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1 **43 TAC §219.123**

2

3 **INTRODUCTION.** The Texas Department of Motor Vehicles (department) adopts amendments to 43 Texas
4 Administrative Code (TAC) Chapter 219, Oversize and Overweight Vehicles and Loads, Subchapter A,
5 General Provisions, §219.1 and §219.2; Subchapter B, General Permits, §§219.11 - 219.15; Subchapter C,
6 Permits for Over Axle and Over Gross Weight Tolerances, §§219.30 - 219.32 and 219.34 - 219.36;
7 Subchapter D, Permits for Oversize and Overweight Oil Well Related Vehicles, §§219.41 - 219.45;
8 Subchapter E, Permits for Oversize and Overweight Unladen Lift Equipment Motor Vehicles, §§219.60 -
9 219.64; Subchapter F, Compliance, §219.81; and Subchapter G, Records and Inspections, §219.102. The
10 department also adopts new Subchapter A, §§219.5, 219.7 and 219.9. The department adopts the
11 following sections without changes to the proposed text as published in the February 23, 2024, issue of
12 the *Texas Register* (49 TexReg 1002) and will not be republished: §§219.1, 219.2, 219.5, 219.7, 219.9,
13 219.12 - 219.15, 219.30 - 219.32, 219.34 - 219.36, 219.41 - 219.45, 219.60, 219.61, 219.62, 219.64, 219.81
14 and 219.102. The department adopts §219.11 and §219.63 with changes to the proposed text as published
15 in the February 23, 2024, issue of the *Texas Register* (49 TexReg 1002), and §219.11 and §219.63 will be
16 republished. The department adopts §219.11 with changes to delay the end date through which the
17 language in §219.11(l)(2) will be in effect regarding restrictions on the movement of certain oversize
18 vehicles and loads on a holiday, and to separate the two sentences in paragraph (2) into subparagraphs
19 (A) and (B). Also, the department adopts §219.63 with changes at adoption to remove the proposed
20 deletion of a space and the proposed addition of a space in the references to Figure 1: 43 TAC §219.62(f).
21 In addition, the department adopts the repeal of §§219.84, 219.86 and 219.123.

22 The department adopts amendments to document the department’s processes and requirements
23 in rule, to update the language to remove unnecessary or obsolete requirements, to delete language that

1 is contained in statute, to delete repetitive language, to clarify the language, to update the language to
2 be consistent with statutory changes; to update the language to be consistent with guidance from the
3 Federal Highway Administration (FHWA), and to begin to organize the general provisions in Subchapter A
4 of Chapter 219. The department also adopts the repeals to delete language that is obsolete or
5 unnecessary; or exceeds the department’s rulemaking authority. In addition, the department adopts
6 amendments that renumber, re-letter, or remove cross-references within rule subdivisions due to the
7 deletion of one or more subdivisions within the rules.

8 **REASONED JUSTIFICATION.**

9 Subchapter A. General Provisions

10 Adopted amendments to §219.1 clarify that Chapter 219 includes permits that authorize travel
11 on certain public roadways in addition to the state highway system. For example, Transportation Code,
12 §623.402 provides for the issuance of an overweight permit that authorizes the permittee to travel on
13 certain county roads, municipal streets, and the state highway system to the extent the Texas Department
14 of Transportation (TxDOT) approves such roads, streets, and state highways under Transportation Code,
15 §623.405. An adopted amendment to §219.1 also clarifies that Chapter 219 includes the policies and
16 procedures for filing surety bonds, including surety bonds that are required before an operator of certain
17 vehicles that exceed certain axle weight limits is allowed to travel on municipal streets, county roads, or
18 the state highway system. An adopted amendment to §219.1 also corrects an error by changing the word
19 “insure” to “ensure.”

