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1 **43 TAC §219.123**

2 **INTRODUCTION.** The Texas Department of Motor Vehicles (department) proposes amendments to 43
3 Texas Administrative Code (TAC) Chapter 219, Oversize and Overweight Vehicles and Loads, Subchapter
4 A, General Provisions, §219.1 and §219.2; Subchapter B, General Permits, §§219.11–219.15; Subchapter
5 C, Permits for Over Axle and Over Gross Weight Tolerances, §§219.30–219.32 and §§219.34–219.36;
6 Subchapter D, Permits for Oversize and Overweight Oil Well Related Vehicles, §§219.41–219.45;
7 Subchapter E, Permits for Oversize and Overweight Unladen Lift Equipment Motor Vehicles, §§219.60–
8 219.64; Subchapter F, Compliance, §219.81; and Subchapter G, Records and Inspections, §219.102. The
9 department also proposes new Subchapter A, §§219.5, 219.7 and 219.9. In addition, the department
10 proposes the repeal of §§219.84, 219.86, and 219.123.

11 The department proposes amendments to document the department’s processes and
12 requirements in rule, to update the language to remove unnecessary or obsolete requirements, to delete
13 language that is contained in statute, to delete repetitive language, to clarify the language, to update the
14 language to be consistent with statutory changes and guidance from the Federal Highway Administration
15 (FHWA), and to begin to organize the general provisions in Subchapter A of Chapter 219. The department
16 also proposes to delete language for which the department does not have rulemaking authority. In
17 addition, the department proposes amendments that would renumber, re-letter, or remove subdivisions
18 within the rules due to the deletion of one or more subdivisions within the rules.

19 **EXPLANATION.**

20 The department is conducting a review of its rules under Chapter 219 in compliance with
21 Government Code, §2001.039. Notice of the department’s plan to review is also published in this issue of
22 the *Texas Register*. As a part of the review, the department is proposing necessary amendments and
23 repeals, as detailed in the following paragraphs.

1 Proposed amendments to §219.1 would clarify that Chapter 219 includes permits that authorize
2 travel on certain public roadways in addition to the state highway system. For example, Transportation
3 Code, §623.402 provides for the issuance of an overweight permit that authorizes the permittee to travel
4 on certain county roads, municipal streets, and the state highway system to the extent the Texas
5 Department of Transportation (TxDOT) approves such roads, streets, and state highways under
6 Transportation Code, §623.405. A proposed amendment to §219.1 would also clarify that Chapter 219
7 includes the policies and procedures for filing surety bonds, including surety bonds that are required
8 before an operator of certain vehicles that exceed certain axle weight limits is allowed to travel on
9 municipal streets, county roads, or the state highway system. A proposed amendment to §219.1 would
10 also correct an error by changing the word “insure” to “ensure.”

11 Proposed amendments to §219.2 would add a definition for the word “day” to define it as a
12 calendar day for clarity; change the word “daylight” to “daytime” and modify the definition by referring
13 to the definition in Transportation Code, §541.401 and deleting the current definition, which was derived
14 from §541.401; modify the definition for “hubometer” to replace the word “crane” with the term
15 “unladen lift equipment motor vehicle” because that is the term used in Transportation Code, Chapter
16 623, Subchapter J; add the word “label” to “HUD number” so the term is consistent with the term used in
17 §219.14 and Transportation Code, §623.093; amend the definition of “nighttime” to remove the portion
18 of the definition contained in Transportation Code, §541.401 because the definition of “nighttime” refers
19 to the definition in §541.401; amend the definition of “nondivisible load or vehicle” to be consistent with
20 FHWA’s interpretation of the term by adding language regarding properly secured components and
21 adding the example from §219.61(g) for a crane traveling with properly secured components and adding
22 an example of a dozer traveling with the blade detached; amend the definition for “nondivisible load or
23 vehicle” by adding a missing period at the end of the language regarding spent nuclear materials and re-

1 lettering the subdivisions accordingly; amend the definition for “permit plate” to reference the definition
2 for “oil well servicing, cleanout, or drilling machinery” as defined in Transportation Code, §502.001(29);
3 add a hyphen between the words “trailer” and “mounted” because these words are compound modifiers
4 for the term “trailer-mounted unit”; and add examples to the definition of “unladen lift equipment motor
5 vehicle.”

6 Proposed amendments to §219.2 would also modify the definition for surety bond because the
7 current definition for surety bond only references the payment to TxDOT for damage to a highway and is
8 therefore in conflict with Transportation Code, §622.134, which also requires payment to a county for
9 damage to a county road and to a municipality for damage to a municipal street caused by the operation
10 of the vehicle, and Transportation Code, §623.163, which also requires payment to a municipality for
11 damage to a municipal street caused by the operation of the vehicle. In addition, a proposed amendment
12 to the definition of surety bond in §219.2 would remove language that says the surety bond expires at the
13 end of the state fiscal year because current §219.3(b) and §219.11(n) already include this language.

14 In addition, proposed amendments to §219.2 would delete the following defined terms because
15 the department proposes amendments that would remove the defined terms from where they are
16 currently used in Chapter 219: board, one-trip registration, temporary vehicle registration, 72-hour
17 temporary vehicle registration, and 144-hour temporary vehicle registration.

18 Further, proposed amendments to §219.2 would delete the following terms, which do not appear
19 in Chapter 219: credit card, district, district engineer, machinery plate, motor carrier registration (MCR),
20 traffic control device, trunnion axle group, and variable load suspension axles. Lastly, proposed
21 amendments to §219.2 would delete the following terms, which are defined in Transportation Code,
22 Chapter 621, 622, or 623: department and director. Section 219.2 says that the definitions contained in
23 Transportation Code, Chapter 621, 622, and 623 apply to Chapter 219. The proposed amendments would

1 renumber the paragraphs within §219.2 to accommodate the proposed deletions and additions to the
2 rule.

3 Proposed new §219.5 would describe the department’s current general application requirements
4 to obtain an oversize or overweight permit, including the requirements to provide the required
5 information, submit the required documents, pay the required fees, and submit the application in the
6 form and by the method prescribed by the department on its website. The department’s website lists the
7 methods by which an applicant can apply for each type of permit. For example, the department’s webpage
8 for 30/60/90-day permits under Transportation Code, Chapter 623, Subchapter D says the applicant can
9 apply via the Texas Permitting and Routing Optimization System (TxPROS) or submit the Time Permit
10 Application (Form MCD-302) by mail to the address listed on the application form. TxPROS is the
11 department’s designated permitting system.

12 Proposed new §219.5 would also refer to the application requirements under Chapter 219;
13 Transportation Code, Chapters 621, 622, and 623; and other applicable law. For example, to qualify for
14 certain permits, Transportation Code, §§623.011(b)(1), 623.079, and 623.194 require the vehicle to be
15 registered under Transportation Code, Chapter 502 for the maximum gross weight applicable to the
16 vehicle under Transportation Code, §621.101, not to exceed 80,000 pounds. Proposed new §219.5 would
17 also describe the process for an applicant to obtain a customer identification number by setting up an
18 account in TxPROS, as well as the process to authorize the department to obtain a customer identification
19 number for the applicant via TxPROS.

20 Proposed new §219.7 would expressly authorize certain amendments to permits to be consistent
21 with current practice. Proposed new §219.7(a) provides general amendment guidelines, which would be
22 subject to the specific provisions in proposed new §219.7(b). The proposed new rule would allow
23 amendments necessary to correct errors made by department staff or the department’s permitting

1 system, and as necessary to keep the contact information up to date. Proposed new §219.7 would
2 expressly authorize certain amendments to permits even though other sections in Chapter 219 limit the
3 types of amendments that are allowed to certain types of permits.

4 Proposed new §219.9 would clarify that the provisions in Chapter 219 do not authorize the
5 operation of a vehicle or vehicle combination on the following roadways in this state to the extent
6 FHWA determines the vehicle or vehicle combination exceeds the applicable weight or size for such
7 roadway under 23 U.S.C. §127, 49 U.S.C. §§31111 through 31114, or federal regulations prescribed
8 under 23 U.S.C. §127 or 49 U.S.C. §§31111 through 31114: the federal-aid primary system, the federal-
9 aid urban system, and the federal-aid secondary system, including the national system of interstate and
10 defense highways. Although these federal laws and regulations don't directly apply to the vehicle
11 operator, Texas complies with such federal laws and regulations through Texas laws and rules regarding
12 maximum vehicle size and weight for the following reasons under the following authority: 1) 23 U.S.C.
13 §127, 23 U.S.C. §141, 49 U.S.C. §31112, and the regulations prescribed under 23 U.S.C. §127, 23 U.S.C.
14 §141, and 49 U.S.C. §31112, which enables Texas to avoid the risk of losing a portion of federal highway
15 funding; and 2) 49 U.S.C. §§31111 through 31114, which enables Texas to avoid a civil action by the U.S.
16 Attorney General for injunctive relief under 49 U.S.C. §31115.

17 Proposed new §219.9 would also require the department to post a notice on its website and to
18 possibly send notice to permittees through the applicable email addresses on file with the department
19 to the extent the department learns that FHWA generally determines a vehicle or vehicle combination
20 exceeds the applicable weight or size for such roadway under 23 U.S.C. §127, 49 U.S.C. §§31111 through
21 31114, or federal regulations prescribed under 23 U.S.C. §127 or 49 U.S.C. §§31111 through 31114 in a
22 way that may conflict with a provision in this chapter. This provision is not based on FHWA finding that a
23 specific permittee has exceeded the applicable weight or size; it is based on FHWA's general

1 interpretation of federal law. For example, a proposed amendment to the definition of “nondivisible
2 load or a vehicle” in §219.2 would make the definition consistent with FHWA’s current interpretation of
3 this term. If a vehicle already exceeds legal weight without including the weight of the properly secured
4 components, FHWA said the vehicle is considered to be nondivisible even if properly secured
5 components are being transported with the vehicle. To the extent the department learns that FHWA
6 changed its interpretation of the definition of a “nondivisible load or vehicle” under 23 C.F.R. §658.5 in a
7 way that conflicts with the proposed amended definition in §219.2, the department will post a notice on
8 its website regarding FHWA’s interpretation and may provide notice to permittees through the
9 applicable email addresses on file with the department.

10 A proposed amendment to §219.11(b) would remove the vehicle registration requirements
11 because the applicable vehicle registration requirements under Transportation Code, §623.079 do not
12 apply to the permits under the following sections in Subchapter B of Chapter 219: §219.13(e)(5) through
13 (7), §219.14, and §219.15. Also, it is not necessary to repeat the statutory requirements in rule. A
14 proposed amendment to §219.11(b) would also remove the word “commercial” from the term
15 “commercial motor carrier” to be consistent with the terminology in Transportation Code, Chapter 643
16 and Chapter 218 of this title (relating to Motor Carriers).

17 A proposed amendment to §219.11(d)(1), (d)(1)(D), and (d)(1)(E) would change the term “non-
18 TxDOT engineer” to “non-TxDOT licensed professional engineer” to be consistent with existing
19 terminology in §219.11(d), which refers to a “TxDOT approved licensed professional engineer.”

20 A proposed amendment to §219.11(d)(1)(F) and (d)(3)(H) would restructure the sentence to
21 clarify that the maximum permit weight on the axle groups would be reduced by 2.5 percent for each
22 foot less than 12 feet. Proposed amendments to §219.11(d)(2) and (3) would add hyphens to the
23 compound modifiers regarding the axle groups and make the terms consistent with the terms in the text

1 in §219.2. A proposed amendment to §219.11(e)(2)(A)(i) would change the word “weak” to “reduced
2 capacity” to describe certain bridges more accurately.

3 A proposed amendment to §219.11(f) would delete paragraph (1) because the language
4 regarding the payment of fees would be added to proposed new §219.5 in Subchapter A, which applies
5 to all permit applications under Chapter 219. A proposed amendment to §219.11(f) would also remove
6 the paragraph number and catch line for paragraph (2) because there would only be one paragraph in
7 subsection (f) due to the proposed deletion of paragraph (1). A proposed amendment to the following
8 sections would remove the cross-reference to §219.11(f) regarding the payment of fees due to the
9 proposed deletion of this language from §219.11(f), and renumber or re-letter accordingly as necessary:
10 §§219.13, 219.14, 219.15, 219.30, 219.31, 219.32, 219.34, 219.35, 219.36, 219.41, 219.45, and 219.61.

11 A proposed amendment to §219.11(k)(7) would delete subparagraph (E) because it conflicts with
12 Transportation Code, §547.382.

13 Proposed amendments to §219.11(l)(1) would change the word “daylight” to “daytime” and
14 would change the term “daylight hours” to “the daytime” because a proposed amendment to §219.2
15 would change the word “daylight” to “daytime.” For this reason, the department also proposes similar
16 amendments to the following sections: §§219.12, 219.13, 219.15, 219.41, and 219.61. A proposed
17 amendment to §219.13 would also delete reference to Transportation Code, §541.401 for the definition
18 of “daytime” because a proposed amendment to §219.2 would define “daytime” by referencing the
19 definition in Transportation Code, §541.401. Proposed amendments to §219.11(l)(1) would change the
20 word “night” to “nighttime” to provide clarity because “nighttime” is defined in §219.2. For this reason,
21 the department also proposes amendments to the following sections to change the word “night” to
22 “nighttime”: §§219.13, 219.34, 219.35, 219.36, and 219.44.

1 A proposed amendment to §219.11(l)(2) would clarify the department’s authority regarding the
2 maximum size limits for a permit issued under Transportation Code, Chapter 623, Subchapter D for holiday
3 movement. The Texas Transportation Commission, rather than the department, has rulemaking authority
4 under Transportation Code, §621.006 to impose restrictions on the weight and size of vehicles to be
5 operated on state highways on certain holidays. A proposed amendment to §219.11(l)(2) would clarify
6 that the department applies restrictions imposed by TxDOT. A proposed amendment to §219.11(l)(3)
7 would clarify that the curfew movement restrictions of a city or county do not apply unless the
8 department publishes the curfew movement restrictions. The department only publishes the curfew
9 movement restrictions if TxDOT approves the restrictions. Currently, the department publishes the curfew
10 movement restrictions on the department’s website. A proposed amendment to §219.11(l)(3) would also
11 delete language regarding the curfew restrictions listed on the permit to make the language consistent
12 throughout Chapter 219 regarding published curfew restrictions.

