



1 Transportation Code; and to update application requirements to allow applicants that are required to file  
2 a surety bond under Transportation Code, §623.075 to file an electronic copy, rather than a paper copy.

3 **EXPLANATION.**

4 A proposed amendment to §219.11(c)(1) would create an exception for a permit application  
5 under §219.14(b), which prescribes the permit application requirements that are unique to a  
6 manufactured house as defined by Transportation Code, §623.091. Although §219.11(c)(1) currently  
7 purports to provide the permit application requirements for all oversize or overweight permits (permits)  
8 under Subchapter B of Chapter 219, it does not provide the permit application requirements for a permit  
9 under §219.14. A permit applicant for a permit regarding a manufactured house under §219.14 must  
10 provide additional specific information to the department, as explained below regarding proposed  
11 amendments to §219.14(b). This proposed amendment to §219.11(c)(1) would clarify that the more  
12 specific requirements in §219.14(b) control over the more general requirements in §219.11(c)(1).

13 Proposed amendments to §219.11(c)(1)(A) and (B) would modify the application requirements to  
14 provide the department with the information it needs to process an application and to contact the correct  
15 person if there are updates to the permit restrictions. The amendments would require the applicant to  
16 provide the department with the name, telephone number, and email address of the contact person, and  
17 would delete the requirement for the applicant to provide the department with the applicant's telephone  
18 number and email address. The applicant could be a large corporation with different contact people for  
19 different permits. Having the contact person's email address and telephone number would enable the  
20 department to communicate more efficiently with the applicant and any permit holder. The amendments  
21 would also move the current requirement for the applicant to provide its customer identification number  
22 from subparagraph (B) to subparagraph (A).

1           A proposed amendment to §219.11(c)(1)(C) would remove the requirement for a permit applicant  
2 under Subchapter B of Chapter 219 to provide their motor carrier registration (MCR) number to the  
3 department. An MCR number is issued to a motor carrier in a certificate of registration under  
4 Transportation Code, Chapter 643. The department no longer needs the MCR number in an application  
5 for a permit under Subchapter B of Chapter 219 because the department’s Texas Permitting and Routing  
6 Optimization System (TxPROS or permitting system) can search the federal motor carrier system by using  
7 the applicant’s United States Department of Transportation (USDOT) Number to determine if the  
8 applicant has an MCR number under Transportation Code, Chapter 643 if necessary. Transportation Code,  
9 §623.075 and §623.094 state when it may be necessary for the department to know if a permit applicant  
10 under Subchapter B of Chapter 219 has an MCR number.

11           A proposed amendment to §219.11(c)(1)(C) is necessary to clarify whether the permit applicant  
12 must provide their USDOT Number. The proposed amendment would replace the words “if applicable”  
13 with the more precise explanation “if applicant is required by law to have a USDOT Number” because  
14 federal law and Texas law prescribe when a motor carrier must have a USDOT Number. For example, 49  
15 U.S.C. §31134 requires an employer or person to be registered by the Secretary of Transportation and  
16 obtain a USDOT Number in order to operate a commercial motor vehicle in interstate transportation.  
17 Transportation Code, §643.064 requires a motor carrier to have and maintain a USDOT Number if they  
18 are required to register with the department under Subchapter B of Chapter 643 of the Transportation  
19 Code to engage in intrastate transportation.

20           A motor carrier’s USDOT number is used as its identification number in state and federal agencies’  
21 databases and tracking systems that contain information the department needs to evaluate an applicant  
22 for a permit. To leverage this ease of reference and consistent identification that a USDOT number  
23 provides, proposed amendments to the following sections would conform with the requirement in

1 §219.11(c)(1)(C) for a permit applicant to provide their USDOT Number if the applicant is required by law  
2 to have a USDOT Number: §§219.14(b), re-lettered 219.30(c)(2), 219.31(b)(2), 219.32(c)(2), 219.33(b)(2),  
3 219.34(b)(2), 219.35(b)(2), 219.36(b)(2), 219.41(b), and 219.61(b). As previously explained, the  
4 department’s permitting system can search the federal motor carrier system by using the motor carrier’s  
5 USDOT Number to determine if the applicant has a certificate of registration under Chapter 643, which  
6 allows the department to determine, for example, whether certain applicants for permits for oil well-  
7 related vehicles are eligible for a permit because an applicant is not eligible if the applicant has a certificate  
8 of registration under Chapter 643. As another example, the department needs the permit applicant’s  
9 USDOT Number to query the federal motor carrier system to determine whether the applicant has been  
10 placed out of service by the Federal Motor Carrier Safety Administration (FMCSA) or the Texas  
11 Department of Public Safety (DPS). Transportation Code, §623.004, which was enacted by House Bill 2620,  
12 86<sup>th</sup> Legislature, Regular Session (2019), authorizes the department to deny a permit application under  
13 Subtitle E of Title 7 of the Transportation Code if either FMCSA or DPS issued an out-of-service order to  
14 the applicant. Motor carriers that have been issued an out-of-service order by FMCSA or DPS are legally  
15 prohibited from operating their commercial motor vehicles on public roadways in interstate or intrastate  
16 transportation, respectively. These motor carriers are therefore ineligible to receive a permit from the  
17 department to operate a commercial motor vehicle that exceeds legal size or weight on a public roadway.  
18 Making the USDOT number a consistent application requirement for permits is necessary for the  
19 department to get the information it needs to vet the permit applications under Transportation Code,  
20 §623.004.

21 Proposed amendments to §219.11(l)(1) would delete language regarding hazardous conditions  
22 during which movement of a permitted vehicle is prohibited and renumber the remaining paragraphs.  
23 This proposed amendment is necessary because DPS and FMCSA, rather than the department, have the

1 statutory authority to determine when road conditions are hazardous for vehicle movement.  
2 Transportation Code, §644.051 gives DPS the authority to adopt rules regulating the safe operation of  
3 commercial motor vehicles, including the authority to adopt by reference all or part of the federal safety  
4 regulations. DPS adopted 49 C.F.R. §392.14 by reference in 37 TAC §4.11(a). Section 392.14 regulates the  
5 operation of a commercial motor vehicle regarding hazardous conditions. Together, 49 C.F.R. §392.14 and  
6 37 TAC §4.11(a) regulate the operation of a commercial motor vehicle regarding hazardous conditions for  
7 both interstate and intrastate transportation. Also, even if a permittee is not operating a commercial  
8 motor vehicle, the Rules of the Road (Subtitle C of Title 7 of the Transportation Code) include provisions  
9 that govern the safe operation of a vehicle, such as Transportation Code, §545.401, which says a person  
10 commits an offense if the person drives a vehicle in willful or wanton disregard for the safety of persons  
11 or property.

12 The following sections in Chapter 219 either cross-reference the language regarding hazardous  
13 conditions in §219.11(l) or repeat the language contained in §219.11(l) regarding hazardous conditions:  
14 §§219.13(e)(6), 219.32(h), 219.33(c), 219.34(e), 219.35(g), 219.36(g), 219.41(d), and 219.61(d). To align  
15 with the proposed amendments to §219.11(l), these provisions are also proposed to be amended to  
16 delete the language regarding hazardous conditions during which movement of a permitted vehicle is  
17 prohibited and to renumber or re-letter the remaining subdivisions within these sections as necessary.

18 Additionally, other sections cross-reference §219.11(l). While these sections do not need to be  
19 amended, the meaning of the provisions that cite to §219.11(l) will be impacted by the proposed  
20 amendments to §219.11(l). The proposed deletion of the language regarding hazardous conditions in  
21 §219.11(l) will have the effect of removing hazardous conditions from §219.13(a), 219.13(e)(1)(C),  
22 §219.16(e), and §219.31(h).

1           A proposed amendment to §219.11(n) would authorize applicants for permits to file an electronic  
2 copy of a surety bond that a permit applicant must file with the department under Transportation Code,  
3 §623.075(c). Transportation Code, §623.074(d) authorizes the department to adopt a rule to authorize an  
4 applicant to submit an application electronically. Currently, permit applicants must file an original surety  
5 bond (the paper version with the original signature) with the department under §219.11(n)(1)(A)(iv) and  
6 (2)(B). Proposed new §219.11(n)(4) would allow permit applicants to file their bonds electronically,  
7 providing a convenience for permit applicants that want to file their bonds electronically, potentially  
8 reducing costs for the department, and potentially streamlining the department’s process. An electronic  
9 copy of a surety bond is legally enforceable under Texas Business and Commerce Code, §322.007.  
10 Moreover, the department currently maintains its records in electronic format, scanning a copy of the  
11 original surety bond and destroying the original as authorized by the Texas Department of  
12 Transportation (TxDOT). The proposed rule would remove the scanning step from the department’s  
13 process.

14           Proposed amendments to §219.11(n) would delete language that is inconsistent with the  
15 proposed amendment to allow a permit applicant to file an electronic copy of the surety bond. The  
16 department proposes to delete the following: the requirement for the bond to have an original signature  
17 under §219.11(n)(1)(A)(iv), the authority for an applicant to file a facsimile or electronic copy of the surety  
18 bond as long as the original surety bond is received by the department within 10 days under  
19 §219.11(n)(2)(B), and the restriction on the department issuing the applicant a permit until the original  
20 surety bond has been received by the department under §219.11(n)(2)(B). None of these requirements  
21 will be necessary if proposed new §219.11(n)(4) is adopted to allow electronic filing of surety bonds.

22           Other proposed amendments to §219.11(n) would remove language in §219.11(n)(1)(C) regarding  
23 TxDOT’s process for making a claim on a surety bond. TxDOT’s process for making a claim against a surety

1 bond should not be included in the department’s rules because the department does not have statutory  
2 authority to set processes for TxDOT through rule. Section 219.11(n)(1)(C) is a relic from a time when  
3 TxDOT was responsible for implementing and administering Subtitle E of Title 7 of the Transportation  
4 Code and is no longer necessary or appropriate in the department’s rule. This proposed amendment  
5 would also remove the reference to a bond under Transportation Code, §623.163 because the §623.163  
6 bond is addressed in §219.3.

7 Proposed new §219.11(n)(1) through (3) would set out the procedures for filing surety bonds with  
8 the department for clarity and ease of reference. New paragraphs (1) through (3) consist of rearranged  
9 and edited existing language found in §219.11(n)(1)(A)(ii) (minus the unnecessary language that provides  
10 an example), §219.11(n)(1)(A)(iii), §219.11(n)(1)(A)(iv), §219.11(n)(1)(A)(v), §219.11(n)(1)(A)(vi),  
11 §219.11(n)(1)(B), and §219.11(n)(2)(A).

12 Other proposed amendments to §219.11(n) would remove all or part of the language in the  
13 following subdivisions because the language is redundant and duplicative of Transportation Code,  
14 §623.075, and therefore unnecessary in rule: §219.11(n)(1)(A)(i), §219.11(n)(1)(D), and §219.11(n)(2)(E)  
15 and (F). The proposed deletion of §219.11(n)(2)(F) also removes the reference to Chapter 645 of the  
16 Transportation Code because Senate Bill 1814, 87<sup>th</sup> Legislature, Regular Session (2021) removed the  
17 reference to Chapter 645 from Transportation Code, §623.075. Proposed amendments would delete  
18 §219.11(n)(2)(C) and (D) because they are unnecessary interpretations of the exemption in Transportation  
19 Code, §623.075(b)(1).

20 Proposed amendments to §219.14(b) would update the permit application requirements to be  
21 consistent with the format and application requirements in §219.11(c), while omitting unnecessary  
22 requirements and customizing the requirements to comply with Subchapter E of Chapter 623 of the

1 Transportation Code. Proposed amended §219.14(b)(1) would clarify that the permit applicant must  
2 submit the application to the department.

