exceeds 17 feet in height; and

13 (B) a front and rear escort flag vehicle for any permitted vehicle exceeding 18 feet
14 in height.

15 (5) Escort requirements for permitted vehicles exceeding legal limits in more than one
16 dimension. When a load exceeds more than one dimension that requires an escort under this subsection,
17 front and rear escort flag vehicles [escorts] will be required unless an exception is granted by TxDOT.

18 (6) Escort requirements for convoys. Convoys must have a front escort flag vehicle and a
19 rear escort flag vehicle on all highways at all times.

20 (7) General equipment requirements. The following special equipment requirements
21 apply to permitted vehicles and escort flag vehicles that are not motorcycles.

22 (A) An escort flag vehicle must be a single unit with a gross vehicle weight (GVW)
23 of not less than 1,000 pounds nor more than 10,000 pounds.

1 (B) An escort flag vehicle must be equipped with two flashing amber lights; [~~or~~]
2 one rotating amber beacon of not less than eight inches in diameter [~~;~~]; or alternating or flashing blue and
3 amber lights, each of which must be visible from all directions [~~affixed to the roof of the escort vehicle,~~
4 ~~which must be visible to the front, sides, and rear of the escort vehicle~~] while actively engaged in escort
5 duties for the permitted vehicle.

6 (C) An escort flag vehicle must display a sign, on either the roof of the vehicle, or
7 the front and rear of the vehicle, with the words "OVERSIZE LOAD" or "WIDE LOAD." The sign must be
8 visible from the front and rear of the vehicle while escorting the permitted load. The sign must meet the
9 following specifications:

10 (i) at least five feet, but not more than seven feet in length, and at least
11 12 inches, but not more than 18 inches in height;

12 (ii) the sign must have a yellow background with black lettering;

13 (iii) letters must be at least eight inches, but not more than 10 inches high
14 with a brush stroke at least 1.41 inches wide; and

15 (iv) the sign must be visible from the front or rear of the vehicle while
16 escorting the permitted vehicle, and the signs must not be used at any other time.

17 (D) An escort flag vehicle must maintain two-way communications with the
18 permitted vehicle and other escort flag vehicles involved with the movement of the permitted vehicle.

19 (E) Warning flags must be either red or orange fluorescent material, at least 12
20 inches square, securely mounted on a staff or securely fastened by at least one corner to the widest
21 extremities of an overwidth permitted vehicle, and at the rear of an overlength permitted vehicle or a
22 permitted vehicle with a rear overhang in excess of four feet.

23 (8) Equipment requirements for motorcycles.

1 (A) An official law enforcement motorcycle may be used as a primary escort flag
2 vehicle for a permitted vehicle traveling within the limits of an incorporated city, if the motorcycle is
3 operated by a highway patrol officer, sheriff, or duly authorized deputy, or municipal police officer.

4 (B) An escort flag vehicle must maintain two-way communications with the
5 permitted vehicle and other escort flag vehicles involved with the movement of the permitted vehicle.

6 (I) Restrictions.

7 (1) Restrictions pertaining to road conditions. Movement of a permitted vehicle is
8 prohibited when road conditions are hazardous based upon the judgment of the operator and law
9 enforcement officials. Law enforcement officials shall make the final determination regarding whether or
10 not conditions are hazardous. Conditions that should be considered hazardous include, but are not limited
11 to:

12 (A) visibility of less than 2/10 of one mile; or

13 (B) weather conditions such as wind, rain, ice, sleet, or snow.

14 (2) Daylight and night movement restrictions.

15 (A) A permitted vehicle may be moved only during daylight hours unless:

16 (i) the permitted vehicle is overweight only;

17 (ii) the permitted vehicle is traveling on an interstate highway and does
18 not exceed 10 feet wide and 100 feet long, with front and rear overhang that complies with legal
19 standards; or

20 (iii) the permitted vehicle meets the criteria of clause (ii) of this
21 subparagraph and is overweight.

22 (B) An exception may be granted allowing night movement, based on a route and
23 traffic study conducted by TxDOT. Escort flag vehicles [~~Escorts~~] may be required when an exception

1 allowing night movement is granted.

2 (3) Holiday restrictions. The maximum size limits for a permit issued under Transportation
3 Code, Chapter 623, Subchapter D, for holiday movement is 14 feet wide, 16 feet high, and 110 feet long,
4 unless an exception is granted based on a route and traffic study conducted by TxDOT. The department
5 may restrict holiday movement of specific loads based on a determination that the load could pose a
6 hazard for the traveling public due to local road or traffic conditions.

7 (4) Curfew restrictions. The operator of a permitted vehicle must observe the curfew
8 movement restrictions of any city or county in which the vehicle is operated. However, only the curfew
9 restrictions listed on the permit apply to the permit.

10 (m) General provisions.

11 (1) Multiple commodities.

12 (A) Except as provided in subparagraph (B) of this paragraph, when a permitted
13 commodity creates a single overdimension, two or more commodities may be hauled as one permit load,
14 provided legal axle weight and gross weight are not exceeded, and provided an overdimension of width,
15 length or height is not created or made greater by the additional commodities. For example, a permit
16 issued for the movement of a 12 foot wide storage tank may also include a 10 foot wide storage tank
17 loaded behind the 12 foot wide tank provided that legal axle weight and gross weight are not exceeded,
18 and provided an overdimension of width, length or height is not created.

19 (B) When the transport of more than one commodity in a single load creates or
20 makes greater an illegal dimension of length, width, or height the department may issue an oversize
21 permit for such load subject to each of the following conditions.

22 (i) The permit applicant or the shipper of the commodities files with the
23 department a written certification by the Texas Economic Development and Tourism Office, attesting that

1 issuing the permit will have a significant positive impact on the economy of Texas and that the proposed
2 load of multiple commodities therefore cannot be reasonably dismantled. As used in this clause the term
3 significant positive impact means the creation of not less than 100 new full-time jobs, the preservation of
4 not less than 100 existing full-time jobs, that would otherwise be eliminated if the permit is not issued, or
5 creates or retains not less than one percent of the employment base in the affected economic sector
6 identified in the certification.

7 (ii) Transport of the commodities does not exceed legal axle and gross
8 load limits.

9 (iii) The permit is issued in the same manner and under the same
10 provisions as would be applicable to the transport of a single oversize commodity under this section;
11 provided, however, that the shipper and the permittee also must indemnify and hold harmless the
12 department, its board members, officers, and employees from any and all liability for damages or claims
13 of damages including court costs and attorney fees, if any, which may arise from the transport of an
14 oversized load under a permit issued pursuant to this subparagraph.

15 (iv) The shipper and the permittee must file with the department a
16 certificate of insurance on a form prescribed by the department, or otherwise acceptable to the
17 department, naming the department, its board members, officers, and employees as named or additional
18 insurers on its comprehensive general liability insurance policy for coverage in the amount of \$5 million
19 per occurrence, including court costs and attorney fees, if any, which may arise from the transport of an
20 oversized load under a permit issued pursuant to this subparagraph. The insurance policy is to be procured
21 from a company licensed to transact insurance business in the State of Texas.

22 (v) The shipper and the permittee must file with the department, in
23 addition to all insurance provided in clause (iv) of this subparagraph, a certificate of insurance on a form

1 prescribed by the department, or otherwise acceptable to the department, naming the department, its
2 board members, officers, and employees as insurers under an auto liability insurance policy for the benefit
3 of said insurers in an amount of \$5 million per accident. The insurance policy is to be procured from a
4 company licensed to transact insurance business in the State of Texas. If the shipper or the permittee is
5 self-insured with regard to automobile liability then that party must take all steps and perform all acts
6 necessary under the law to indemnify the department, its board members, officers, and employees as if
7 the party had contracted for insurance pursuant to, and in the amount set forth in, the preceding sentence
8 and shall agree to so indemnify the department, its board members, officers, and employees in a manner
9 acceptable to the department.

10 (vi) Issuance of the permit is approved by written order of the board
11 which written order may be, among other things, specific as to duration and routes.