13 A proposed amendment to §219.11(m)(1) would delete subparagraph (B) because the
14 department does not have statutory authority for the language in subparagraph (B). Also, a proposed
15 amendment to §219.11(m)(1) would delete a reference in subparagraph (A) to subparagraph (B) and re-
16 letter subparagraph (C) due to the deletion of subparagraph (B). In addition, a proposed amendment to
17 re-lettered §219.11(m)(1)(B) would clarify that the restrictions in §219.11(m)(1)(A) and the definition of a
18 “nondivisible load or vehicle” in §219.2 apply to a permit to haul a dozer and its detached blade. Further,
19 a proposed amendment to re-lettered §219.11(m)(1)(B) would replace the word “non-dismantable” with
20 “nondivisible” because “nondivisible load” is a defined term in §219.2, but “non-dismantable” is not
21 defined in Chapter 219.

22 A proposed amendment to §219.12(b)(3)(C) would clarify that TxDOT, rather than the
23 department, incurs a cost for analyses performed prior to issuing a superheavy permit under §219.12. A

1 proposed amendment to §219.12(b)(6) would delete reference to an intermodal container because
2 Transportation Code, §623.070 says that Subchapter D of Transportation Code, Chapter 623 does not
3 apply to the transportation of an intermodal shipping container.

4 Proposed amendments to §219.12(b)(7) through (b)(9) would combine the paragraphs into
5 revised §219.12(b)(7) because the current and revised text cover a specific type of single-trip permit called
6 a superheavy permit. Revised §219.12(b)(7) would include the requirements in existing §219.12(b)(7)
7 through (b)(9) for the department to provide the applicant with a tentative route based on the physical
8 size of the overdimension load excluding weight, as well as the requirement for the applicant to
9 investigate the tentative route and acknowledge in writing to the department that the route is capable of
10 accommodating the overdimension load. The revised §219.12(b)(7) would also describe the current
11 process, including the requirement for the department to consult with TxDOT and the applicant as
12 necessary to attempt to determine a tentative route that the applicant can acknowledge is capable of
13 accommodating the overdimension load; the department's obligation to provide the tentative route to
14 the applicant's TxDOT-certified, licensed professional engineering firm once the applicant acknowledges
15 to the department that the tentative route is capable of accommodating the overdimension load; and the
16 requirement under Chapter 28, Subchapter G of this title (relating to Oversize and Overweight Vehicles
17 and Loads) for the applicant's TxDOT-certified, licensed professional engineering firm to provide TxDOT
18 with a report that TxDOT uses to approve the department's tentative route for the movement of a
19 superheavy load under Transportation Code, §623.071 as required by Transportation Code, §623.003.
20 TxDOT relies on outside engineering firms to provide the initial review and analysis for the superheavy
21 permit application prior to providing the department with approval for the tentative route, which the
22 department provides to the applicant for superheavy loads.

1 The applicant for a superheavy permit must provide the TxDOT-certified, licensed professional
2 engineering firm with the information and documents the engineering firm needs to provide TxDOT with
3 a written report under §28.86 of this title (relating to Bridge Report). Revised §219.12(b)(7) would delete
4 text found in current §219.12(b)(7)(A) through (B) because the information and documents that the
5 TxDOT-certified, licensed professional engineering firm needs to create a written report could vary,
6 depending on the load and the processes of each firm. Before TxDOT will provide the department with
7 approval for the department’s tentative route for the superheavy load, TxDOT must receive from the
8 applicant’s TxDOT-certified, licensed professional engineering firm a written report that includes a
9 detailed structural analysis of the bridges on the proposed route demonstrating that the bridges and
10 culverts on the route are capable of sustaining the load. The department will not issue a superheavy
11 permit unless TxDOT provides the department with approval for the tentative route proposed by the
12 department and acknowledged by the applicant as capable of accommodating the overdimension load.

13 Revised §219.12(b)(7) would also clarify that the term “total weight” in existing rule text for the
14 overdimension load that is between 200,001 and 254,300 pounds is a reference to gross weight, which is
15 defined in §219.2. In addition, revised §219.12(b)(7) would delete text found in current §219.12(b)(7)(C)
16 through (D) because the department no longer needs the referenced form and because the vehicle
17 supervision fee is already addressed in §219.12(b)(3). Further, revised §219.12(b)(7) would modify the
18 existing text in §219.12(b)(7)(E) to require the applicant to provide the department with the TxDOT-
19 certified licensed, professional engineering firm’s email address, instead of the firm’s phone number and
20 fax number.

21 Proposed amendments to §219.12(d) would delete references to storage tanks, including the
22 entire subparagraph (3), to be consistent with the department’s current practice. A proposed amendment
23 to §219.12(d) would also delete paragraph (1) because there are no statutory limits on the size of a house

1 under a permit to move a house. In addition, proposed amendments to §219.12(d) would add hyphens
2 between the words “two” and “axle” because these words are compound modifiers for the word “group.”
3 Further, proposed amendments to §219.12(d) and (e) would delete the requirement for a permit
4 applicant to provide a loading diagram to the department because the applicant must enter weight
5 information into the department’s designated permitting system, rather than providing the loading
6 diagram. A proposed amendment to §219.12(d) would require the applicant to provide the department
7 with the requested information regarding weights. Due to proposed deletions of subdivisions within
8 §219.12(d), the remaining subdivisions would be renumbered accordingly. With the proposed deletion of
9 §219.12(e), subsection (f) would be re-lettered accordingly.

10 A proposed amendment to §219.13(a) would add a citation to Transportation Code, Chapter 622
11 because permits for transporting poles required for the maintenance of electric power transmission and
12 distribution lines (power line poles) are authorized under Transportation Code, Chapter 622, Subchapter
13 E. Section 219.13(e)(6) provides the requirements regarding a permit for power line poles.

14 A proposed amendment to §219.13(b)(1) would delete the permit fee amounts because the fees
15 are listed in Transportation Code, §623.076. A proposed amendment to §219.13(b)(4) would delete the
16 language that says time permits will not be issued to a vehicle or vehicle combination that is registered
17 with temporary vehicle registration. Transportation Code, §623.079 says a permit issued under
18 Subchapter D of Chapter 623 of the Transportation Code may only be issued if the vehicle is registered
19 under Transportation Code, Chapter 502 for the maximum gross weight applicable to the vehicle under
20 Transportation Code, §621.101 that is not heavier than 80,000 pounds overall gross weight. The vehicle
21 registration requirements under Transportation Code, §623.079 do not apply to the permits under
22 §219.13(e)(5) through (7). Also, for permits under §219.13 for which vehicle registration is required,
23 temporary vehicle registration under Transportation Code, Chapter 502 qualifies as vehicle registration

1 under Transportation Code, §623.079. With the proposed deletion of §219.13(b)(1) and (4), the
2 subsequent subsections of §219.13(b) are proposed to be renumbered accordingly.

3 Proposed amendments to §219.13(e)(4) would delete references to an intermodal container
4 because Transportation Code, §623.070 says that Subchapter D of Transportation Code, Chapter 623 does
5 not apply to the transportation of an intermodal shipping container. A proposed amendment to
6 §219.13(e)(4) would also correct an error by replacing the word “principle” with “principal.”

7 A proposed amendment to §219.13(e)(5) would delete reference to §219.13(e)(1)(E) because a
8 proposed amendment to §219.13(e)(1) would delete subparagraph (A) and re-letter the subsequent
9 subparagraphs. A proposed amendment to §219.13(e)(5) would also delete reference to §219.13(e)(1)(G)
10 because paragraph (1) does not contain a subparagraph (G). In addition, a proposed amendment to
11 §219.13(e)(5) would delete subparagraph (E) because Transportation Code, Chapter 623 does not require
12 the vehicle to be registered under Transportation Code, Chapter 502. Also, to the extent the permitted
13 vehicle under §219.13(e)(5) falls within the definition of “manufactured housing” under Occupations
14 Code, §1201.003, the vehicle is not subject to vehicle registration under Transportation Code, Chapter
15 502 according to Transportation Code, §502.142. Further, a proposed amendment to §219.13(e)(5) would
16 delete subparagraph (G) because the escort requirements are contained in statute. Lastly, proposed
17 amendments to §219.13(e)(5) would re-letter subsequent subdivisions within the rule text due to
18 deletions.

19 A proposed amendment to §219.13(e)(6) would delete subparagraph (F) because Transportation
20 Code, Chapter 623 does not require the vehicle to be registered under Transportation Code, Chapter 502.
21 A proposed amendment to §219.13(e)(6) would re-letter subsequent subdivisions within the rule text due
22 to the deletion of subparagraph (F).

1 A proposed amendment to §219.13(e)(7) would delete subparagraph (F) because Transportation
2 Code, Chapter 623 does not require the vehicle to be registered under Transportation Code, Chapter 502.

3 A proposed amendment to §219.13(e)(8) would remove reference to the fee under subsection
4 (b) of §219.13 because a proposed amendment would delete the fee language in subsection (b).

5 A proposed amendment to §219.14(d) would delete the permit fee amount because the fee is
6 listed in Transportation Code, §623.096. A proposed amendment to §219.14(e)(9) would add the title for
7 §219.11 for clarity. A proposed amendment to §219.14(e)(5) would delete the paragraph because the
8 language duplicates language found in Transportation Code, §623.100, and does not list all national
9 holidays. A proposed amendment to §219.14(e)(7) would delete the clause “listed in this subsection”
10 because a proposed amendment to §219.14(e)(5) would delete the paragraph in which some of the
11 national holidays are listed. A proposed amendment to §219.14(e)(10) would delete the paragraph
12 because Transportation Code, §623.099 requires TxDOT, rather than the department, to annually publish
13 a map or list of all bridges or overpasses which, due to height or width, require an escort flag vehicle to
14 stop oncoming traffic while the manufactured home crosses the bridge or overpass. Proposed
15 amendments to §219.14(f) would delete language that is contained in statute. Proposed amendments to
16 §219.14 would re-letter and renumber the subdivisions within the section due to proposed deletions.

17 A proposed amendment to §219.15(a)(2) would delete reference to the fee required by
18 subsection (d) and replace the language with a reference to the fee required by statute because a
19 proposed amendment to subsection (d) would remove fee language that duplicates language found in
20 statute. A proposed amendment to §219.15(c) would delete reference to §219.11(b)(2) because the
21 vehicle registration requirements under Transportation Code, §623.079 do not apply to a permit under
22 §219.15 and the department proposes to delete the vehicle registration requirements under §219.11(b).
23 Proposed amendments to §219.15(f) would delete language that is contained in statute.

1 A proposed amendment to §219.30(a) would remove an unnecessary sentence, which incorrectly
2 references the requirements in Subchapter C of Chapter 219. A proposed amendment to §219.30(b)
3 would replace the word “subchapter” with “section” because §219.30 is the only section in Subchapter C
4 of Chapter 219 that provides for the issuance of a permit under Transportation Code, §623.011. A
5 proposed amendment to §219.30(d)(3) would remove reference to the vehicle’s inspection sticker
6 because vehicle inspection stickers are no longer issued in Texas. The vehicle inspection requirements in
7 Texas are enforced through vehicle registration under Transportation Code, §502.047 and §548.256. A
8 proposed amendment to §219.30(d)(5) would delete language that is inconsistent with Transportation
9 Code, §623.013, which was amended by Senate Bill 1814, 87th Legislature, Regular Session (2021). A
10 proposed amendment to §219.30 would delete subsection (g) because most of the language is contained
11 in Transportation Code, §621.508, which provides an affirmative defense to prosecution of, or an action
12 under Transportation Code, Chapter 623, Subchapter F for the offense of operating a vehicle with a single
13 axle weight or tandem axle weight heavier than the axle weight authorized by law. The proposed
14 amendments would re-letter the remaining subsection to accommodate the removal of §219.30(g).

15 A proposed amendment to §219.32(k) would delete language that is contained in Transportation
16 Code, §623.0171 because it is not necessary to repeat statutory language in rule. A proposed amendment
17 to §219.32(k) would also restructure the language due to the deletion of the paragraph numbers.

18 A proposed amendment to §219.35(a) would update the citation to the subchapter under which
19 the fluid milk permit is located in Transportation Code, Chapter 623. The legislature redesignated the
20 statutes for the fluid milk permit from Subchapter U to Subchapter V.

21 A proposed amendment to §219.36(a) would delete reference to the bill under which
22 Transportation Code, §623.401, *et seq.* became law because Transportation Code, Chapter 623 currently

1 only contains one Subchapter U. The legislature redesignated the statutes for the fluid milk permit from
2 Subchapter U to Subchapter V.

3 Proposed amendments to §219.42(d) would add a hyphen between the words “trailer” and
4 “mounted” because these words are compound modifiers for the term “trailer-mounted unit.” A
5 proposed amendment to §219.42(d)(3) would also remove outdated language regarding the calculation
6 of the fee for a single-trip permit for the movement of a trailer-mounted oil well servicing unit. Axles are
7 no longer temporarily disregarded for the purposes of calculating fees for this single-trip permit. In
8 addition, a proposed amendment to §219.42(d)(3) would remove the subparagraph letter for current
9 subparagraph (A) because there would only be one subparagraph if subparagraph (B) is deleted.

10 Proposed amendments to §219.43(e) would add a hyphen between the words “trailer” and
11 “mounted” because these words are compound modifiers for the term “trailer-mounted unit.” A
12 proposed amendment to §219.43(e)(4) would also remove outdated language regarding the calculation
13 of the fee for a quarterly hubometer permit for the movement of an oil well servicing unit. Axles are no
14 longer temporarily disregarded for the purposes of calculating the fees for this quarterly hubometer
15 permit.

16 A proposed amendment to §219.44(a)(1) would delete subparagraph (A) because Transportation
17 Code, §502.146(b)(3) requires the applicant for a permit plate for oil well servicing or drilling machinery
18 to submit proof that the applicant has a permit under Transportation Code, §623.142 before they can
19 obtain a permit plate under Transportation Code, §502.146(b)(3). A proposed amendment to
20 §219.44(a)(1) would also remove the subparagraph letter for current subparagraph (B) because there
21 would only be one subparagraph if subparagraph (A) is deleted.