3 Proposed amendments to §219.14(b)(2) would modify the application requirements to provide  
4 the department with the information it needs to process an application and to contact the correct person  
5 if there are updates to the permit restrictions. The amendments would require the applicant to provide  
6 the department with the name, customer identification number, and address of the applicant. The  
7 department needs the name of the applicant, so the department has the name of the person to whom  
8 the department issues a permit. The applicant's name and address would help law enforcement to enforce  
9 Transportation Code, §621.511, which makes it an offense if a person operates or moves a vehicle on a  
10 public highway under a permit when the person is not the person named on the permit or an employee  
11 of the person named on the permit. Also, the department cannot issue a permit unless the applicant  
12 provides their customer identification number, which the applicant can obtain from the department at no  
13 cost.

14 The proposed amendments would also require the applicant to provide the department with the  
15 name, telephone number, and email address of the contact person. Having the contact person's email  
16 address and telephone number would enable the department to communicate more efficiently with the  
17 applicant and any permit holder. The applicant could be a large corporation with different contact people  
18 for different permits.

19 The proposed amended §219.14(b)(2) would also include rearranged and edited language  
20 currently found in §219.14(b)(1) and would incorporate the specific requirements which are unique to  
21 manufactured houses as defined by Transportation Code, §623.091. The permit applicant must provide a  
22 description of the manufactured home and the dimensions of the manufactured home to the department,  
23 so the department can include certain information on the permit as required by Transportation Code,



1 §623.093. A proposed amendment states that the permit applicant must provide any other information  
2 required by law, including the information listed in Transportation Code, §623.093(a).

3 Proposed amendments to §219.14(b) would delete the following language which is included in  
4 Transportation Code, §623.093 because it is not necessary to repeat statutory language in a rule: “If the  
5 manufactured home is being moved to or from a site in this state where it has been, or will be, occupied  
6 as a dwelling, the permit must also show the name of the owner of the home, the location from which  
7 the home is being moved, and the location to which the home is being delivered.” A proposed amendment  
8 to §219.14(b) would delete the current language §219.14(b)(2) because it is an unnecessary cross-  
9 reference that does not add clarity.

10 Proposed amendments to §219.30 would remove language that is duplicative with statute  
11 because it is not necessary to repeat statutory language in a rule. A proposed amendment to §219.30(c)  
12 would delete language that is in Transportation Code, §623.011(b)(1). A proposed amendment to re-  
13 lettered §219.30(d) would delete language that is in Transportation Code, §623.012 and the reference to  
14 the state highway system, which was removed by Senate Bill 1814, 87<sup>th</sup> Legislature, Regular Session  
15 (2021). Proposed amendments to §219.30 would re-letter the remaining subsections, as well as an  
16 internal cross-reference to re-lettered subsection (e), due to the proposed deletion of subsections (c) and  
17 (d).

18 A proposed amendment to re-lettered §219.30(c)(1) would update the language to be consistent  
19 with the language in other sections of Chapter 219 regarding permit applications by stating the person  
20 must submit an application to qualify for the permit. A proposed amendment to re-lettered  
21 §219.30(c)(2)(A) would require the applicant to provide its customer identification number because the  
22 department cannot issue a permit without the customer’s identification number. The applicant can obtain  
23 a customer identification number from the department at no cost. A proposed amendment to

1 §219.30(c)(2)(B) would rearrange the language for clarity. A proposed amendment to re-lettered  
2 §219.30(c)(2)(B) would also require the applicant to provide an email address for its contact person to  
3 enable the department to communicate more efficiently with the applicant's contact person. Having an  
4 email address for the permittee's contact person would enable the department to disseminate  
5 information more quickly and easily. For example, if an amendment must be made to the permit because  
6 of a new restriction provided by TxDOT, the department currently sends an email to the permit holders  
7 who provide the department with an email address. The department sends an email to the permit holders  
8 regarding a new restriction so they can receive the update as soon as possible and print an updated  
9 permit. As another example, when a safety issue arises like a new height restriction on a specific roadway  
10 that includes a bridge, the permit holders need to know about the new height restriction as soon as  
11 possible. An email with this information would reach permittees more quickly than phone calls, which can  
12 be a slow process, especially if the department must call a large number of permit holders. Also, the  
13 department's permitting staff currently contact applicants and permit holders by both email and  
14 telephone, depending on the issue. For these reasons, similar amendments that would require applicants  
15 to provide email addresses are also proposed to the following sections: §§219.14(b), 219.31(b), 219.32(c),  
16 219.33(b), 219.34(b), 219.35(b), and 219.36(b).

17 A proposed amendment to re-lettered §219.30(c)(2)(C) would require the applicant to provide  
18 vehicle registration information because Transportation Code, §623.011(b)(1) says the vehicle must be  
19 registered under Transportation Code, Chapter 502 for the maximum gross weight applicable to the  
20 vehicle under Transportation Code, §621.101, not to exceed 80,000 pounds. Other proposed amendments  
21 to re-lettered §219.30(c)(2)(C) would require the permit applicant to provide the truck year and vehicle  
22 identification number. The department needs the vehicle information for investigations regarding  
23 possible administrative enforcement actions and to provide to law enforcement officers who use the

1 information to enforce the laws regarding size and weight under Subtitle E of Title 7 of the Transportation  
2 Code. For example, law enforcement officers use vehicle information to verify whether a permit is being  
3 used for more than one vehicle in violation of the law.

4 Proposed amendments to re-lettered §219.30(h)(4) would substitute the word “permittee” for  
5 the word “applicant” and add the replacement of the letter of credit or bond to be consistent with  
6 Transportation Code, §623.012(c) and (d). A proposed amendment to re-lettered §219.30(h) would  
7 replace the reference to deleted §219.30(d) with a reference to Transportation Code, §623.012, which  
8 contains the relevant language. Proposed amendments to §219.30 would delete subsections (k) and (l)  
9 because the applicable statutes do not provide the authority to void the permit for the reason stated in  
10 subsection (k).

11 A proposed amendment to §219.31(b)(2)(A) would require the applicant to provide its customer  
12 identification number because the department cannot issue a permit without the customer’s  
13 identification number. The applicant can obtain a customer identification number from the department  
14 at no cost. A proposed amendment to §219.31(b)(2)(A) would also delete the requirement for the  
15 applicant to provide its telephone number and email address because current §219.31(b)(2)(B) already  
16 requires the applicant to provide the department with the contact information for the applicant’s contact  
17 person. A proposed amendment to §219.31(b)(2)(B) would also rearrange the language for clarity.

18 A proposed amendment to §219.32(c)(2)(A) would require the applicant to provide its customer  
19 identification number because the department cannot issue a permit without the customer’s  
20 identification number. The applicant can obtain a customer identification number from the department  
21 at no cost. A proposed amendment to §219.32(c)(2)(B) would also rearrange the language for clarity. For  
22 these reasons, similar amendments are also proposed to the following sections: §§219.33(b), 219.34(b),  
23 219.35(b), and 219.36(b).

1           A proposed amendment to re-lettered §219.32(h) would clarify that the city’s curfew movement  
2 restrictions do not apply unless the department publishes the curfew movement restrictions. The  
3 department only publishes the curfew movement restrictions if TxDOT approves the restrictions.  
4 Currently, the department publishes the curfew movement restrictions on the department’s website.

5           Proposed amendments to §219.33(a), (c), and (d) would delete reference to an emergency  
6 declared by the president of the United States under the Robert T. Stafford Disaster Relief and Emergency  
7 Assistance Act, (42 U.S.C. §5121, *et seq.*) (Stafford Act) because Transportation Code, §623.341(a) and 23  
8 U.S.C. §127(i) only authorize the federal disaster relief permit if the president of the United States issues  
9 a major disaster declaration. The federal disaster relief permit authorizes an overweight vehicle that will  
10 be used to deliver relief supplies to exceed legal weight up to the axle weights and gross weight listed in  
11 §219.33(c), even if the vehicle is transporting a divisible load. Subject to the restrictions and conditions in  
12 §219.33, the permitted vehicle is authorized to exceed legal weight on state highways, including the  
13 National System of Interstate and Defense Highways.

14           Although 23 U.S.C. §127(i) uses the term “emergency,” §127(i)(1)(A) says a state may issue these  
15 special permits if the president has declared the emergency to be a “major disaster” under the Stafford  
16 Act. An emergency declaration is different than a major disaster declaration under the Stafford Act.  
17 Section 5170 of the Stafford Act provides the procedures for the president to declare a major disaster,  
18 which is defined in §5122 of the Stafford Act. Section 5191 of the Stafford Act provides the procedure for  
19 the president to declare an emergency, which is defined in §5122.

20           The Federal Highway Administration (FHWA) is a government agency within the United States  
21 Department of Transportation that supports state and local governments in the design, construction, and  
22 maintenance of the U.S. highway system. FHWA’s website explains that through financial and technical

1 assistance to state and local governments, FHWA is responsible for ensuring that America’s roads and  
2 highways continue to be among the safest and most technologically sound in the world.

3 FHWA issued a memo on June 5, 2013, regarding the Public Law which enacted 23 U.S.C. §127(i)  
4 in which FHWA stated as follows: “Section 1511 of MAP-21 extends the States’ authority to issue Special  
5 Permits to vehicles with divisible loads that are delivering relief supplies during a Presidentially-declared  
6 emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act  
7 (“Stafford Act”) (42 U.S.C. 5121 et seq.)” The memo, titled “MAP-21, Section 1511 – Special Permits  
8 During Periods of National Emergency Implementation Guidance, Revised,” was available on FHWA’s  
9 website as of August 1, 2023. FHWA’s June 5, 2013, memo is from FHWA’s Associate Administrator for  
10 Operations to the Division Administrators, Directors of Field Services, and Director of Technical Services.  
11 Although the department previously relied on FHWA’s June 5, 2013, memo when enacting §219.33, the  
12 department proposes to amend §219.33(a), (c), and (d) to delete the reference to an emergency because  
13 Transportation Code, Section §623.341(a) and 23 U.S.C. §127(i) only authorize this special permit if the  
14 president issues a major disaster declaration for the reasons previously stated.

15 Proposed amendments to §219.33(c)(3) and re-numbered (c)(4) are necessary to clarify that the  
16 city’s curfew movement restrictions do not apply unless the department publishes the curfew movement  
17 restrictions. The department only publishes the curfew movement restrictions if TxDOT approves the  
18 restrictions. Currently, the department publishes the curfew movement restrictions on its website.

19 A proposed amendment to re-numbered §219.33(c)(7) would specify that a permit will expire 120  
20 days after the date of a disaster because the department’s permitting system does not calculate the  
21 expiration date for each federal disaster relief permit. Under Transportation Code, §623.341(b) and 23  
22 U.S.C. §127(i), the permit expires not later than the 120<sup>th</sup> day after the date the president declares a major  
23 disaster. The department’s permitting system issues permits for 120 days after the major disaster

1 declaration and does not print the expiration date on the permits. The proposed amendment would  
2 delete language that says the expiration date is listed in the permit and replace that language with  
3 language that says the permit will expire 120 days after the date of the major disaster declaration. The  
4 proposed language is consistent with Transportation Code, §623.341(b) and 23 U.S.C. §127(i).

5 Proposed amendments to §219.33(d) are necessary because in practice, only the notice of the  
6 president’s major disaster declaration is available on the White House website and the Federal Emergency  
7 Management Agency’s website. The official declaration that is signed by the president does not appear to  
8 be readily available to the public where a person can download it, so the department should only require  
9 a person to carry a copy of the notice of declaration in the permitted vehicle, along with the permit. If the  
10 permittee is stopped by law enforcement, the documentation will help the peace officer determine  
11 whether the permit was issued under a major disaster declaration issued by the president and whether  
12 the permit is valid under §219.33 and Transportation Code, §623.341.