12 (C) An applicant requesting a permit to haul a dozer and its detached blade may
13 be issued a permit, as a non-dismantable load, if removal of the blade will decrease the overall width of
14 the load, thereby reducing the hazard to the traveling public.

15 (2) Oversize hauling equipment. A vehicle that exceeds the legal size limits, as set forth by
16 Transportation Code, Chapter 621, Subchapter C, may only haul a load that exceeds legal size limits unless
17 otherwise noted in this subchapter, but such vehicle may haul an overweight load that does not exceed
18 legal size limits, except for the special exception granted in §219.13(c)(3) of this title (relating to Time
19 Permits).

20 (n) Surety bonds.

21 (1) General. The following conditions apply to surety bonds specified in Transportation
22 Code, §623.075.

23 (A) The surety bond must:

1 (i) be made payable to the Texas Department of Transportation with the
2 condition that the applicant will pay the Texas Department of Transportation for any damage caused to
3 the highway by the operation of the equipment covered by the surety bond;

4 (ii) be effective the day it is issued and expires at the end of the state
5 fiscal year, which is August 31st. For example, if you obtain a surety bond on August 30th, it will expire
6 the next day at midnight.

7 (iii) include the complete mailing address and zip code of the principal;

8 (iv) be filed with the department and have an original signature of the
9 principal;

10 (v) have a single entity as principal with no other principal names listed;

11 and

12 (vi) A non-resident agent with a valid Texas insurance license may issue a
13 bond on behalf of an authorized insurance company when in compliance with Insurance Code, Chapter
14 4056.

15 (B) A certificate of continuation will not be accepted.

16 (C) The owner of a vehicle bonded under Transportation Code, §623.075 or
17 §623.163, that damages the state highway system as a result of the permitted vehicle's movement will be
18 notified by certified mail of the amount of damage and will be given 30 days to submit payment for such
19 damage. Failure to make payment within 30 days will result in TxDOT placing the claim with the attorney
20 general for collection.

21 (D) The venue of any suit for a claim against a surety bond for the movement of
22 a vehicle permitted under the provisions of Transportation Code, Chapter 623, Subchapter D, will be any
23 court of competent jurisdiction in Travis County.

1 (2) Permit surety bonds.

2 (A) A surety bond required under the provisions of Transportation Code, Chapter
3 623, Subchapter D, must be submitted on the department's standard surety bond form in the amount of
4 \$10,000.

5 (B) A facsimile or electronic copy of the surety bond is acceptable in lieu of the
6 original surety bond, for a period not to exceed 10 days from the date of its receipt in the department. If
7 the original surety bond has not arrived in the department by the end of the 10 days, the applicant will
8 not be issued a permit until the original surety bond has been received in the department.

9 (C) The surety bond requirement does apply to the delivery of farm equipment to
10 a farm equipment dealer.

11 (D) A surety bond is required when a dealer or transporter of farm equipment or
12 a manufacturer of farm equipment obtains a permit.

13 (E) The surety bond requirement does not apply to driving or transporting farm
14 equipment which is being used for agricultural purposes if it is driven or transported by or under the
15 authority of the owner of the equipment.

16 (F) The surety bond requirement does not apply to a vehicle or equipment
17 operated by a motor carrier registered with the department under Transportation Code, Chapters 643 or
18 645 as amended.

19
20 §219.13. Time Permits.

21 (a) General information. Applications for time permits issued under Transportation Code, Chapter 623,
22 and this section shall be made in accordance with §219.11(b) and (c) of this title (relating to General

1 Oversize/Overweight Permit Requirements and Procedures). Permits issued under this section are
2 governed by the requirements of §219.11(e)(1) of this title.

3 (b) 30, 60, and 90 day permits. The following conditions apply to time permits issued for overwidth
4 or overlength loads, or overlength vehicles, under this section.

5 (1) Fees. The fee for a 30-day permit is \$120; the fee for a 60-day permit is \$180; and the
6 fee for a 90-day permit is \$240. All fees are payable in accordance with §219.11(f) of this title. All fees are
7 non-refundable.

8 (2) Validity of Permit. Time permits are valid for a period of 30, 60, or 90 calendar days,
9 based on the request of the applicant, and will begin on the effective date stated on the permit.

10 (3) Weight/height limits. The permitted vehicle may not exceed the weight or height limits
11 set forth by Transportation Code, Chapter 621, Subchapters B and C.

12 (4) Registration requirements for permitted vehicles. Time permits will not be issued to a
13 vehicle or vehicle combination that is registered with temporary vehicle registration.

14 (5) Vehicle indicated on permit. The permit will indicate only the truck or truck-tractor
15 transporting the load; however, any properly registered trailer or semi-trailer is covered by the permit.

16 (6) Permit routes. The permit will allow travel on a statewide basis.

17 (7) Restrictions.

18 (A) The permitted vehicle must not cross a load restricted bridge or load restricted
19 road when exceeding the posted capacity of the road or bridge.

20 (B) The permitted vehicle may travel through highway construction or
21 maintenance areas if the dimensions do not exceed the construction restrictions as published by the
22 department.

1 (C) The permitted vehicle is subject to the restrictions specified in §219.11(l) of
2 this title, and the permittee is responsible for obtaining from the department information concerning
3 current restrictions.

4 (8) Escort requirements. Permitted vehicles are subject to the escort requirements
5 specified in §219.11(k) of this title.

6 (9) Transfer of time permits. Time permits issued under this subsection are non-
7 transferable between permittees or vehicles.

8 (10) Amendments. With the exception of time permits issued under subsection (e)(4) of
9 this section, time permits issued under this subsection will not be amended except in the case of permit
10 officer error.

11 (c) Overwidth loads. An overwidth time permit may be issued for the movement of any load or
12 overwidth trailer, subject to subsection (a) of this section and the following conditions:

13 (1) Width requirements.

14 (A) A time permit will not be issued for a vehicle with a width exceeding 13 feet.

15 (B) When multiple items are hauled at the same time, the items may not be
16 loaded in a manner that creates a width greater than the width of the widest item being hauled.

17 (2) Weight, height, and length requirements.

18 (A) The permitted vehicle shall not exceed legal weight, height, or length
19 according to Transportation Code, Chapter 621, Subchapters B and C.

20 (B) When multiple items are hauled at the same time, the items may not be
21 loaded in a manner that creates:

22 (i) a height greater than 14 feet;

23 (ii) an overlength load; or

1 (iii) a gross weight exceeding the legal gross or axle weight of the vehicle
2 hauling the load.

3 (3) Movement of overwidth trailers. When the permitted vehicle is an overwidth trailer,
4 it will be allowed to:

5 (A) move empty to and from the job site; and

6 (B) haul a load from the permitted vehicle's point of origin to pick up a permitted
7 load, and to the permitted vehicle's point of origin or the permittee's place of business after dropping off
8 a permitted load, as long as:

9 (i) the load does not exceed legal size and weight limits under
10 Transportation Code, Chapters 621 and 622; and

11 (ii) the transport complies with the permit, including the time period
12 stated on the permit.

13 (4) Use in conjunction with other permits. An overwidth time permit may be used in
14 conjunction with an overlength time permit.

15 (d) Overlength loads. An overlength time permit may be issued for the transportation of
16 overlength loads or the movement of an overlength self-propelled vehicle, subject to subsection (a) of
17 this section and the following conditions:

18 (1) Length requirements.

19 (A) The maximum overall length for the permitted vehicle may not exceed 110
20 feet.

21 (B) The department may issue a permit under Transportation Code, §623.071(a)
22 for an overlength load or an overlength self-propelled vehicle that falls within the definition of a
23 nondivisible load or vehicle.

1 (2) Weight, height and width requirements.

2 (A) The permitted vehicle may not exceed legal weight, height, or width according
3 to Transportation Code, Chapter 621, Subchapters B and C.

4 (B) A permit will not be issued when the load has more than 25 feet front
5 overhang, or more than 30 feet rear overhang.

6 (3) Use in conjunction with other permits. An overlength time permit may be used in
7 conjunction with an overwidth time permit.