22 A proposed amendment to §219.45(a) would replace the word “fracing” with “fracking,” which is
23 defined as “the injection of fluid into shale beds at high pressure in order to free up petroleum resources

1 (such as oil or natural gas).” See *Fracking*, Merriam-Webster Online Dictionary (www.merriam-
2 webster.com/dictionary/fracking) (last visited January 18, 2024). A proposed amendment to §219.45(c)
3 would delete paragraph (2) because the vehicle registration requirements are specified in statute and are
4 not required as part of the application process for a permit for a vehicle transporting liquid products
5 related to oil well production. A proposed amendment to §219.45(c) would renumber the remaining
6 paragraphs due to the deletion of paragraph (2). A proposed amendment to §219.45(c)(4)(C) would insert
7 the word “plate” before the word “number” to clarify that the permittee must provide the department
8 with the “license plate number” for the new trailer.

9 A proposed amendment to §219.60 would replace the word “cranes” with “unladen lift
10 equipment motor vehicles” to be consistent with the terminology in Transportation Code, Chapter 623,
11 Subchapters I and J. The department also proposes amendments to the following sections to replace
12 terminology regarding a crane with terminology regarding an unladen lift equipment motor vehicle to be
13 consistent with the terminology in Transportation Code, Chapter 623, Subchapter I and/or Subchapter J:
14 §§219.61, 219.62, 219.63, and 219.64.

15 A proposed amendment to §219.61(a) would delete paragraph (4) regarding a trailer-mounted
16 crane, and a proposed amendment to §219.62(d)(2)(B) would delete the mileage rate for a trailer-
17 mounted crane because Transportation Code, §623.181 and §623.191 say the permits are for an “unladen
18 lift equipment motor vehicle,” rather than for a trailer-mounted crane. A proposed amendment to
19 §219.61 would delete the language from subsection (g) and move it to the definition of “nondivisible load
20 or vehicle” in §219.2.

21 A proposed amendment to the title for §219.62 would replace the term “Single Trip” with “Single-
22 Trip” to be consistent with the term used in the text of §219.62. A proposed amendment to §219.62(b)
23 would add a space between the colon and title 43 as follows: Figure 1: 43 TAC §219.62(f). A proposed

1 amendment to §219.62(d) would delete paragraph (3) to remove outdated language regarding the
2 calculation of the fee for a single-trip permit for the movement of an unladen lift equipment motor
3 vehicle. Axles are no longer temporarily disregarded for the purposes of calculating fees for this single-
4 trip permit. A proposed amendment to §219.62(d) would also renumber paragraph (4) due to the deletion
5 of paragraph (3).

6 Proposed amendments to §219.63(b) would delete the space between “1” and the colon, and
7 would add a space between the colon and title 43 as follows: Figure 1: 43 TAC §219.62(f). A proposed
8 amendment to §219.63(e) would delete paragraph (4) to remove outdated language regarding the
9 calculation of the fee for a hubometer permit for the movement of an unladen lift equipment motor
10 vehicle. Axles are no longer temporarily disregarded for the purposes of calculating fees for this
11 hubometer permit.

12 A proposed amendment to §219.81 would delete subsection (c) because the department does
13 not have rulemaking authority under Transportation Code, Chapters 621 through 623 to prohibit a person
14 from operating a vehicle on a highway or public road if the vehicle exceeds its gross weight registration.
15 The vehicle registration weight requirements are enforced by law enforcement officers under statutes,
16 such as Transportation Code, §§502.472, 621.002, 621.406, and 621.501.

17 The department proposes the repeal of §219.84 because the department replaced the remote
18 permit system with TxPROS and the department does not require applicants to sign a contract to use
19 TxPROS. The department proposes the repeal of §219.86 because it exceeds the scope of the
20 department’s rulemaking authority. Although Transportation Code, §623.146 and §623.196 contain
21 language that is similar to the language in §219.86 for certain permits, the language in §219.86 applies to
22 all permits. Not all permits under Chapter 219 are governed by Transportation Code, §623.146 and
23 §623.196.

1 A proposed amendment to §219.102(b)(2) would delete language that says the display of an
2 image that includes permit information on a wireless communication device does not constitute effective
3 consent for a law enforcement officer or any other person to access the contents of the wireless
4 communication device except to view the permit information. The department does not have the
5 statutory authority for this language in §219.102(b)(2)(B). However, the person who chooses to display
6 an image of a permit on a wireless communication device can discuss the extent of their consent with the
7 law enforcement officer or any other person prior to displaying an image of a permit on a wireless
8 communication device. Another proposed amendment to §219.102(b)(2) would delete language that says
9 a telecommunications provider may not be held liable to the operator of the motor vehicle for the failure
10 of a wireless communication device to display permit information. The department does not have the
11 statutory authority for this language §219.102(b)(2)(D).

12 The department proposes the repeal of §219.123 because it repeats the language found in
13 Transportation Code, §623.271(e). It is not necessary to repeat statutory language in rule.

14 **FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Glenna Bowman, Chief Financial Officer,
15 has determined that for each year of the first five years the new sections, amendments, and repeals will
16 be in effect, there will be no significant fiscal impact to state or local governments as a result of the
17 enforcement or administration of the proposal. Jimmy Archer, Director of the Motor Carrier Division
18 (MCD), has determined that there will be no significant impact on local employment or the local economy
19 as a result of the proposal.

20 **PUBLIC BENEFIT AND COST NOTE.** Mr. Archer has also determined that, for each year of the first five
21 years the new, amended, and repealed sections are in effect, there are several public benefits anticipated.

22 Anticipated Public Benefits. The public benefits anticipated as a result of the proposal include
23 updated rules that provide the public with the department’s processes and requirements regarding

1 permits, as well as the deletion of unnecessary language, unnecessary requirements, and language for
2 which the department does not have rulemaking authority.

3 Anticipated Costs To Comply With The Proposal. Mr. Archer anticipates that there will be no new
4 costs to comply with these rules. The cost to persons required to comply with the proposal are the costs
5 that currently exist under the provisions in Chapter 219 for which the department has rulemaking
6 authority, as well as the costs under Transportation Code, Chapters 621, 622, and 623.

7 **ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** As required by Government
8 Code, §2006.002, the department has determined that the proposed new sections, amendments, and
9 repeals will not have an adverse economic effect on small businesses, micro-businesses, and rural
10 communities because the proposal does not increase current costs under Chapter 219 for which the
11 department has rulemaking authority. Proposed new §219.5 documents the department’s current
12 process for permit applications, including the requirement for the applicant to obtain a customer
13 identification number at no cost to the applicant. Therefore, the department is not required to prepare a
14 regulatory flexibility analysis under Government Code, §2006.002.

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

19 **GOVERNMENT GROWTH IMPACT STATEMENT.** The department has determined that each year of the
20 first five years the proposed new sections, amendments, and repeals are in effect, no government
21 program would be created or eliminated. Implementation of the proposed new sections, amendments,
22 and repeals would not require the creation of new employee positions or elimination of existing employee
23 positions. Implementation would not require an increase or decrease in future legislative appropriations

1 to the department or an increase or decrease of fees paid to the department. The proposed new sections,
2 amendments, and repeals do not create a new regulation, or expand or limit an existing regulation;
3 however, the repeals and deletions would remove certain existing regulations, such as vehicle registration
4 requirements that exceed the scope of the department’s rulemaking authority and unnecessary
5 requirements that do not apply to permit applications submitted through the department’s designated
6 permitting system. Also, the proposed new sections document current processes. Lastly, the proposed
7 new sections, amendments, and repeals do not affect the number of individuals subject to each rule's
8 applicability and will not affect this state's economy.

9 **REQUEST FOR PUBLIC COMMENT.**

10 If you want to comment on the proposal, submit your written comments by 5:00 p.m. CDT on March 25,
11 2024. A request for a public hearing must be sent separately from your written comments. Send written
12 comments or hearing requests by email to *rules@txdmv.gov* or by mail to Office of General Counsel, Texas
13 Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the
14 department will consider written comments and public testimony presented at the hearing.

15 **STATUTORY AUTHORITY.** The department proposes new sections and amendments under
16 Transportation Code, §621.008, which authorizes the board to adopt rules that are necessary to
17 implement and enforce Transportation Code, Chapter 621; Transportation Code, §622.002, which
18 authorizes the board to adopt rules that are necessary to implement and enforce Transportation Code,
19 Chapter 622, including Transportation Code, §622.051, *et seq.* which authorize the department to issue a
20 permit for transporting poles required for the maintenance of electric power transmission and distribution
21 lines; Transportation Code, §623.002, which authorizes the board to adopt rules as necessary to
22 implement Transportation Code, Chapter 623; Transportation Code, §623.070, *et seq.* which authorize the
23 department to issue a permit to an applicant to move certain equipment or commodities and prescribe

1 the application requirements for such permits; Transportation Code, §623.074(d), which authorizes the
2 department to adopt a rule to authorize an applicant to submit an application electronically;
3 Transportation Code, §623.095(c), which authorizes the department to adopt rules concerning the
4 requirements for a permit under §623.095(c) regarding an annual permit for a person authorized to be
5 issued permits under Transportation Code, §623.094 for the transportation of new manufactured homes
6 from a manufacturing facility to a temporary storage location not to exceed 20 miles from the point of
7 manufacture; Transportation Code, §1002.001, which authorizes the board to adopt rules that are
8 necessary and appropriate to implement the powers and the duties of the department; Government
9 Code, §2001.004, which requires state agencies to adopt rules of practice stating the nature and
10 requirements of all available formal and informal procedures; and the statutory authority referenced
11 throughout the preamble and in the rule text.

12 **CROSS REFERENCE TO STATUTE.** The proposed new sections and amendments would implement
13 Transportation Code, Chapters 621, 622, and 623; and Government Code, Chapter 2001.

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1 **TEXT.**

2 **SUBCHAPTER A. GENERAL PROVISIONS**

3 219.1. Purpose and Scope.

4 The department is responsible for regulating the movement of oversize and overweight vehicles
5 and loads on certain public roadways in this [the] state [highway system], in order to ensure [insure] the
6 safety of the traveling public, and to protect the integrity of the public roadways [highways] and the
7 bridges. This responsibility is accomplished through the issuance of permits for the movement of
8 oversize and overweight vehicles and loads. The sections under this chapter prescribe the policies and
9 procedures for the issuance of permits and the filing of surety bonds. All applications for permits and all
10 questions regarding the permits should be directed to the department, even though TxDOT is
11 responsible for certain issues regarding permits.

12

13 219.2. Definitions.

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

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

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

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

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

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

7 ~~[(5) Board--The Board of the Texas Department of Motor Vehicles.]~~

8 (5) [(6)] Closeout--The procedure used by the department to terminate a permit, issued
9 under Transportation Code, §623.142 or §623.192 that will not be renewed by the applicant.

10 (6) [(7)] Complete identification number--A unique and distinguishing number assigned
11 to equipment or a commodity for purposes of identification.

12 (7) [(8)] Concrete pump truck--A self-propelled vehicle designed to pump the concrete
13 product from a ready mix truck to the point of construction.

14 (8) [(9)] Crane--Any unladen lift equipment motor vehicle designed for the sole purpose
15 of raising, shifting, or lowering heavy weights by means of a projecting, swinging mast with an engine for
16 power on a chassis permanently constructed or assembled for such purpose.

17 ~~[(10) Credit card--A credit card approved by the department.]~~

18 (9) Day--A calendar day.

19 (10) Daytime [(11) Daylight]--As defined in Transportation Code, §541.401. ~~[The period~~
20 ~~beginning one-half hour before sunrise and ending one-half hour after sunset.]~~

21 ~~[(12) Department--The Texas Department of Motor Vehicles.]~~

1 (11) ~~[(13)]~~ Digital signature--An electronic identifier intended by the person using it to
2 have the same force and effect as a manual signature. The digital signature shall be unique to the person
3 using it.

4 ~~[(14) Director--The Executive Director of the Texas Department of Motor Vehicles or a
5 designee not below the level of division director.]~~

6 ~~[(15) District--One of the 25 geographical areas, managed by a district engineer of the
7 Texas Department of Transportation, in which the Texas Department of Transportation conducts its
8 primary work activities.]~~

9 ~~[(16) District engineer--The chief executive officer in charge of a district of the Texas
10 Department of Transportation.]~~

11 (12) ~~[(17)]~~ Electronic identifier--A unique identifier which is distinctive to the person
12 using it, is independently verifiable, is under the sole control of the person using it, and is transmitted in
13 a manner that makes it infeasible to change the data in the communication or digital signature without
14 invalidating the digital signature.

15 (13) ~~[(18)]~~ Escort flag vehicle--A vehicle that precedes or follows an oversize or
16 overweight vehicle to facilitate the safe movement of the oversize or overweight vehicle over roads.

17 (14) ~~[(19)]~~ Four-axle group--Any four consecutive axles, having at least 40 inches from
18 center of axle to center of axle, whose extreme centers are not more than 192 inches apart and are
19 individually attached to or articulated from, or both, to the vehicle by a weight equalizing suspension
20 system.

21 (15) ~~[(20)]~~ Gauge--The transverse spacing distance between tires on an axle, expressed
22 in feet and measured to the nearest inch, from center-of-tire to center-of-tire on an axle equipped with

1 only two tires, or measured to the nearest inch from the center of the dual wheels on one side of the
2 axle to the center of the dual wheels on the opposite side of the axle.

3 (16) ~~[(21)]~~ Gross weight--The unladen weight of a vehicle or combination of vehicles plus
4 the weight of the load being transported.

5 (17) ~~[(22)]~~ Height pole--A device made of a non-conductive material, used to measure
6 the height of overhead obstructions.

7 (18) ~~[(23)]~~ Highway maintenance fee--A fee established by Transportation Code,
8 §623.077, based on gross weight, and paid by the permittee when the permit is issued.

9 (19) ~~[(24)]~~ Highway use factor--A mileage reduction figure used in the calculation of a
10 permit fee for a permit issued under Transportation Code, §623.142 and §623.192.

11 (20) ~~[(25)]~~ Hubometer--A mechanical device attached to an axle on a unit or an unladen
12 lift equipment motor vehicle ~~[a crane]~~ for recording mileage traveled.

13 (21) ~~[(26)]~~ HUD label number--A unique number assigned to a manufactured home by
14 the U.S. Department of Housing and Urban Development.

15 (22) ~~[(27)]~~ Indirect cost share--A prorated share of administering department activities,
16 other than the direct cost of the activities, including the cost of providing statewide support services.

17 (23) ~~[(28)]~~ Load-restricted bridge--A bridge that is restricted by the Texas Department of
18 Transportation, under the provisions of Transportation Code, §621.102, to a weight limit less than the
19 maximum amount allowed by Transportation Code, §621.101.