20 Adopted amendments to §219.2(b) add a definition for the word “day” to define it as a calendar
21 day for clarity; change the defined word “daylight” to “daytime” and modify the definition by referring to
22 the definition in Transportation Code, §541.401 and deleting the definition, which was derived from
23 §541.401; modify the definition for “hubometer” to replace the word “crane” with the term “unladen lift

1 equipment motor vehicle” because that is the term used in Transportation Code, Chapter 623, Subchapter
2 J; add the word “label” to the defined term “HUD number” so the term is consistent with the term used
3 in §219.14 and Transportation Code, §623.093; amend the definition of “nighttime” to remove the portion
4 of the definition contained in Transportation Code, §541.401 because the definition of “nighttime” refers
5 to the definition in §541.401; amend the definition of “nondivisible load or vehicle” to be consistent with
6 FHWA’s interpretation of the term by adding language regarding properly secured components, adding
7 the example from prior §219.61(g) for a crane traveling with properly secured components, and adding
8 an example of a dozer traveling with the blade detached; amend the definition for “nondivisible load or
9 vehicle” by adding a missing period at the end of the language regarding spent nuclear materials and re-
10 lettering the subdivisions accordingly; amend the definition for “permit plate” to reference the definition
11 for “oil well servicing, cleanout, or drilling machinery” as defined in Transportation Code, §502.001(29);
12 add a hyphen between the words “trailer” and “mounted” because these words are compound modifiers
13 for the defined term “trailer-mounted unit”; and add examples to the definition of “unladen lift
14 equipment motor vehicle.”

15 Adopted amendments to §219.2(b) also modify the definition for surety bond because the prior
16 definition for surety bond only referenced the payment to TxDOT for damage to a highway and was
17 therefore in conflict with Transportation Code, §622.134, which also requires payment to a county for
18 damage to a county road and to a municipality for damage to a municipal street caused by the operation
19 of the vehicle, and Transportation Code, §623.163, which also requires payment to a municipality for
20 damage to a municipal street caused by the operation of the vehicle. In addition, an adopted amendment
21 to the definition of surety bond in §219.2 removes language that said the surety bond expires at the end
22 of the state fiscal year because §219.3(b) and §219.11(n) already include this language.

1 In addition, adopted amendments to §219.2(b) delete the following defined terms because the
2 department adopted amendments that removed the defined terms from where they were used in
3 Chapter 219: board, one-trip registration, temporary vehicle registration, 72-hour temporary vehicle
4 registration, and 144-hour temporary vehicle registration.

5 Further, adopted amendments to §219.2(b) delete the following terms, which do not appear in
6 Chapter 219: credit card, district, district engineer, machinery plate, motor carrier registration (MCR),
7 traffic control device, trunnion axle group, and variable load suspension axles. Lastly, adopted
8 amendments to §219.2(b) delete the following terms, which are defined in Transportation Code, Chapter
9 621, 622, or 623: department and director. Section 219.2 says the definitions contained in Transportation
10 Code, Chapter 621, 622, and 623 apply to Chapter 219. The adopted amendments renumber the
11 paragraphs within §219.2(b) to accommodate the adopted deletions and additions to the rule.

12 Adopted new §219.5 describes the department’s current general application requirements to
13 obtain an oversize or overweight permit, including the requirements to provide the required information,
14 submit the required documents, pay the required fees, and submit the application in the form and by the
15 method prescribed by the department on its website. The department’s website lists the methods by
16 which an applicant can apply for each type of permit. For example, the department’s webpage for
17 30/60/90-day permits under Transportation Code, Chapter 623, Subchapter D says the applicant can apply
18 via the Texas Permitting and Routing Optimization System (TxPROS) or submit the Time Permit Application
19 (Form MCD-302) by mail to the address listed on the application form. TxPROS is the department’s
20 designated permitting system.

21 Adopted new §219.5 also refers to the application requirements under Chapter 219;
22 Transportation Code, Chapters 621, 622, and 623; and other applicable law. For example, to qualify for
23 certain permits, Transportation Code, §§623.011(b)(1), 623.079, and 623.194 require the vehicle to be

1 registered under Transportation Code, Chapter 502 for the maximum gross weight applicable to the
2 vehicle under Transportation Code, §621.101, not to exceed 80,000 pounds. Adopted new §219.5 also
3 describes the process for an applicant to obtain a customer identification number by setting up an account
4 in TxPROS, as well as the process to authorize the department to obtain a customer identification number
5 for the applicant via TxPROS.

6 Adopted new §219.7 expressly authorizes certain amendments to permits to be consistent with
7 current practice. Adopted new §219.7(a) provides general amendment guidelines, which are subject to
8 the specific provisions in adopted new §219.7(b). Adopted new §219.7 allows amendments necessary to
9 correct errors made by department staff or the department’s permitting system, and as necessary to keep
10 the contact information up to date. Adopted new §219.7 expressly authorizes certain amendments to
11 permits even though other sections in Chapter 219 limit the types of amendments that are allowed to
12 certain types of permits.