8 (4) Emergency movement. A permitted vehicle transporting utility poles will be allowed
9 emergency night movement for restoring electrical utility service, provided the permitted vehicle is
10 accompanied by a rear escort flag vehicle.

11 (e) Annual permits.

12 (1) General information. All permits issued under this subsection are subject to the
13 following conditions.

14 (A) Fees for permits issued under this subsection are payable as described in
15 §219.11(f).

16 (B) Permits issued under this subsection are not transferable.

17 (C) Vehicles permitted under this subsection shall be operated according to the
18 restrictions described in §219.11(l) of this title. The permittee is responsible for obtaining information
19 concerning current restrictions from the department.

20 (D) Vehicles permitted under this subsection may not travel over a load restricted
21 bridge or load restricted road when exceeding the posted capacity of the road or bridge.

22 (E) Vehicles permitted under this subsection may travel through any highway
23 construction or maintenance area provided the dimensions do not exceed the construction restrictions as

1 published by the department.

2 (F) With the exception of permits issued under paragraph (5) of this subsection,
3 vehicles permitted under this subsection shall be operated according to the escort requirements
4 described in §219.11(k) of this title.

5 (2) Implements of husbandry. An annual permit may be issued for an implement of
6 husbandry being moved by a dealer in those implements, and for harvesting equipment being moved as
7 part of an agricultural operation. Permits issued under this paragraph are subject to the conditions
8 described in paragraph (1) of this subsection.

9 (A) The fee for a permit issued under this paragraph is \$270, plus the highway
10 maintenance fee specified in Transportation Code, §623.077.

11 (B) The time period will be for one year and will start on the effective date stated
12 on the permit.

13 (C) The maximum width may not exceed 16 feet; maximum height may not
14 exceed 16 feet; maximum length may not exceed 110 feet; and maximum weight may not exceed the
15 limits stated in §219.11(d) of this title.

16 (D) Unless stated otherwise on the permit, the permitted vehicle must travel in
17 the outside traffic lane on multi-lane highways, when the width of the load exceeds 12 feet.

18 (E) The permitted vehicle must be registered in accordance with Transportation
19 Code, Chapter 502, for maximum weight for the vehicle or vehicle combination, as set forth by
20 Transportation Code, Chapter 621.

21 (3) Water well drilling machinery. The department may issue annual permits under
22 Transportation Code, §623.071, for water well drilling machinery and equipment that fall within the
23 definition of a nondivisible load or vehicle. Permits issued under this paragraph are subject to the

1 conditions described in paragraph (1) of this subsection.

2 (A) The fee for a permit issued under this paragraph is \$270, plus the highway
3 maintenance fee specified in Transportation Code, §623.077 for an overweight load.

4 (B) A water well drilling machinery permit is valid for one year from the effective
5 date stated on the permit.

6 (C) The maximum dimensions may not exceed 16 feet wide, 14 feet 6 inches high,
7 110 feet long, and maximum weight may not exceed the limits stated in §219.11(d).

8 (D) The permitted vehicle must be registered in accordance with Transportation
9 Code, Chapter 502, for the maximum weight of the vehicle, as set forth by Transportation Code, Chapter
10 621.

11 (E) A permit issued under this section authorizes a permitted vehicle to operate
12 only on the state highway system.

13 (4) Envelope vehicle permits.

14 (A) The department may issue an annual permit under Transportation Code,
15 §623.071(c), to a specific vehicle, for the movement of superheavy or oversize equipment that falls within
16 the definition of a nondivisible load. This permit may not be used for a container, including a trailer or an
17 intermodal container, loaded with divisible cargo. Unless otherwise noted, permits issued under this
18 paragraph are subject to the conditions described in paragraph (1) of this subsection.

19 (i) Superheavy or oversize equipment operating under an annual
20 envelope vehicle permit may not exceed:

21 (I) 12 feet in width;

22 (II) 14 feet in height;

23 (III) 110 feet in length; or

1 (IV) 120,000 pounds gross weight.

2 (ii) Superheavy or oversize equipment operating under an annual
3 envelope vehicle permit may not transport a load that has more than 25 feet front overhang, or more
4 than 30 feet rear overhang.

5 (iii) The fee for an annual envelope vehicle permit is \$4,000, and is non-
6 refundable.

7 (iv) The time period will be for one year and will start on the effective
8 date stated on the permit.

9 (v) This permit authorizes operation of the permitted vehicle only on the
10 state highway system.

11 (vi) The permitted vehicle must comply with §219.11(d)(2) and (3).

12 (vii) The permitted vehicle or vehicle combination must be registered in
13 accordance with Transportation Code, Chapter 502, for maximum weight as set forth by Transportation
14 Code, Chapter 621.

15 (viii) A permit issued under this paragraph is non-transferable between
16 permittees.

17 (ix) A permit issued under this paragraph may be transferred from one
18 vehicle to another vehicle in the permittee's fleet provided:

19 (I) the permitted vehicle is destroyed or otherwise becomes
20 permanently inoperable, to an extent that it will no longer be utilized, and the permittee presents proof
21 that the negotiable certificate of title or other qualifying documentation has been surrendered to the
22 department; or

23 (II) the certificate of title to the permitted vehicle is transferred

1 to someone other than the permittee, and the permittee presents proof that the negotiable certificate of
2 title or other qualifying documentation has been transferred from the permittee.

3 (x) A single-trip permit, as described in §219.12 of this title (relating to
4 Single-Trip Permits Issued Under Transportation Code, Chapter 623, Subchapter D), may be used in
5 conjunction with an annual permit issued under this paragraph for the movement of vehicles or loads
6 exceeding the height or width limits established in subparagraph (A) of this paragraph. The department
7 will indicate the annual permit number on any single-trip permit to be used in conjunction with a permit
8 issued under this paragraph, and permittees will be assessed a fee of \$60 for the single-trip permit.

9 (B) The department may issue an annual permit under Transportation Code,
10 §623.071(d), to a specific motor carrier, for the movement of superheavy or oversize equipment that falls
11 within the definition of a nondivisible load. This permit may not be used for a container, including a trailer
12 or an intermodal container, loaded with divisible cargo. Unless otherwise noted, permits issued under this
13 paragraph are subject to the conditions described in paragraph (1) of this subsection and subparagraphs
14 (A)(i)-(viii) of this paragraph. A permit issued under this paragraph may be transferred from one vehicle
15 to another vehicle in the permittee's fleet provided:

16 (i) that no more than one vehicle is operated at a time; and

17 (ii) the original certified permit is carried in the vehicle that is being
18 operated under the terms of the permit.

19 (C) An annual envelope permit issued under subparagraph (B) of this paragraph
20 will be sent to the permittee via registered mail, or at the permittee's request and expense overnight
21 delivery service. This permit may not be duplicated. This permit will be replaced only if:

22 (i) the permittee did not receive the original permit within seven business
23 days after its date of issuance;

1 (ii) a request for replacement is submitted to the department within 10
2 business days after the original permit's date of issuance; and

3 (iii) the request for replacement is accompanied by a notarized statement
4 signed by a principle or officer of the permittee acknowledging that the permittee understands the permit
5 may not be duplicated and that if the original permit is located, the permittee must return either the
6 original or replacement permit to the department.

7 (D) A request for replacement of a permit issued under subparagraph (B) of this
8 paragraph will be denied if the department can verify that the permittee received the original.

9 (E) Lost, misplaced, damaged, destroyed, or otherwise unusable permits will not
10 be replaced. A new permit will be required.

11 (5) Annual manufactured housing permit. The department may issue an annual permit for
12 the transportation of new manufactured homes from a manufacturing facility to a temporary storage
13 location, not to exceed 20 miles from the point of manufacture, in accordance with Transportation Code,
14 §623.094. Permits issued under this paragraph are subject to the requirements of paragraph (1),
15 subparagraphs (A), (B), (C), (D), (E), and (G), of this subsection.

16 (A) A permit shall contain the name of the company or person authorized to be
17 issued permits by Transportation Code, Chapter 623, Subchapter E.

18 (B) The fee for a permit issued under this paragraph is \$1,500. Fees are non-
19 refundable, and shall be paid in accordance with §219.11(f) of this title.