20 (24) ~~[(29)]~~ Load-restricted road--A road that is restricted by the Texas Department of
21 Transportation, under the provisions of Transportation Code, §621.102, to a weight limit less than the
22 maximum amount allowed by Transportation Code, §621.101.

23 ~~[(30) Machinery plate--A license plate issued under Transportation Code, §502.146.]~~

1 (25) [(31)] Manufactured home--Manufactured housing, as defined in Occupations
2 Code, Chapter 1201, and industrialized housing and buildings, as defined in Occupations Code,
3 §1202.002, and temporary chassis systems, and returnable undercarriages used for the transportation
4 of manufactured housing and industrialized housing and buildings, and a transportable section which is
5 transported on a chassis system or returnable undercarriage that is constructed so that it cannot,
6 without dismantling or destruction, be transported within legal size limits for motor vehicles.

7 (26) [(32)] Motor carrier--A person that controls, operates, or directs the operation of
8 one or more vehicles that transport persons or cargo over a public highway in this state, as defined by
9 Transportation Code, §643.001.

10 [(33)] Motor carrier registration (MCR) ~~The registration issued by the department to~~
11 ~~motor carriers moving intrastate, under authority of Transportation Code, Chapter 643.]~~

12 (27) [(34)] Nighttime—~~As defined in [The period beginning one-half hour after sunset~~
13 ~~and ending one-half hour before sunrise, as defined by] Transportation Code, §541.401.~~

14 (28) [(35)] Nondivisible load or vehicle--

15 (A) A nondivisible load or vehicle is defined as follows:

16 (i) Any load or vehicle exceeding applicable length or weight limits
17 which, if separated into smaller loads or vehicles, would:

18 (I) [(#)] compromise the intended use of the vehicle, i.e., make it
19 unable to perform the function for which it was intended;

20 (II) [(#)] destroy the value of the load or vehicle, i.e., make it
21 unusable for its intended purpose; or

1 (III) [(iii)] require more than eight workhours to dismantle using
2 appropriate equipment. The applicant for a nondivisible load permit has the burden of proof as to the
3 number of workhours required to dismantle the load.

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

7 (iii) [(C)] Casks designed for the transport of spent nuclear materials.

8 (iv) [(D)] Military vehicles transporting marked military equipment or
9 materiel.

10 (B) A vehicle or load that exceeds legal weight (without the properly secured
11 components) and for which an appropriate permit is obtained from the department under this chapter
12 may travel as a mobile vehicle or as a load, as applicable, with properly secured components in
13 accordance with the manufacturer's specifications to the extent the components are necessary for the
14 vehicle or load to perform its intended function or purpose, provided the axle weights, axle group
15 weights, and gross weight do not exceed the maximum applicable permit weights listed in this chapter.
16 For example, a crane permitted under Subchapter E of this chapter that exceeds legal weight without
17 the properly secured components may travel with properly secured components, such as outriggers,
18 booms, counterweights, jibs, blocks, balls, cribbing, outrigger pads, and outrigger mats, in accordance
19 with the manufacturer's specifications to the extent the components are necessary for the crane to
20 perform its intended function, provided the axle weights, axle group weights, and gross weight do not
21 exceed the maximum permit weights listed in Subchapter E of this chapter. An example of a load being
22 transported is a dozer with the blade detached that is permitted under §219.12 of this title (relating to
23 Single-Trip Permits Issued under Transportation Code, Chapter 623, Subchapter D) when both are being

1 transported on a trailer or semitrailer if the dozer without the blade is overweight, provided the axle
2 weights, axle group weights, and gross weight do not exceed the maximum permit weights listed in
3 §219.12.

4 (29) [(36)] Oil field rig-up truck--An unladen vehicle with an overweight single steering
5 axle, equipped with a winch and set of gin poles used for lifting, erecting, and moving oil well equipment
6 and machinery.

7 (30) [(37)] Oil well servicing unit--An oil well clean-out unit, oil well drilling unit, or oil
8 well swabbing unit, which is mobile equipment, either self-propelled or trailer-mounted, constructed as
9 a machine used solely for cleaning-out, drilling, servicing, or swabbing oil wells, and consisting in general
10 of, but not limited to, a mast, an engine for power, a draw works, and a chassis permanently
11 constructed or assembled for this purpose.

12 [(38) One trip registration--Temporary vehicle registration issued under Transportation
13 Code, §502.095.]

14 (31) [(39)] Overdimension load--A vehicle, combination of vehicles, or vehicle and its
15 load that exceeds maximum legal width, height, length, overhang, or weight as set forth by
16 Transportation Code, Chapter 621, Subchapters B and C.

17 (32) [(40)] Overhang--The portion of a load extending beyond the front or rear of a
18 vehicle or combination of vehicles.

19 (33) [(41)] Overheight--A vehicle or load that exceeds the maximum height specified in
20 Transportation Code, §621.207.

21 (34) [(42)] Overlength--A vehicle, combination of vehicles, or a vehicle or vehicle
22 combination and its load that exceed(s) the maximum length specified in Transportation Code,
23 §§621.203, 621.204, 621.205, and 621.206.

1 (35) [(43)] Oversize load--A vehicle, combination of vehicles, or a vehicle or vehicle
2 combination and its load that exceed(s) maximum legal width, height, length, or overhang, as set forth
3 by Transportation Code, Chapter 621, Subchapter C.

4 (36) [(44)] Overweight--A vehicle, combination of vehicles, or a vehicle or vehicle
5 combination and its load that exceed(s) the maximum weight specified in Transportation Code,
6 §621.101.

7 (37) [(45)] Overwidth--A vehicle or load that exceeds the maximum width specified in
8 Transportation Code, §621.201.

9 (38) [(46)] Permit--Authority for the movement of an oversize and/or overweight
10 vehicle, combination of vehicles, or a vehicle or vehicle combination and its load, issued by the
11 department under Transportation Code, Chapter 623.

12 (39) [(47)] Permit officer--An employee of the department who is authorized to issue an
13 oversize/overweight permit.

14 (40) [(48)] Permit plate--A license plate issued under Transportation Code, §502.146, to
15 oil well servicing, cleanout, or drilling machinery as defined in Transportation Code, §502.001(29). [a
16 ~~crane or an oil well servicing vehicle.~~]

17 (41) [(49)] Permitted vehicle--A vehicle, combination of vehicles, or vehicle and its load
18 operating under the provisions of a permit.

19 (42) [(50)] Permittee--Any person, firm, or corporation that is issued an
20 oversize/overweight permit by the department.

21 (43) [(51)] Pipe box--A container specifically constructed to safely transport and handle
22 oil field drill pipe and drill collars.

1 (44) ~~[(52)]~~ Portable building compatible cargo--Cargo, other than a portable building
2 unit, that is manufactured, assembled, or distributed by a portable building unit manufacturer and is
3 transported in combination with a portable building unit.

4 (45) ~~[(53)]~~ Portable building unit--The pre-fabricated structural and other components
5 incorporated and delivered by the manufacturer as a complete inspected unit with a distinct serial
6 number whether in fully assembled, partially assembled, or kit (unassembled) configuration when
7 loaded for transport.

8 (46) ~~[(54)]~~ Principal--The person, firm, or corporation that is insured by a surety bond
9 company.

10 (47) ~~[(55)]~~ Roll stability support safety system--An electronic system that monitors
11 vehicle dynamics and estimates the stability of a vehicle based on its mass and velocity, and actively
12 adjusts vehicle systems including the throttle and/or brake(s) to maintain stability when a rollover risk is
13 detected.

14 (48) ~~[(56)]~~ Shipper's certificate of weight--A form approved by the department in which
15 the shipper certifies to the maximum weight of the shipment being transported.

16 (49) ~~[(57)]~~ Single axle--An assembly of two or more wheels whose centers are in one
17 transverse vertical plane or may be included between two parallel transverse planes 40 inches apart
18 extending across the full width of the vehicle.

19 (50) ~~[(58)]~~ Single-trip permit--A permit issued for an overdimension load for a single
20 continuous movement over a specific route for an amount of time necessary to make the movement.

21 (51) ~~[(59)]~~ State highway--A highway or road under the jurisdiction of the Texas
22 Department of Transportation.

1 (52) [(60)] State highway system--A network of roads and highways as defined by
2 Transportation Code, §221.001.

3 (53) [(61)] Surety bond--An agreement issued by a surety bond company to a principal
4 that pledges to compensate the obligee as required under Transportation Code, Chapters 622 and 623.
5 [~~Texas Department of Transportation for any damage that might be sustained to the highways and~~
6 ~~bridges by virtue of the operation of the equipment for which a permit was issued. A surety bond is~~
7 ~~effective the day it is issued and expires at the end of the state fiscal year, which is August 31st. For~~
8 ~~example, if you obtain a surety bond on August 30th, it will expire the next day at midnight.~~]

9 (54) [(62)] Tare weight--The empty weight of any vehicle transporting an overdimension
10 load.

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

13 (55) [(64)] Three-axle group--Any three consecutive axles, having at least 40 inches from
14 center of axle to center of axle, whose extreme centers are not more than 144 inches apart, and
15 are individually attached to or articulated from, or both, to the vehicle by a weight equalizing
16 suspension system.

17 (56) [(65)] Time permit--A permit issued for a specified period of time under §219.13 of
18 this title (relating to Time Permits).

19 (57) [(66)] Tire size--The inches of lateral tread width.

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

22 (58) [(68)] Trailer-mounted [~~Trailer mounted~~] unit--An oil well clean-out, drilling,
23 servicing, or swabbing unit mounted on a trailer, constructed as a machine used for cleaning out,

1 drilling, servicing, or swabbing oil wells, and consisting in general of, but not limited to, a mast, an
2 engine for power, a draw works, and a chassis permanently constructed or assembled for this purpose.

3 (59) ~~[(69)]~~ Truck--A motor vehicle designed, used, or maintained primarily for the
4 transportation of property.

5 (60) ~~[(70)]~~ Truck blind spot systems--Vehicle-based sensor devices that detect other
6 vehicles or objects located in the vehicle's adjacent lanes. Warnings can be visual, audible, vibrating, or
7 tactile.

8 (61) ~~[(71)]~~ Trunnion axle--Two individual axles mounted in the same transverse plane,
9 with four tires on each axle, that are connected to a pivoting wrist pin that allows each individual axle to
10 oscillate in a vertical plane to provide for constant and equal weight distribution on each individual axle
11 at all times during movement.

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

15 (62) ~~[(73)]~~ Two-axle group--Any two consecutive axles whose centers are at least 40
16 inches but not more than 96 inches apart and are individually attached to or articulated from, or both,
17 to the vehicle by a weight equalizing suspension system.

18 (63) ~~[(74)]~~ TxDOT--Texas Department of Transportation.

19 (64) ~~[(75)]~~ Unit--Oil well clean-out unit, oil well drilling unit, oil well servicing unit,
20 and/or oil well swabbing unit.

21 (65) ~~[(76)]~~ Unladen lift equipment motor vehicle--A motor vehicle, such as a crane or a
22 concrete pump truck, designed for use as lift equipment used solely to raise, shift, or lower heavy

1 weights by means of a projecting, swinging mast with an engine for power on a chassis permanently
2 constructed or assembled for such purpose.

3 (66) ~~[(77)]~~ USDOT Number--The United States Department of Transportation number.

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

9 (67) ~~[(79)]~~ Vehicle identification number--A unique and distinguishing number assigned
10 to a vehicle by the manufacturer or by the department in accordance with Transportation Code,
11 §501.032 and §501.033.

12 (68) ~~[(80)]~~ Water Well Drilling Machinery--Machinery used exclusively for the purpose of
13 drilling water wells, including machinery that is a unit or a unit mounted on a conventional vehicle or
14 chassis.

15 (69) ~~[(81)]~~ Weight-equalizing suspension system--An arrangement of parts designed to
16 attach two or more consecutive axles to the frame of a vehicle in a manner that will equalize the load
17 between the axles.

18 (70) ~~[(82)]~~ Windshield sticker--Identifying insignia indicating that a permit has been
19 issued in accordance with Subchapter C of this chapter.

20 (71) ~~[(83)]~~ Year--A time period consisting of 12 consecutive months that commences
21 with the effective date stated in the permit.

1 ~~[(84) 72-hour temporary vehicle registration--Temporary vehicle registration issued by~~
2 ~~the department authorizing a vehicle to operate at maximum legal weight on a state highway for a~~
3 ~~period not longer than 72 consecutive hours, as prescribed by Transportation Code, §502.094.]~~

4 ~~[(85) 144-hour temporary vehicle registration--Temporary vehicle registration issued by~~
5 ~~the department authorizing a vehicle to operate at maximum legal weight on a state highway for a~~
6 ~~period not longer than 144 consecutive hours, as prescribed by Transportation Code, §502.094.]~~

7

8 219.5. Application Requirements.

9 (a) An application for a permit under this chapter must be filed with the department and must
10 be:

11 (1) made in a form and filed by the method prescribed by the department on its
12 website;

13 (2) completed by the applicant or an authorized representative of the applicant; and

14 (3) accompanied by the required fee, which shall be payable as provided by §209.23 of
15 this title (relating to Methods of Payment).

16 (b) An authorized representative of the applicant who files an application with the department
17 on behalf of the applicant may be required to provide written proof of authority to act on behalf of the
18 applicant.

19 (c) The department will not approve an application for a permit unless the applicant:

20 (1) provides all information and documents required by the department; and

1 (2) complies with all application requirements under this chapter; Transportation Code,
2 Chapters 621, 622, and 623; and other applicable law.

3 (d) An applicant must register for an account in the department’s designated permitting system
4 prior to using the system to apply for or amend a permit. Once the applicant registers for an account in
5 the department’s designated permitting system, the system will generate a customer identification
6 number for the applicant to use when applying for a permit. To register for an account, the applicant
7 must provide the following information via the department’s designated permitting system, which is
8 accessible on the department’s website:

9 (1) the applicant’s company name, phone number, email address, permit delivery
10 method, physical address, and mailing address;

11 (2) first name, last name, and phone number for an emergency contact for the
12 applicant; and

13 (3) the requested login information, including a unique username and password.