13 Proposed amendments to §219.41(b) would modify the application requirements to provide the  
14 department with the information it needs to process an application under Subchapter D of Chapter 219  
15 and to contact the correct person if there are updates to the permit restrictions. A proposed amendment  
16 to §219.41(b)(1) would require the applicant to provide its customer identification number because the  
17 department cannot issue a permit without the customer’s identification number. The applicant can obtain  
18 a customer identification number from the department at no cost. A proposed amendment to  
19 §219.41(b)(1) would also delete the requirement for the applicant to provide its telephone number and  
20 email address because a proposed amendment to §219.41(b)(2) would require the applicant to provide  
21 the department with the name, telephone number, and email address for the applicant’s contact person.  
22 The applicant could be a large corporation with different contact people for different permits. Having an  
23 email address for the permittee’s contact person would enable the department to disseminate

1 information more quickly and easily, including information that could impact the safety of the traveling  
2 public, such as a new permit restriction provided by TxDOT. Transportation Code, §623.145 requires the  
3 board of the Texas Department of Motor Vehicles (board) and the Texas Transportation Commission to  
4 consider the safety and convenience of the general traveling public when adopting rules regarding the  
5 issuance of permits for oil well servicing and drilling machinery under Subchapter G of Chapter 623 of the  
6 Transportation Code. A proposed amendment to §219.41(b)(2) and (3) would remove the year and make  
7 of the unit from paragraph (2) and combine this language with the language in paragraph (3) regarding  
8 the identification number of the unit. For these reasons, similar amendments are also proposed to  
9 §219.61(b) regarding an application for a crane, which provisions apply to permit applications under  
10 Subchapter E of Chapter 219. Transportation Code, §623.195 requires the board and the Texas  
11 Transportation Commission to consider the safety and convenience of the general traveling public when  
12 adopting rules regarding the issuance of permits for cranes (a/k/a unladen lift equipment motor vehicles)  
13 under Subchapter J of Chapter 623 of the Transportation Code.

14 A proposed amendment to §219.41 would delete subsection (e) regarding void permits because  
15 it overstates the language in Transportation Code, §623.146 regarding the ramifications of an owner's or  
16 an owner's representative's violation of a rule of the board or a violation of a condition placed on the  
17 permit. A proposed amendment to §219.41 would delete subsection (g) regarding records retention  
18 because §219.102(b) already includes language that requires the permit to be kept in the permitted  
19 vehicle until the permit terminates or expires. Proposed amendments to §219.41 would re-letter the  
20 remaining subsections due to the deletion of subsections (e) and (g).

21 Proposed amendments to §219.43(f) and §219.63(a)(7) would eliminate the implication that a  
22 hubometer serial number is required to be listed on the permit and to conform the language to current  
23 practice. A proposed amendment to §219.43(f) and §219.63(a)(7) would clarify that an amendment can

1 be made to the hubometer serial number on the permit if a hubometer serial number is listed on the  
2 permit.

3 **FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Glenna Bowman, Chief Financial Officer,  
4 has determined that for each year of the first five years the amendments will be in effect, there will be no  
5 significant fiscal impact to state or local governments as a result of the enforcement or administration of  
6 the proposal. Jimmy Archer, Director of the Motor Carrier Division (MCD), has determined that there will  
7 be no significant impact on local employment or the local economy as a result of the proposal.

8 **PUBLIC BENEFIT AND COST NOTE.** Mr. Archer has also determined that, for each year of the first five  
9 years the amended sections are in effect, there are several anticipated public benefits because of the  
10 amendments.

11 Anticipated Public Benefits. The public benefits anticipated as a result of the proposal include the  
12 following: safer public roadways for the traveling public resulting from full implementation of the  
13 department's authority under Transportation Code, §623.004 to deny a permit to an applicant who is  
14 subject to an out-of-service order issued by FMCSA or DPS; safer public roadways for the traveling public  
15 when all permit applicants provide the department with their email address, which allows the department  
16 to quickly email the permit holders any updates to permit restrictions that impact safety; additional  
17 information to help the department administer and enforce Subtitle E of Title 7 of the Transportation  
18 Code and to provide to law enforcement officers who use the information to enforce the laws regarding  
19 size and weight under Subtitle E of Title 7 of the Transportation Code; and updated rules that are more  
20 streamlined and consistent with current practice.

21 Anticipated Costs To Comply With The Proposal. Mr. Archer anticipates that there may be minimal  
22 costs to comply with the proposed amendments. The potential cost to persons required to comply with  
23 the proposal are the costs to obtain an email address to provide to the department as part of the permit



1 application, as well as the costs to obtain access to a computer; however, many libraries provide  
2 computers that the public can use at no cost, and there are common free providers of web-based email  
3 accounts, such as Gmail, Hotmail, and Yahoo@ Mail.

4 **ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** As required by Government  
5 Code, §2006.002, the department has determined that the proposed amendments will not have an  
6 adverse economic effect on small businesses, micro-businesses, and rural communities because the  
7 requirement for an applicant to provide a USDOT Number only applies if the applicant is required by law  
8 to have a USDOT Number. The proposed amendments require small businesses, micro-businesses, and  
9 rural communities to comply. Even if the proposed requirement for the applicant to provide an email  
10 address increases an applicant's costs, this requirement is necessary to protect the public health and  
11 safety under Government Code, §2006.002(c-1), so the email requirement is exempt from the  
12 requirement to prepare a regulatory flexibility analysis under Government Code, §2006.002. The  
13 department may need a permit applicant's email address to quickly provide amendments to a permit  
14 regarding safety issues, such as a new height restriction as described above.

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

19 **GOVERNMENT GROWTH IMPACT STATEMENT.** The department has determined that each year of the  
20 first five years the proposed amendments are in effect, a government program would be expanded. As  
21 described above, proposed amendments require certain permit applicants to provide their USDOT  
22 Number so the department can fully implement Transportation Code, §623.004 to deny permits to an  
23 applicant that is subject to an out-of-service order issued by FMCSA or DPS. Implementation of the

1 proposed amendments would not require the creation of new employee positions or elimination of  
2 existing employee positions. Implementation would not require an increase or decrease in future  
3 legislative appropriations to the department or an increase or decrease of fees paid to the department.  
4 The proposed amendments create a new regulation. As described above, proposed amendments require  
5 certain permit applicants to provide their USDOT Number so the department can fully implement  
6 Transportation Code, §623.004 to deny permits to an applicant that is subject to an out-of-service order  
7 issued by FMCSA or DPS. Also, proposed amendments require permit applicants to provide an email  
8 address and contact information for their contact person. The proposed amendment to §219.11(c)(1)(C)  
9 repeals an existing regulation that requires certain permit applicants to provide their MCR number to the  
10 department to indicate that they are a motor carrier registered under Transportation Code, Chapter 643.  
11 Proposed amendments also repeal an existing regulation regarding hazardous conditions during which  
12 movement of a permitted vehicle is prohibited because DPS and FMCSA have the authority to regulate  
13 this issue, and the department lacks this authority. Lastly, the proposed amendments do not affect the  
14 number of individuals subject to the rule's applicability and will not affect this state's economy.

15 **REQUEST FOR PUBLIC COMMENT.**

16 If you want to comment on the proposal, submit your written comments by 5:00 p.m. CDT on  
17 October 1, 2023. A request for a public hearing must be sent separately from your written comments.  
18 Send written comments or hearing requests by email to [rules@txdmv.gov](mailto:rules@txdmv.gov) or by mail to Office of General  
19 Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is  
20 held, the department will consider written comments and public testimony presented at the hearing.

21 **STATUTORY AUTHORITY.** The department proposes amendments under Transportation Code,  
22 §§621.008, 622.002, 622.051, *et seq.*, 623.002, 623.004, 623.070, *et seq.*, 623.074(d), 623.095(c), 623.145,

1 623.195, 623.342, 623.411, 623.427, 1002.001, as well as the statutes referenced throughout this  
2 preamble.

3           Transportation Code, §621.008 authorizes the board to adopt rules that are necessary to  
4 implement and enforce Transportation Code, Chapter 621.

5           Transportation Code, §622.002 authorizes the board to adopt rules that are necessary to  
6 implement and enforce Transportation Code, Chapter 622, including Transportation Code, §622.051, *et*  
7 *seq.* which authorize the department to issue a permit for transporting poles required for the maintenance  
8 of electric power transmission and distribution lines.

9           Transportation Code, §623.002 authorizes the board to adopt rules as necessary to implement  
10 Transportation Code, Chapter 623. Chapter 623 includes sections such as §623.004 which authorizes the  
11 department to deny a permit application if the applicant is subject to an out-of-service order issued by  
12 FMCSA or DPS; and §623.070, *et seq.* which authorize the department to issue a permit to an applicant to  
13 move certain equipment or commodities and prescribe the application requirements for such permits.

14           Transportation Code, §623.074(d) authorizes the department to adopt a rule to authorize an  
15 applicant to submit an application electronically.

16           Transportation Code, §623.095(c) authorizes the department to adopt rules concerning the  
17 requirements for a permit under §623.095(c) regarding an annual permit for a person authorized to be  
18 issued permits under §623.094 for the transportation of new manufactured homes from a manufacturing  
19 facility to a temporary storage location not to exceed 20 miles from the point of manufacture.

20           Transportation Code, §623.145 authorizes the board, in consultation with the Texas  
21 Transportation Commission, by rule to provide for the issuance of permits under Subchapter G of Chapter  
22 623 of the Transportation Code regarding oil well servicing and drilling machinery.

1 Transportation Code, §623.195 authorizes the board, in consultation with the Texas  
2 Transportation Commission, by rule to provide for the issuance of permits under Subchapter J of Chapter  
3 623 of the Transportation Code regarding cranes.

4 Transportation Code, §623.342 authorizes the board to adopt rules that are necessary to  
5 implement Subchapter R of Chapter 623 of the Transportation Code regarding federal disaster relief  
6 permits.

7 Transportation Code, §623.411 authorizes the department to adopt rules that are necessary to  
8 implement Subchapter U of Chapter 623 of the Transportation Code regarding the permit for intermodal  
9 shipping containers.

10 Transportation Code, §623.427 authorizes the department to adopt rules that are necessary to  
11 implement Subchapter V of Chapter 623 regarding the permit for fluid milk.

12 Transportation Code, §1002.001 authorizes the board to adopt rules that are necessary and  
13 appropriate to implement the powers and the duties of the department.

14 **CROSS REFERENCE TO STATUTE.** Transportation Code Chapters 621, 622, and 623.

15

16 **TEXT.**

17

#### **SUBCHAPTER B. GENERAL PERMITS**

18 219.11 General Oversize/Overweight Permit Requirements and Procedures

19 (a) Purpose and scope. This section contains general requirements relating to  
20 oversize/overweight permits, including single-trip permits. Specific requirements for each type of  
21 specialty permit are provided for in this chapter.

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

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

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

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

14 (B) Texas temporary vehicle registration;

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

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

17 (c) Permit application.

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

21 (A) name, customer identification number, and address [~~telephone~~  
22 ~~number, and email address (if requested)~~] of the applicant;

1 (B) name, telephone number, and email address of contact person; [applicant's  
2 customer identification number;]

3 (C) applicant's [~~MCR number or~~] USDOT Number if applicant is required by law  
4 to have a USDOT Number [,-if applicable];

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

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

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

11 (G) any other information required by law.

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

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

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

19 (i) unique to the person using it;

20 (ii) capable of independent verification;

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

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

1 (d) Maximum permit weight limits.

2 (1) General. An overweight permitted vehicle will not be routed over a load-restricted  
3 bridge when exceeding the posted capacity of the bridge, unless a special exception is granted by  
4 TxDOT, based on an analysis of the bridge performed by a TxDOT approved licensed professional  
5 engineer or by TxDOT. Any analysis by a non-TxDOT engineer must have final approval from TxDOT.