20 (C) The time period will be for one year from the effective date stated on the
21 permit.

22 (D) The permitted vehicle must travel in the outside traffic lane on multi-lane
23 highways when the width of the load exceeds 12 feet.

1 (E) The permitted vehicle must be registered in accordance with Transportation
2 Code, Chapter 502.

3 (F) Authorized movement for a vehicle permitted under this section shall be valid
4 during daylight hours only as defined by Transportation Code, §541.401.

5 (G) The permitted vehicle must be operated in accordance with the escort
6 requirements described in §219.14(f) of this title (relating to Manufactured Housing, and Industrialized
7 Housing and Building Permits).

8 (H) Permits issued under this section are non-transferable between permittees.

9 (6) Power line poles. An annual permit will be issued under Transportation Code, Chapter
10 622, Subchapter E, for the movement of poles required for the maintenance of electric power
11 transmission and distribution lines. Permits issued under this paragraph are subject to the conditions
12 described in paragraph (1) of this subsection.

13 (A) The fee for the permit is \$120.

14 (B) The time period will be for one year and will start on the effective date stated
15 on the permit.

16 (C) The maximum length of the permitted vehicle may not exceed 75 feet.

17 (D) The width, height and gross weight of the permitted vehicle may not exceed
18 the limits set forth by Transportation Code, Chapter 621.

19 (E) Vehicles permitted under this paragraph may not travel over a load restricted
20 bridge or load zoned road when exceeding posted limits.

21 (F) The permitted vehicle must be registered in accordance with Transportation
22 Code, Chapter 502, for maximum weight as set forth by Transportation Code, Chapter 621.

23 (G) Movement will be between the hours of sunrise and sunset; however, the

1 limitation on hours of operation does not apply to a vehicle being operated to prevent interruption or
2 impairment of electric service, or to restore electric service that has been interrupted. When operated at
3 night, a vehicle permitted under this subsection must be accompanied by a rear escort vehicle.

4 (H) The permitted vehicle may not travel during hazardous road conditions as
5 stated in §219.11(l)(1)(A) and (B) except to prevent interruption or impairment of electric service, or to
6 restore electric service that has been interrupted.

7 (I) The speed of the permitted vehicle may not exceed 50 miles per hour.

8 (J) The permitted vehicle must display on the extreme end of the load:

9 (i) two red lamps visible at a distance of at least 500 feet from the rear;

10 (ii) two red reflectors that indicate the maximum width and are visible,
11 when light is insufficient or atmospheric conditions are unfavorable, at all distances from 100 to 600 feet
12 from the rear when directly in front of lawful lower beams of headlamps; and

13 (iii) two red lamps, one on each side, that indicate the maximum
14 overhang, and are visible at a distance of at least 500 feet from the side of the vehicle.

15 (7) Cylindrically shaped bales of hay. An annual permit may be issued under
16 Transportation Code, §623.017, for the movement of vehicles transporting cylindrically shaped bales of
17 hay. Permits issued under this paragraph are subject to the conditions described in paragraph (1) of this
18 subsection.

19 (A) The permit fee is \$10.

20 (B) The time period will be for one year, and will start on the effective date stated
21 on the permit.

22 (C) The maximum width of the permitted vehicle may not exceed 12 feet.

23 (D) The length, height, and gross weight of the permitted vehicle may not exceed

1 the limits set forth by Transportation Code, Chapter 621.

2 (E) Movement is restricted to daylight hours only.

3 (F) The permitted vehicle must be registered in accordance with Transportation
4 Code, Chapter 502, for maximum weight, as set forth by Transportation Code, Chapter 621.

5 (8) Overlength load or vehicles. An annual overlength permit may be issued for the
6 transportation of a nondivisible overlength load or the movement of a nondivisible overlength vehicle or
7 combination of vehicles under Transportation Code, §623.071(c-1). This permit is subject to the portions
8 of subsections (a), (b), and (d) of this section that are not limited to the fee or duration for the 30, 60, and
9 90 day permits.

10
11 §219.14. Manufactured Housing, and Industrialized Housing and Building Permits.

12 (1) A manufactured home that exceeds size limits for motor vehicles as defined by
13 Transportation Code, Chapter 621, Subchapters B and C, must obtain a permit from the department.

14 (2) Pursuant to Transportation Code, Chapter 623, Subchapter E, a permit may be issued
15 to persons registered as manufacturers, installers, or retailers with the Texas Department of Housing and
16 Community Affairs or motor carriers registered with the department under Transportation Code, Chapter
17 643.

18 (3) The department may issue a permit to the owner of a manufactured home provided
19 that:

20 (A) the same owner is named on the title of the manufactured home and
21 towing vehicle;

22 (B) or the owner presents a lease showing that the owner of the
23 manufactured home is the lessee of the towing vehicle.

1 (b) Application for permit.

2 (1) The applicant must complete the application and shall include the manufactured
3 home's HUD label number, Texas seal number, or the complete identification number or serial number of
4 the manufactured home, and the overall width, height, and length of the home and the towing vehicle in
5 combination. If the manufactured home is being moved to or from a site in this state where it has been,
6 or will be, occupied as a dwelling, the permit must also show the name of the owner of the home, the
7 location from which the home is being moved, and the location to which the home is being delivered.

8 (2) A permit application for industrialized housing or industrialized building that does not
9 meet the definition in Occupations Code, §1202.002 and §1202.003 shall be submitted in accordance with
10 §219.11(c) of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).

11 (c) Amendments to permit. Amendments can only be made to change intermediate points
12 between the origination and destination points listed on the permit.

13 (d) Payment of permit fee. The cost of the permit is \$40, payable in accordance with §219.11(f) of
14 this title.

15 (e) Permit provisions and conditions.

16 (1) The overall combined length of the manufactured home and the towing vehicle
17 includes the length of the hitch or towing device.

18 (2) The height is measured from the roadbed to the highest elevation of the manufactured
19 home.

20 (3) The width of a manufactured home includes any roof or eaves extension or overhang
21 on either side.

22 (4) A permit will be issued for a single continuous movement not to exceed five days.

23 (5) Movement must be made during daylight hours only and may be made on any day

1 except New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas
2 Day.

3 (6) The department may limit the hours for travel on certain routes because of heavy
4 traffic conditions.

5 (7) The department will publish any limitations on movements during the national
6 holidays listed in this subsection, or any limitations during certain hours of heavy traffic conditions, and
7 will make such publications available to the public prior to the limitations becoming effective.

8 (8) The permit will contain the route for the transportation of the manufactured home
9 from the point of origin to the point of destination.

10 (9) The route for the transportation must be the most practical route as described in
11 §219.11(e,) of this title, except where construction is in progress and the permitted vehicle's dimensions
12 exceed the construction restrictions as published by the department, or where bridge or overpass width
13 or height would create a safety hazard.

14 (10) The department will publish annually a map or list of all bridges or overpasses which,
15 due to height or width, require an escort flag vehicle to stop oncoming traffic while the manufactured
16 home crosses the bridge or overpass.

17 (11) A permittee may not transport a manufactured home with a void permit; a new
18 permit must be obtained.

19 (f) Escort requirements.

20 (1) A manufactured home exceeding 12 feet in width must have a rotating amber beacon
21 of not less than eight inches in diameter mounted somewhere on the roof at the rear of the manufactured
22 home, or may have two five-inch flashing amber lights mounted approximately six feet from ground level
23 at the rear corners of the manufactured home. The towing vehicle must have one rotating amber beacon

1 of not less than eight inches in diameter mounted on top of the cab. These beacons or flashing lights must
2 be operational and luminiferous during any permitted move over the highways, roads, and streets of this
3 state.

4 (2) A manufactured home with a width exceeding 16 feet but not exceeding 18 feet must
5 have a front escort flag vehicle on two-lane roadways and a rear escort flag vehicle on roadways of four
6 or more lanes.

7 (3) A manufactured home exceeding 18 feet in width must have a front and a rear escort
8 vehicle on all roadways at all times.

