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ADOPTION OF REVISIONS TO

SUBCHAPTER B. GENERAL PERMITS

43 TAC §§219.11, 219.13, and 219.14

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

43 TAC §§219.30–219.36

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

43 TAC §219.41 and §219.43

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

VEHICLES

43 TAC §219.61 and §219.63

INTRODUCTION. The Texas Department of Motor Vehicles (department) adopts amendments to 43 Texas Administrative Code (TAC) Subchapter B, General Permits, §§219.11, 219.13, and 219.14; Subchapter C, Permits for Over Axle and Over Gross Weight Tolerances, §§219.30–219.36; Subchapter D, Permits for Oversize and Overweight Oil Well Related Vehicles, §219.41 and §219.43; and Subchapter E, Permits for Oversize and Overweight Unladen Lift Equipment Motor Vehicles, §219.61 and §219.63 without changes to the proposed text as published in the September 1, 2023, issue of the *Texas Register* (48 TexReg 4810). The rules will not be republished. The adopted amendments implement legislation; modify language to be consistent with statutes and other sections in Chapter 219 of Title 43; delete language that is already contained in statute; delete language for which the department does not have rulemaking authority; clarify the language; modify

1 language to be consistent with current practice; amend certain application requirements to provide the
2 department with additional information that will help it administer and enforce Subtitle E of Title 7 of the
3 Transportation Code and that the department will provide to law enforcement officers who use the
4 information to enforce the laws regarding size and weight under Subtitle E of Title 7 of the Transportation
5 Code; and update application requirements to allow applicants that are required to file a surety bond
6 under Transportation Code, §623.075 to file an electronic copy, rather than a paper copy.

7 **REASONED JUSTIFICATION.**

8 The amendment to §219.11(c)(1) creates an exception for a permit application under §219.14(b), which
9 prescribes the permit application requirements that are unique to a manufactured house as defined by
10 Transportation Code, §623.091. A permit applicant for a permit regarding a manufactured house under
11 §219.14 must provide additional specific information to the department, as explained below regarding
12 the amendments to §219.14(b). The amendment to §219.11(c)(1) clarifies that the more specific
13 requirements in §219.14(b) control over the more general requirements in §219.11(c)(1).

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

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

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

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, amendments to the following sections conform with the requirement in §219.11(c)(1)(C) for a

1 permit applicant to provide their USDOT Number if the applicant is required by law to have a USDOT
2 Number: §§219.14(b), re-lettered 219.30(c)(2), 219.31(b)(2), 219.32(c)(2), 219.33(b)(2), 219.34(b)(2),
3 219.35(b)(2), 219.36(b)(2), 219.41(b), and 219.61(b). As previously explained, the department's
4 permitting system can search the federal motor carrier system by using the motor carrier's USDOT
5 Number to determine if the applicant has a certificate of registration under Chapter 643, which allows the
6 department to determine, for example, whether certain applicants for permits for oil well-related vehicles
7 are eligible for a permit because an applicant is not eligible if the applicant has a certificate of registration
8 under Chapter 643. As another example, the department needs the permit applicant's USDOT Number
9 to query the federal motor carrier system to determine the following: 1) whether the Federal Motor
10 Carrier Safety Administration (FMCSA) placed the applicant out of service, which prohibits the applicant
11 from engaging in interstate transportation on a public roadway; or 2) whether the Texas Department of
12 Public Safety (DPS) issued the applicant an order to cease, which prohibits the applicant from engaging in
13 intrastate transportation on a public roadway. Transportation Code, §623.004, which was enacted by
14 House Bill 2620, 86th Legislature, Regular Session (2019), authorizes the department to deny a permit
15 application under Subtitle E of Title 7 of the Transportation Code if the applicant is subject to an out-of-
16 service order issued by FMCSA, if DPS determined the applicant has an unsatisfactory safety rating under
17 49 C.F.R. Part 385, or if DPS determined the applicant has multiple violations of Transportation Code,
18 Chapter 644, a rule adopted under Chapter 644, or Subtitle C of Title 7 of the Transportation Code. Making
19 the USDOT number a consistent application requirement for permits is necessary for the department to
20 get the information it needs to vet the permit applications under Transportation Code, §623.004.
21 Amendments to §219.11(l)(1) delete language regarding hazardous conditions during which movement
22 of a permitted vehicle is prohibited and renumber the remaining paragraphs. This amendment is
23 necessary because DPS and FMCSA, rather than the department, have the statutory authority to

1 determine when road conditions are hazardous for vehicle movement. Transportation Code, §644.051
2 gives DPS the authority to adopt rules regulating the safe operation of commercial motor vehicles,
3 including the authority to adopt by reference all or part of the federal safety regulations. DPS adopted 49
4 C.F.R. §392.14 by reference in 37 TAC §4.11(a). Section 392.14 regulates the operation of a commercial
5 motor vehicle regarding hazardous conditions. Together, 49 C.F.R. §392.14 and 37 TAC §4.11(a) regulate
6 the operation of a commercial motor vehicle regarding hazardous conditions for both interstate and
7 intrastate transportation. Also, even if a permittee is not operating a commercial motor vehicle, the Rules
8 of the Road (Subtitle C of Title 7 of the Transportation Code) include provisions that govern the safe
9 operation of a vehicle, such as Transportation Code, §545.401, which says a person commits an offense if
10 the person drives a vehicle in willful or wanton disregard for the safety of persons or property. To align
11 with the amendments to §219.11(l), the following provisions were also amended to delete the language
12 regarding hazardous conditions during which movement of a permitted vehicle is prohibited and to
13 renumber or re-letter the remaining subdivisions within these sections as necessary: §§219.13(e)(6),
14 219.32(h), 219.33(c), 219.34(e), 219.35(g), 219.36(g), 219.41(d), and 219.61(d).

15 Additionally, other sections cross-reference §219.11(l). While these sections were not amended, the
16 meaning of the provisions that cite to §219.11(l) were impacted by the amendments to §219.11(l). The
17 deletion of the language regarding hazardous conditions in §219.11(l) had the effect of removing
18 hazardous conditions from §§219.13(a), 219.13(e)(1)(C), 219.16(e), and 219.31(h).

19 An amendment to §219.11(n) authorizes applicants for permits to file an electronic copy of a surety bond
20 that a permit applicant must file with the department under Transportation Code, §623.075(c).
21 Transportation Code, §623.074(d) authorizes the department to adopt a rule to authorize an applicant to
22 submit an application electronically. Prior to this amendment, permit applicants were required to file an
23 original surety bond (the paper version with the original signature) with the department under

1 §219.11(n)(1)(A)(iv) and (2)(B). New §219.11(n)(4) allows permit applicants to file their bonds
2 electronically, providing a convenience for permit applicants that want to file their bonds electronically,
3 potentially reducing costs for the department, and potentially streamlining the department's process. An
4 electronic copy of a surety bond is legally enforceable under Texas Business and Commerce Code,
5 §322.007. Moreover, the department currently maintains its records in electronic format, scanning a copy
6 of the original surety bond and destroying the original as authorized by the Texas Department of
7 Transportation (TxDOT). The amendment removes the scanning step from the department's process to
8 the extent the applicant chooses to file an electronic copy of its surety bond with the department, rather
9 than filing the original surety bond.