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

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

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

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

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

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

4 (2) Maximum axle weight limits. Maximum permit weight for an axle or axle group is  
5 based on 650 pounds per inch of tire width or the following axle or axle group weights, whichever is the  
6 lesser amount:

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

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

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

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

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

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

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

17 (i) two axles;

18 (ii) eight tires per axle;

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

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



1                   (3) Weight limits for load restricted roads. Maximum permit weight for an axle or axle  
2 group, when traveling on a load restricted road, will be based on 650 pounds per inch of tire width or  
3 the following axle or axle group weights, whichever is the lesser amount:

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

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

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

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

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

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

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

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

17                   (e) Permit issuance.

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

21                               (2) Routing.

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

- 1 (i) the size and weight of the overdimension load in relation to vertical  
2 clearances, width restrictions, steep grades, and weak or load restricted bridges;
- 3 (ii) the geometrics of the roadway in comparison to the overdimension  
4 load;
- 5 (iii) sections of highways restricted to specific load sizes and weights due  
6 to construction, maintenance, and hazardous conditions;
- 7 (iv) traffic conditions, including traffic volume;
- 8 (v) route designations by municipalities in accordance with  
9 Transportation Code, §623.072;
- 10 (vi) load restricted roads; and
- 11 (vii) other considerations for the safe transportation of the load.
- 12 (B) When a permit applicant desires a route other than the most practical, more  
13 than one permit will be required for the trip unless an exception is granted by the department.
- 14 (3) Movement to and from point of origin or place of business. A permitted vehicle will  
15 be allowed to:
- 16 (A) move empty oversize and overweight hauling equipment to and from the job  
17 site; and
- 18 (B) move oversize and overweight hauling equipment with a load from the  
19 permitted vehicle's point of origin to pick up a permitted load, and to the permitted vehicle's point of  
20 origin or the permittee's place of business after dropping off a permitted load, as long as:
- 21 (i) the load does not exceed legal size and weight limits under  
22 Transportation Code, Chapters 621 and 622; and

1 (ii) the transport complies with the permit, including the time period  
2 stated on the permit.

3 (f) Payment of permit fees, refunds.

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

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

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

9 (1) vehicle breakdown;

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

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

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

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

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

18 (h) Requirements for overwidth loads.

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

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

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

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

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

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

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

16 (i) Requirements for overlength loads.

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

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

22 (3) When a single vehicle with a permanently attached boom exceeds the maximum  
23 legal length of 45 feet, a permit will not be issued if the boom projects more than 25 feet beyond the

1 front bumper of the vehicle, or when the boom projects more than 30 feet beyond the rear bumper of  
2 the vehicle, unless an exception is granted by TxDOT, based on a route and traffic study.

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

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

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

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

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

11 (7) An applicant requesting a permit to move an oversize vehicle and load exceeding 125  
12 feet overall length will be furnished with a proposed route. The applicant must physically inspect the  
13 proposed route to determine if the oversize vehicle and load can safely negotiate it, unless an exception  
14 is granted based on a route and traffic study conducted by TxDOT. A permit application and the  
15 appropriate fee are required for every route inspection.

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

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

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

22 (8) A permitted vehicle that is not overwidth or overheight, and does not exceed 150  
23 feet overall length, may be moved in a convoy consisting of not more than four overlength permitted

1 vehicles. A permitted vehicle that is not overwidth or overheight that exceeds 150 feet, but does not  
2 exceed 180 feet overall length, may be moved in a convoy consisting of not more than two overlength  
3 permitted vehicles. Convoys are subject to the requirements of subsection (k) of this section. Each  
4 permitted vehicle in the convoy must:

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

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

9 (j) Requirements for overheight loads.

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

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

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

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

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

1 (k) Escort flag vehicle requirements. Escort flag vehicle requirements are provided to facilitate  
2 the safe movement of permitted vehicles and to protect the traveling public during the movement of  
3 permitted vehicles. A permittee must provide for escort flag vehicles and law enforcement assistance  
4 when required by TxDOT. The requirements in this subsection do not apply to the movement of  
5 manufactured housing, portable building units, or portable building compatible cargo, unless stated  
6 otherwise in this chapter.

7 (1) General.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

15 (B) An escort flag vehicle must be equipped with two flashing amber lights; one  
16 rotating amber beacon of not less than eight inches in diameter; or alternating or flashing blue and  
17 amber lights, each of which must be visible from all directions while actively engaged in escort duties for  
18 the permitted vehicle.

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

1 (i) at least five feet, but not more than seven feet in length, and at least  
2 12 inches, but not more than 18 inches in height;

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

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

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

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

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

14 (8) Equipment requirements for motorcycles.

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

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

20 (I) Restrictions.

21 ~~[(1) Restrictions pertaining to road conditions. Movement of a permitted vehicle is~~  
22 ~~prohibited when road conditions are hazardous based upon the judgment of the operator and law~~  
23 ~~enforcement officials. Law enforcement officials shall make the final determination regarding whether~~

1 ~~or not conditions are hazardous. Conditions that should be considered hazardous include, but are not~~  
2 ~~limited to:]~~

3 ~~[(A) visibility of less than 2/10 of one mile; or]~~

4 ~~[(B) weather conditions such as wind, rain, ice, sleet, or snow.]~~

5 (1) ~~[(2)]~~ Daylight and night movement restrictions.

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

7 (i) the permitted vehicle is overweight only;

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

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

13 (B) An exception may be granted allowing night movement, based on a route  
14 and traffic study conducted by TxDOT. Escort flag vehicles may be required when an exception allowing  
15 night movement is granted.

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

21 (3) ~~[(4)]~~ Curfew restrictions. The operator of a permitted vehicle must observe the  
22 curfew movement restrictions of any city or county in which the vehicle is operated. However, only the  
23 curfew restrictions listed on the permit apply to the permit.

1 (m) General provisions.

2 (1) Multiple commodities.

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

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

13 (i) The permit applicant or the shipper of the commodities files with the  
14 department a written certification by the Texas Economic Development and Tourism Office, attesting  
15 that issuing the permit will have a significant positive impact on the economy of Texas and that the  
16 proposed load of multiple commodities therefore cannot be reasonably dismantled. As used in this  
17 clause the term significant positive impact means the creation of not less than 100 new full-time jobs,  
18 the preservation of not less than 100 existing full-time jobs, that would otherwise be eliminated if the  
19 permit is not issued, or creates or retains not less than one percent of the employment base in the  
20 affected economic sector identified in the certification.

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

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

7 (iv) The shipper and the permittee must file with the department a  
8 certificate of insurance on a form prescribed by the department, or otherwise acceptable to the  
9 department, naming the department, its board members, officers, and employees as named or  
10 additional insurers on its comprehensive general liability insurance policy for coverage in the amount of  
11 \$5 million per occurrence, including court costs and attorney fees, if any, which may arise from the  
12 transport of an oversized load under a permit issued pursuant to this subparagraph. The insurance  
13 policy is to be procured from a company licensed to transact insurance business in the State of Texas.

14 (v) The shipper and the permittee must file with the department, in  
15 addition to all insurance provided in clause (iv) of this subparagraph, a certificate of insurance on a form  
16 prescribed by the department, or otherwise acceptable to the department, naming the department, its  
17 board members, officers, and employees as insurers under an auto liability insurance policy for the  
18 benefit of said insurers in an amount of \$5 million per accident. The insurance policy is to be procured  
19 from a company licensed to transact insurance business in the State of Texas. If the shipper or the  
20 permittee is self-insured with regard to automobile liability then that party must take all steps and  
21 perform all acts necessary under the law to indemnify the department, its board members, officers, and  
22 employees as if the party had contracted for insurance pursuant to, and in the amount set forth in, the

1 preceding sentence and shall agree to so indemnify the department, its board members, officers, and  
2 employees in a manner acceptable to the department.

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

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

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

13 (n) Surety bonds under Transportation Code, §623.075.

14 (1) General requirements. The surety bond must comply with the following  
15 requirements:

- 16 (A) be in the amount of \$10,000;  
17 (B) be filed on a form and in a manner prescribed by the department;  
18 (C) be effective the day it is issued and expire at the end of the state fiscal year;  
19 (D) include the primary mailing address and zip code of the principal;  
20 (E) be signed by the principal; and  
21 (F) have a single entity as principal with no other principal names listed.

22 (2) Non-resident agent. A non-resident agent with a valid Texas insurance license may  
23 issue a surety bond on behalf of an authorized insurance company when in compliance with Insurance  
24 Code, Chapter 4056.

25 (3) Certificate of continuation. A certificate of continuation will not be accepted.

1                    (4) Electronic copy of surety bond. The department will accept an electronic copy of the  
2 surety bond in lieu of the original surety bond. [The following conditions apply to surety bonds specified  
3 in Transportation Code, §623.075.]

4                    [(A) The surety bond must:]

5                    [(i) be made payable to the Texas Department of Transportation with

6 the condition that the applicant will pay the Texas Department of Transportation for any damage caused

7 to the highway by the operation of the equipment covered by the surety bond;]

8                    [(ii) be effective the day it is issued and expires at the end of the state

9 fiscal year, which is August 31st. For example, if you obtain a surety bond on August 30th, it will expire

10 the next day at midnight;]

11                    [(iii) include the complete mailing address and zip code of the principal;]

12                    [(iv) be filed with the department and have an original signature of the

13 principal;]

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

15 and]

16                    [(vi) A non-resident agent with a valid Texas insurance license may issue

17 a bond on behalf of an authorized insurance company when in compliance with Insurance Code, Chapter

18 4056.]

19                    [(B) A certificate of continuation will not be accepted.]

20                    [(C) The owner of a vehicle bonded under Transportation Code, §623.075 or

21 §623.163, that damages the state highway system as a result of the permitted vehicle's movement will

22 be notified by certified mail of the amount of damage and will be given 30 days to submit payment for

1 such damage. Failure to make payment within 30 days will result in TxDOT placing the claim with the  
2 attorney general for collection.]

3 ~~[(D) The venue of any suit for a claim against a surety bond for the movement of  
4 a vehicle permitted under the provisions of Transportation Code, Chapter 623, Subchapter D, will be any  
5 court of competent jurisdiction in Travis County.]~~

6 ~~[(2) Permit surety bonds.]~~

7 ~~[(A) A surety bond required under the provisions of Transportation Code,  
8 Chapter 623, Subchapter D, must be submitted on the department's standard surety bond form in the  
9 amount of \$10,000.]~~

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

14 ~~[(C) The surety bond requirement does apply to the delivery of farm equipment  
15 to a farm equipment dealer.]~~

16 ~~[(D) A surety bond is required when a dealer or transporter of farm equipment  
17 or a manufacturer of farm equipment obtains a permit.]~~

18 ~~[(E) The surety bond requirement does not apply to driving or transporting farm  
19 equipment which is being used for agricultural purposes if it is driven or transported by or under the  
20 authority of the owner of the equipment.]~~

21 ~~[(F) The surety bond requirement does not apply to a vehicle or equipment  
22 operated by a motor carrier registered with the department under Transportation Code, Chapters 643  
23 or 645 as amended.]~~



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219.13 Time Permits

(a) General information. Applications for time permits issued under Transportation Code, Chapter 623, and this section shall be made in accordance with §219.11(b) and (c) of this title (relating to General Oversize/Overweight Permit Requirements and Procedures). Permits issued under this section are governed by the requirements of §219.11(e)(1) of this title.

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

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

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

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

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

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

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

1 (7) Restrictions.

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

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

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

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

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

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

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

19 (1) Width requirements.

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

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

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

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

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

8 (i) a height greater than 14 feet;

9 (ii) an overlength load; or

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

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

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

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

18 (i) the load does not exceed legal size and weight limits under

19 Transportation Code, Chapters 621 and 622; and

1 (ii) the transport complies with the permit, including the time period  
2 stated on the permit.

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

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

8 (1) Length requirements.

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

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

14 (2) Weight, height and width requirements.

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

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

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

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

4                   (e) Annual permits.

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

7                                 (A) Fees for permits issued under this subsection are payable as described in  
8 §219.11(f) of this title.

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

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

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

15                                (E) Vehicles permitted under this subsection may travel through any highway  
16 construction or maintenance area provided the dimensions do not exceed the construction restrictions  
17 as published by the department.