9 (4) The escort flag vehicle must:

10 (A) have one red 16 inch square flag mounted on each of the four corners of the
11 vehicle;

12 (B) have a sign mounted on the front and rear of the vehicle displaying the words
13 "WIDE LOAD" in black letters at least eight inches high with a brush stroke at least 1.41 inches wide against
14 a yellow background;

15 (C) have ~~[an amber light or lights, visible from both front and rear,]~~ mounted on
16 top of the vehicle and visible from both the front and rear [in one of the following configurations]:

17 (i) two simultaneously flashing lights; ~~[or]~~

18 (ii) one rotating amber beacon of not less than eight inches in diameter;

19 or

20 (iii) alternating or flashing blue and amber lights; and

21 (D) maintain two-way communications with the permitted vehicle and other
22 escort flag vehicles involved with the movement of the permitted vehicle.

23 (5) Two transportable sections of a multi-section manufactured home, or two single

1 section manufactured homes, when towed together in convoy, may be considered one home for purposes
2 of the escort flag vehicle requirements, provided the distance between the two units does not exceed
3 1,000 feet.

4 (6) An escort flag vehicle must comply with the requirements in §219.11(k)(1) and
5 §219.11(k)(7)(A) of this title.

6
7 §219.15. Portable Building Unit Permits.

8 (a) General information.

9 (1) A vehicle or vehicle combination transporting one or more portable building units and
10 portable building compatible cargo that exceed legal length or width limits set forth by Transportation
11 Code, Chapter 621, Subchapters B and C, may obtain a permit under Transportation Code, Chapter 623,
12 Subchapter F.

13 (2) In addition to the fee required by subsection (d), the department shall collect an
14 amount equal to any fee that would apply to the movement of cargo exceeding any applicable width
15 limits, if such cargo were moved in a manner not governed by this section.

16 (b) Application for permit. Applications shall be made in accordance with §219.11(c) of this title
17 (relating to General Oversize/Overweight Permit Requirements and Procedures).

18 (c) Permit issuance. Permit issuance is subject to the requirements of §219.11(b)(2),(e) and (g) of
19 this title.

20 (d) Payment of permit fee. The cost of the permit is \$15, with all fees payable in accordance with
21 §219.11(f.) of this title. All fees are non-refundable.

22 (e) Permit provisions and conditions.

23 (1) A portable building unit may only be issued a single-trip permit.

1 (2) Portable building units may be loaded end-to-end to create an overlength permit load,
2 provided the overall length does not exceed 80 feet.

3 (3) Portable building units must not be loaded side-by-side to create an overwidth load,
4 or loaded one on top of another to create an overheight load.

5 (4) Portable building units must be loaded in a manner that will create the narrowest
6 width for permit purposes and provide for greater safety to the traveling public.

7 (5) The permit will be issued for a single continuous movement from the origin to the
8 destination for an amount of time necessary to make the move, not to exceed 10 consecutive days.

9 (6) Movement of the permitted vehicle must be made during daylight hours only.

10 (7) A permittee may not transport portable building units or portable building compatible
11 cargo with a void permit; a new permit must be obtained.

12 (f) Escort requirements.

13 (1) A portable building unit or portable building compatible cargo with a width exceeding
14 16 feet but not exceeding 18 feet must have a front escort flag vehicle on two-lane roadways and a rear
15 escort flag vehicle on roadways of four or more lanes.

16 (2) A portable building unit or portable building compatible cargo exceeding 18 feet in
17 width must have a front and a rear escort flag vehicle on all roadways at all times.

18 (3) The escort flag vehicle must:

19 (A) have one red 16 inch square flag mounted on each of the four corners of the
20 vehicle;

21 (B) have a sign mounted on the front and rear of the vehicle displaying the words
22 "WIDE LOAD" in black letters at least eight inches high with a brush stroke at least 1.41 inches wide against
23 a yellow background;

1 (C) have [an amber light or lights, visible from both front and rear,] mounted on
2 top of the vehicle and visible from both front and rear, [and which must be] two simultaneously flashing
3 lights, [or] one rotating amber beacon of not less than eight inches in diameter, or alternating or flashing
4 blue and amber lights; and

5 (D) maintain two-way communications with the permitted vehicle and other
6 escort flag vehicles involved with the movement of the permitted vehicle.

7 (4) An escort flag vehicle must comply with the requirements in §219.11(k)(1) and
8 §219.11(k)(7)(A) of this title.

9
10 **SUBCHAPTER D. Permits for Oversize and Overweight Oil Well Related Vehicles**

11 **43 TAC §219.42 and §219.43**

12 §219.42. Single-Trip Mileage Permits.

13 (a) General information.

14 (1) Permits issued under this section are subject to the requirements of §219.41 of this
15 title (relating to General Requirements).

16 (2) A single-trip mileage permit:

17 (A) is limited to a maximum of seven consecutive days;

18 (B) routes the vehicle from the point of origin to the point of destination and has
19 the route listed on the permit; and

20 (C) allows the unit to be returned to the point of origin on the same permit,
21 provided the return trip is made within the time period stated in the permit.

22 (3) A unit exceeding 175,000 pounds gross weight must:

23 (A) have front and rear escort flag vehicles to prevent traffic from traveling beside

1 the unit as it crosses a bridge;

2 (B) cross all multi-lane bridges by centering the unit on a lane line;

3 (C) cross all two-lane bridges in the center of the bridge; and

4 (D) cross each bridge at a speed not greater than 20 miles per hour.

5 (4) A unit exceeding 12 feet in width must be centered in the outside traffic lane of any
6 highway that has paved shoulders.

7 (b) Maximum permit weight limits.

8 (1) The maximum permit weight for any single axle must not exceed 30,000 pounds or
9 850 pounds per inch of tire width, whichever is less.

10 (2) The maximum permit weight for any group of axles on a unit will be determined by
11 calculating the "W" weight for the group, using the formulas shown in Figure 2: 43 TAC §219.42(f), titled
12 "Maximum Permit Weight Formulas," and comparing the calculated "W" weight with the corresponding
13 "W" weight that is established in Figure 1: 43 TAC §219.42(f), titled "Maximum Permit Weight Table."

14 (3) The maximum permit weight per inch of tire width for axles that are steerable must
15 not exceed 950 pounds, and the maximum permit weight per inch of tire width for axles that are not
16 steerable must not exceed 850 pounds.

17 (4) A unit that does not have any group of axles that exceeds the limits established in
18 Figure 1: 43 TAC §219.42(f), "Maximum Permit Weight Table," and Figure 2: 43 TAC §219.42(f), "Maximum
19 Permit Weight Formulas" will be permitted with a single-trip mileage or quarterly hubometer permit for
20 travel on any route that does not include a load restricted bridge.

21 (5) A unit that has any group of axles that exceeds the limits established by Figure 1: 43
22 TAC §219.42(f), "Maximum Permit Weight Table," and Figure 2: 43 TAC §219.42(f), "Maximum Permit
23 Weight Formulas" will be eligible, on an individual case-by-case basis, for a single-trip mileage permit only;

1 permit approval or denial will be based on a detailed route study and an analysis conducted by TxDOT of
2 each bridge on the proposed travel route to determine if the road(s) and bridge(s) are capable of
3 sustaining the movement.

4 (6) A road or bridge that has been analyzed and determined to be incapable of sustaining
5 the unit will be excluded from the permit route.

6 (c) Permit application and issuance.

7 (1) An application for a single-trip mileage permit under this section must be made in
8 accordance with §219.41(b) of this title and shall also include the origin and destination points of the unit.

9 (2) Upon receipt of the application, the department will review and verify unit size and
10 weight information, check route and mileage to be traveled, compute the permit fee, and advise the
11 applicant of the permit fee.

12 (3) Upon receipt of the permit fee, the department will advise the applicant of the permit
13 number, and will provide a copy of the permit to the applicant.

14 (d) Permit fees and refunds.

15 (1) Minimum fee. The minimum fee for a single-trip mileage permit is either the calculated
16 permit fee or \$31, whichever is the greater amount.

17 (2) Permit fee calculation. The fee for a single-trip mileage permit is calculated by
18 multiplying the number of miles traveled, the highway use factor, and the total rate per mile, and then
19 adding the indirect cost share to the product.