10 Amendments to §219.11(n) delete language that was inconsistent with the amendment to allow a permit
11 applicant to file an electronic copy of the surety bond. The department deleted the following: the
12 requirement for the bond to have an original signature under §219.11(n)(1)(A)(iv), the authority for an
13 applicant to file a facsimile or electronic copy of the surety bond as long as the original surety bond is
14 received by the department within 10 days under §219.11(n)(2)(B), and the restriction on the department
15 issuing the applicant a permit until the original surety bond has been received by the department under
16 §219.11(n)(2)(B). None of these requirements were necessary because new §219.11(n)(4) allows
17 electronic filing of surety bonds.

18 Other amendments to §219.11(n) removed language in §219.11(n)(1)(C) regarding TxDOT's process for
19 making a claim on a surety bond. TxDOT's process for making a claim against a surety bond should not be
20 included in the department's rules because the department does not have statutory authority to set
21 processes for TxDOT through rule. Section 219.11(n)(1)(C) was a relic from a time when TxDOT was
22 responsible for implementing and administering Subtitle E of Title 7 of the Transportation Code and was

1 no longer necessary or appropriate in the department’s rule. This amendment also removes the reference
2 to a bond under Transportation Code, §623.163 because the §623.163 bond is addressed in §219.3.

3 New §219.11(n)(1) through (3) set out the procedures for filing surety bonds with the department for
4 clarity and ease of reference. New paragraphs (1) through (3) consist of rearranged and edited language
5 found in the following subdivisions that existed under §219.11(n) prior to the adoption of these
6 amendments: §§219.11(n)(1)(A)(ii) (minus the unnecessary language that provides an example),
7 219.11(n)(1)(A)(iii), 219.11(n)(1)(A)(iv), 219.11(n)(1)(A)(v), 219.11(n)(1)(A)(vi), 219.11(n)(1)(B), and
8 219.11(n)(2)(A).

9 Other amendments to §219.11(n) remove all or part of the language in the following subdivisions that
10 existed under §219.11(n) prior to the adoption of these amendments because the language was
11 redundant and duplicative of Transportation Code, §623.075, and therefore unnecessary in rule:
12 §§219.11(n)(1)(A)(i), 219.11(n)(1)(D), and 219.11(n)(2)(E) and (F). The deletion of §219.11(n)(2)(F) also
13 removed the reference to Chapter 645 of the Transportation Code because Senate Bill 1814, 87th
14 Legislature, Regular Session (2021) removed the reference to Chapter 645 from Transportation Code,
15 §623.075. Amendments deleted §219.11(n)(2)(C) and (D) because they were unnecessary interpretations
16 of the exemption in Transportation Code, §623.075(b)(1).

17 Amendments to §219.14(b) update the permit application requirements to be consistent with the format
18 and application requirements in §219.11(c), while omitting unnecessary requirements and customizing
19 the requirements to comply with Subchapter E of Chapter 623 of the Transportation Code. Amended
20 §219.14(b)(1) clarifies that the permit applicant must submit the application to the department.

21 Amendments to §219.14(b)(2) modify the application requirements to provide the department with the
22 information it needs to process an application and to contact the correct person if there are updates to
23 the permit restrictions. The amendments require the applicant to provide the department with the name,

1 customer identification number, and address of the applicant. The department needs the name of the
2 applicant, so the department has the name of the person to whom the department issues a permit. The
3 applicant's name and address will help law enforcement to enforce Transportation Code, §621.511, which
4 makes it an offense if a person operates or moves a vehicle on a public highway under a permit when the
5 person is not the person named on the permit or an employee of the person named on the permit. Also,
6 the department cannot issue a permit unless the applicant provides their customer identification number,
7 which the applicant can obtain from the department at no cost.

8 The amendments also require the applicant to provide the department with the name, telephone number,
9 and email address of the contact person. Having the contact person's email address and telephone
10 number enables the department to communicate more efficiently with the applicant and any permit
11 holder. The applicant could be a large corporation with different contact people for different permits.

12 The amended §219.14(b)(2) also includes rearranged and edited language found in §219.14(b)(1) prior to
13 the adoption of these amendments and incorporates the specific requirements which are unique to
14 manufactured houses as defined by Transportation Code, §623.091. The permit applicant must provide a
15 description of the manufactured home and the dimensions of the manufactured home to the department,
16 so the department can include certain information on the permit as required by Transportation Code,
17 §623.093. Amended §219.14(b)(2) also states that the permit applicant must provide any other
18 information required by law, including the information listed in Transportation Code, §623.093(a).

19 An amendment to §219.14(b) deletes the following language which is included in Transportation Code,
20 §623.093 because it is not necessary to repeat statutory language in a rule: "If the manufactured home is
21 being moved to or from a site in this state where it has been, or will be, occupied as a dwelling, the permit
22 must also show the name of the owner of the home, the location from which the home is being moved,
23 and the location to which the home is being delivered." An amendment to §219.14(b) deleted the

1 language §219.14(b)(2) that existed prior to the adoption of these amendments because the language
2 was an unnecessary cross-reference that did not add clarity.

3 Amendments to §219.30 removed language that was duplicative with statute because it is not necessary
4 to repeat statutory language in a rule. An amendment to §219.30(c) deleted language that is in
5 Transportation Code, §623.011(b)(1). An amendment to re-lettered §219.30(d) deleted language that is
6 in Transportation Code, §623.012 and the reference to the state highway system, which was removed by
7 Senate Bill 1814, 87th Legislature, Regular Session (2021). Amendments to §219.30 re-lettered the
8 remaining subsections, as well as an internal cross-reference to re-lettered subsection (e), due to the
9 deletion of subsections (c) and (d).

10 An amendment to re-lettered §219.30(c)(1) updated the language to be consistent with the language in
11 other sections of Chapter 219 regarding permit applications by stating the person must submit an
12 application to qualify for the permit. An amendment to re-lettered §219.30(c)(2)(A) requires the applicant
13 to provide its customer identification number because the department cannot issue a permit without the
14 customer's identification number. The applicant can obtain a customer identification number from the
15 department at no cost. An amendment to §219.30(c)(2)(B) rearranged the language for clarity. An
16 amendment to re-lettered §219.30(c)(2)(B) also requires the applicant to provide an email address for its
17 contact person to enable the department to communicate more efficiently with the applicant's contact
18 person. Having an email address for the permittee's contact person enables the department to
19 disseminate information more quickly and easily. For example, if the department wants to amend the
20 permit because of a new restriction provided by TxDOT, the department will be able to send an email to
21 the permit holders regarding the new restriction, so they can receive the update as soon as possible and
22 print an updated permit. As another example, when a safety issue arises like a new height restriction on
23 a specific roadway that includes a bridge, the permit holders need to know about the new height

1 restriction as soon as possible. The department will be able to send an email to the permit holders
2 regarding the new height restriction, which will reach the permittees more quickly than phone calls, which
3 can be a slow process, especially if the department must call a large number of permit holders. Also, the
4 department’s permitting staff currently contact applicants and permit holders by both email and
5 telephone, depending on the issue. For these reasons, similar amendments were made to the following
6 sections to require applicants to provide email addresses: §§219.14(b), 219.31(b), 219.32(c), 219.33(b),
7 219.34(b), 219.35(b), and 219.36(b).