14 (e) If the department authorizes an application for a permit to be submitted by mail and the
15 applicant does not have a customer identification number, the applicant must authorize the department
16 to set up an account for the applicant in the department’s designated permitting system for the
17 purposes of obtaining a customer identification number for the applicant based on information the
18 department obtains from the applicant’s permit application and information the department obtains
19 from the Federal Motor Carrier Safety Administration’s system.

20
21 219.7. Amendments to Permits.

1 (a) General amendment guidelines. Except as provided by subsection (b) of this section, any part
2 of a permit may be amended under the guidelines in this subsection, notwithstanding any other sections
3 in this chapter regarding limitations on amending a permit.

4 (1) Any amendment that is necessary to correct an error made by department staff or
5 the department’s designated permitting system may be made provided the price of the permit or the
6 permit type does not change.

7 (2) An expired permit may only be amended if it expired on a day on which the
8 department was closed or the department’s designated permitting system was not operational.

9 (b) Specific amendment authority and restrictions. Notwithstanding any other section in this
10 chapter regarding limitations on amending a permit, a permit issued under this chapter may be
11 amended as authorized by this subsection.

12 (1) The permittee’s name can be amended on any permit type to correct a spelling
13 error.

14 (2) The permittee’s contact information may be amended on any permit type.

15

16 219.9. Federal Highway Administration Interpretation of Federal Law.

17 Notwithstanding any provisions in this chapter, this chapter does not authorize the operation of
18 a vehicle or vehicle combination on the following roadways in this state to the extent the Federal
19 Highway Administration determines the vehicle or vehicle combination exceeds the applicable weight or
20 size for such roadway under 23 U.S.C. §127, 49 U.S.C. §§31111 through 31114, or federal regulations
21 prescribed under 23 U.S.C. §127 or 49 U.S.C. §§31111 through 31114: the federal-aid primary system,

1 the federal-aid urban system, and the federal-aid secondary system, including the national system of
2 interstate and defense highways. To the extent the department learns that the Federal Highway
3 Administration generally determines a vehicle or vehicle combination exceeds the applicable weight or
4 size for such roadway under 23 U.S.C. §127, 49 U.S.C. §§31111 through 31114, or federal regulations
5 prescribed under 23 U.S.C. §127 or 49 U.S.C. §§31111 through 31114 in a way that may conflict with a
6 provision in this chapter, the department will post a notice on its website and may provide notice to
7 permittees through the applicable email addresses on file with the department.

8

9

SUBCHAPTER B. GENERAL PERMITS

10

11 §219.11. General Oversize/Overweight Permit Requirements and Procedures.

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

15 (b) Motor carrier registration or surety bond. [~~Prerequisites to obtaining an oversize/overweight~~
16 ~~permit.] Unless exempted by law, prior [~~or this chapter, the following requirements must be met prior~~
17 ~~to the issuance of an oversize/overweight permit.]~~~~

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

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

4 ~~[(A) current Texas license plates that indicate the permitted vehicle is registered~~
5 ~~for maximum legal gross weight or the maximum weight the vehicle can transport;]~~

6 ~~[(B) Texas temporary vehicle registration;]~~

7 ~~[(C) current out of state license plates that are apportioned for travel in Texas;~~

8 ~~or]~~

9 ~~[(D) foreign commercial vehicles registered under Texas annual registration.]~~

10 (c) Permit application.

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

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

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

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

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

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

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

24 (G) any other information required by law.

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

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

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

8 (i) unique to the person using it;

9 (ii) capable of independent verification;

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

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

13 (d) Maximum permit weight limits.

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

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

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

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

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

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

12 (F) If two or more consecutive axle groups have ~~[Two or more consecutive axle~~
13 ~~groups having]~~ an axle spacing of less than 12 feet, measured from the center of the last axle of the
14 preceding group to the center of the first axle of the following group, the maximum permit weight on
15 the axle groups will be reduced by 2.5% for each foot less than 12 feet.

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

- 19 (A) single axle--25,000 pounds;
20 (B) two-axle ~~[two axle]~~ group--46,000 pounds;
21 (C) three-axle ~~[three axle]~~ group--60,000 pounds;
22 (D) four-axle ~~[four axle]~~ group--70,000 pounds;
23 (E) five-axle ~~[five axle]~~ group--81,400 pounds;

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

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

6 (i) two axles;

7 (ii) eight tires per axle;

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

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

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

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

15 (B) two-axle [~~two-axle~~] group--41,400 pounds;

16 (C) three-axle [~~three-axle~~] group--54,000 pounds;

17 (D) four-axle [~~four-axle~~] group--63,000 pounds;

18 (E) five-axle [~~five-axle~~] group--73,260 pounds;

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

20 engineering study of the equipment, which will include the type of steering system used, the type of
21 axle suspension, the spacing distance between each axle, the number of tires per axle, and the tire size
22 on each axle;

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

1 (H) if two or more consecutive axle groups have ~~[two or more consecutive axle~~
2 ~~groups having]~~ an axle spacing of less than 12 feet, measured from the center of the last axle of the
3 preceding group to the center of the first axle of the following group, the maximum permit weight on
4 the axle groups will be reduced by 2.5% for each foot less than 12 feet.

5 (e) Permit issuance.

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

9 (2) Routing.

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

12 (i) the size and weight of the overdimension load in relation to vertical
13 clearances, width restrictions, steep grades, and reduced capacity ~~[weak]~~ or load restricted bridges;

14 (ii) the geometrics of the roadway in comparison to the overdimension
15 load;

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

18 (iv) traffic conditions, including traffic volume;

19 (v) route designations by municipalities in accordance with
20 Transportation Code, §623.072;

21 (vi) load restricted roads; and

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

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

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

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

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

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

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

14 (f) Refund [~~Payment~~] of permit fees. [~~refunds.~~]

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

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

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

20 (1) vehicle breakdown;

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

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

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

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

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

6 (h) Requirements for overwidth loads.

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

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

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

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

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

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

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

3 (i) Requirements for overlength loads.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (j) Requirements for overheight loads.

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

22 (2) An applicant requesting a permit to move an oversize vehicle and load with an
23 overall height of 19 feet or greater will be furnished with a proposed route. The applicant must

1 physically inspect the proposed route to determine if the oversize vehicle and load can safely negotiate
2 it, unless an exception is granted based on a route and traffic study conducted by TxDOT. A permit
3 application and the appropriate fee are required for every route inspection.

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

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

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

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

16 (1) General.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (8) Equipment requirements for motorcycles.

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

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

7 (I) Restrictions.

8 (1) Daytime [~~Daylight~~] and nighttime [~~night~~] movement restrictions.

9 (A) A permitted vehicle may be moved only during the daytime [~~daylight hours~~]
10 unless:

11 (i) the permitted vehicle is overweight only;

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

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

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

20 (2) Holiday restrictions. [~~The maximum size limits for a permit issued under~~
21 ~~Transportation Code, Chapter 623, Subchapter D, for holiday movement is 14 feet wide, 16 feet high,~~
22 ~~and 110 feet long, unless an exception is granted based on a route and traffic study conducted by~~
23 ~~TxDOT.~~] The department may restrict holiday movement of specific loads based on TxDOT's [a]

1 determination that the load could pose a hazard for the traveling public due to local road or traffic
2 conditions.

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

6 (m) General provisions.

7 (1) Multiple commodities.

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

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

18 ~~[(i) The permit applicant or the shipper of the commodities files with the~~
19 ~~department a written certification by the Texas Economic Development and Tourism Office, attesting~~
20 ~~that issuing the permit will have a significant positive impact on the economy of Texas and that the~~
21 ~~proposed load of multiple commodities therefore cannot be reasonably dismantled. As used in this~~
22 ~~clause the term significant positive impact means the creation of not less than 100 new full time jobs,~~
23 ~~the preservation of not less than 100 existing full time jobs, that would otherwise be eliminated if the~~

1 ~~permit is not issued, or creates or retains not less than one percent of the employment base in the~~
2 ~~affected economic sector identified in the certification.]~~

3 ~~[(ii) Transport of the commodities does not exceed legal axle and gross~~
4 ~~load limits.]~~

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

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

18 ~~[(v) The shipper and the permittee must file with the department, in~~
19 ~~addition to all insurance provided in clause (iv) of this subparagraph, a certificate of insurance on a form~~
20 ~~prescribed by the department, or otherwise acceptable to the department, naming the department, its~~
21 ~~board members, officers, and employees as insurers under an auto liability insurance policy for the~~
22 ~~benefit of said insurers in an amount of \$5 million per accident. The insurance policy is to be procured~~
23 ~~from a company licensed to transact insurance business in the State of Texas. If the shipper or the~~

1 ~~permittee is self-insured with regard to automobile liability then that party must take all steps and~~
2 ~~perform all acts necessary under the law to indemnify the department, its board members, officers, and~~
3 ~~employees as if the party had contracted for insurance pursuant to, and in the amount set forth in, the~~
4 ~~preceding sentence and shall agree to so indemnify the department, its board members, officers, and~~
5 ~~employees in a manner acceptable to the department.]~~

6 ~~[(vi) Issuance of the permit is approved by written order of the board~~
7 ~~which written order may be, among other things, specific as to duration and routes.]~~

8 (B) [(C)] Subject to the restrictions in subparagraph (A) of this paragraph and the
9 definition of a “nondivisible load or vehicle” in §219.2 of this title (relating to Definitions), an [A]
10 applicant requesting a permit to haul a dozer and its detached blade may be issued a permit, as a
11 nondivisible [non-dismantable] load, if removal of the blade will decrease the overall width of the load,
12 thereby reducing the hazard to the traveling public.

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

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

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

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

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

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

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

2 (E) be signed by the principal; and

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

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

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

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

10

11 §219.12. Single-Trip Permits Issued Under Transportation Code, Chapter 623, Subchapter D.

12 (a) General. The information in this section applies to single-trip permits issued under
13 Transportation Code, Chapter 623, Subchapter D. The department will issue permits under this section
14 in accordance with the requirements of §219.11 of this title (relating to General Oversize/Overweight
15 Permit Requirements and Procedures).

16 (b) Overweight loads.

17 (1) The maximum weight limits for an overweight permit are specified in §219.11(d).

18 (2) The applicant shall pay, in addition to the single-trip permit fee of \$60, the applicable
19 highway maintenance fee.

20 (3) The applicant must also pay the vehicle supervision fee (VSF) for a permit issued for
21 an overweight vehicle and load exceeding 200,000 pounds gross weight.

1 (A) The VSF is \$35 if:
2 (i) the vehicle and load do not exceed 254,300 pounds gross weight;
3 (ii) there is at least 95 feet of overall axle spacing; and
4 (iii) the vehicle and load do not exceed maximum permit weight on any
5 axle or axle group, as described in §219.11(d).

6 (B) The VSF is \$500 if:
7 (i) there is less than 95 feet of overall axle spacing;
8 (ii) the vehicle and load exceed maximum permit weight on any axle or
9 axle group, as described in §219.11(d); or

10 (iii) the vehicle and load exceed 254,300 pounds gross weight. However,
11 for a vehicle and load described in this subparagraph, the VSF is reduced from \$500 to \$100 if no bridges
12 are crossed, and the VSF is reduced from \$500 to \$35 for an additional identical load that is to be moved
13 over the same route within 30 days of the movement date of the original permit.

14 (C) An applicant must pay the VSF at the time of permit application in order to
15 offset TxDOT's [department] costs for analyses performed in advance of issuing the permit. A request
16 for cancellation must be in writing and received by the department prior to collection of the structural
17 information associated with the permit application. If the application is canceled, the department will
18 return the vehicle supervision fee.

19 (4) An applicant applying for a permit to move a load that is required for the fulfillment
20 of a fixed price public works contract that was entered into prior to the effective date of this section,
21 and administered by federal, state, or local governmental entities, will not be required to pay the vehicle

1 supervision fee, provided the applicant presents proof of the contract to the department prior to permit
2 issuance.

3 (5) When the department has determined that a permit can be issued for an
4 overdimension load exceeding 200,000 pounds gross weight, all remaining fees are due at the time the
5 permit is issued.

6 (6) Unless the permit is issued for a load under subsection (c) of this section, this permit
7 may not be used for a container, including a trailer [~~or an intermodal container~~], loaded with divisible
8 cargo.

9 (7) The following provisions apply to an application for a superheavy permit to move an
10 overdimension load that is over 254,300 pounds gross weight, between 200,001 and 254,300 pounds
11 gross weight with less than 95 feet overall axle spacing, or over the maximum permitted weight on any
12 axle or axle group described in §219.11(d) of this title.

13 (A) In consultation with TxDOT and the applicant as necessary, the department
14 will determine a tentative route based on the physical size of the overdimension load excluding the
15 weight. After the department provides the tentative route to the applicant, the applicant must
16 investigate the tentative route and acknowledge in writing to the department that the tentative route is
17 capable of accommodating the overdimension load. If the applicant tells the department that the
18 tentative route is not capable of accommodating the overdimension load, the department will consult
19 with TxDOT and the applicant as necessary to attempt to create a tentative route that the applicant can
20 acknowledge is capable of accommodating the overdimension load.

21 (B) The applicant must provide the department with the name and email
22 address of the applicant's TxDOT-certified, licensed professional engineering firm, which TxDOT certifies

1 under Chapter 28, Subchapter G of this title (relating to Oversize and Overweight Vehicles and Loads).
2 Once the applicant provides the department with the name and email address of the applicant's TxDOT-
3 certified, licensed professional engineering firm and acknowledges to the department that the tentative
4 route is capable of accommodating the overdimension load, the department will provide the tentative
5 route and the applicant's application information to the applicant's TxDOT-certified, licensed
6 professional engineering firm.

7 (C) The applicant must provide information and documents, as requested, to the
8 applicant's TxDOT-certified, licensed professional engineering firm to enable the engineering firm to
9 provide TxDOT with a written report under §28.86 of this title (relating to Bridge Report).

10 (D) Before the superheavy permit may be issued, the applicant's TxDOT-
11 certified, licensed professional engineering firm must provide TxDOT with a written report that includes
12 a detailed structural analysis of the bridges on the tentative route, demonstrating that the bridges and
13 culverts on the tentative route are capable of sustaining the load. The department will not issue a
14 superheavy permit unless TxDOT provides the department with approval for the tentative route
15 proposed by the department and acknowledged by the applicant as capable of accommodating the
16 overdimension load.