20 (A) Highway use factor. The highway use factor for a single trip mileage permit is
21 0.6.

22 (B) Total rate per mile. The total rate per mile is the combined mileage rates for
23 width, height, and weight for the unit. For a trailer mounted unit, the total rate per mile is based on the

1 overall width, overall height, and all axle weights, including the truck-tractor axles.

2 (i) The mileage rate for width is \$.06 per mile for each foot (or fraction
3 thereof) above legal width.

4 (ii) The mileage rate for height is \$.04 per mile for each foot (or fraction
5 thereof) above legal height.

6 (iii) The mileage rate for a single axle or any axle within a group that
7 exceeds 20,000 pounds, but is less than or equal to 25,000 pounds, is calculated by multiplying \$.045
8 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle
9 group and dividing the resultant figure by 1,000 pounds.

10 (iv) The mileage rate for a single axle or any axle within a group that
11 exceeds 25,000 pounds, but is less than or equal to 30,000 pounds, is calculated by multiplying \$.055
12 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle
13 group and dividing the resultant figure by 1,000 pounds.

14 (3) Permit fees for trailer mounted units.

15 (A) The permit fee for a trailer mounted unit is based on the overall width, overall
16 height, and all axle weights, including the truck-tractor axles.

17 (B) A unit with two or more axle groups that do not have a spacing of at least 12
18 feet between the closest axles of the opposing groups must have the permit fee calculated by the
19 following method.

20 (i) The axle group with the lowest weight will have the axle closest to the
21 next axle group temporarily disregarded from its group in order to create a spacing of at least 12 feet
22 between the two groups for fee calculation purposes.

23 (ii) An axle group will not have more than one axle disregarded.

1 (iii) The permit fee for the axle group with the temporarily disregarded
2 axle must be based on the actual weight of the entire axle group minus the legal weight for the remaining
3 axles of the group.

4 (4) Refunds. Fees for permits issued under this section are non-refundable.

5 (e) Amendments. A single-trip mileage permit may not be amended unless an exception is granted
6 by the department.

7 (f) Weight table and formulas. The following table entitled "Maximum Permit Weight Table" is
8 Figure 1: 43 TAC §219.42(f), and the list of formulas entitled, "Maximum Permit Weight Formulas," is
9 Figure 2: 43 TAC §219.42(f).

10

11 §219.43. Quarterly Hubometer Permits.

12 (a) General information.

13 (1) Permits issued under this section are subject to the requirements of §219.41 of this
14 title (relating to General Requirements).

15 (2) A quarterly hubometer permit:

16 (A) is effective for three consecutive months;

17 (B) allows the unit to travel on all state-maintained highways; and

18 (C) allows the unit to travel on a state-wide basis.

19 (3) A unit permitted under this subsection must not exceed any of the following
20 dimensions:

21 (A) 12 feet in width;

22 (B) 14 feet, 6 inches in height; and

23 (C) 95 feet in length.

1 (4) With the exception of units that are overlength only, a unit operated with a permit
2 issued under this section must be equipped with a hubometer. The permittee must maintain the
3 hubometer in good working condition.

4 (5) A unit exceeding 175,000 pounds gross weight must:

5 (A) have front and rear escort flag vehicles to prevent traffic from traveling beside
6 the unit as it crosses a bridge;

7 (B) cross all multi-lane bridges by centering the unit on a lane line;

8 (C) cross all two-lane bridges in the center of the bridge; and

9 (D) cross each bridge at a speed not greater than 20 miles per hour.

10 (b) Maximum permit weight limits.

11 (1) The maximum permit weight for any single axle must not exceed 30,000 pounds or
12 850 pounds per inch of tire width, whichever is less.

13 (2) The maximum permit weight for any group of axles on a unit will be determined by
14 calculating the "W" weight for the group, using the formulas in Figure 2: 43 TAC §219.42(f), "Maximum
15 Permit Weight Formulas," and comparing the calculated "W" weight with the corresponding "W" weight
16 that is established in Figure 1: 43 TAC §219.42(f), "Maximum Permit Weight Table."

17 (3) The maximum permit weight per inch of tire width for axles that are steerable must
18 not exceed 950 pounds, and the maximum permit weight per inch of tire width for axles that are not
19 steerable must not exceed 850 pounds.

20 (4) A unit that does not have any group of axles that exceeds the limits established in
21 Figure 1: 43 TAC §219.42(f), "Maximum Permit Weight Table," and Figure 2: 43 TAC §219.42(f), "Maximum
22 Permit Weight Formulas" will be permitted with a single-trip mileage or quarterly hubometer permit for
23 travel on any route that does not include a load restricted bridge.

1 (5) A unit that has any group of axles that exceeds the limits established by Figure 1: 43
2 TAC §219.42(f), "Maximum Permit Weight Table," and Figure 2: 43 TAC §219.42(f), "Maximum Permit
3 Weight Formulas" will be eligible, on an individual case-by-case basis, for a single-trip mileage permit only;
4 permit approval or denial will be based on a detailed route study and an analysis conducted by TxDOT of
5 each bridge on the proposed travel route to determine if the road(s) and bridge(s) are capable of
6 sustaining the movement.

7 (6) A bridge that has been analyzed and determined to be incapable of sustaining the unit
8 will be excluded from the permit route.

9 (c) Initial permit application and issuance.

10 (1) An application for an initial quarterly hubometer permit under this section must be
11 made in accordance with §219.41(b) of this title. In addition, the applicant must provide the current
12 hubometer mileage reading and an initial \$31 processing fee.

13 (2) Upon verification of the unit information and receipt of the permit fee, the
14 department will provide a copy of the permit to the applicant, as well as a renewal application.

15 (d) Permit renewals and closeouts.

16 (1) An application for a permit renewal or closeout must be made on a form and in the
17 manner prescribed by the department.

18 (2) Upon receipt of the renewal application, the department will verify unit information,
19 check mileage traveled on the last permit, calculate the new permit fee, and advise the applicant of the
20 permit fee.

21 (e) Permit fees.

22 (1) Minimum fee. The minimum fee for a quarterly hubometer permit is either the
23 calculated permit fee or \$31, whichever is the greater amount.

1 (2) Fees for overlength units. A unit that is overlength only must obtain a quarterly
2 hubometer permit with a fee of \$31, but is not required to have a hubometer.

3 (3) Quarterly hubometer permit fee calculation. The permit fee for a quarterly hubometer
4 permit is calculated by multiplying the hubometer mileage, the highway use factor, and the total rate per
5 mile, and then adding the indirect cost share to the product.

6 (A) Hubometer mileage. Mileage for a quarterly hubometer permit is determined
7 by the unit's current hubometer mileage reading minus the unit's hubometer mileage reading from the
8 previous quarterly hubometer permit.

9 (B) Highway use factor. The highway use factor for a quarterly hubometer permit
10 is 0.3.

11 (C) Total rate per mile. The total rate per mile is the combined mileage rates for
12 width, height, and weight for the unit. The rate per mile for a trailer mounted unit is based on the overall
13 width, overall height, and all axle weights, including the truck-tractor axles.

14 (i) The mileage rate for width is \$.06 per mile for each foot (or fraction
15 thereof) above legal width.

16 (ii) The mileage rate for height is \$.04 per mile for each foot (or fraction
17 thereof) above legal height.

18 (iii) The mileage rate for a single axle or any axle within a group that
19 exceeds 20,000 pounds, but is less than or equal to 25,000 pounds, is calculated by multiplying \$.045
20 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle
21 group and dividing the resultant figure by 1,000 pounds.

22 (iv) The mileage rate for a single axle or any axle within a group that
23 exceeds 25,000 pounds, but is less than or equal to 30,000 pounds, is calculated by multiplying \$.055

1 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle
2 group and dividing the resultant figure by 1,000 pounds.

3 (4) Permit fees for trailer mounted units.

4 (A) The permit fee for a trailer mounted unit is based on the overall width, overall
5 height, and all axle weights, including the truck-tractor axles.