8 An amendment to re-lettered §219.30(c)(2)(C) requires the applicant to provide vehicle registration
9 information because Transportation Code, §623.011(b)(1) says the vehicle must be registered under
10 Transportation Code, Chapter 502 for the maximum gross weight applicable to the vehicle under
11 Transportation Code, §621.101, not to exceed 80,000 pounds. Other amendments to re-lettered
12 §219.30(c)(2)(C) require the permit applicant to provide the truck year and vehicle identification number.
13 The department needs the vehicle information for investigations regarding possible administrative
14 enforcement actions and to provide to law enforcement officers who use the information to enforce the
15 laws regarding size and weight under Subtitle E of Title 7 of the Transportation Code. For example, law
16 enforcement officers use vehicle information to verify whether a permit is being used for more than one
17 vehicle in violation of the law.

18 Amendments to re-lettered §219.30(h)(4) substitute the word “permittee” for the word “applicant” and
19 add the replacement of the letter of credit or bond to be consistent with Transportation Code, §623.012(c)
20 and (d). An amendment to re-lettered §219.30(h) replaces the reference to deleted §219.30(d) with a
21 reference to Transportation Code, §623.012, which contains the relevant language. Amendments to
22 §219.30 delete subsections (k) and (l) because the applicable statutes do not provide the authority to void
23 the permit for the reason stated in subsection (k).

1 An amendment to §219.31(b)(2)(A) requires the applicant to provide its customer identification number
2 because the department cannot issue a permit without the customer’s identification number. The
3 applicant can obtain a customer identification number from the department at no cost. An amendment
4 to §219.31(b)(2)(A) also deletes the requirement for the applicant to provide its telephone number and
5 email address because §219.31(b)(2)(B) already requires the applicant to provide the department with
6 the contact information for the applicant’s contact person. An amendment to §219.31(b)(2)(B) also
7 rearranges the language for clarity.

8 An amendment to §219.32(c)(2)(A) requires the applicant to provide its customer identification number
9 because the department cannot issue a permit without the customer’s identification number. The
10 applicant can obtain a customer identification number from the department at no cost. An amendment
11 to §219.32(c)(2)(B) also rearranges the language for clarity. For these reasons, similar amendments were
12 made to the following sections: §219.33(b), 219.34(b), 219.35(b), and 219.36(b).

13 An amendment to re-lettered §219.32(h) clarifies that the city’s curfew movement restrictions do not
14 apply unless the department publishes the curfew movement restrictions. The department only publishes
15 the curfew movement restrictions if TxDOT approves the restrictions. Currently, the department publishes
16 the curfew movement restrictions on the department’s website.

17 Amendments to §219.33(a), (c), and (d) delete reference to an emergency declared by the president of
18 the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, (42 U.S.C.
19 §5121, *et seq.*) (Stafford Act) because Transportation Code, §623.341(a) and 23 U.S.C. §127(i) only
20 authorize the federal disaster relief permit if the president of the United States issues a major disaster
21 declaration. The federal disaster relief permit authorizes an overweight vehicle that will be used to deliver
22 relief supplies to exceed legal weight up to the axle weights and gross weight listed in §219.33(c), even if
23 the vehicle is transporting a divisible load. Subject to the restrictions and conditions in §219.33, the

1 permitted vehicle is authorized to exceed legal weight on state highways, including the National System
2 of Interstate and Defense Highways.

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

9 The Federal Highway Administration (FHWA) is a government agency within the United States Department
10 of Transportation that supports state and local governments in the design, construction, and maintenance
11 of the U.S. highway system. FHWA’s website explains that through financial and technical assistance to
12 state and local governments, FHWA is responsible for ensuring that America’s roads and highways
13 continue to be among the safest and most technologically sound in the world.

14 FHWA issued a memo on June 5, 2013, regarding the Public Law which enacted 23 U.S.C. §127(i) in which
15 FHWA stated as follows: “Section 1511 of MAP-21 extends the States’ authority to issue Special Permits
16 to vehicles with divisible loads that are delivering relief supplies during a Presidentially-declared
17 emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act
18 (“Stafford Act”) (42 U.S.C. 5121 et seq.)” The memo, titled “MAP-21, Section 1511 – Special Permits
19 During Periods of National Emergency Implementation Guidance, Revised,” was available on FHWA’s
20 website as of October 31, 2023. FHWA’s June 5, 2013, memo is from FHWA’s Associate Administrator for
21 Operations to the Division Administrators, Directors of Field Services, and Director of Technical Services.

22 Although the department previously relied on FHWA’s June 5, 2013, memo when enacting §219.33, the
23 department amended §219.33(a), (c), and (d) to delete the reference to an emergency because

1 Transportation Code, Section §623.341(a) and 23 U.S.C. §127(i) only authorize this special permit if the
2 president issues a major disaster declaration for the reasons previously stated.

3 Amendments to §219.33(c)(3) and re-numbered (c)(4) were necessary to clarify that the city’s curfew
4 movement restrictions do not apply unless the department publishes the curfew movement restrictions.
5 The department only publishes the curfew movement restrictions if TxDOT approves the restrictions.
6 Currently, the department publishes the curfew movement restrictions on its website.

7 An amendment to re-numbered §219.33(c)(7) specifies that a permit will expire 120 days after the date
8 of a disaster because the department’s permitting system does not calculate the expiration date for each
9 federal disaster relief permit. Under Transportation Code, §623.341(b) and 23 U.S.C. §127(i), the permit
10 expires not later than the 120th day after the date the president declares a major disaster. The
11 department’s permitting system issues permits for 120 days after the major disaster declaration and does
12 not print the expiration date on the permits. The amendment to re-numbered §219.33(c)(7) deleted
13 language that said the expiration date is listed in the permit and replaced that language with language
14 that says the permit will expire 120 days after the date of the major disaster declaration. The amended
15 language is consistent with Transportation Code, §623.341(b) and 23 U.S.C. §127(i).

16 Amendments to §219.33(d) were necessary because in practice, only the notice of the president’s major
17 disaster declaration is available on the White House website and the Federal Emergency Management
18 Agency’s website. The official declaration that is signed by the president does not appear to be readily
19 available to the public, so the department should only require a person to carry a copy of the notice of
20 declaration in the permitted vehicle, along with the permit. If the permittee is stopped by law
21 enforcement, the documentation will help the peace officer determine whether the permit was issued
22 under a major disaster declaration issued by the president and whether the permit is valid under §219.33
23 and Transportation Code, §623.341.