17 ~~[(7) An applicant requesting a permit to move an overdimension load that is between~~
18 ~~200,001 and 254,300 pounds total with less than 95 feet overall axle spacing, or is over the maximum~~
19 ~~permitted weight on any axle or axle group, or is over 254,300 pounds gross weight, or the weight limits~~
20 ~~described in §219.11(d), must submit the following items to the department to determine if the permit~~
21 ~~can be issued:]~~

1 ~~[(A) a detailed loading diagram which indicates the number of axles, the number~~
2 ~~of tires on each axle, the tire size on each axle, the distance between each axle, the tare and gross~~
3 ~~weight on each axle, the transverse spacing of each set of dual wheels, the distance between each set of~~
4 ~~dual wheels, the load's center of gravity, the distance from the center of gravity to the center of the~~
5 ~~front bolster, the distance from the center of gravity to the center of the rear bolster, the distance from~~
6 ~~the center of the front bolster to the center of the fifth wheel of the truck, the distance from the center~~
7 ~~of the rear bolster to the center of the closest axle, and any other measurements as may be needed to~~
8 ~~verify that the weight of the overdimension load is adequately distributed among the various axle~~
9 ~~groups in the amounts indicated by the loading diagram;]~~

10 ~~[(B) a map indicating the exact beginning and ending points relative to a state~~
11 ~~highway;]~~

12 ~~[(C) a completed form prescribed by the department, attesting to the facts~~
13 ~~regarding the applicant's agreement to transport the shipment;]~~

14 ~~[(D) the vehicle supervision fee as specified in paragraph (3) of this subsection;~~
15 ~~and]~~

16 ~~[(E) the name, phone number, and fax number of the applicant's licensed~~
17 ~~professional engineer who has been approved by the department.]~~

18 ~~[(8) The department will select a tentative route based on the physical size of the~~
19 ~~overdimension load excluding the weight. The tentative route must be investigated by the applicant,~~
20 ~~and the department must be advised, in writing, that the route is capable of accommodating the~~
21 ~~overdimension load.]~~

1 ~~[(9) Before the permit is issued, the applicant's TxDOT approved licensed professional~~
2 ~~engineer shall submit to the department and TxDOT a written certification that includes a detailed~~
3 ~~structural analysis of the bridges on the proposed route demonstrating that the bridges and culverts on~~
4 ~~the travel route are capable of sustaining the load. The certification must be approved by TxDOT and~~
5 ~~submitted to the department before the permit will be issued.]~~

6 (c) Drill pipe and drill collars hauled in a pipe box.

7 (1) A vehicle or combination of vehicles may be issued a permit under Transportation
8 Code, §623.071, to haul drill pipe and drill collars in a pipe box.

9 (2) The maximum width must not exceed 10 feet.

10 (3) The axle weight limits must not exceed the maximum weight limits as specified in
11 §219.11(d)(3).

12 (4) The height and length must not exceed the legal limits specified in Transportation
13 Code, Chapter 621, Subchapter C.

14 (5) The permit will be issued for a single-trip only. For loads over 80,000 pounds, the
15 applicant must pay the single-trip permit fee, in addition to the highway maintenance fee specified in
16 Transportation Code, §623.077.

17 (6) The permit is valid only for travel on any farm-to-market and ranch-to-market road,
18 and such road will be specified on the permit; however, the permitted vehicle will not be allowed to
19 cross any load restricted bridge when exceeding the posted capacity of the bridge.

20 (7) Movement will be restricted to daytime ~~[daylight hours]~~ only.

21 (d) Houses ~~[and storage tanks]~~.

1 ~~[(1) Unless an exception is granted by TxDOT, the department will not issue a permit for~~
2 ~~a house or storage tank exceeding 20 feet in width.]~~

3 (1) ~~[(2)]~~ The issuance of a permit for a house ~~[or storage tank]~~ exceeding 20 feet in width
4 will be based on:

5 (A) the amount of inconvenience and hazard to the traveling public, based on
6 traffic volume;

7 (B) highway geometrics and time of movement; and

8 (C) the overall width, measured to the nearest inch, of the house, including the
9 eaves or porches.

10 ~~[(3) A storage tank must be empty.]~~

11 (2) ~~[(4)]~~ The proposed route must include the beginning and ending points on a state
12 highway.

13 (3) ~~[(5)]~~ A permit may be issued for the movement of an overweight house provided:

14 (A) the applicant provides [completes and submits to] the department with the
15 requested information regarding weights [a copy of a diagram for moving overweight houses, as shown
16 in Figure: 43 TAC §219.12(e) of this section];

17 (B) each support beam, parallel to the centerline of the highway, is equipped
18 with an identical number of two-axle ~~[two-axle]~~ groups which may be placed directly in line and across
19 from the other corresponding two-axle ~~[two-axle]~~ group or may be placed in a staggered offset
20 arrangement to provide for proper weight distribution;

1 (C) that, when a support beam is equipped with two or more two-axle [~~two-axle~~]
2 groups, each two-axle [~~two-axle~~] group is connected to a common mechanical or hydraulic system to
3 ensure that each two-axle [~~two-axle~~] group shares equally in the weight distribution at all times during
4 the movement; and when the spacing between the two-axle [~~two-axle~~] groups, measured from the
5 center of the last axle of the front group to the center of the first axle of the following group, is eight
6 feet or more, the front two-axle [~~two-axle~~] group is equipped for self-steering in a manner that will
7 guide or direct the axle group in turning movements without tire scrubbing or pavement scuffing; and

8 (D) the department conducts a detailed analysis of each structure on the
9 proposed route and determines the load can be moved without damaging the roads and bridges.

10 [~~(6) The department may waive the requirement that a loading diagram be submitted~~
11 ~~for the movement of an overweight house if the total weight of all axle groups located in the same~~
12 ~~transverse plane across the house does not exceed the maximum weight limits specified in~~
13 ~~§219.11(d)(2).]~~

14 [~~(e) Diagram for moving overweight houses. The following Figure: 43 TAC §219.12(e) indicates~~
15 ~~the type of diagram that is to be completed by the permit applicant for moving an overweight house. All~~
16 ~~measurements must be stated to the nearest inch.]~~

17 [[Attached Graphic](#)]

18 (e) [~~(f)~~] Self-propelled off-road equipment. A permit may be issued for the movement of
19 oversize and overweight self-propelled off-road equipment under the following conditions.

20 (1) The weight per inch of tire width must not exceed 650 pounds.

21 (2) The rim diameter of each wheel must be a minimum of 25 inches.

1 (3) The maximum weight per axle must not exceed 45,000 pounds.

2 (4) The minimum spacing between axles, measured from center of axle to center of axle,
3 must not be less than 12 feet.

4 (5) The equipment must be moved empty.

5 (6) The route will not include any controlled access highway, unless an exception is
6 granted based on a route and traffic study conducted by TxDOT.

7

8 §219.13. Time Permits.

9 (a) General information. Applications for time permits issued under Transportation Code,
10 Chapter 622 and Chapter 623, and this section shall be made in accordance with §219.11(b) and (c) of
11 this title (relating to General Oversize/Overweight Permit Requirements and Procedures). Permits issued
12 under this section are governed by the requirements of §219.11(e)(1) of this title.

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

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

18 (1) ~~[(2)]~~ Validity of Permit. Time permits are valid for a period of 30, 60, or 90 calendar
19 days, based on the request of the applicant, and will begin on the effective date stated on the permit.

1 (2) [(3)] Weight/height limits. The permitted vehicle may not exceed the weight or
2 height limits set forth by Transportation Code, Chapter 621, Subchapters B and C.

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

5 (3) [(5)] Vehicle indicated on permit. The permit will indicate only the truck or truck-
6 tractor transporting the load; however, any properly registered trailer or semi-trailer is covered by the
7 permit.

8 (4) [(6)] Permit routes. The permit will allow travel on a statewide basis.

9 (5) [(7)] Restrictions.

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

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

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

18 (6) [(8)] Escort requirements. Permitted vehicles are subject to the escort requirements
19 specified in §219.11(k) of this title.

20 (7) [(9)] Transfer of time permits. Time permits issued under this subsection are non-
21 transferable between permittees or vehicles.

1 (8) ~~[(10)]~~ Amendments. With the exception of time permits issued under subsection
2 (e)(4) of this section, time permits issued under this subsection will not be amended except in the case
3 of permit officer error.

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

6 (1) Width requirements.

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

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

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

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

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

15 (i) a height greater than 14 feet;

16 (ii) an overlength load; or

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

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

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

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

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

7 (ii) the transport complies with the permit, including the time period
8 stated on the permit.

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

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

14 (1) Length requirements.

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

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

20 (2) Weight, height and width requirements.

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

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

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

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

10 (e) Annual permits.

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

13 [~~(A) Fees for permits issued under this subsection are payable as described in~~
14 ~~§219.11(f) of this title.~~]

15 (A) [~~(B)~~] Permits issued under this subsection are not transferable.

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

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

1 (D) [~~(E)~~] Vehicles permitted under this subsection may travel through any
2 highway construction or maintenance area provided the dimensions do not exceed the construction
3 restrictions as published by the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (4) Envelope vehicle permits.

20 (A) The department may issue an annual permit under Transportation Code,
21 §623.071(c), to a specific vehicle, for the movement of superheavy or oversize equipment that falls

1 within the definition of a nondivisible load. This permit may not be used for a container, including a
2 trailer [~~or an intermodal container~~], loaded with divisible cargo. Unless otherwise noted, permits issued
3 under this paragraph are subject to the conditions described in paragraph (1) of this subsection.

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

6 (I) 12 feet in width;

7 (II) 14 feet in height;

8 (III) 110 feet in length; or

9 (IV) 120,000 pounds gross weight.

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

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

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

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

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

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

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

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

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

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

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

1 (B) The department may issue an annual permit under Transportation Code,
2 §623.071(d), to a specific motor carrier, for the movement of superheavy or oversize equipment that
3 falls within the definition of a nondivisible load. This permit may not be used for a container, including a
4 trailer [~~or an intermodal container~~], loaded with divisible cargo. Unless otherwise noted, permits issued
5 under this paragraph are subject to the conditions described in paragraph (1) of this subsection and
6 subparagraphs (A)(i)-(viii) of this paragraph. A permit issued under this paragraph may be transferred
7 from one vehicle to another vehicle in the permittee's fleet provided:

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

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

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

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

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

18 (iii) the request for replacement is accompanied by a notarized
19 statement signed by a principal [~~principle~~] or officer of the permittee acknowledging that the permittee
20 understands the permit may not be duplicated and that if the original permit is located, the permittee
21 must return either the original or replacement permit to the department.

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

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

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

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

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

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

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

18 ~~[(E) The permitted vehicle must be registered in accordance with Transportation~~
19 ~~Code, Chapter 502.]~~

20 (E) ~~[(F)]~~ Authorized movement for a vehicle permitted under this section shall be
21 valid during daytime ~~[daylight hours]~~ only ~~[as defined by Transportation Code, §541.401].~~

1 ~~[(G) The permitted vehicle must be operated in accordance with the escort~~
2 ~~requirements described in §219.14(f) of this title (relating to Manufactured Housing, and Industrialized~~
3 ~~Housing and Building Permits).]~~

4 (F) ~~[(H)]~~ Permits issued under this section are non-transferable between
5 permittees.

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

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

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

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

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

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

18 ~~[(F) The permitted vehicle must be registered in accordance with Transportation~~
19 ~~Code, Chapter 502, for maximum weight as set forth by Transportation Code, Chapter 621.]~~

20 (F) ~~[(G)]~~ Movement will be between the hours of sunrise and sunset; however,
21 the limitation on hours of operation does not apply to a vehicle being operated to prevent interruption
22 or impairment of electric service, or to restore electric service that has been interrupted. When

1 operated at nighttime [~~night~~], a vehicle permitted under this subsection must be accompanied by a rear
2 escort flag vehicle.

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

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

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

6 (ii) two red reflectors that indicate the maximum width and are visible,

7 when light is insufficient or atmospheric conditions are unfavorable, at all distances from 100 to 600 feet

8 from the rear when directly in front of lawful lower beams of headlamps; and

9 (iii) two red lamps, one on each side, that indicate the maximum

10 overhang, and are visible at a distance of at least 500 feet from the side of the vehicle.

11 (7) Cylindrically shaped bales of hay. An annual permit may be issued under

12 Transportation Code, §623.017, for the movement of vehicles transporting cylindrically shaped bales of

13 hay. Permits issued under this paragraph are subject to the conditions described in paragraph (1) of this

14 subsection.

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

16 (B) The time period will be for one year, and will start on the effective date

17 stated on the permit.

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

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

20 exceed the limits set forth by Transportation Code, Chapter 621.

21 (E) Movement is restricted to daytime [~~daylight hours~~] only.

22 [~~(F) The permitted vehicle must be registered in accordance with Transportation~~

23 ~~Code, Chapter 502, for maximum weight, as set forth by Transportation Code, Chapter 621.]~~

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

6

7 §219.14. Manufactured Housing, and Industrialized Housing and Building Permits.

8 (a) General Information.

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

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

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

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

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

21 (b) Permit application.

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

3 (2) All applications shall be made in a form and by the method prescribed by the
4 department, and at a minimum shall include 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) applicant's USDOT Number if applicant is required by law to have a USDOT
8 Number;

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

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

12 (ii) Texas seal number; or

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

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

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

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

1 ~~[(d) Payment of permit fee. The cost of the permit is \$40, payable in accordance with §219.11(f)~~
2 ~~of this title.]~~

3 (d) ~~[(e)]~~ Permit provisions and conditions.

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

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

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

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

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

14 (5) ~~[(6)]~~ The department may limit the hours for travel on certain routes because of
15 heavy traffic conditions.

16 (6) ~~[(7)]~~ The department will publish any limitations on movements during the national
17 holidays ~~[listed in this subsection]~~, or any limitations during certain hours of heavy traffic conditions, and
18 will make such publications available to the public prior to the limitations becoming effective.

19 (7) ~~[(8)]~~ The permit will contain the route for the transportation of the manufactured
20 home from the point of origin to the point of destination.

1 (8) [(9)] The route for the transportation must be the most practical route as described
2 in §219.11(e) of this title (relating to General Oversize/Overweight Permit Requirements and
3 Procedures), except where construction is in progress and the permitted vehicle's dimensions exceed the
4 construction restrictions as published by the department, or where bridge or overpass width or height
5 would create a safety hazard.

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

9 (9) [(11)] A permittee may not transport a manufactured home with a void permit; a
10 new permit must be obtained.

11 [(f) Escort requirements.]