6 (B) A unit with two or more axle groups that does not have a spacing of at least 12
7 feet between the closest axles of the opposing groups must have the permit fee calculated by the
8 following method.

9 (i) The axle group with the lowest weight will have the axle closest to the
10 next axle group temporarily disregarded from its group in order to create a spacing of at least 12 feet
11 between the two groups for fee calculation purposes.

12 (ii) An axle group will not have more than one axle disregarded.

13 (iii) The permit fee for the axle group with the temporarily disregarded
14 axle must be based on the actual weight of the entire axle group minus the legal weight for the remaining
15 axles of the group.

16 (f) Amendments. A quarterly hubometer permit may be amended only to indicate:

17 (1) a new hubometer serial number; or

18 (2) a new license plate number.

19

20 **SUBCHAPTER E. Permits for Oversize and Overweight Unladen Lift Equipment**

21 **43 TAC §§219.61-219.63**

22 §219.61. General Requirements for Permits for Oversize and Overweight Unladen Lift Equipment Motor
23 Vehicles.

1 (a) General information.

2 (1) Unless otherwise noted, permits issued under this subchapter are subject to the
3 requirements of this section.

4 (2) Cranes are eligible for an annual permit under this subchapter.

5 (3) Cranes are also eligible for the following permits under this subchapter at weights
6 above those established by §219.11(d)(2) of this title (relating to General Oversize/Overweight Permit
7 Requirements and Procedures):

8 (A) single-trip mileage permits; and

9 (B) quarterly hubometer permits.

10 (4) If a truck-tractor is used to transport a trailer-mounted crane, the combination of
11 vehicles is limited to the dimensions and weights listed in this subchapter.

12 (b) Permit application. An application shall be made on a form and in a manner prescribed by the
13 department. The applicant shall provide all applicable information, including:

14 (1) name, address, telephone number, and email address (if requested) of the applicant;

15 (2) year and make of the crane;

16 (3) vehicle identification number of the crane;

17 (4) width, height, and length of the crane;

18 (5) crane axle and tire information, including the number of axles, distance between axles,
19 gauge per axle, axle weights, number of tires, and tire size; and

20 (6) any other information required by law.

21 (c) Payment of permit fees. Fees for permits issued under this subchapter are payable as described
22 in §219.11(f) of this title.

23 (d) Restrictions.

1 (1) A crane permitted under this subchapter is subject to the restrictions specified in
2 §219.11(l)(1), (3), and (4),) of this title, and the permittee is responsible for obtaining information
3 concerning current restrictions from the department.

4 (2) A crane permitted under this subchapter may travel through highway construction or
5 maintenance areas provided the dimensions do not exceed the construction restrictions as published by
6 the department.

7 (3) A crane permitted under this subchapter may only be operated during daylight, unless:

8 (A) the crane is overweight only; or

9 (B) the crane complies with one of the following, regardless of whether the crane
10 is overweight:

11 (i) the crane does not exceed nine feet in width, 14 feet in height, or 65
12 feet in length; or

13 (ii) the crane is accompanied by a front and rear escort flag vehicle and
14 does not exceed:

15 (I) 10 feet, 6 inches in width;

16 (II) 14 feet in height; or

17 (III) 95 feet in length.

18 (e) Transferability. Unless otherwise noted, a permit issued under this subchapter may not be
19 transferred between cranes or between permittees.

20 (f) Escort requirements. In addition to any other escort requirements specified in this subchapter,
21 cranes permitted under this subchapter are subject to the escort requirements specified in §219.11(k) of
22 this title.

1 (g) Properly secured equipment. A crane permitted under this subchapter may travel with
2 properly secured equipment, such as outriggers, booms, counterweights, jibs, blocks, balls, cribbing,
3 outrigger pads, and outrigger mats, in accordance with the manufacturer's specifications to the extent
4 the equipment is necessary for the crane to perform its intended function, provided the axle weights, axle
5 group weights, and gross weight do not exceed the maximum permit weights listed in this subchapter.

6
7 §219.62. Single Trip Mileage Permits.

8 (a) General information.

9 (1) Permits issued under this section are subject to the requirements of §219.61 of this
10 title (relating to General Requirements for Permits for Oversize and Overweight Unladen Lift Equipment
11 Motor Vehicles).

12 (2) A single-trip mileage permit:

13 (A) is limited to a maximum of seven consecutive days;

14 (B) is routed from the point of origin to the point of destination and has the route
15 listed on the permit; and

16 (C) allows the crane to be returned to the point of origin on the same permit,
17 provided the return trip is made within the time period stated in the permit.

18 (3) A crane exceeding 175,000 pounds gross weight must:

19 (A) have front and rear escort flag vehicles to prevent traffic from traveling beside
20 the crane as it crosses a bridge;

21 (B) cross all multi-lane bridges by centering the crane on a lane line;

22 (C) cross all two-lane bridges in the center of the bridge; and

23 (D) cross each bridge at a speed not greater than 20 miles per hour.

1 (4) A crane exceeding 12 feet in width must be centered in the outside traffic lane of any
2 highway that has paved shoulders.

3 (5) Except as otherwise provided in this section, the permitted crane must not cross a
4 load-restricted bridge when exceeding the posted capacity of the bridge.

5 (b) Maximum permit weight limits.

6 (1) The maximum permit weight for any single axle must not exceed 30,000 pounds or
7 850 pounds per inch of tire width, whichever is less.

8 (2) The maximum permit weight for any group of axles on a crane is determined by
9 calculating the "W" weight for the group, using the formulas shown in Figure 2: 43 TAC §219.62(f),
10 "Maximum Permit Weight Formulas," and comparing the calculated "W" weight with the corresponding
11 "W" weight that is established in Figure 1:43 TAC §219.62(f), "Maximum Permit Weight Table."

12 (3) The maximum permit weight per inch of tire width for axles that are steerable must
13 not exceed 950 pounds, and the maximum permit weight per inch of tire width for axles that are not
14 steerable must not exceed 850 pounds.

15 (4) An applicant with a crane that has any group of axles that exceeds the limits
16 established by Figure 1: 43 TAC §219.62(f),"Maximum Permit Weight Table," and Figure 2: 43 TAC
17 §219.62(f), "Maximum Permit Weight Formulas," must comply with the following process and
18 requirements:

19 (A) submit the following to the department to determine if a permit can be issued:

20 (i) a detailed diagram, on a form prescribed by the department, which
21 illustrates the required information listed in §219.61(b)(5);

22 (ii) the exact beginning and ending points relative to a state highway; and

23 (iii) the name and contact information of the applicant's TxDOT-approved

1 licensed professional engineer.

2 (B) The department will select and provide the applicant with a tentative route
3 based on the size of the crane, excluding the weight. The applicant must inspect the tentative route and
4 advise the department, in writing, that the route is capable of accommodating the crane.

5 (C) Before the department will issue a permit, the applicant's TxDOT-approved
6 licensed professional engineer must submit to TxDOT a written certification that includes a detailed
7 structural analysis of the bridges on the proposed route demonstrating that the bridges and culverts on
8 the travel route are capable of sustaining the crane. The certification must be approved by TxDOT and
9 submitted to the department before the department will issue the permit.

10 (c) Permit application and issuance.

11 (1) An application for a single-trip mileage permit under this section must be made in
12 accordance with §219.61(b) of this title and must also include the origin and destination points of the
13 crane.

14 (2) Upon receipt of the application, the department will review and verify size and weight
15 information, check the route and mileage to be traveled, compute the permit fee, and advise the applicant
16 of the permit fee.

17 (3) Upon receipt of the permit fee, the department will advise the applicant of the permit
18 number and will provide a copy of the permit to the applicant.

19 (d) Permit fees and refunds.

20 (1) Minimum fee. The minimum fee for a single-trip mileage permit is either the calculated
21 permit fee or \$31, whichever is the greater amount.

22 (2) Permit fee calculation. The permit fee for a single-trip mileage permit is calculated by
23 multiplying the number of miles traveled, the highway use factor, and the total rate per mile, and then

1 adding the indirect cost share to the product.

2 (A) Highway use factor. The highway use factor for a single-trip mileage permit is
3 0.6.