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

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

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

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

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

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

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

17                   (3) Water well drilling machinery. The department may issue annual permits under  
18 Transportation Code, §623.071, for water well drilling machinery and equipment that fall within the  
19 definition of a nondivisible load or vehicle. Permits issued under this paragraph are subject to the  
20 conditions described in paragraph (1) of this subsection.

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

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

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

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

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

12 (4) Envelope vehicle permits.

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

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

20 (I) 12 feet in width;

21 (II) 14 feet in height;

- 1 (III) 110 feet in length; or
- 2 (IV) 120,000 pounds gross weight.
- 3 (ii) Superheavy or oversize equipment operating under an annual  
4 envelope vehicle permit may not transport a load that has more than 25 feet front overhang, or more  
5 than 30 feet rear overhang.
- 6 (iii) The fee for an annual envelope vehicle permit is \$4,000, and is non-  
7 refundable.
- 8 (iv) The time period will be for one year and will start on the effective  
9 date stated on the permit.
- 10 (v) This permit authorizes operation of the permitted vehicle only on the  
11 state highway system.
- 12 (vi) The permitted vehicle must comply with §219.11(d)(2) and (3) of this  
13 title.
- 14 (vii) The permitted vehicle or vehicle combination must be registered in  
15 accordance with Transportation Code, Chapter 502, for maximum weight as set forth by Transportation  
16 Code, Chapter 621.
- 17 (viii) A permit issued under this paragraph is non-transferable between  
18 permittees.
- 19 (ix) A permit issued under this paragraph may be transferred from one  
20 vehicle to another vehicle in the permittee's fleet provided:



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

5 (II) the certificate of title to the permitted vehicle is transferred  
6 to someone other than the permittee, and the permittee presents proof that the negotiable certificate  
7 of title or other qualifying documentation has been transferred from the permittee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (G) Movement will be between the hours of sunrise and sunset; however, the  
9 limitation on hours of operation does not apply to a vehicle being operated to prevent interruption or  
10 impairment of electric service, or to restore electric service that has been interrupted. When operated  
11 at night, a vehicle permitted under this subsection must be accompanied by a rear escort flag vehicle.

12 ~~[(H) The permitted vehicle may not travel during hazardous road conditions as~~  
13 ~~stated in §219.11(l)(1)(A) and (B) of this title except to prevent interruption or impairment of electric~~  
14 ~~service, or to restore electric service that has been interrupted.]~~

15 (H) [(H)] The speed of the permitted vehicle may not exceed 50 miles per hour.

16 (I) [(I)] The permitted vehicle must display on the extreme end of the load:

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

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

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

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

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

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

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

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

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

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

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

19

20 219.14 Manufactured Housing, and Industrialized Housing and Building Permits

21                   (a) General Information.

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

3 (2) Pursuant to Transportation Code, Chapter 623, Subchapter E, a permit may be issued  
4 to persons registered as manufacturers, installers, or retailers with the Texas Department of Housing and  
5 Community Affairs or motor carriers registered with the department under Transportation Code, Chapter  
6 643.

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

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

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

13 (b) Permit application. [~~Application for permit.~~]

14 (1) To qualify for a permit under this section, a person must submit an application to the  
15 department. [~~The applicant must complete the application and shall include the manufactured home's~~  
16 ~~HUD label number, Texas seal number, or the complete identification number or serial number of the~~  
17 ~~manufactured home, and the overall width, height, and length of the home and the towing vehicle in~~  
18 ~~combination. If the manufactured home is being moved to or from a site in this state where it has been,~~  
19 ~~or will be, occupied as a dwelling, the permit must also show the name of the owner of the home, the~~  
20 ~~location from which the home is being moved, and the location to which the home is being delivered.~~]

1                   (2) All applications shall be made in a form and by the method prescribed by the  
2 department, and at a minimum shall include the following:

3                               (A) name, customer identification number, and address of the applicant;

4                               (B) name, telephone number, and email address of contact person;

5                               (C) applicant’s USDOT Number if applicant is required by law to have a USDOT  
6 Number;

7                               (D) complete description of the manufactured home, including the year, make  
8 and one of the following:

9                                       (i) manufactured home’s HUD label number;

10                                      (ii) Texas seal number; or

11                                      (iii) the complete identification number or serial number;

12                               (E) the maximum width, height and length of the vehicle and manufactured  
13 home; and

14                               (F) any other information required by law, including the information listed in  
15 Transportation Code §623.093(a).

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

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

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

5 (e) Permit provisions and conditions.

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

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

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

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

13 (5) Movement must be made during daylight hours only and may be made on any day  
14 except New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas  
15 Day.

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

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



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

3                   (9) The route for the transportation must be the most practical route as described in  
4 §219.11(e) of this title, except where construction is in progress and the permitted vehicle's dimensions  
5 exceed the construction restrictions as published by the department, or where bridge or overpass width  
6 or height would create a safety hazard.

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

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

12                  (f) Escort requirements.

13                  (1) A manufactured home exceeding 12 feet in width must have a rotating amber beacon  
14 of not less than eight inches in diameter mounted somewhere on the roof at the rear of the  
15 manufactured home, or may have two five-inch flashing amber lights mounted approximately six feet  
16 from ground level at the rear corners of the manufactured home. The towing vehicle must have one  
17 rotating amber beacon of not less than eight inches in diameter mounted on top of the cab. These  
18 beacons or flashing lights must be operational and luminiferous during any permitted move over the  
19 highways, roads, and streets of this state.

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

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

6                   (4) The escort flag vehicle must:

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

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

12                                (C) have mounted on top of the vehicle and visible from both the front and rear:

13   (i) two simultaneously flashing lights;

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

15 or

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

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

19                   (5) Two transportable sections of a multi-section manufactured home, or two single  
20 section manufactured homes, when towed together in convoy, may be considered one home for

1 purposes of the escort flag vehicle requirements, provided the distance between the two units does not  
2 exceed 1,000 feet.

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

5

6 **SUBCHAPTER C. PERMITS FOR OVER AXLE AND OVER GROSS WEIGHT TOLERANCES**

7 219.30 Permits for Over Axle and Over Gross Weight Tolerances

8 (a) Purpose. In accordance with Transportation Code, §623.011, the department is  
9 authorized under certain conditions to issue an annual permit for the operation of a vehicle within  
10 certain tolerances above legal axle and gross weight limits, as provided in Transportation Code,  
11 Chapter 621. The sections under this subchapter set forth the requirements and procedures to be  
12 used in issuing an annual permit.

13 (b) Scope. A permit may be issued to an applicant under this subchapter to operate a  
14 vehicle that exceeds the legal axle weight by a tolerance of 10% and the legal gross weight by a  
15 tolerance of 5.0% on any county road and on any road in the state highway system provided the  
16 vehicle:

17 (1) is not operated on the national system of interstate and defense highways at a  
18 weight greater than authorized by federal law; and

19 (2) is not operated on a bridge for which the maximum weight and load limit has  
20 been established and posted under Transportation Code, §621.102 or §621.301, if the gross weight  
21 of the vehicle and load or the axles and wheel loads are greater than the established and posted

1 limits, unless the bridge provides the only public vehicular access to or from the permittee's origin  
2 or destination.

3 ~~[(c) Eligibility. To be eligible for a permit under this section, a vehicle must be registered  
4 under Transportation Code, Chapter 502, for the maximum gross weight applicable to the vehicle  
5 under Transportation Code, §621.101, not to exceed 80,000 pounds in total gross weight.]~~

6 ~~[(d) Security.]~~

7 ~~[(1) Before a permit may be issued under this section, an applicant, other than an  
8 applicant who intends to operate a vehicle that is loaded with timber or pulp wood, wood chips,  
9 cotton, or agricultural products in their natural state, must have on file with the department one  
10 of the following forms of security in the amount of \$15,000, conditioned that payment will be  
11 made to the department for any damages to the state highway system and to any county for  
12 damages to a road or bridge of such county caused by the operation of any vehicle for which a  
13 permit is issued under this section and which has an axle weight or gross weight that exceeds the  
14 weights authorized in Transportation Code, Chapter 621:]~~

15 ~~[(A) an irrevocable letter of credit issued by a financial institution which  
16 deposits are guaranteed by the Federal Deposit Insurance Corporation; or]~~

17 ~~[(B) a blanket surety bond.]~~

18 ~~[(2) The department may reject a bond which it determines will not provide the  
19 intended security.]~~

20 ~~[(3) If payment is made by the issuer in respect of the bond or letter of credit and  
21 the applicant does not file with the department a replacement bond or letter of credit in the full  
22 amount of \$15,000, or a notification from the issuer of the existing bond or letter of credit that the  
23 existing bond or letter of credit has been restored to the full \$15,000, within 30 days after the date~~

1 ~~of such payment, all permits held by the applicant under this section shall automatically expire on~~  
2 ~~the 31st day after such date.]~~

3 (c) [(e)] Application for permit.

4 (1) To qualify for a permit under this section, a person ~~[A person who desires to~~  
5 ~~permit a vehicle as provided in this section,]~~ must submit an application to the department.

6 (2) The application shall be in a form prescribed by the department and at a  
7 minimum will require the following:

8 (A) name, customer identification number, and address of the applicant;

9 (B) name, ~~[of contact person and]~~ telephone number, and email address of  
10 contact person;

11 (C) vehicle information, including truck year, make, license plate number  
12 and state of issuance, and vehicle identification number;

13 (D) an indication as to whether the commodities to be transported will be  
14 agricultural or non-agricultural; ~~[and]~~

15 (E) a list of counties in which the vehicle will operate; and

16 (F) applicant's USDOT Number if applicant is required by law to have a USDOT  
17 Number.

18 (3) The application shall be accompanied by:

19 (A) the total permit fee, which includes an administrative fee of \$5, the base  
20 fee, and the applicable annual fee based on the number of counties designated for travel; and

21 (B) an original bond or irrevocable letter of credit as required in

22 Transportation Code §623.012.

1 (4) Payment of fees. Fees for permits issued under this subchapter are payable as  
2 required by §219.11(f) of this title (relating to General Oversize/Overweight Permit Requirements  
3 and Procedures).

4 (d) [(f)] Issuance of permit and windshield sticker.

5 (1) A permit and a windshield sticker will be issued on the approval of the  
6 application and each will be mailed to the applicant at the address contained in the application.

7 (2) The permit shall be carried in the vehicle for which the permit is issued at all  
8 times.

9 (3) The windshield sticker shall be affixed to the inside of the windshield of the  
10 vehicle within six inches above the vehicle's inspection sticker in a manner that will not obstruct  
11 the vision of the driver. Any attempt to remove the sticker from the windshield will render the  
12 sticker void, and will require a new permit and sticker. The windshield sticker must be removed  
13 from the vehicle upon expiration of the permit.

14 (4) A replacement sticker for a lost, stolen, or mutilated windshield sticker may be  
15 issued, provided that the permittee submits a request on a form approved by the department  
16 which shall include a statement, signed by the permittee, affirming that the sticker was lost,  
17 stolen, or mutilated. The replacement sticker shall only be valid for the permitted vehicle. The cost  
18 for a replacement sticker is \$3.00.

19 (5) Within 14 days of issuance of the permit, the department shall notify the county  
20 clerk of each county indicated on the application, and such notification shall contain or be  
21 accompanied by the following minimum information:

22 (A) the name and address of the person for whom a permit is issued; and

1 (B) the vehicle identification number, license plate number, and registration  
2 state of the vehicle, and the permit number.

3 (e) [~~(g)~~] Issuance of a credit. Upon written application on a form prescribed by the  
4 department, a prorated credit for the remaining time on the permit may be issued for a vehicle  
5 that is destroyed or otherwise becomes permanently inoperable to an extent that it will no longer  
6 be utilized. The date for computing a credit will be based on the date of receipt of the credit  
7 request. The fee for a credit will be \$25, and will be issued on condition that the applicant provides  
8 to the department:

9 (1) the original permit; or

10 (2) if the original permit no longer exists, written evidence of the destruction or  
11 permanent incapacity from the insurance carrier of the vehicle.