1 Amendments to §219.41(b) modified the application requirements to provide the department with the
2 information it needs to process an application under Subchapter D of Chapter 219 and to contact the
3 correct person if there are updates to the permit restrictions. An amendment to §219.41(b)(1) requires
4 the applicant to provide its customer identification number because the department cannot issue a permit
5 without the customer’s identification number. The applicant can obtain a customer identification number
6 from the department at no cost. An amendment to §219.41(b)(1) also deleted the requirement for the
7 applicant to provide its telephone number and email address because an amendment to §219.41(b)(2)
8 requires the applicant to provide the department with the name, telephone number, and email address
9 for the applicant’s contact person. The applicant could be a large corporation with different contact
10 people for different permits. Having an email address for the permittee’s contact person enables the
11 department to disseminate information more quickly and easily, including information that could impact
12 the safety of the traveling public, such as a new permit restriction provided by TxDOT. Transportation
13 Code, §623.145 requires the board of the Texas Department of Motor Vehicles (board) and the Texas
14 Transportation Commission to consider the safety and convenience of the general traveling public when
15 adopting rules regarding the issuance of permits for oil well servicing and drilling machinery under
16 Subchapter G of Chapter 623 of the Transportation Code. An amendment to §219.41(b)(2) and (3)
17 removed the year and make of the unit from paragraph (2) and combined this language with the language
18 in paragraph (3) regarding the identification number of the unit. For these reasons, similar amendments
19 were made to §219.61(b) regarding an application for a crane, which provisions apply to permit
20 applications under Subchapter E of Chapter 219. Transportation Code, §623.195 requires the board and
21 the Texas Transportation Commission to consider the safety and convenience of the general traveling
22 public when adopting rules regarding the issuance of permits for cranes (a/k/a unladen lift equipment
23 motor vehicles) under Subchapter J of Chapter 623 of the Transportation Code.

1 An amendment to §219.41 deletes subsection (e) regarding void permits because it overstates the
2 language in Transportation Code, §623.146 regarding the ramifications of an owner’s or an owner’s
3 representative’s violation of a rule of the board or a violation of a condition placed on the permit. An
4 amendment to §219.41 deleted subsection (g) regarding records retention because §219.102(b) already
5 includes language that requires the permit to be kept in the permitted vehicle until the permit terminates
6 or expires. Amendments to §219.41 re-lettered the remaining subsections due to the deletion of
7 subsections (e) and (g).

8 Amendments to §219.43(f) and §219.63(a)(7) eliminated the implication that a hubometer serial number
9 is required to be listed on the permit and conformed the language to current practice. An amendment to
10 §219.43(f) and §219.63(a)(7) clarified that an amendment can be made to the hubometer serial number
11 on the permit if a hubometer serial number is listed on the permit.

12 Transportation Code, §623.145 and §623.195 require the board to consult with the Texas Transportation
13 Commission prior to the adoption of certain rules regarding oversize and overweight permits for the
14 operation of oil well servicing and drilling machinery and unladen lift equipment motor vehicles. To
15 comply with these statutory requirements, the board consulted with the Texas Transportation
16 Commission on the amendments to 43 TAC §§219.41, 219.43, 219.61, and 219.63. The department
17 provided the proposed amendments to the Texas Transportation Commission through TxDOT’s staff. The
18 Texas Transportation Commission considered the proposed amendments at its public meeting on October
19 26, 2023, and entered a Minute Order to document compliance with Transportation Code, §623.145 and
20 §623.195.

21 **SUMMARY OF COMMENTS.**

22 No comments on the proposed amendments were received.

23

1 **STATUTORY AUTHORITY.**

2 The department adopts amendments under Transportation Code, §621.008, which authorizes the board
3 to adopt rules that are necessary to implement and enforce Transportation Code, Chapter 621;
4 Transportation Code, §622.002, which authorizes the board to adopt rules that are necessary to
5 implement and enforce Transportation Code, Chapter 622, including Transportation Code, §622.051, *et*
6 *seq.* which authorize the department to issue a permit for transporting poles required for the maintenance
7 of electric power transmission and distribution lines; Transportation Code, §623.002, which authorizes
8 the board to adopt rules as necessary to implement Transportation Code, Chapter 623; Transportation
9 Code, §623.004, which authorizes the department to deny a permit application if the applicant is subject
10 to an out-of-service order issued by FMCSA or an order to cease issued by DPS; Transportation Code,
11 §623.070, *et seq.* which authorize the department to issue a permit to an applicant to move certain
12 equipment or commodities and prescribe the application requirements for such permits; Transportation
13 Code, §623.074(d), which authorizes the department to adopt a rule to authorize an applicant to submit
14 an application electronically; Transportation Code, §623.095(c), which authorizes the department to
15 adopt rules concerning the requirements for a permit under §623.095(c) regarding an annual permit for
16 a person authorized to be issued permits under Transportation Code, §623.094 for the transportation of
17 new manufactured homes from a manufacturing facility to a temporary storage location not to exceed 20
18 miles from the point of manufacture; Transportation Code, §1002.001, which authorizes the board to
19 adopt rules that are necessary and appropriate to implement the powers and the duties of the
20 department; Government Code, §2001.004, which requires state agencies to adopt rules of practice
21 stating the nature and requirements of all available formal and informal procedures; and the statutory
22 authority referenced throughout the preamble.

1 **CROSS REFERENCE TO STATUTE.** The amendments implement Transportation Code, Chapters 621, 622,
2 and 623; and Government Code, Chapter 2001.

3

4 **TEXT.**

5

SUBCHAPTER B. GENERAL PERMITS

6 219.11 General Oversize/Overweight Permit Requirements and Procedures

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

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

12 (1) Commercial motor carrier registration or surety bond. Prior to obtaining an
13 oversize/overweight permit, an applicant permitted under the provisions of Transportation Code, Chapter
14 623, Subchapter D, must be registered as a commercial motor carrier under Chapter 218 of this title
15 (relating to Motor Carriers) or, if not required to obtain a motor carrier registration, file a surety bond
16 with the department as described in subsection (n) of this section.

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

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

22 (B) Texas temporary vehicle registration;

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

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

2 (c) Permit application.

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

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

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

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

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

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

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

15 (G) any other information required by law.

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

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

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

23 (i) unique to the person using it;

- 1 (ii) capable of independent verification;
- 2 (iii) under the sole control of the person using it; and
- 3 (iv) transmitted in a manner that will make it infeasible to change the
- 4 data in the communication or digital signature without invalidating the digital signature.

5 (d) Maximum permit weight limits.

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

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

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

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

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

22 (E) A permitted vehicle or combination of vehicles may not exceed the
23 manufacturer's rated tire carrying capacity, unless expressly authorized in the language on the permit

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

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

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

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

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

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

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

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

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

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

19 (i) two axles;

20 (ii) eight tires per axle;

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

22 (iv) at least five feet of spacing between the axles, not to exceed six 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 the
3 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 axle
11 suspension, the spacing distance between each axle, the number of tires per axle, and the tire size on
12 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 the
16 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, the
19 department will review the permit application for the appropriate information and will then determine
20 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 of
2 a controlled access highway, unless an exception is granted by TxDOT, based on a route and traffic study.
3 The load may be permitted on the frontage roads when available, if the movement will not pose a safety
4 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 this
18 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 integral
21 part of the vehicle.