13 Adopted new §219.9 clarifies that the provisions in Chapter 219 do not authorize the operation
14 of a vehicle or vehicle combination on the following roadways in this state to the extent FHWA
15 determines the vehicle or vehicle combination exceeds the applicable weight or size for such roadway
16 under 23 U.S.C. §127, 49 U.S.C. §§31111 through 31114, or federal regulations prescribed under 23
17 U.S.C. §127 or 49 U.S.C. §§31111 through 31114: the federal-aid primary system, the federal-aid urban
18 system, and the federal-aid secondary system, including the national system of interstate and defense
19 highways. Although these federal laws and regulations do not directly apply to the vehicle operator,
20 Texas complies with such federal laws and regulations through Texas laws and rules regarding maximum
21 vehicle size and weight for the following reasons under the following authority: 1) 23 U.S.C. §127, 23
22 U.S.C. §141, 49 U.S.C. §31112, and the regulations prescribed under 23 U.S.C. §127, 23 U.S.C. §141, and
23 49 U.S.C. §31112, which enables Texas to avoid the risk of losing a portion of federal highway funding;

1 and 2) 49 U.S.C. §§31111 through 31114, which enables Texas to avoid a civil action by the U.S. Attorney
2 General for injunctive relief under 49 U.S.C. §31115.

3 Adopted new §219.9 also requires the department to post a notice on its website and to
4 possibly send notice to permittees through the applicable email addresses on file with the department
5 to the extent the department learns that FHWA generally determines a vehicle or vehicle combination
6 exceeds the applicable weight or size for such roadway under 23 U.S.C. §127, 49 U.S.C. §§31111 through
7 31114, or federal regulations prescribed under 23 U.S.C. §127 or 49 U.S.C. §§31111 through 31114 in a
8 way that may conflict with a provision in this chapter. This provision is not based on FHWA finding that a
9 specific permittee has exceeded the applicable weight or size; it is based on FHWA’s general
10 interpretation of federal law. For example, an adopted amendment to the definition of “nondivisible
11 load or a vehicle” in §219.2 makes the definition consistent with FHWA’s current interpretation of this
12 term. If a vehicle already exceeds legal weight without including the weight of the properly secured
13 components, FHWA said the vehicle is considered to be nondivisible even if properly secured
14 components are being transported with the vehicle. To the extent the department learns that FHWA
15 changed its interpretation of the definition of a “nondivisible load or vehicle” under 23 C.F.R. §658.5 in a
16 way that conflicts with the adopted amended definition in §219.2, the department will post a notice on
17 its website regarding FHWA’s interpretation and may provide notice to permittees through the
18 applicable email addresses on file with the department.

19

20 Subchapter B. General Permits

21 An adopted amendment to §219.11(b) removes the vehicle registration requirements because
22 the applicable vehicle registration requirements under Transportation Code, §623.079 do not apply to
23 the permits under the following sections in Subchapter B of Chapter 219: §§219.13(e)(5) through (7),

1 219.14, and 219.15. Also, it is not necessary to repeat the statutory requirements in rule. Amendments
2 throughout Chapter 219 that delete reference to vehicle registration requirements do not impact the
3 applicable vehicle registration requirements under Transportation Code, Chapter 502; the amendments
4 are based on the department’s statutory authority under Transportation Code, Chapters 621, 622 and
5 623. An adopted amendment to §219.11(b) also removes the word “commercial” from the term
6 “commercial motor carrier” to be consistent with the terminology in Transportation Code, Chapter 643
7 and Chapter 218 of this title (relating to Motor Carriers). In addition, adopted amendments to
8 §219.11(b) restructure the subsection due to adopted amendments and deletions within the subsection.

9 An adopted amendment to §219.11(d)(1), (d)(1)(D), and (d)(1)(E) changes the term “non-TxDOT
10 engineer” to “non-TxDOT licensed professional engineer” to be consistent with existing terminology in
11 §219.11(d), which refers to a “TxDOT approved licensed professional engineer.”

12 An adopted amendment to §219.11(d)(1)(F) and (d)(3)(H) restructures the sentences to clarify
13 that the maximum permit weight on the axle groups is reduced by 2.5 percent for each foot less than 12
14 feet. Adopted amendments to §219.11(d)(2) and (3) add hyphens to the compound modifiers regarding
15 the axle groups and make the terms consistent with the terms in the text in §219.2. An adopted
16 amendment to §219.11(e)(2)(A)(i) changes the word “weak” to “reduced capacity” to describe certain
17 bridges more accurately.