12 (f) [~~(h)~~] Use of credit. A credit issued under subsection (e) [~~(g)~~] of this section may be used  
13 only towards the payment of permit fees under this section.

14 (g) [~~(i)~~] Exceptions. A vehicle carrying timber, wood chips, wood pulp, cotton, or other  
15 agricultural products in their natural state, may be allowed to exceed the maximum allowable axle  
16 weight by 12% without a permit; however, if such vehicle exceeds the maximum allowable gross  
17 weight by an amount of up to 5.0%, a permit issued in accordance with this section will be  
18 required.

19 (h) [~~(j)~~] Lapse or termination of permit. A permit shall lapse or terminate and the  
20 windshield sticker must be removed from the vehicle:

21 (1) when the lease of the vehicle expires;

22 (2) on the sale of the vehicle for which the permit was issued;

1 (3) on the sale, takeover, or dissolution of the firm, partnership, or corporation to  
2 which a permit was issued; or

3 (4) if the permittee ~~[applicant]~~ does not replace or replenish the letter of credit or  
4 bond as required by Transportation Code, §623.012. ~~[in subsection (d) of this section.]~~

5 ~~[(k) Void permit. A permit will be voided when the department is informed by law  
6 enforcement that a citation has been issued for a violation of a permit's terms and conditions.]~~

7 ~~[(l) Movement with void permit. A permittee may not operate a permitted vehicle with a  
8 void permit; a new permit must be obtained.]~~

9

10 219.31 Timber Permits

11 (a) Purpose. This section prescribes the requirements and procedures regarding the annual  
12 permit for the operation of a vehicle or combination of vehicles that will be used to transport  
13 unrefined timber, wood chips, woody biomass, or equipment used to load timber on a vehicle  
14 under the provisions of Transportation Code, Chapter 623, Subchapter Q.

15 (b) Application for permit.

16 (1) To qualify for a timber permit, a person must submit an application to the  
17 department.

18 (2) The application shall be in a form prescribed by the department and at a  
19 minimum, will require the following:

20 (A) name, customer identification number, and address ~~[, telephone~~  
21 ~~number, and email address (if requested)]~~ of the applicant;

22 (B) name, ~~[of contact person and]~~ telephone number, and ~~[or]~~ email  
23 address of contact person;



1 (C) vehicle information, including vehicle year, make, license plate number  
2 and state of issuance, and vehicle identification number; ~~and~~

3 (D) a list of timber producing counties described in Transportation Code,  
4 §623.321(a), in which the vehicle or combination of vehicles will be operated; and

5 (E) applicant's USDOT Number if applicant is required by law to have a USDOT  
6 Number.

7 (3) The application shall be accompanied by:

8 (A) the total annual permit fee required by statute; and

9 (B) a blanket bond or irrevocable letter of credit as required by  
10 Transportation Code, §623.012, unless the applicant has a current blanket bond or irrevocable  
11 letter of credit on file with the department that complies with Transportation Code, §623.012.

12 (4) Fees for permits issued under this section are payable as required by §219.11(f)  
13 of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).

14 (c) Issuance and placement of permit and windshield sticker; restrictions.

15 (1) A permit and a windshield sticker will be issued once the application is  
16 approved, and each will be mailed to the applicant at the address contained in the application.

17 (2) The windshield sticker shall be affixed to the inside of the windshield of the  
18 vehicle in accordance with the diagram printed on the back of the sticker and in a manner that will  
19 not obstruct the vision of the driver. Any attempt to remove the sticker from the windshield will  
20 render the sticker void and will require a new permit and sticker.

21 (3) A replacement sticker for a lost, stolen, or mutilated windshield sticker may be  
22 issued, provided that the permittee submits a request on a form approved by the department

1 which shall include a statement, signed by the permittee, affirming that the sticker was lost,  
2 stolen, or mutilated. The replacement sticker shall only be valid for the permitted vehicle.

3 (d) Notification. The financially responsible party as defined in Transportation Code,  
4 §623.323(a), shall electronically file the notification document described by §623.323(b) with the  
5 department via the form on the department's website.

6 (e) Transfer of permit. An annual permit issued under this section is not transferable  
7 between vehicles.

8 (f) Amendments. An annual permit issued under this section will not be amended except in  
9 the case of department error.

10 (g) Termination of permit. An annual permit issued under this section will automatically  
11 terminate, and the windshield sticker must be removed from the vehicle:

12 (1) on the expiration of the permit;

13 (2) when the lease of the vehicle expires;

14 (3) on the sale or other transfer of ownership of the vehicle for which the permit  
15 was issued;

16 (4) on the dissolution or termination of the partnership, corporation, or other legal  
17 entity to which the permit was issued; or

18 (5) if the permittee fails to timely replenish the bond or letter of credit as required  
19 by Transportation Code, §623.012.

20 (h) Restrictions. Permits issued under this section are subject to the restrictions in  
21 §219.11(l) of this title.

22

23 219.32 Ready-Mixed Concrete Truck Permits

1 (a) Purpose. This section prescribes the requirements, restrictions, and procedures  
2 regarding the annual permit for a ready-mixed concrete truck, operating on three axles, under the  
3 provisions of Transportation Code, §623.0171 and Chapter 622, Subchapter B.

4 (b) Axles. To qualify for movement with a ready-mixed concrete truck permit, the truck  
5 may only operate on three axles, regardless of whether the truck actually has more than three  
6 axles.

7 (c) Application for permit.

8 (1) To qualify for a ready-mixed concrete truck permit, a person must submit an  
9 application to the department.

10 (2) The application shall be in a form prescribed by the department and at a  
11 minimum, will require the following:

12 (A) name, customer identification number, and address of the applicant;

13 (B) name, ~~of contact person and~~ telephone number, and ~~or~~ email  
14 address of contact person;

15 (C) vehicle information, including vehicle year, make, license plate number  
16 and state of issuance, and vehicle identification number; ~~and~~

17 (D) a list of counties in which the vehicle will be operated; and

18 (E) applicant's USDOT Number if applicant is required by law to have a USDOT  
19 Number.

20 (3) The application shall be accompanied by the total annual permit fee of \$1,000.

21 (4) Fees for permits issued under this section are payable as required by §219.11(f)  
22 of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).

23 (d) Issuance and placement of permit and windshield sticker; restrictions.

1                   (1) A permit and a windshield sticker will be issued once the application is  
2 approved, and each will be mailed to the applicant at the address contained in the application.

3                   (2) The windshield sticker shall be affixed to the inside of the windshield of the  
4 vehicle in accordance with the diagram printed on the back of the sticker and in a manner that will  
5 not obstruct the vision of the driver. Any attempt to remove the sticker from the windshield will  
6 render the sticker void and will require a new permit and sticker.

7                   (3) A replacement sticker for a lost, stolen, or mutilated windshield sticker may be  
8 issued, provided that the permittee submits a request on a form approved by the department. The  
9 request shall include a statement, signed by the permittee, affirming that the sticker was lost,  
10 stolen, or mutilated. The replacement sticker shall only be valid for the permitted vehicle.

11                  (e) Transfer of permit. An annual permit issued under this section is not transferable  
12 between vehicles.

13                  (f) Amendments. An annual permit issued under this section will not be amended except in  
14 the case of department error.

15                  (g) Termination of permit. An annual permit issued under this section will automatically  
16 terminate, and the windshield sticker must be removed from the vehicle:

17                   (1) on the expiration of the permit;

18                   (2) when the lease of the vehicle expires;

19                   (3) on the sale or other transfer of ownership of the vehicle for which the permit  
20 was issued; or

21                   (4) on the dissolution or termination of the partnership, corporation, or other legal  
22 entity to which the permit was issued.

1           ~~[(h) Restrictions pertaining to road conditions. Movement of a permitted vehicle is~~  
2 ~~prohibited when road conditions are hazardous based upon the judgment of the operator and law~~  
3 ~~enforcement officials. Law enforcement officials shall make the final determination regarding~~  
4 ~~whether or not conditions are hazardous. Conditions that should be considered hazardous include,~~  
5 ~~but are not limited to:]~~

6                   ~~[(1) visibility of less than 2/10 of one mile; or]~~

7                   ~~[(2) weather conditions such as wind, rain, ice, sleet, or snow.]~~

8           (h) [(+)] Curfew restrictions. The operator of a permitted vehicle must observe the curfew  
9 movement restrictions published by the department. ~~[of any city in which the vehicle is operated.]~~

10           (i) [(+)] Construction or maintenance areas.

11                   (1) Permits issued under this section authorize the operator of the permitted  
12 vehicle to travel through any state highway construction or maintenance area, provided the size  
13 and weight of the vehicle do not exceed the construction restrictions that are available on the  
14 department's website. If a permitted vehicle is delivering concrete to a state highway construction  
15 or maintenance jobsite within a construction or maintenance area, the following may provide the  
16 permittee a written exception to operate the permitted vehicle in the construction or maintenance  
17 area at a size or weight that exceeds the size and weight listed on the department's website: the  
18 Texas Department of Transportation or a Texas Department of Transportation contractor that is  
19 authorized by the Texas Department of Transportation to issue permit exceptions. The written  
20 exception must be carried in the permitted vehicle when the vehicle is on a state highway and  
21 must be provided to the department or law enforcement upon request.

22                   (2) The permittee is responsible for contacting the appropriate local jurisdiction for  
23 construction or maintenance restrictions on non-state maintained roadways.

1            (j) ~~[(k)]~~ Manufacturer's tire load rating. Permits issued under this section do not authorize  
2 the vehicle to exceed the manufacturer's tire load rating.

3            (k) ~~[(h)]~~ Distribution of fees. The fees collected for permits under Transportation Code,  
4 §623.0171 shall be distributed as follows:

5                    (1) 50 percent shall be deposited to the credit of the state highway fund; and

6                    (2) 50 percent shall be divided equally among all counties designated in the permit  
7 application under Transportation Code, §623.0171.

8

9 219.33 Federal Disaster Relief Permit

10            (a) Purpose. In accordance with Transportation Code, Chapter 623, Subchapter R, and 23  
11 U.S.C. §127(i), the department may issue a special permit that authorizes additional weight  
12 allowances for the transportation of certain divisible loads on state highways in Texas during a ~~an~~  
13 ~~emergency or~~ major disaster declared by the president of the United States under the Robert T.  
14 Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §5121 et seq.). This section  
15 prescribes the requirements, restrictions, and procedures regarding this permit.

16            (b) Application for permit.

17                    (1) To obtain a Federal Disaster Relief Permit, a person must submit an application  
18 to the department.

19                    (2) The application shall be in a form prescribed by the department and at a  
20 minimum, will require the following:

21                            (A) name, customer identification number, and address of the applicant;

22                            (B) name, ~~[of contact person and]~~ telephone number, and ~~[or]~~ email  
23 address of contact person;

1 (C) vehicle information, including vehicle year, make, license plate number  
2 and state of issuance, and vehicle identification number; ~~and~~

3 (D) the applicable attestation(s); and

4 (E) applicant's USDOT Number if applicant is required by law to have a USDOT  
5 Number.

6 (c) Conditions and restrictions. This permit is subject to the following conditions and  
7 restrictions:

8 (1) The vehicle and load must not exceed the following weight limits:

9 (A) single axle--21,500 pounds;

10 (B) two-axle group--43,000 pounds;

11 (C) three-axle group--53,000 pounds. For the purposes of this section, a  
12 three-axle group is three consecutive axles more than 8 feet apart but less than 13 feet apart,  
13 measured from the center of the first axle to the center of the last axle in the group; and

14 (D) gross weight--160,000 pounds.