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

1 bumper of the vehicle, or when the boom projects more than 30 feet beyond the rear bumper of the
2 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 feet
23 overall length, may be moved in a convoy consisting of not more than four overlength permitted vehicles.

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

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

12 (ii) a permitted vehicle makes any turning movement that will require the
13 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 by
21 TxDOT to control traffic when a permitted vehicle is being moved within the corporate limits of a city, or
22 at such times when law enforcement assistance would provide for the safe movement of the permitted
23 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, when
3 it is necessary to raise or lower any overhead wire, traffic signal, street light, television cable, sign, or other
4 overhead obstruction. The permittee is responsible for providing the appropriate advance notice as
5 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 the
13 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 vehicle
17 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 vehicle
19 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 exceeds
21 125 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; and

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

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

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

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

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

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

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

22 (i) at least five feet, but not more than seven feet in length, and at least
23 12 inches, but not more than 18 inches in height;

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

2 (iii) letters must be at least eight inches, but not more than 10 inches high

3 with a brush stroke at least 1.41 inches wide; and

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

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

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

12 (8) Equipment requirements for motorcycles.

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

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

18 (I) Restrictions.

19 (1) Daylight and night movement restrictions.

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

21 (i) the permitted vehicle is overweight only;

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

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

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

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

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

17 (m) General provisions.

18 (1) Multiple commodities.

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

1 loaded behind the 12 foot wide tank provided that legal axle weight and gross weight are not exceeded,
2 and provided an overdimension of width, length or height is not created.

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

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

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

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

22 (iv) The shipper and the permittee must file with the department a
23 certificate of insurance on a form prescribed by the department, or otherwise acceptable to the

1 department, naming the department, its board members, officers, and employees as named or additional
2 insurers on its comprehensive general liability insurance policy for coverage in the amount of \$5 million
3 per occurrence, including court costs and attorney fees, if any, which may arise from the transport of an
4 oversized load under a permit issued pursuant to this subparagraph. The insurance policy is to be procured
5 from a company licensed to transact insurance business in the State of Texas.

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

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

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

22 (2) Oversize hauling equipment. A vehicle that exceeds the legal size limits, as set forth by
23 Transportation Code, Chapter 621, Subchapter C, may only haul a load that exceeds legal size limits unless

1 otherwise noted in this subchapter, but such vehicle may haul an overweight load that does not exceed
2 legal size limits, except for the special exception granted in §219.13(c)(3) of this title (relating to Time
3 Permits).

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

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

6 (A) be in the amount of \$10,000;

7 (B) be filed on a form and in a manner prescribed by the department;

8 (C) be effective the day it is issued and expire at the end of the state fiscal year;

9 (D) include the primary mailing address and zip code of the principal;

10 (E) be signed by the principal; and

11 (F) have a single entity as principal with no other principal names listed.

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

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

16 (4) Electronic copy of surety bond. The department will accept an electronic copy of the
17 surety bond in lieu of the original surety bond.

18

19 219.13 Time Permits

20 (a) General information. Applications for time permits issued under Transportation Code, Chapter
21 623, and this section shall be made in accordance with §219.11(b) and (c) of this title (relating to General
22 Oversize/Overweight Permit Requirements and Procedures). Permits issued under this section are
23 governed by the requirements of §219.11(e)(1) of this title.

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

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

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

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

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

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

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

15 (7) Restrictions.

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

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

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

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

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

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

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

13 (1) Width requirements.

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

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

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

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

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

3 (i) a height greater than 14 feet;

4 (ii) an overlength load; or

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

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

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

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

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

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

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

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

4 (1) Length requirements.

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

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

10 (2) Weight, height and width requirements.

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

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

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

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

20 (e) Annual permits.

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

3 (A) Fees for permits issued under this subsection are payable as described in
4 §219.11(f) of this title.

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

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

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

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

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

17 (2) Implements of husbandry. An annual permit may be issued for an implement of
18 husbandry being moved by a dealer in those implements, and for harvesting equipment being moved as
19 part of an agricultural operation. Permits issued under this paragraph are subject to the conditions
20 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.

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

5 (C) The maximum width may not exceed 16 feet; maximum height may not exceed
6 16 feet; maximum length may not exceed 110 feet; and maximum weight may not exceed the limits stated
7 in §219.11(d) of this title.

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

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

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

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

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

1 (C) The maximum dimensions may not exceed 16 feet wide, 14 feet 6 inches high,
2 110 feet long, and maximum weight may not exceed the limits stated in §219.11(d) of this title.

3 (D) The permitted vehicle must be registered in accordance with Transportation
4 Code, Chapter 502, for the maximum weight of the vehicle, as set forth by Transportation Code, Chapter
5 621.

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

8 (4) Envelope vehicle permits.

9 (A) The department may issue an annual permit under Transportation Code,
10 §623.071(c), to a specific vehicle, for the movement of superheavy or oversize equipment that falls within
11 the definition of a nondivisible load. This permit may not be used for a container, including a trailer or an
12 intermodal container, loaded with divisible cargo. Unless otherwise noted, permits issued under this
13 paragraph are subject to the conditions described in paragraph (1) of this subsection.

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

16 (I) 12 feet in width;

17 (II) 14 feet in height;

18 (III) 110 feet in length; or

19 (IV) 120,000 pounds gross weight.

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

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

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

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

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

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

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

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

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

1 that the negotiable certificate of title or other qualifying documentation has been surrendered to the
2 department; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (6) Power line poles. An annual permit will be issued under Transportation Code, Chapter
16 622, Subchapter E, for the movement of poles required for the maintenance of electric power
17 transmission and distribution lines. Permits issued under this paragraph are subject to the conditions
18 described in paragraph (1) of this subsection.

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

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

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

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

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

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

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

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

12 (I) The permitted vehicle must display on the extreme end of the load:

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

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

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

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

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

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

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

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

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

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

9 (8) Overlength load or vehicles. An annual overlength permit may be issued for the
10 transportation of a nondivisible overlength load or the movement of a nondivisible overlength vehicle or
11 combination of vehicles under Transportation Code, §623.071(c-1). This permit is subject to the portions
12 of subsections (a), (b), and (d) of this section that are not limited to the fee or duration for the 30, 60, and
13 90 day permits.

14

15 219.14 Manufactured Housing, and Industrialized Housing and Building Permits

16 (a) General Information.

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

19 (2) Pursuant to Transportation Code, Chapter 623, Subchapter E, a permit may be issued
20 to persons registered as manufacturers, installers, or retailers with the Texas Department of Housing and
21 Community Affairs or motor carriers registered with the department under Transportation Code, Chapter
22 643.

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

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

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

7 (b) Permit application.

8 (1) To qualify for a permit under this section, a person must submit an application to the
9 department.

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

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

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

14 (C) applicant's USDOT Number if applicant is required by law to have a USDOT
15 Number;

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

18 (i) manufactured home's HUD label number;

19 (ii) Texas seal number; or

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

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

2 and

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

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

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

9 (e) Permit provisions and conditions.