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

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

1 ~~[(3) A manufactured home exceeding 18 feet in width must have a front and a rear~~
2 ~~escort flag vehicle on all roadways at all times.]~~

3 ~~[(4) The escort flag vehicle must:]~~

4 ~~[(A) have one red 16 inch square flag mounted on each of the four corners of the~~
5 ~~vehicle;]~~

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

9 ~~[(C) have mounted on top of the vehicle and visible from both the front and~~
10 ~~rear;]~~

11 ~~[(i) two simultaneously flashing lights;]~~

12 ~~[(ii) one rotating amber beacon of not less than eight inches in diameter;~~
13 ~~or]~~

14 ~~[(iii) alternating or flashing blue and amber lights; and]~~

15 ~~[(D) maintain two-way communications with the permitted vehicle and other~~
16 ~~escort flag vehicles involved with the movement of the permitted vehicle.]~~

17 ~~[(5) Two transportable sections of a multi-section manufactured home, or two single~~
18 ~~section manufactured homes, when towed together in convoy, may be considered one home for~~
19 ~~purposes of the escort flag vehicle requirements, provided the distance between the two units does not~~
20 ~~exceed 1,000 feet.]~~

1 ~~[(6) An escort flag vehicle must comply with the requirements in §219.11(k)(1) and~~
2 ~~§219.11(k)(7)(A) of this title.]~~

3

4 §219.15. Portable Building Unit Permits.

5 (a) General information.

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

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

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

15 (c) Permit issuance. Permit issuance is subject to the requirements of §219.11~~[(b)(2)]~~(e) and (g)
16 of this title.

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

19 (e) Permit provisions and conditions.

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

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

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

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

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

9 (6) Movement of the permitted vehicle must be made during daytime [~~daylight hours~~]
10 only.

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

13 ~~[(f) Escort requirements.]~~

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

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

19 ~~[(3) The escort flag vehicle must:]~~

1 ~~[(A) have one red 16 inch square flag mounted on each of the four corners of the~~
2 ~~vehicle;]~~

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

6 ~~[(C) have mounted on top of the vehicle and visible from both front and rear,~~
7 ~~two simultaneously flashing lights, one rotating amber beacon of not less than eight inches in diameter,~~
8 ~~or alternating or flashing blue and amber lights; and]~~

9 ~~[(D) maintain two-way communications with the permitted vehicle and other~~
10 ~~escort flag vehicles involved with the movement of the permitted vehicle.]~~

11 ~~[(4) An escort flag vehicle must comply with the requirements in §219.11(k)(1) and~~
12 ~~§219.11(k)(7)(A) of this title.]~~

13

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

15 §219.30. Permits for Over Axle and Over Gross Weight Tolerances.

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

1 (b) Scope. A permit may be issued to an applicant under this section [~~subchapter~~] to
2 operate a vehicle that exceeds the legal axle weight by a tolerance of 10% and the legal gross
3 weight by a tolerance of 5.0% on any county road and on any road in the state highway system
4 provided the vehicle:

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

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

12 (c) Application for permit.

13 (1) To qualify for a permit under this section, 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 truck year, make, license plate number
20 and state of issuance, and vehicle identification number;

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

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

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

3 (3) The application shall be accompanied by:

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

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

8 ~~[(4) Payment of fees. Fees for permits issued under this subchapter are payable as~~
9 ~~required by §219.11(f) of this title (relating to General Oversize/Overweight Permit Requirements~~
10 ~~and Procedures).]~~

11 (d) Issuance of permit and windshield sticker.

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

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

16 (3) The windshield sticker shall be affixed to the inside of the windshield of the
17 vehicle in accordance with the diagram printed on the back of the sticker ~~[within six inches above~~
18 ~~the vehicle's inspection sticker]~~ in a manner that will not obstruct the vision of the driver. Any
19 attempt to remove the sticker from the windshield will render the sticker void, and will require a
20 new permit and sticker. The windshield sticker must be removed from the vehicle upon expiration
21 of the permit.

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

1 which shall include a statement, signed by the permittee, affirming that the sticker was lost,
2 stolen, or mutilated. The replacement sticker shall only be valid for the permitted vehicle. The cost
3 for a replacement sticker is \$3.00.

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

7 ~~[(A) the name and address of the person for whom a permit is issued; and]~~

8 ~~[(B) the vehicle identification number, license plate number, and~~
9 ~~registration state of the vehicle, and the permit number.]~~

10 (e) Issuance of a credit. Upon written application on a form prescribed by the department,
11 a prorated credit for the remaining time on the permit may be issued for a vehicle that is
12 destroyed or otherwise becomes permanently inoperable to an extent that it will no longer be
13 utilized. The date for computing a credit will be based on the date of receipt of the credit request.
14 The fee for a credit will be \$25, and will be issued on condition that the applicant provides to the
15 department:

16 (1) the original permit; or

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

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

21 ~~[(g) Exceptions. A vehicle carrying timber, wood chips, wood pulp, cotton, or other~~
22 ~~agricultural products in their natural state, may be allowed to exceed the maximum allowable axle~~
23 ~~weight by 12% without a permit; however, if such vehicle exceeds the maximum allowable gross~~

1 ~~weight by an amount of up to 5.0%, a permit issued in accordance with this section will be~~
2 ~~required.]~~

3 (g) [(h)] Lapse or termination of permit. A permit shall lapse or terminate and the
4 windshield sticker must be removed from the vehicle:

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

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

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

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

11
12 §219.31. Timber Permits.

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

17 (b) Application for permit.

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

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

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

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

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

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

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

7 (3) The application shall be accompanied by:

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

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

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

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

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

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

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

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

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

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

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

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

12 (1) on the expiration of the permit;

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

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

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

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

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

22

23 §219.32. Ready-Mixed Concrete Truck Permits.

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

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

7 (c) Application for permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (1) on the expiration of the permit;

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

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

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

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

23 (i) Construction or maintenance areas.

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

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

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

16 (k) Distribution of fees. Fifty percent of the [The] fees collected for permits under
17 Transportation Code, §623.0171 shall be divided equally among all counties designated in the
18 permit application. [~~distributed as follows:~~]

19 [~~(1) 50 percent shall be deposited to the credit of the state highway fund; and]~~

20 [~~(2) 50 percent shall be divided equally among all counties designated in the permit~~
21 ~~application under Transportation Code, §623.0171.~~]

22

23 §219.34. North Texas Intermodal Permit.

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

4 (b) Application for permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (g) Nighttime [~~Night~~] movement. Nighttime [~~Night~~] movement is allowed under this permit,
14 unless prohibited by the curfew movement restrictions published by the department.

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

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

20 (j) A truck-tractor and semitrailer combination is only eligible for a permit issued under this
21 section if the distance between the front axle of the truck-tractor and the last axle of the
22 semitrailer, measured longitudinally, is approximately 647 inches. For the purposes of this

1 subsection, "approximately 647 inches" means the distance can be up to 15 percent above 647
2 inches for a total distance of 744.05 inches.

3

4 §219.35. Fluid Milk Transport Permit.

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

9 (b) Application for permit.

10 (1) To qualify for a fluid milk transport permit, a person must submit an application
11 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (1) on the expiration of the permit;

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

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

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

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

11 (h) Construction or maintenance areas.

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

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

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

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

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

23

1 §219.36. Intermodal Shipping Container Port Permit.

2 (a) Purpose. This section prescribes the requirements, restrictions, and procedures
3 regarding the annual permit for transporting an intermodal shipping container under the
4 provisions of Transportation Code, Chapter 623, Subchapter U. ~~[, as added by Chapter 108 (S.B.~~
5 ~~1524), Acts of the 85th Legislature, Regular Session, 2017.]~~

6 (b) Application for permit.

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

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

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

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

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

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

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

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

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

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

22 (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
2 approved, and each will be mailed to the applicant at the address contained in the application.

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

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

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

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

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

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

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

3 (1) on the expiration of the permit;

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

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

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

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

11 (h) Construction or maintenance areas.

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

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

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

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

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

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

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

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
2 the 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~~
13 ~~described in §219.11(f) of this title (relating to General Oversize/Overweight Permit Requirements and~~
14 ~~Procedures).]~~

15 (c) ~~[(d)]~~ Restrictions.

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

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

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

7 (4) A unit exceeding nine feet in width, 14 feet in height, or 65 feet in length is restricted
8 to daytime [~~daylight~~] movement only.

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

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

14

15 219.42. Single-Trip Mileage Permits.

16 (a) General information.

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

19 (2) A single-trip mileage permit:

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

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

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

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

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

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

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

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

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

13 (b) Maximum permit weight limits.

14 (1) The maximum permit weight for any single axle must not exceed 30,000 pounds or
15 850 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 shown in Figure 2: 43 TAC §219.42(f), titled
18 "Maximum Permit Weight Formulas," and comparing the calculated "W" weight with the corresponding
19 "W" weight that is established in Figure 1: 43 TAC §219.42(f), titled "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),
6 "Maximum Permit Weight Formulas" will be permitted with a single-trip mileage or quarterly hubometer
7 permit for 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
11 only; permit approval or denial will be based on a detailed route study and an analysis conducted by
12 TxDOT of each bridge on the proposed travel route to determine if the road(s) and bridge(s) are capable
13 of sustaining the movement.

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

16 (c) Permit application and issuance.

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

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

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

6 (d) Permit fees and refunds.

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

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

12 (A) Highway use factor. The highway use factor for a single trip mileage permit is
13 0.6.

14 (B) Total rate per mile. The total rate per mile is the combined mileage rates for
15 width, height, and weight for the unit. For a trailer-mounted ~~[trailer-mounted]~~ unit, the total rate per
16 mile is based on the overall width, overall height, and all axle weights, including the truck-tractor axles.

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

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

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

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

9 (3) Permit fees for trailer-mounted [~~trailer-mounted~~] units.

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

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

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

18 [(ii) An axle group will not have more than one axle disregarded.]

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

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

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

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

7 [Attached Graphic](#)

8 [Attached Graphic](#)

9

10 219.43. Quarterly Hubometer Permits.

11 (a) General information.

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

14 (2) A quarterly hubometer permit:

15 (A) is effective for three consecutive months;

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

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

18 (3) A unit permitted under this subsection must not exceed any of the following
19 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
9 beside 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
15 850 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),
6 "Maximum Permit Weight Formulas" will be permitted with a single-trip mileage or quarterly hubometer
7 permit for 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
11 only; permit approval or denial will be based on a detailed route study and an analysis conducted by
12 TxDOT of each bridge on the proposed travel route to determine if the road(s) and bridge(s) are capable
13 of sustaining the movement.

14 (6) A bridge that has been analyzed and determined to be incapable of sustaining the
15 unit 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
21 department 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
13 hubometer permit is calculated by multiplying the hubometer mileage, the highway use factor, and the
14 total rate per mile, and then adding the indirect cost share to the product.

15 (A) Hubometer mileage. Mileage for a quarterly hubometer permit is
16 determined by the unit's current hubometer mileage reading minus the unit's hubometer mileage
17 reading from the 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 [~~trailer-mounted~~] unit is
3 based on the overall 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
10 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle
11 group and 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
14 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle
15 group and dividing the resultant figure by 1,000 pounds.

16 (4) Permit fees for trailer-mounted [~~trailer-mounted~~] units.

17 [(A)] The permit fee for a trailer-mounted [~~trailer-mounted~~] unit is based on the
18 overall width, overall 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~~
2 ~~the 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~~
7 ~~remaining 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.

11

12 §219.44. Annual Permits.

13 (a) General information. Permits issued under this section are subject to the requirements of

14 §219.41 of this title (relating to General Requirements).

15 (1) Annual self-propelled oil well servicing unit permits.

16 ~~[(A) A unit that does not exceed legal size and weight limits and is registered~~

17 ~~with a permit plate must purchase an annual permit issued under this section.]~~

18 ~~[(B)]~~ The fee for an annual self-propelled oil well servicing unit permit is \$52 per

19 axle. The indirect cost share is included in this fee.

20 (2) Annual oil field rig-up truck permits.

1 (A) An oil field rig-up truck permitted under this section must not exceed:

2 (i) legal height or length limits, as provided in Transportation Code,

3 Chapter 621, Subchapter C;

4 (ii) 850 pounds per inch of tire width on the front axle;

5 (iii) 25,000 pounds on the front axle; or

6 (iv) legal weight on all other axles.

7 (B) An oil field rig-up truck, operating under an annual permit, must be

8 registered in accordance with Transportation Code, Chapter 502.

9 (C) The annual permit fee for an oil field rig-up truck is \$52. The indirect cost
10 share is included in this fee.

11 (D) An annual permit for an oil field rig-up truck allows the unit to travel at
12 nighttime [~~night~~], provided the unit does not exceed nine feet in width.

13 (3) A permit issued under this section may not be amended.

14 (4) A permit issued under this section allows travel on a statewide basis and on all state
15 maintained highways.

16 (b) Permit application and issuance.

17 (1) An application for an annual permit under this section must be made in accordance
18 with §219.41(b) of this title.

19 (2) Upon receipt of the application and the appropriate fees, the department will
20 provide a copy of the permit to the applicant.

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§219.45. Permits for Vehicles Transporting Liquid Products Related to Oil Well Production.

(a) General provisions. This section applies to the following vehicles which may secure an annual permit issued under provisions of Transportation Code, Chapter 623, Subchapter G, to haul liquid loads over all state-maintained highways.

(1) A vehicle combination consisting of a truck-tractor and semi-trailer specifically designed with a tank and pump unit for transporting:

(A) liquid ~~fracking~~ ~~[fracing]~~ products, liquid oil well waste products, or unrefined liquid petroleum products to an oil well; or

(B) unrefined liquid petroleum products or liquid oil well waste products from an oil well not connected to a pipeline.

(2) A permit issued under this section is effective for one year beginning on the effective date.

(b) Application for permit.

(1) An application for an annual permit under this section must be made in accordance with §219.41(b) of this title (relating to General Requirements).

(2) The permit request must be received by the department not more than 14 days prior to the date that the permit is to begin.

(c) Permit qualifications and requirements.

(1) The semi-trailer must be of legal size and weight.