15 (2) The permitted vehicle must not cross a load-restricted bridge or travel on a  
16 load-restricted state highway when exceeding the posted capacity of the bridge or state highway.

17 (3) Nighttime movement is allowed under this permit, unless prohibited by the  
18 curfew movement restrictions published by the department. ~~[of a city in which the vehicle is~~  
19 ~~operated.]~~

20 ~~[(4) Movement of a permitted vehicle is prohibited when road conditions are~~  
21 ~~hazardous, based upon the judgment of the operator and law enforcement officials. Law~~  
22 ~~enforcement officials shall make the final determination regarding whether or not conditions are~~  
23 ~~hazardous. Conditions that should be considered hazardous include, but are not limited to:]~~

1                           ~~[(A) visibility of less than 2/10 of one mile; or]~~

2                           ~~[(B) weather conditions such as wind, rain, ice, sleet, or snow.]~~

3                           (4) ~~[(5)]~~ The operator of a permitted vehicle must observe the curfew movement  
4 restrictions published by the department. ~~[of any city in which the vehicle is operated.]~~

5                           (5) ~~[(6)]~~ The permit does not authorize the vehicle to exceed the manufacturer's  
6 tire load rating.

7                           (6) ~~[(7)]~~ The permit is not transferable from the applicant to another person or  
8 entity. Also, the permit is not transferable between vehicles.

9                           (7) ~~[(8)]~~ The permit will expire 120 days after the date of the major disaster  
10 declaration. ~~[on the expiration date listed in the permit.]~~

11                           (8) ~~[(9)]~~ The permit may not be used in conjunction with any other oversize or  
12 overweight permits.

13                           (9) ~~[(10)]~~ If the vehicle is being used to deliver relief supplies, the entire load must  
14 consist of relief supplies, which may include, but are not limited to:

15                                       (A) medicine and medical equipment;

16                                       (B) food supplies (including feed for livestock);

17                                       (C) water;

18                                       (D) materials used to provide or construct temporary housing;

19                                       (E) other supplies directly supporting the type of relief needed following a  
20 presidential declaration of a an ~~[emergency or]~~ major disaster; and

21                                       (F) other materials as authorized by federal law or regulation; the United  
22 States Department of Transportation, Federal Highway Administration; or the president of the  
23 United States.



1                   (10) [(11)] If the vehicle is being used to deliver relief supplies, the permit only  
2 authorizes delivery to a destination that is part of the geographical area covered by the president's  
3 [~~emergency or~~] major disaster declaration.

4                   (11) [(12)] If the vehicle is being used to transport materials from a geographical  
5 area covered by the president's [~~emergency or~~] major disaster declaration, the permit only  
6 authorizes loads which are necessary to facilitate the delivery of relief supplies to the geographical  
7 area covered by the president's [~~emergency or~~] major disaster declaration. An example of an  
8 authorized load is debris, as long as the removal of the debris expedites the clearing of roadways,  
9 staging areas, or locations for temporary structures in order to facilitate the delivery of relief  
10 supplies. However, the permit will only authorize such divisible overweight load if the permit  
11 expressly authorizes it.

12                   (d) Copy of permit and notice of current [~~emergency or~~] disaster declaration. A copy of the  
13 permit and notice of the president's current [~~emergency or~~] major disaster declaration, including  
14 any amendments, must be kept in the permitted vehicle until the day after the date the permit  
15 expires.

16  
17 219.34 North Texas Intermodal Permit

18                   (a) Purpose. This section prescribes the requirements, restrictions, and procedures  
19 regarding the annual permit for transporting an intermodal shipping container under the  
20 provisions of Transportation Code, §623.0172.

21                   (b) Application for permit.

22                   (1) To qualify for a North Texas intermodal permit, a person must submit an  
23 application to the department.

1 (2) The application shall be in a form prescribed by the department and at a  
2 minimum, will require the following:

3 (A) name, customer identification number, and address of the applicant;

4 (B) name, ~~[of contact person and]~~ telephone number, and ~~[or]~~ email  
5 address of contact person; ~~and~~

6 (C) vehicle information, including vehicle year, make, license plate number  
7 and state of issuance, and vehicle identification number; and

8 (D) applicant's USDOT Number if applicant is required by law to have a USDOT  
9 Number.

10 (3) The application shall be accompanied by the total annual permit fee of \$1,000.

11 (4) Fees for permits issued under this section are payable as required by §219.11(f)  
12 of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).

13 (c) Amendments. An annual permit issued under this section will not be amended except in  
14 the case of department error.

15 (d) Transfer of permit. A permit issued under this section may only be transferred once  
16 during the term of the permit from one vehicle to another vehicle in the permittee's fleet  
17 provided:

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

1                   (2) the title to the permitted vehicle is transferred to someone other than the  
2                   permittee, and the permittee presents proof that the negotiable title or other qualifying  
3                   documentation, as determined by the department, has been transferred from the permittee.

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

9                   ~~[(1) visibility of less than 2/10 of one mile; or]~~

10                   ~~[(2) weather conditions such as wind, rain, ice, sleet, or snow.]~~

11                   (e) ~~[(f)]~~ Curfew restrictions. The operator of a permitted vehicle must observe the curfew  
12                   movement restrictions published by the department.

13                   (f) ~~[(g)]~~ Construction or maintenance areas. The permitted vehicle may not travel through  
14                   any state highway construction or maintenance area if prohibited by the construction restrictions  
15                   published by the department.

16                   (g) ~~[(h)]~~ Night movement. Night movement is allowed under this permit, unless prohibited  
17                   by the curfew movement restrictions published by the department.

18                   (h) ~~[(i)]~~ Manufacturer's tire load rating. Permits issued under this section do not authorize  
19                   the vehicle to exceed the manufacturer's tire load rating.

20                   (i) ~~[(j)]~~ A truck-tractor and semitrailer combination is only eligible for a permit issued under  
21                   this section if the truck-tractor is equipped with truck blind spot systems, and each vehicle in the  
22                   combination is equipped with a roll stability support safety system.

1            (j) ~~[(k)]~~ A truck-tractor and semitrailer combination is only eligible for a permit issued  
2 under this section if the distance between the front axle of the truck-tractor and the last axle of  
3 the semitrailer, measured longitudinally, is approximately 647 inches. For the purposes of this  
4 subsection, "approximately 647 inches" means the distance can be up to 15 percent above 647  
5 inches for a total distance of 744.05 inches.

6

7            219.35 Fluid Milk Transport Permit

8            (a) Purpose. This section prescribes the requirements, restrictions, and procedures  
9 regarding the annual permit for transporting fluid milk under the provisions of Transportation  
10 Code, Chapter 623, Subchapter U, as added by Chapter 750 (S.B. 1383), Acts of the 85th  
11 Legislature, Regular Session, 2017.

12            (b) Application for permit.

13                    (1) To qualify for a fluid milk transport permit, a person must submit an application  
14 to the department.

15                    (2) The application shall be in a form prescribed by the department and at a  
16 minimum, will require the following:

17                                    (A) name, customer identification number, and address of the applicant;

18                                    (B) name, ~~[of contact person and]~~ telephone number, and ~~[or]~~ email  
19 address of contact person;

20                                    (C) vehicle information, including vehicle year, make, license plate number  
21 and state of issuance, and vehicle identification number; ~~[and]~~

22                                    (D) a list of counties in which the vehicle will be operated; and

1                                    (E) applicant’s USDOT Number if applicant is required by law to have a USDOT  
2 Number.

3                                    (3) The application shall be accompanied by the total annual permit fee of \$1,200.

4                                    (4) Fees for permits issued under this section are payable as required by §219.11(f)  
5 of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).

6                                    (c) Issuance and placement of permit and windshield sticker; restrictions.

7                                    (1) A permit and a windshield sticker will be issued once the application is  
8 approved, and each will be mailed to the applicant at the address contained in the application.

9                                    (2) The windshield sticker shall be affixed to the inside of the windshield of the  
10 vehicle in accordance with the diagram printed on the back of the sticker and in a manner that will  
11 not obstruct the vision of the driver. Any attempt to remove the sticker from the windshield will  
12 render the sticker void and will require a new permit and sticker.

13                                    (3) A replacement sticker for a lost, stolen, or mutilated windshield sticker may be  
14 issued, provided that the permittee submits a request on a form approved by the department  
15 which shall include a statement, signed by the permittee, affirming that the sticker was lost,  
16 stolen, or mutilated. The replacement sticker shall only be valid for the permitted vehicle.

17                                    (d) Amendments. An annual permit issued under this section will not be amended except in  
18 the case of department error.

19                                    (e) Transfer of permit. A permit issued under this section may only be transferred once  
20 during the term of the permit from one vehicle to another vehicle in the permittee's fleet  
21 provided:

22                                    (1) the permitted vehicle is destroyed or otherwise becomes permanently  
23 inoperable, to an extent that it will no longer be utilized, and the permittee presents proof that

1 the negotiable title or other qualifying documentation, as determined by the department, has  
2 been surrendered to the department; or

3 (2) the title to the permitted vehicle is transferred to someone other than the  
4 permittee, and the permittee presents proof that the negotiable title or other qualifying  
5 documentation, as determined by the department, has been transferred from the permittee.

6 (f) Termination of permit. An annual permit issued under this section will automatically  
7 terminate, and the windshield sticker must be removed from the vehicle:

8 (1) on the expiration of the permit;

9 (2) when the lease of the vehicle expires;

10 (3) on the sale or other transfer of ownership of the vehicle for which the permit  
11 was issued; or

12 (4) on the dissolution or termination of the partnership, corporation, or other legal  
13 entity to which the permit was issued.

14 ~~[(g) Restrictions pertaining to road conditions. Movement of a permitted vehicle is~~  
15 ~~prohibited when road conditions are hazardous based upon the judgment of the operator and law~~  
16 ~~enforcement officials. Law enforcement officials shall make the final determination regarding~~  
17 ~~whether or not conditions are hazardous. Conditions that should be considered hazardous include,~~  
18 ~~but are not limited to:]~~

19 ~~[(1) visibility of less than 2/10 of one mile; or]~~

20 ~~[(2) weather conditions such as wind, rain, ice, sleet, or snow.]~~

21 (g) ~~[(h)]~~ Curfew restrictions. The operator of a permitted vehicle must observe the curfew  
22 movement restrictions published by the department.

23 (h) ~~[(i)]~~ Construction or maintenance areas.

1 (1) The permitted vehicle may not travel through any state highway construction or  
2 maintenance area if prohibited by the construction restrictions published by the department.

3 (2) The permittee is responsible for contacting the appropriate local jurisdiction for  
4 construction or maintenance restrictions on non-state maintained roadways.

5 (i) ~~(j)~~ Night movement. Night movement is allowed under this permit, unless prohibited  
6 by the curfew movement restrictions published by the department.

7 (j) ~~(k)~~ Manufacturer's tire load rating. Permits issued under this section do not authorize  
8 the vehicle to exceed the manufacturer's tire load rating.

9 (k) ~~(l)~~ A truck-tractor and semitrailer combination is only eligible for a permit issued  
10 under this section if the truck-tractor is equipped with truck blind spot systems, and each vehicle  
11 in the combination is equipped with a roll stability support safety system.

12

13 219.36 Intermodal Shipping Container Port Permit

14 (a) Purpose. This section prescribes the requirements, restrictions, and procedures  
15 regarding the annual permit for transporting an intermodal shipping container under the  
16 provisions of Transportation Code, Chapter 623, Subchapter U, as added by Chapter 108 (S.B.  
17 1524), Acts of the 85th Legislature, Regular Session, 2017.

18 (b) Application for permit.

19 (1) To qualify for an intermodal shipping container port permit, a person must  
20 submit an application to the department.