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

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

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

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

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

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

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

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

6 (9) The route for the transportation must be the most practical route as described in
7 §219.11(e) of this title, except where construction is in progress and the permitted vehicle's dimensions
8 exceed the construction restrictions as published by the department, or where bridge or overpass width
9 or height would create a safety hazard.

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

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

15 (f) Escort requirements.

16 (1) A manufactured home exceeding 12 feet in width must have a rotating amber beacon
17 of not less than eight inches in diameter mounted somewhere on the roof at the rear of the manufactured
18 home, or may have two five-inch flashing amber lights mounted approximately six feet from ground level
19 at the rear corners of the manufactured home. The towing vehicle must have one rotating amber beacon
20 of not less than eight inches in diameter mounted on top of the cab. These beacons or flashing lights must
21 be operational and luminiferous during any permitted move over the highways, roads, and streets of this
22 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 or
3 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 words
10 "WIDE LOAD" in black letters at least eight inches high with a brush stroke at least 1.41 inches wide against
11 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 purposes

1 of the escort flag vehicle requirements, provided the distance between the two units does not exceed
2 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 *n

7 STATUTORY AUTHORITY.

8 The department adopts amendments under Transportation Code, §621.008, which authorizes the board
9 to adopt rules that are necessary to implement and enforce Transportation Code, Chapter 621;
10 Transportation Code, §622.002, which authorizes the board to adopt rules that are necessary to
11 implement and enforce Transportation Code, Chapter 622; Transportation Code, §623.002, which
12 authorizes the board to adopt rules as necessary to implement Transportation Code, Chapter 623;
13 Transportation Code, §623.004, which authorizes the department to deny a permit application if the
14 applicant is subject to an out-of-service order issued by FMCSA or an order to cease issued by DPS;
15 Transportation Code, §623.342, which authorizes the board to adopt rules that are necessary to
16 implement Subchapter R of Chapter 623 of the Transportation Code regarding federal disaster relief
17 permits; Transportation Code, §623.411, which authorizes the department to adopt rules that are
18 necessary to implement Subchapter U of Chapter 623 of the Transportation Code regarding the permit
19 for intermodal shipping containers; Transportation Code, §623.427, which authorizes the department to
20 adopt rules that are necessary to implement Subchapter V of Chapter 623 regarding the permit for fluid
21 milk; Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and
22 appropriate to implement the powers and the duties of the department; Government Code, §2001.004,
23 which requires state agencies to adopt rules of practice stating the nature and requirements of all

1 available formal and informal procedures; and the statutory authority referenced throughout the
2 preamble.

3 CROSS REFERENCE TO STATUTE. The amendments implement Transportation Code, Chapters 621, 622,
4 and 623; and Government Code, Chapter 2001.

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 vehicle
14 that exceeds the legal axle weight by a tolerance of 10% and the legal gross weight by a tolerance
15 of 5.0% on any county road and on any road in the state highway system provided the vehicle:

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

18 (2) is not operated on a bridge for which the maximum weight and load limit has
19 been established and posted under Transportation Code, §621.102 or §621.301, if the gross weight
20 of the vehicle and load or the axles and wheel loads are greater than the established and posted
21 limits, unless the bridge provides the only public vehicular access to or from the permittee's origin
22 or destination.

23 (c) Application for permit.

1 (1) To qualify for a permit under this section, a person must submit an application to
2 the department.

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

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

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

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

9 (D) an indication as to whether the commodities to be transported will be
10 agricultural or non-agricultural;

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

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

14 (3) The application shall be accompanied by:

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

17 (B) an original bond or irrevocable letter of credit as required in
18 Transportation Code §623.012.

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

22 (d) Issuance of permit and windshield sticker.

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

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

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

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

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

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

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

21 (e) Issuance of a credit. Upon written application on a form prescribed by the department, a
22 prorated credit for the remaining time on the permit may be issued for a vehicle that is destroyed
23 or otherwise becomes permanently inoperable to an extent that it will no longer be utilized. The

1 date for computing a credit will be based on the date of receipt of the credit request. The fee for a
2 credit will be \$25, and will be issued on condition that the applicant provides to the department:

3 (1) the original permit; or

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

6 (f) Use of credit. A credit issued under subsection (e) of this section may be used only towards
7 the payment of permit fees under this section.

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

12 (h) Lapse or termination of permit. A permit shall lapse or terminate and the windshield
13 sticker must be removed from the vehicle:

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

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

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

18 (4) if the permittee does not replace or replenish the letter of credit or bond as
19 required by Transportation Code, §623.012.

20

21 219.31 Timber Permits

22 (a) Purpose. This section prescribes the requirements and procedures regarding the annual
23 permit for the operation of a vehicle or combination of vehicles that will be used to transport

1 unrefined timber, wood chips, woody biomass, or equipment used to load timber on a vehicle under
2 the provisions of Transportation Code, Chapter 623, Subchapter Q.

3 (b) Application for permit.

4 (1) To qualify for a timber permit, a person must submit an application to the
5 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, telephone number, and email address of contact person;

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

12 (D) a list of timber producing counties described in Transportation Code,
13 §623.321(a), in which the vehicle or combination of vehicles will be operated; and

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

16 (3) The application shall be accompanied by:

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

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

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

1 (1) A permit and a windshield sticker will be issued once the application is approved,
2 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 which
9 shall include a statement, signed by the permittee, affirming that the sticker was lost, stolen, or
10 mutilated. The replacement sticker shall only be valid for the permitted vehicle.

11 (d) Notification. The financially responsible party as defined in Transportation Code,
12 §623.323(a), shall electronically file the notification document described by §623.323(b) with the
13 department via the form on the department's website.

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

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

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

20 (1) on the expiration of the permit;

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

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

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

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

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

7

8 219.32 Ready-Mixed Concrete Truck Permits

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

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

14 (c) Application for permit.

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

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

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

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

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

23 (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 \$1,000.

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

7 (1) A permit and a windshield sticker will be issued once the application is approved,
8 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. The
15 request shall include a statement, signed by the permittee, affirming that the sticker was lost, stolen,
16 or mutilated. The replacement sticker shall only be valid for the permitted vehicle.

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

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

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

23 (1) on the expiration of the permit;

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

2 (3) on the sale or other transfer of ownership of the vehicle for which the permit was

3 issued; or

4 (4) on the dissolution or termination of the partnership, corporation, or other legal

5 entity to which the permit was issued.

6 (h) Curfew restrictions. The operator of a permitted vehicle must observe the curfew

7 movement restrictions published by the department.

8 (i) Construction or maintenance areas.

9 (1) Permits issued under this section authorize the operator of the permitted vehicle

10 to travel through any state highway construction or maintenance area, provided the size and weight

11 of the vehicle do not exceed the construction restrictions that are available on the department's

12 website. If a permitted vehicle is delivering concrete to a state highway construction or maintenance

13 jobsite within a construction or maintenance area, the following may provide the permittee a

14 written exception to operate the permitted vehicle in the construction or maintenance area at a size

15 or weight that exceeds the size and weight listed on the department's website: the Texas

16 Department of Transportation or a Texas Department of Transportation contractor that is authorized

17 by the Texas Department of Transportation to issue permit exceptions. The written exception must

18 be carried in the permitted vehicle when the vehicle is on a state highway and must be provided to

19 the department or law enforcement upon request.