- 1 ~~[(2) The semi-trailer must be registered for the maximum legal gross weight.]~~
- 2 (2) ~~[(3)]~~ Only one semi-trailer will be listed on a permit.
- 3 (3) ~~[(4)]~~ The permit may be transferred from an existing trailer being removed from
- 4 service and placed on a new trailer being added to the permittee's fleet, if the permittee supplies the
- 5 department with:
- 6 (A) the existing valid permit number;
- 7 (B) the make and model of the new trailer;
- 8 (C) the license plate number of the new trailer; and
- 9 (D) a transfer fee of \$31 per permit to cover administrative costs.
- 10 (d) Fees. ~~[All fees associated with permits issued under this section are payable as described in~~
- 11 ~~§219.11(f) of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).]~~
- 12 (1) The permit fee is based on the axles of the semi-trailer and the drive axles of the
- 13 truck-tractor. The fee for the permit, which includes the indirect cost share, is determined as follows:
- 14 (A) \$52 per axle--to haul liquid oil well waste products or unrefined liquid
- 15 petroleum products from oil wells not connected by a pipeline and return empty;
- 16 (B) \$52 per axle--to haul liquid products related to oil well production to an oil
- 17 well and return empty; and
- 18 (C) \$104 per axle--to haul liquid products related to oil well production to an oil
- 19 well and return with liquid oil well waste products or unrefined liquid petroleum products from an oil
- 20 well not connected to a pipeline.

1 (2) Each permittee will be charged a \$20 issuance fee in addition to the permit fee.

2 (e) Permit movement conditions. The permit load must not cross any load-restricted bridge
3 when exceeding the posted capacity of such.

4

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

6 **VEHICLES**

7 219.60. Purpose.

8 The sections in this subchapter set forth the requirements and procedures applicable to permits
9 issued for unladen lift equipment motor vehicles [~~cranes~~] under the provisions of Transportation Code,
10 Chapter 623, Subchapters I and J.

11

12 §219.61. General Requirements for Permits for Oversize and Overweight Unladen Lift Equipment Motor
13 Vehicles.

14 (a) General information.

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

17 (2) Unladen lift equipment motor vehicles [~~Cranes~~] are eligible for an annual permit
18 under this subchapter.

1 (3) Unladen lift equipment motor vehicles [~~Cranes~~] are also eligible for the following
2 permits under this subchapter at weights above those established by §219.11(d)(2) of this title (relating
3 to General Oversize/Overweight Permit Requirements and Procedures):

4 (A) single-trip mileage permits; and

5 (B) quarterly hubometer permits.

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

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

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

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

12 (3) year, make and vehicle identification number of the unladen lift equipment motor
13 vehicle [~~crane~~];

14 (4) width, height, and length of the unladen lift equipment motor vehicle [~~crane~~];

15 (5) unladen lift equipment motor vehicle [~~crane~~] axle and tire information, including the
16 number of axles, distance between axles, gauge per axle, axle weights, number of tires, and tire size;

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

18 and

19 (7) any other information required by law.

1 ~~[(c) Payment of permit fees. Fees for permits issued under this subchapter are payable as~~
2 ~~described in §219.11(f) of this title.]~~

3 (c) ~~[(d)]~~ Restrictions.

4 (1) An unladen lift equipment motor vehicle ~~[A crane]~~ permitted under this subchapter is
5 subject to the restrictions specified in §219.11(l)(2) and (3) of this title, and the permittee is responsible
6 for obtaining information concerning current restrictions from the department.

7 (2) An unladen lift equipment motor vehicle ~~[A crane]~~ permitted under this subchapter
8 may travel through highway construction or maintenance areas provided the dimensions do not exceed
9 the construction restrictions as published by the department.

10 (3) An unladen lift equipment motor vehicle ~~[A crane]~~ permitted under this subchapter
11 may only be operated during daytime ~~[daylight]~~, unless:

12 (A) the unladen lift equipment motor vehicle ~~[crane]~~ is overweight only; or

13 (B) the unladen lift equipment motor vehicle ~~[crane]~~ complies with one of the
14 following, regardless of whether the unladen lift equipment motor vehicle ~~[crane]~~ is overweight:

15 (i) the unladen lift equipment motor vehicle ~~[crane]~~ does not exceed
16 nine feet in width, 14 feet in height, or 65 feet in length; or

17 (ii) the unladen lift equipment motor vehicle ~~[crane]~~ is accompanied by
18 a front and rear escort flag vehicle and does not exceed:

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

20 (II) 14 feet in height; or

1 (III) 95 feet in length.

2 (d) [(e)] Transferability. Unless otherwise noted, a permit issued under this subchapter may not
3 be transferred between unladen lift equipment motor vehicles [cranes] or between permittees.

4 (e) [(f)] Escort requirements. In addition to any other escort requirements specified in this
5 subchapter, unladen lift equipment motor vehicles [cranes] permitted under this subchapter are subject
6 to the escort requirements specified in §219.11(k) of this title.

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

13

14 §219.62. Single-Trip [Single-Trip] Mileage Permits.

15 (a) General information.

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

19 (2) A single-trip mileage permit:

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

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

3 (C) allows the unladen lift equipment motor vehicle [crane] to be returned to
4 the point of origin on the same permit, provided the return trip is made within the time period stated in
5 the permit.

6 (3) An unladen lift equipment motor vehicle [A-crane] exceeding 175,000 pounds gross weight
7 must:

8 (A) have front and rear escort flag vehicles to prevent traffic from traveling
9 beside the unladen lift equipment motor vehicle [crane] as it crosses a bridge;

10 (B) cross all multi-lane bridges by centering the unladen lift equipment motor
11 vehicle [crane] on a lane line;

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

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

14 (4) An unladen lift equipment motor vehicle [A-crane] exceeding 12 feet in width must
15 be centered in the outside traffic lane of any highway that has paved shoulders.

16 (5) Except as otherwise provided in this section, the permitted unladen lift equipment
17 motor vehicle [crane] must not cross a load-restricted bridge when exceeding the posted capacity of the
18 bridge.

19 (b) Maximum permit weight limits.

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

3 (2) The maximum permit weight for any group of axles on an unladen lift equipment
4 motor vehicle [~~a crane~~] is determined by calculating the "W" weight for the group, using the formulas
5 shown in Figure 2: 43 TAC §219.62(f), "Maximum Permit Weight Formulas," and comparing the
6 calculated "W" weight with the corresponding "W" weight that is established in Figure 1: 43 TAC
7 §219.62(f), "Maximum Permit Weight Table."

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

11 (4) An applicant with an unladen lift equipment motor vehicle [~~a crane~~] that has any
12 group of axles that exceeds the limits established by Figure 1: 43 TAC §219.62(f), "Maximum Permit
13 Weight Table," and Figure 2: 43 TAC §219.62(f), "Maximum Permit Weight Formulas," must comply with
14 the following process and requirements:

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

17 (i) a detailed diagram, on a form prescribed by the department, which
18 illustrates the required information listed in §219.61(b)(5) of this title;

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

20 and

1 (iii) the name and contact information of the applicant's TxDOT-
2 approved licensed professional engineer.

3 (B) The department will select and provide the applicant with a tentative route
4 based on the size of the unladen lift equipment motor vehicle [crane], excluding the weight. The
5 applicant must inspect the tentative route and advise the department, in writing, that the route is
6 capable of accommodating the unladen lift equipment motor vehicle [crane].

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

13 (c) Permit application and issuance.

14 (1) An application for a single-trip mileage permit under this section must be made in
15 accordance with §219.61(b) of this title and must also include the origin and destination points of the
16 unladen lift equipment motor vehicle [crane].

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

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

1 (d) Permit fees and refunds.

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

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

7 (A) Highway use factor. The highway use factor for a single-trip mileage permit is
8 0.6.

9 (B) Total rate per mile. The total rate per mile is the combined mileage rates for
10 width, height, and weight for the unladen lift equipment motor vehicle. [~~crane. The rate per mile for a
11 trailer-mounted crane is based on the overall width, overall height, and all axle weights, including the
12 truck-tractor axes.]~~

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

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

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

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

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

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

11 ~~[(B) An axle group will not have more than one axle disregarded.]~~

12 ~~[(C) The permit fee for the axle group with the temporarily disregarded axle
13 must be based on the actual weight of the entire axle group minus the legal weight for the remaining
14 axles of the group.]~~

15 ~~(3) [(4)] Refunds. Fees for permits issued under this section are non-refundable.~~

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

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

21 [Attached Graphic](#)

1 [Attached Graphic](#)

2

3 219.63. Quarterly Hubometer Permits.

4 (a) General information.

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

8 (2) A quarterly hubometer permit:

9 (A) is effective for three consecutive months;

10 (B) allows the unladen lift equipment motor vehicle [~~crane~~] to travel on all state-
11 maintained highways; and

12 (C) allows the unladen lift equipment motor vehicle [~~crane~~] to travel on a state-
13 wide basis.

14 (3) An unladen lift equipment motor vehicle [~~A crane~~] permitted under this section must
15 not exceed any of the following dimensions:

16 (A) 12 feet in width;

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

18 (C) 95 feet in length.

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

5 (5) An unladen lift equipment motor vehicle [~~A crane~~] exceeding 175,000 pounds gross
6 weight must:

7 (A) have front and rear escort flag vehicles to prevent traffic from traveling
8 beside the unladen lift equipment motor vehicle [~~crane~~] as it crosses a bridge;

9 (B) cross all multi-lane bridges by centering the unladen lift equipment motor
10 vehicle [~~crane~~] 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 (6) The permitted unladen lift equipment motor vehicle [~~crane~~] must not cross a load-
14 restricted bridge when exceeding the posted capacity of the bridge.

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

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

17 (B) the license plate number.

18 (b) Maximum permit weight limits.

19 (1) The maximum permit weight for any single axle must not exceed 30,000 pounds or
20 850 pounds per inch of tire width, whichever is less.

1 (2) The maximum permit weight for any group of axles on an unladen lift equipment
2 motor vehicle [~~a crane~~] will be determined by calculating the "W" weight for the group, using the
3 formulas in Figure 2: 43 TAC §219.62(f), "Maximum Permit Weight Formulas," and comparing the
4 calculated "W" weight with the corresponding "W" weight that is established in Figure 1[-]:_43 TAC
5 §219.62(f), "Maximum Permit Weight Table."

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

9 (4) An unladen lift equipment motor vehicle [~~A crane~~] that has any group of axles that
10 exceeds the limits established by Figure 1[-]:_43 TAC §219.62(f), "Maximum Permit Weight Table," and
11 Figure 2: 43 TAC §219.62(f), "Maximum Permit Weight Formulas," is not eligible for a permit under this
12 section; however, it is eligible for a permit under §219.62 of this title (relating to Single-Trip Mileage
13 Permits).

14 (c) Initial permit application and issuance.

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

18 (2) Upon verification of the unladen lift equipment motor vehicle [~~crane~~] information
19 and receipt of the permit fee, the department will provide a copy of the permit to the applicant, and will
20 also provide a renewal application form to the applicant.

21 (d) Permit renewals and closeouts.

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

3 (2) Upon receipt of the renewal application, the department will verify the unladen lift
4 equipment motor vehicle [~~crane~~] information, check mileage traveled on the last permit, calculate the
5 new permit fee, and advise the applicant of the permit fee.

6 (e) Permit fees.

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

9 (2) Fees for overlength unladen lift equipment motor vehicles. An unladen lift equipment
10 motor vehicle [cranes. A crane] that is overlength only is not required to have a hubometer. The fee for
11 this permit is \$31.

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

15 (A) Hubometer mileage. Mileage for a quarterly hubometer permit is
16 determined by the unladen lift equipment motor vehicle's [~~crane's~~] current hubometer mileage reading
17 minus the unladen lift equipment motor vehicle's [~~crane's~~] hubometer mileage reading from the
18 previous quarterly hubometer permit.

19 (B) Highway use factor. The highway use factor for a quarterly hubometer permit
20 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 unladen lift equipment motor vehicle ~~[crane]~~.

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

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

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

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

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

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

21 ~~[(B) An axle group will not have more than one axle disregarded.]~~

1 (3) all certificate of title documents, shipper's certificate of weight, including
2 information used to support the shipper's certificate of weight, weight tickets, permits for oversize or
3 overweight vehicles and loads, dispatch records, load tickets, waybill or any other document that verify
4 the operations of the vehicle to determine the actual weight, insurance coverage, size or capacity of the
5 vehicle, and the size or weight of the commodity being transported.

6 (b) Evidence of permits.

7 (1) Except as stated otherwise in §219.13(e)(4)(B)(ii) of this title (relating to Time
8 Permits), the original permit, a print copy of the permit, or an electronic copy of the permit must be
9 kept in the permitted vehicle until the permit terminates or expires.

10 (2) Except as stated otherwise in §219.13(e)(4)(B)(ii), an operator of a vehicle operating
11 under a permit issued under Transportation Code, Subtitle E, shall, on request, provide the original
12 permit, a print copy of the permit, or an electronic copy of the permit to a department inspector or to a
13 peace officer, as defined by Code of Criminal Procedure, Article 2.12.

14 (A) If the department provides a permit electronically, the vehicle operator may
15 provide a legible and accurate image of the permit displayed on a wireless communication device.

16 ~~[(B) The display of an image that includes permit information on a wireless~~
17 ~~communication device under this paragraph does not constitute effective consent for a law~~
18 ~~enforcement officer, or any other person, to access the contents of the wireless communication device~~
19 ~~except to view the permit information.]~~

20 (B) ~~[(C)]~~ The authorization of the use of a wireless communication device to
21 display permit information under this paragraph does not prevent the State Office of Administrative

1 Hearings or a court of competent jurisdiction from requiring a person to provide a paper copy of the
2 person's evidence of permit in a hearing or trial or in connection with discovery proceedings.

3 ~~[(D) A telecommunications provider, as defined by Utilities Code, §51.002, may~~
4 ~~not be held liable to the operator of the motor vehicle for the failure of a wireless communication~~
5 ~~device to display permit information under this paragraph.]~~

6 (c) Preservation and destruction of records. Records required under this section shall be
7 maintained for not less than two years, except that drivers' time cards and logs shall be maintained for
8 not less than six months.

9

10 **SUBCHAPTER H. ENFORCEMENT**

11

12 ~~[\$219.123. Implications for Nonpayment of Penalties; Grounds for Action.]~~

13 ~~[The department may not issue an oversize or overweight permit to the person who has not~~
14 ~~paid an administrative penalty that is due or for the vehicle that is the subject of the enforcement order~~
15 ~~until the amount of the delinquent administrative penalty has been paid to the department.]~~

16

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

19

20

21