21 (2) The application shall be in a form prescribed by the department and at a  
22 minimum, will require the following:

23 (A) name, customer identification number, and address of the applicant;

1 (B) name, ~~[of contact person and]~~ telephone number, and ~~[or]~~ email  
2 address of contact person;

3 (C) vehicle information, including vehicle year, make, license plate number  
4 and state of issuance, and vehicle identification number;

5 (D) a list of counties in which the vehicle will be operated; ~~and~~

6 (E) a list of municipalities in which the vehicle will be operated; and

7 (F) applicant's USDOT Number if applicant is required by law to have a USDOT  
8 Number.

9 (3) The application shall be accompanied by the total annual permit fee of \$6,000.

10 (4) Fees for permits issued under this section are payable as required by §219.11(f)  
11 of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).

12 (c) Issuance and placement of permit and windshield sticker; restrictions.

13 (1) A permit and a windshield sticker will be issued once the application is  
14 approved, and each will be mailed to the applicant at the address contained in the application.

15 (2) The windshield sticker shall be affixed to the inside of the windshield of the  
16 vehicle in accordance with the diagram printed on the back of the sticker and in a manner that will  
17 not obstruct the vision of the driver. Any attempt to remove the sticker from the windshield will  
18 render the sticker void and will require a new permit and sticker.

19 (3) A replacement sticker for a lost, stolen, or mutilated windshield sticker may be  
20 issued, provided that the permittee submits a request on a form approved by the department  
21 which shall include a statement, signed by the permittee, affirming that the sticker was lost,  
22 stolen, or mutilated. The replacement sticker shall only be valid for the permitted vehicle.



1 (d) Amendments. An annual permit issued under this section will not be amended except in  
2 the case of department error.

3 (e) Transfer of permit. A permit issued under this section may only be transferred once  
4 during the term of the permit from one vehicle to another vehicle in the permittee's fleet  
5 provided:

6 (1) the permitted vehicle is destroyed or otherwise becomes permanently  
7 inoperable, to an extent that it will no longer be utilized, and the permittee presents proof that  
8 the negotiable title or other qualifying documentation, as determined by the department, has  
9 been surrendered to the department; or

10 (2) the title to the permitted vehicle is transferred to someone other than the  
11 permittee, and the permittee presents proof that the negotiable title or other qualifying  
12 documentation, as determined by the department, has been transferred from the permittee.

13 (f) Termination of permit. An annual permit issued under this section will automatically  
14 terminate, and the windshield sticker must be removed from the vehicle:

15 (1) on the expiration of the permit;

16 (2) when the lease of the vehicle expires;

17 (3) on the sale or other transfer of ownership of the vehicle for which the permit  
18 was issued; or

19 (4) on the dissolution or termination of the partnership, corporation, or other legal  
20 entity to which the permit was issued.

21 ~~[(g) Restrictions pertaining to road conditions. Movement of a permitted vehicle is~~  
22 ~~prohibited when road conditions are hazardous based upon the judgment of the operator and law~~  
23 ~~enforcement officials. Law enforcement officials shall make the final determination regarding~~

1 ~~whether or not conditions are hazardous. Conditions that should be considered hazardous include,~~  
2 ~~but are not limited to:]~~

3 ~~[(1) visibility of less than 2/10 of one mile; or]~~

4 ~~[(2) weather conditions such as wind, rain, ice, sleet, or snow.]~~

5 (g) ~~[(h)]~~ Curfew restrictions. The operator of a permitted vehicle must observe the curfew  
6 movement restrictions published by the department.

7 (h) ~~[(i)]~~ Construction or maintenance areas.

8 (1) The permitted vehicle may not travel through any state highway construction or  
9 maintenance area if prohibited by the construction restrictions published by the department.

10 (2) The permittee is responsible for contacting the appropriate local jurisdiction for  
11 construction or maintenance restrictions on non-state maintained roadways.

12 (i) ~~[(j)]~~ Night movement. Night movement is allowed under this permit, unless prohibited  
13 by the curfew movement restrictions published by the department.

14 (j) ~~[(k)]~~ Manufacturer's tire load rating. Permits issued under this section do not authorize  
15 the vehicle to exceed the manufacturer's tire load rating.

16 (k) ~~[(l)]~~ A truck-tractor and semitrailer combination is only eligible for a permit issued  
17 under this section if the truck-tractor is equipped with truck blind spot systems, and each vehicle  
18 in the combination is equipped with a roll stability support safety system.

19 (l) ~~[(m)]~~ A truck-tractor and semitrailer combination is only eligible for a permit issued  
20 under Transportation Code, §623.402(a) if the distance between the front axle of the truck-tractor  
21 and the last axle of the semitrailer, measured longitudinally, is approximately 647 inches. For the  
22 purposes of this subsection, "approximately 647 inches" means the distance can be up to 15  
23 percent above 647 inches for a total distance of 744.05 inches.

1            (m) ~~(n)~~ A truck-tractor and semitrailer combination is only eligible for a permit issued  
2 under Transportation Code, §623.402(b) if the distance between the front axle of the truck-tractor  
3 and the last axle of the semitrailer, measured longitudinally, is approximately 612 inches. For the  
4 purposes of this subsection, "approximately 612 inches" means the distance can be up to 15  
5 percent above 612 inches for a total distance of 703.8 inches.

6

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

8            219.41 General Requirements

9            (a) General information.

10            (1) Permits issued under this subchapter, with the exception of permits issued under  
11 §219.45 of this title (relating to Permits for Vehicles Transporting Liquid Products Related to Oil Well  
12 Production), are subject to the requirements of this section.

13            (2) Oil well related vehicles are eligible for:

14                            (A) single-trip mileage permits;

15                            (B) quarterly hubometer permits; and

16                            (C) annual permits.

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

19                            (1) name, customer identification number, and address ~~[, telephone number, and~~  
20 ~~email address (if requested)]~~ of the applicant;

1                   (2) name, telephone number, and email address of contact person; [year and make of  
2 the unit;]

3                   (3) year, make, and vehicle identification number of the unit;

4                   (4) width, height, and length of the unit;

5                   (5) unit axle and tire information, including number of axles, distance between axles,  
6 gauge per axle, axle weights, number of tires, and tire size; ~~and]~~

7                   (6) applicant's USDOT Number if applicant is required by law to have a USDOT Number;  
8 and

9                   (7) any other information required by law.

10               (c) Payment of permit fees. Fees for permits issued under this subchapter are payable as  
11 described in §219.11(f) of this title (relating to General Oversize/Overweight Permit Requirements and  
12 Procedures).

13               (d) Restrictions.

14                   (1) A vehicle permitted under this subchapter is subject to the restrictions specified in  
15 §219.11(l) (2) [(1), and (3) ~~[, and (4)]~~, and the permittee is responsible for obtaining information  
16 concerning current restrictions from the department.

17                   (2) Vehicles permitted under this subchapter may not cross a load restricted bridge  
18 when exceeding the posted capacity of such. Vehicles permitted under this subchapter may travel on a  
19 load restricted road unless otherwise noted.

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

4                   (4) A unit exceeding nine feet in width, 14 feet in height, or 65 feet in length is restricted  
5 to daylight movement only.

6                   ~~[(e) Void permits. A permit will be voided when the department is informed by law enforcement~~  
7 ~~that a citation has been issued for a violation of a permit's terms and conditions.]~~

8                   (e) ~~[(f)]~~ Transferability. Unless otherwise noted, a permit issued under this subchapter may not  
9 be transferred between units or permittees.

10                   ~~[(g) Records retention. A unit permitted under this section must keep the permit and any~~  
11 ~~attachments to the permit in the unit until the day after the date the permit expires.]~~

12                   (f) ~~[(h)]~~ Escort requirements. In addition to any other escort requirements specified in this  
13 subchapter, vehicles permitted under this subchapter are subject to the escort requirements specified in  
14 §219.11(k).

15

16 219.43 Quarterly Hubometer Permits

17                   (a) General information.

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

20                   (2) A quarterly hubometer permit:

1 (A) is effective for three consecutive months;

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

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

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

6 (A) 12 feet in width;

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

8 (C) 95 feet in length.

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

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

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

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

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

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

18 (b) Maximum permit weight limits.

1                   (1) The maximum permit weight for any single axle must not exceed 30,000 pounds or  
2 850 pounds per inch of tire width, whichever is less.

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

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

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

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

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

1 (c) Initial permit application and issuance.

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

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

7 (d) Permit renewals and closeouts.

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

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

13 (e) Permit fees.

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

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

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



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

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

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

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

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

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

17 (iv) The mileage rate for a single axle or any axle within a group that  
18 exceeds 25,000 pounds, but is less than or equal to 30,000 pounds, is calculated by multiplying \$.055  
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 (4) Permit fees for trailer mounted units.

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

3 (B) A unit with two or more axle groups that does not have a spacing of at least  
4 12 feet between the closest axles of the opposing groups must have the permit fee calculated by the  
5 following method.

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

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

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

13 (f) Amendments. A quarterly hubometer permit may be amended only to change the following  
14 [indicate]:

15 (1) if listed on the permit, the [a-new] hubometer serial number; or

16 (2) the [a-new] license plate number.

17

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

19 **VEHICLES**

1 219.61 General Requirements for Permits for Oversize and Overweight Unladen Lift Equipment Motor  
2 Vehicles

3 (a) General information.

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

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

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

10 (A) single-trip mileage permits; and

11 (B) quarterly hubometer permits.

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

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

16 (1) name, customer identification number, and address [~~telephone number, and email~~  
17 ~~address (if requested)~~] of the applicant;

18 (2) name, telephone number, and email address of contact person; [~~year and make of~~  
19 ~~the crane;~~]

20 (3) year, make and vehicle identification number of the crane;

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

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

4 (6) applicant's USDOT Number if applicant is required by law to have a USDOT Number;

5 and

6 (7) any other information required by law.

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

9 (d) Restrictions.

10 (1) A crane permitted under this subchapter is subject to the restrictions specified in  
11 §219.11(l) (2) [(1), and (3) [, and (4)] of this title, and the permittee is responsible for obtaining  
12 information concerning current restrictions from the department.

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

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

18 (A) the crane is overweight only; or

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

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

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

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

6 (II) 14 feet in height; or

7 (III) 95 feet in length.

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

10 (f) Escort requirements. In addition to any other escort requirements specified in this  
11 subchapter, cranes permitted under this subchapter are subject to the escort requirements specified in  
12 §219.11(k) of this title.

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

19

20 219.63 Quarterly Hubometer Permits

1 (a) General information.

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

5 (2) A quarterly hubometer permit:

6 (A) is effective for three consecutive months;

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

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

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

11 (A) 12 feet in width;

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

13 (C) 95 feet in length.

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

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

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

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

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

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

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

6 (7) The permit may be amended only to change the following ~~indicate~~:

7 (A) if listed on the permit, the ~~a new~~ hubometer serial number; or

8 (B) the ~~a new~~ license plate number.

9 (b) Maximum permit weight limits.

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

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

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

19 (4) A crane that has any group of axles that exceeds the limits established by Figure 1 :43  
20 TAC §219.62(f), "Maximum Permit Weight Table," and Figure 2: 43 TAC §219.62(f), "Maximum Permit

1 Weight Formulas," is not eligible for a permit under this section; however, it is eligible for a permit under  
2 §219.62 of this title (relating to Single-Trip Mileage Permits).

3 (c) Initial permit application and issuance.

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

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

10 (d) Permit renewals and closeouts.

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

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

16 (e) Permit fees.

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

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



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

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

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

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

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

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

15                   (iii) The mileage rate for a single axle or any axle within a group that  
16 exceeds 20,000 pounds, but is less than or equal to 25,000 pounds, is calculated by multiplying \$.045  
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                   (iv) The mileage rate for a single axle or any axle within a group that  
20 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) Special fee provisions. A crane with two or more axle groups that do not have a  
4 spacing of at least 12 feet between the closest axles of the opposing groups must have the permit fee  
5 calculated by the following method.

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

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

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

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

15 Filed with the Office of the Secretary of State on August 17, 2023.

16  
17 /s/ Laura Moriaty  
18 Laura Moriaty, General Counsel  
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