20 (2) The permittee is responsible for contacting the appropriate local jurisdiction for

21 construction or maintenance restrictions on non-state maintained roadways.

22 (j) Manufacturer's tire load rating. Permits issued under this section do not authorize the

23 vehicle to exceed the manufacturer's tire load rating.

1 (k) Distribution of fees. The fees collected for permits under Transportation Code, §623.0171
2 shall be distributed as follows:

3 (1) 50 percent shall be deposited to the credit of the state highway fund; and

4 (2) 50 percent shall be divided equally among all counties designated in the permit
5 application under Transportation Code, §623.0171.

6

7 219.33 Federal Disaster Relief Permit

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

14 (b) Application for permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (3) Nighttime movement is allowed under this permit, unless prohibited by the
15 curfew movement restrictions published by the department

16 (4) The operator of a permitted vehicle must observe the curfew movement
17 restrictions published by the department.

18 (5) The permit does not authorize the vehicle to exceed the manufacturer's tire load
19 rating.

20 (6) The permit is not transferable from the applicant to another person or entity.
21 Also, the permit is not transferable between vehicles.

22 (7) The permit will expire 120 days after the date of the major disaster declaration.

1 (8) The permit may not be used in conjunction with any other oversize or overweight
2 permits.

3 (9) If the vehicle is being used to deliver relief supplies, the entire load must consist
4 of relief supplies, which may include, but are not limited to:

5 (A) medicine and medical equipment;

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

7 (C) water;

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

9 (E) other supplies directly supporting the type of relief needed following a
10 presidential declaration of a major disaster; and

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

14 (10) If the vehicle is being used to deliver relief supplies, the permit only authorizes
15 delivery to a destination that is part of the geographical area covered by the president's major
16 disaster declaration.

17 (11) If the vehicle is being used to transport materials from a geographical area
18 covered by the president's major disaster declaration, the permit only authorizes loads which are
19 necessary to facilitate the delivery of relief supplies to the geographical area covered by the
20 president's major disaster declaration. An example of an authorized load is debris, as long as the
21 removal of the debris expedites the clearing of roadways, staging areas, or locations for temporary
22 structures in order to facilitate the delivery of relief supplies. However, the permit will only authorize
23 such divisible overweight load if the permit expressly authorizes it.

1 (d) Copy of permit and notice of current disaster declaration. A copy of the permit and notice
2 of the president's current major disaster declaration, including any amendments, must be kept in
3 the permitted vehicle until the day after the date the permit expires.

4

5 219.34 North Texas Intermodal Permit

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

9 (b) Application for permit.

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

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

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

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

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

18 (D) 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).

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

3 (d) 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 provided:

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

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

12 (e) Curfew restrictions. The operator of a permitted vehicle must observe the curfew
13 movement restrictions published by the department.

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

17 (g) Night movement. Night movement is allowed under this permit, unless prohibited by the
18 curfew movement restrictions published by the department.

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

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

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

6

7 219.35 Fluid Milk Transport Permit

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

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

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

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

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

2 (4) Fees for permits issued under this section are payable as required by §219.11(f)

3 of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).

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

5 (1) A permit and a windshield sticker will be issued once the application is approved,

6 and each will be mailed to the applicant at the address contained in the application.

7 (2) The windshield sticker shall be affixed to the inside of the windshield of the

8 vehicle in accordance with the diagram printed on the back of the sticker and in a manner that will

9 not obstruct the vision of the driver. Any attempt to remove the sticker from the windshield will

10 render the sticker void and will require a new permit and sticker.

11 (3) A replacement sticker for a lost, stolen, or mutilated windshield sticker may be

12 issued, provided that the permittee submits a request on a form approved by the department which

13 shall include a statement, signed by the permittee, affirming that the sticker was lost, stolen, or

14 mutilated. The replacement sticker shall only be valid for the permitted vehicle.

15 (d) Amendments. An annual permit issued under this section will not be amended except in

16 the case of department error.

17 (e) Transfer of permit. A permit issued under this section may only be transferred once

18 during the term of the permit from one vehicle to another vehicle in the permittee's fleet provided:

19 (1) the permitted vehicle is destroyed or otherwise becomes permanently

20 inoperable, to an extent that it will no longer be utilized, and the permittee presents proof that the

21 negotiable title or other qualifying documentation, as determined by the department, has been

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

6 (1) on the expiration of the permit;

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

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

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

12 (g) Curfew restrictions. The operator of a permitted vehicle must observe the curfew
13 movement restrictions published by the department.

14 (h) Construction or maintenance areas.

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

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

19 (i) Night movement. Night movement is allowed under this permit, unless prohibited by the
20 curfew movement restrictions published by the department.

21 (j) Manufacturer's tire load rating. Permits issued under this section do not authorize the
22 vehicle to exceed the manufacturer's tire load rating.

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

4

5 219.36 Intermodal Shipping Container Port Permit

6 (a) Purpose. This section prescribes the requirements, restrictions, and procedures regarding
7 the annual permit for transporting an intermodal shipping container under the provisions of
8 Transportation Code, Chapter 623, Subchapter U, as added by Chapter 108 (S.B. 1524), Acts of the
9 85th Legislature, Regular Session, 2017.

10 (b) Application for permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (e) Transfer of permit. A permit issued under this section may only be transferred once
17 during the term of the permit from one vehicle to another vehicle in the permittee's fleet 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 the
20 negotiable title or other qualifying documentation, as determined by the department, has been
21 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 (f) Termination of permit. An annual permit issued under this section will automatically
5 terminate, and the windshield sticker must be removed from the vehicle:

6 (1) on the expiration of the permit;

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

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

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

12 (g) Curfew restrictions. The operator of a permitted vehicle must observe the curfew
13 movement restrictions published by the department.

14 (h) Construction or maintenance areas.

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

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

19 (i) Night movement. Night movement is allowed under this permit, unless prohibited by the
20 curfew movement restrictions published by the department.

21 (j) Manufacturer's tire load rating. Permits issued under this section do not authorize the
22 vehicle to exceed the manufacturer's tire load rating.

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

4 (l) A truck-tractor and semitrailer combination is only eligible for a permit issued under
5 Transportation Code, §623.402(a) if the distance between the front axle of the truck-tractor and the
6 last axle of the semitrailer, measured longitudinally, is approximately 647 inches. For the purposes
7 of this subsection, "approximately 647 inches" means the distance can be up to 15 percent above
8 647 inches for a total distance of 744.05 inches.

9 (m) A truck-tractor and semitrailer combination is only eligible for a permit issued under
10 Transportation Code, §623.402(b) if the distance between the front axle of the truck-tractor and the
11 last axle of the semitrailer, measured longitudinally, is approximately 612 inches. For the purposes
12 of this subsection, "approximately 612 inches" means the distance can be up to 15 percent above
13 612 inches for a total distance of 703.8 inches.