4 (B) Total rate per mile. The total rate per mile is the combined mileage rates for
5 width, height, and weight for the crane. The rate per mile for a trailer-mounted crane is based on the
6 overall width, overall height, and all axle weights, including the truck-tractor axles.

7 (i) The mileage rate for width is \$.06 per mile for each foot (or fraction
8 thereof) above legal width.

9 (ii) The mileage rate for height is \$.04 per mile for each foot (or fraction
10 thereof) above legal height.

11 (iii) The mileage rate for a single axle or any axle within a group that
12 exceeds 20,000 pounds, but is less than or equal to 25,000 pounds, is calculated by multiplying \$.045
13 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle
14 group and dividing the resultant figure by 1,000 pounds.

15 (iv) The mileage rate for a single axle or any axle within a group that
16 exceeds 25,000 pounds, but is less than or equal to 30,000 pounds, is calculated by multiplying \$.055
17 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle
18 group and dividing the resultant figure by 1,000 pounds.

19 (3) Exceptions to fee computations. A crane with two or more axle groups that does not
20 have a spacing of at least 12 feet between the closest axles of the opposing groups must have the permit
21 fee calculated by the following method.

22 (A) The axle group with the lowest weight will have the axle closest to the next
23 axle group temporarily disregarded from its group in order to create a spacing of at least 12 feet between

1 the two groups for fee calculation purposes.

2 (B) An axle group will not have more than one axle disregarded.

3 (C) The permit fee for the axle group with the temporarily disregarded axle must
4 be based on the actual weight of the entire axle group minus the legal weight for the remaining axles of
5 the group.

6 (4) Refunds. Fees for permits issued under this section are non-refundable.

7 (e)Amendments. A single-trip mileage permit issued under this section may not be amended
8 unless an exception is granted by the department.

9 (f)Weight table and formulas. The following table entitled "Maximum Permit Weight Table" is
10 Figure 1: 43 TAC §219.62(f), and the list of formulas entitled "Maximum Permit Weight Formulas," is Figure
11 2: 43 TAC §219.62(f).

12 Figure 1: 43 TAC §219.63. Quarterly Hubometer Permits.62(f) (No Change.)

13 Figure 2: 43 TAC §219.62(f) (No Change.)

14 (a)General information.

15 (1) Permits issued under this section are subject to the requirements of §219.61 of this
16 title (relating to General Requirements for Permits for Oversize and Overweight Unladen Lift Equipment
17 Motor Vehicles).

18 (2) A quarterly hubometer permit:

19 (A) is effective for three consecutive months;

20 (B) allows the crane to travel on all state-maintained highways; and

21 (C) allows the crane to travel on a state-wide basis.

22 (3) A crane permitted under this section must not exceed any of the following dimensions:

23 (A) 12 feet in width;

1 (B) 14 feet, 6 inches in height; or

2 (C) 95 feet in length.

3 (4) With the exception of cranes that are overlength only, cranes operated with a
4 quarterly hubometer permit must be equipped with a hubometer. The permittee must maintain the
5 hubometer in good working condition.

6 (5) A crane exceeding 175,000 pounds gross weight must:

7 (A) have front and rear escort flag vehicles to prevent traffic from traveling beside
8 the crane as it crosses a bridge;

9 (B) cross all multi-lane bridges by centering the crane on a lane line;

10 (C) cross all two-lane bridges in the center of the bridge; and

11 (D) cross each bridge at a speed not greater than 20 miles per hour.

12 (6) The permitted crane must not cross a load-restricted bridge when exceeding the
13 posted capacity of the bridge.

14 (7) The permit may be amended only to indicate:

15 (A) a new hubometer serial number; or

16 (B) a new license plate number.

17 (b) Maximum permit weight limits.

18 (1) The maximum permit weight for any single axle must not exceed 30,000 pounds or
19 850 pounds per inch of tire width, whichever is less.

20 (2) The maximum permit weight for any group of axles on a crane will be determined by
21 calculating the "W" weight for the group, using the formulas in Figure 2: 43 TAC §219.62(f), "Maximum
22 Permit Weight Formulas," and comparing the calculated "W" weight with the corresponding "W" weight
23 that is established in Figure 1 :43 TAC §219.62(f), "Maximum Permit Weight Table."

1 (3) The maximum permit weight per inch of tire width for axles that are steerable must
2 not exceed 950 pounds, and the maximum permit weight per inch of tire width for axles that are not
3 steerable must not exceed 850 pounds.

4 (4) A crane that has any group of axles that exceeds the limits established by Figure 1 :43
5 TAC §219.62(f), "Maximum Permit Weight Table," and Figure 2: 43 TAC §219.62(f), "Maximum Permit
6 Weight Formulas," is not eligible for a permit under this section; however, it is eligible for a permit under
7 §219.62 of this title (relating to Single-Trip Mileage Permits).

8 (c) Initial permit application and issuance.

9 (1) An application for an initial quarterly hubometer permit must be made in accordance
10 with §219.61(b) of this title. In addition, the applicant must provide the current hubometer mileage
11 reading and an initial \$31 processing fee.

12 (2) Upon verification of the crane information and receipt of the permit fee, the
13 department will provide a copy of the permit to the applicant, and will also provide a renewal application
14 form to the applicant.

15 (d) Permit renewals and closeouts.

16 (1) An application for a permit renewal or closeout must be made on a form and in a
17 manner prescribed by the department.

18 (2) Upon receipt of the renewal application, the department will verify crane information,
19 check mileage traveled on the last permit, calculate the new permit fee, and advise the applicant of the
20 permit fee.

21 (e) Permit fees.

22 (1) Minimum fee. The minimum fee for a quarterly hubometer permit is either the
23 calculated permit fee or \$31, whichever is the greater amount.

1 (2) Fees for overlength cranes. A crane that is overlength only is not required to have a
2 hubometer. The fee for this permit is \$31.

3 (3) Quarterly hubometer permit fee calculation. The permit fee for a quarterly hubometer
4 permit is calculated by multiplying the hubometer mileage, the highway use factor, and the total rate per
5 mile, and then adding the indirect cost share to the product.

6 (A) Hubometer mileage. Mileage for a quarterly hubometer permit is determined
7 by the crane's current hubometer mileage reading minus the crane's hubometer mileage reading from
8 the previous quarterly hubometer permit.

9 (B) Highway use factor. The highway use factor for a quarterly hubometer permit
10 is 0.3.

11 (C) Total rate per mile. The total rate per mile is the combined mileage rates for
12 width, height, and weight for the crane.

13 (i) The mileage rate for width is \$.06 per mile for each foot (or fraction
14 thereof) above legal width.

15 (ii) The mileage rate for height is \$.04 per mile for each foot (or fraction
16 thereof) above legal height.

17 (iii) The mileage rate for a single axle or any axle within a group that
18 exceeds 20,000 pounds, but is less than or equal to 25,000 pounds, is calculated by multiplying \$.045
19 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle
20 group and dividing the resultant figure by 1,000 pounds.

21 (iv) The mileage rate for a single axle or any axle within a group that
22 exceeds 25,000 pounds, but is less than or equal to 30,000 pounds, is calculated by multiplying \$.055
23 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle

1 group and dividing the resultant figure by 1,000 pounds.

2 (4) Special fee provisions. A crane with two or more axle groups that do not have a spacing
3 of at least 12 feet between the closest axles of the opposing groups must have the permit fee calculated
4 by the following method.

5 (A) The axle group with the lowest weight will have the axle closest to the next
6 axle group temporarily disregarded from its group in order to create a spacing of at least 12 feet between
7 the two groups for fee calculation purposes.

8 (B) An axle group will not have more than one axle disregarded.

9 (C) The permit fee for the axle group with the temporarily disregarded axle must be based
10 on the actual weight of the entire axle group minus the legal weight for the remaining axles of the group.

11 CERTIFICATION. The agency certifies that legal counsel has reviewed the proposal and found it to be
12 within the state agency's legal authority to adopt.

13 Issued at Austin, Texas, on August 7, 2020.

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/s/ Tracey Beaver
Tracey Beaver, General Counsel