14

15

16 *n

17 STATUTORY AUTHORITY.

18 The department adopts amendments under Transportation Code, §621.008, which authorizes the board
19 to adopt rules that are necessary to implement and enforce Transportation Code, Chapter 621;
20 Transportation Code, §622.002, which authorizes the board to adopt rules that are necessary to
21 implement and enforce Transportation Code, Chapter 622; Transportation Code, §623.002, which
22 authorizes the board to adopt rules as necessary to implement Transportation Code, Chapter 623;
23 Transportation Code, §623.004, which authorizes the department to deny a permit application if the

1 applicant is subject to an out-of-service order issued by FMCSA or an order to cease issued by DPS;
2 Transportation Code, §623.145, which authorizes the board, in consultation with the Texas Transportation
3 Commission, by rule to provide for the issuance of permits under Subchapter G of Chapter 623 of the
4 Transportation Code regarding oil well servicing and drilling machinery; Transportation Code, §1002.001,
5 which authorizes the board to adopt rules that are necessary and appropriate to implement the powers
6 and the duties of the department; Government Code, §2001.004, which requires state agencies to adopt
7 rules of practice stating the nature and requirements of all available formal and informal procedures; and
8 the statutory authority referenced throughout the preamble.

9 CROSS REFERENCE TO STATUTE. The amendments implement Transportation Code, Chapters 621, 622,
10 and 623; and Government Code, Chapter 2001.

11

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

13 219.41 General Requirements

14 (a) General information.

15 (1) Permits issued under this subchapter, with the exception of permits issued under
16 §219.45 of this title (relating to Permits for Vehicles Transporting Liquid Products Related to Oil Well
17 Production), are subject to the requirements of this section.

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

19 (A) single-trip mileage permits;

20 (B) quarterly hubometer permits; and

21 (C) annual permits.

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

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

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

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

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

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

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

10 and

11 (7) any other information required by law.

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

14 (d) Restrictions.

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

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

1 (3) A vehicle permitted under this subchapter may travel through highway construction or
2 maintenance areas provided the dimensions do not exceed the construction restrictions as published by
3 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) Transferability. Unless otherwise noted, a permit issued under this subchapter may not be
7 transferred between units or permittees.

8 (f) Escort requirements. In addition to any other escort requirements specified in this subchapter,
9 vehicles permitted under this subchapter are subject to the escort requirements specified in §219.11(k).

10

11 219.43 Quarterly Hubometer Permits

12 (a) General information.

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

15 (2) A quarterly hubometer permit:

16 (A) is effective for three consecutive months;

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

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

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

1 (A) 12 feet in width;

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

3 (C) 95 feet in length.

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

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

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

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

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

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

13 (b) Maximum permit weight limits.

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

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

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

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

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

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

16 (c) Initial permit application and issuance.

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

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

1 (d) Permit renewals and closeouts.

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

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

7 (e) Permit fees.

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

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

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

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

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

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

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

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

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

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

16 (4) Permit fees for trailer mounted units.

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

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

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

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

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

8 (f) Amendments. A quarterly hubometer permit may be amended only to change the following:

9 (1) if listed on the permit, the hubometer serial number; or

10 (2) the license plate number.

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12 *n

13 STATUTORY AUTHORITY.

14 The department adopts amendments under Transportation Code, §621.008, which authorizes the board
15 to adopt rules that are necessary to implement and enforce Transportation Code, Chapter 621;
16 Transportation Code, §622.002, which authorizes the board to adopt rules that are necessary to
17 implement and enforce Transportation Code, Chapter 622; Transportation Code, §623.002, which
18 authorizes the board to adopt rules as necessary to implement Transportation Code, Chapter 623;
19 Transportation Code, §623.004, which authorizes the department to deny a permit application if the
20 applicant is subject to an out-of-service order issued by FMCSA or an order to cease issued by DPS;
21 Transportation Code, §623.195, which authorizes the board, in consultation with the Texas Transportation
22 Commission, by rule to provide for the issuance of permits under Subchapter J of Chapter 623 of the

1 Transportation Code regarding cranes; Transportation Code, §1002.001, which authorizes the board to
2 adopt rules that are necessary and appropriate to implement the powers and the duties of the
3 department; Government Code, §2001.004, which requires state agencies to adopt rules of practice
4 stating the nature and requirements of all available formal and informal procedures; and the statutory
5 authority referenced throughout the preamble.

6 CROSS REFERENCE TO STATUTE. The amendments implement Transportation Code, Chapters 621, 622,
7 and 623; and Government Code, Chapter 2001.

8

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

10 **VEHICLES**

11 219.61 General Requirements for Permits for Oversize and Overweight Unladen Lift Equipment Motor
12 Vehicles

13 (a) General information.

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

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

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

20 (A) single-trip mileage permits; and

21 (B) quarterly hubometer permits.

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

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

5 (1) name, customer identification number, and address of the applicant;

6 (2) name, telephone number, and email address of contact person;

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

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

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

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

12 and

13 (7) any other information required by law.

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

16 (d) Restrictions.

17 (1) A crane permitted under this subchapter is subject to the restrictions specified in
18 §219.11(l) (2) and (3) of this title, and the permittee is responsible for obtaining information concerning
19 current restrictions from the department.

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

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

5 (A) the crane is overweight only; or

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

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

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

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

13 (II) 14 feet in height; or

14 (III) 95 feet in length.

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

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

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

6

7 219.63 Quarterly Hubometer Permits

8 (a) General information.

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

12 (2) A quarterly hubometer permit:

13 (A) is effective for three consecutive months;

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

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

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

17 (A) 12 feet in width;

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

19 (C) 95 feet in length.

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

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

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

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

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

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

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

12 (7) The permit may be amended only to change the following:

13 (A) if listed on the permit, the hubometer serial number; or

14 (B) the license plate number.

15 (b) Maximum permit weight limits.

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

18 (2) The maximum permit weight for any group of axles on a crane will be determined by
19 calculating the "W" weight for the group, using the formulas in Figure 2: 43 TAC §219.62(f), "Maximum

1 Permit Weight Formulas," and comparing the calculated "W" weight with the corresponding "W" weight
2 that is established in Figure 1 :43 TAC §219.62(f), "Maximum Permit Weight Table."

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

6 (4) A crane that has any group of axles that exceeds the limits established by Figure 1 :43
7 TAC §219.62(f), "Maximum Permit Weight Table," and Figure 2: 43 TAC §219.62(f), "Maximum Permit
8 Weight Formulas," is not eligible for a permit under this section; however, it is eligible for a permit under
9 §219.62 of this title (relating to Single-Trip Mileage Permits).

10 (c) Initial permit application and issuance.

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

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

17 (d) Permit renewals and closeouts.

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

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

4 (e) Permit fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of
2 the agency's legal authority.

3 Filed with the Office of the Secretary of State on December 15, 2023.

4 /s/ Laura Moriaty
5 Laura Moriaty, General Counsel
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