18 An adopted amendment to §219.11(f) deletes paragraph (1) because the language regarding the
19 payment of fees was added to adopted new §219.5 in Subchapter A, which applies to all permit
20 applications under Chapter 219. An adopted amendment to §219.11(f) also removes the paragraph
21 number and catch line for paragraph (2) because there would only be one paragraph in subsection (f)
22 due to the adopted deletion of paragraph (1). An adopted amendment to the following sections
23 removes the cross-reference to §219.11(f) regarding the payment of fees due to the adopted deletion of

1 this language from §219.11(f), and renumber or re-letter accordingly as necessary: §§219.13, 219.14,
2 219.15, 219.30, 219.31, 219.32, 219.34, 219.35, 219.36, 219.41, 219.45 and 219.61.

3 An adopted amendment to §219.11(k)(7) deletes subparagraph (E) because it conflicts with
4 Transportation Code, §547.382. Adopted amendments to §219.11(l)(1) change the word “daylight” to
5 “daytime” and change the term “daylight hours” to “the daytime” because an adopted amendment to
6 §219.2 changes the word “daylight” to “daytime.” For this reason, the department also adopted similar
7 amendments to the following sections: §§219.12, 219.13, 219.15, 219.41 and 219.61. An adopted
8 amendment to renumbered and re-lettered §219.13(e)(5)(E) also deletes reference to Transportation
9 Code, §541.401 for the definition of “daytime” because an adopted amendment to §219.2 defines
10 “daytime” by referencing the definition in Transportation Code, §541.401. Adopted amendments to
11 §219.11(l)(1) change the word “night” to “nighttime” to provide clarity because “nighttime” is defined in
12 §219.2. For this reason, the department also adopted amendments to the following sections to change
13 the word “night” to “nighttime”: §§219.13, 219.34, 219.35, 219.36 and 219.44.

14 The department adopts §219.11 with changes at adoption to make the language in §219.11(l)(2)
15 effective through January 10, 2025, regarding restrictions on the movement of certain oversize vehicles
16 and loads on a holiday and to separate the two sentences in paragraph (2) into subparagraphs (A) and (B).
17 The delay will give the Texas Transportation Commission additional time in case it wants to adopt a rule
18 regarding the maximum size limits for a permit issued under Transportation Code, Chapter 623,
19 Subchapter D for holiday movement. The Texas Transportation Commission has rulemaking authority
20 under Transportation Code, §621.006 to impose restrictions on the weight and size of vehicles to be
21 operated on state highways on certain holidays. In addition, TxDOT is responsible for providing the
22 department with routing information necessary to complete a permit under Transportation Code,
23 §623.003.

1 An adopted amendment to §219.11(l)(2) clarifies that the department may apply restrictions
2 imposed by TxDOT. An adopted amendment to §219.11(l)(3) clarifies that the curfew movement
3 restrictions of a city or county do not apply unless the department publishes the curfew movement
4 restrictions. The department only publishes the curfew movement restrictions if TxDOT approves the
5 restrictions. Currently, the department publishes the curfew movement restrictions on the department’s
6 website. An adopted amendment to §219.11(l)(3) also deletes language regarding the curfew restrictions
7 listed on the permit to make the language consistent throughout Chapter 219 regarding published curfew
8 restrictions.

9 An adopted amendment to §219.11(m)(1) deletes subparagraph (B) because the department
10 does not have statutory authority for the language in subparagraph (B). Also, an adopted amendment to
11 §219.11(m)(1) deletes a reference in subparagraph (A) to subparagraph (B) and re-letters subparagraph
12 (C) due to the deletion of subparagraph (B). In addition, an adopted amendment to re-lettered
13 §219.11(m)(1)(B) clarifies that the restrictions in §219.11(m)(1)(A) and the definition of a “nondivisible
14 load or vehicle” in §219.2 apply to a permit to haul a dozer and its detached blade. Further, an adopted
15 amendment to re-lettered §219.11(m)(1)(B) replaces the word “non-dismantable” with “nondivisible”
16 because “nondivisible load” is a defined term in §219.2, but “non-dismantable” is not defined in Chapter
17 219.

18 An adopted amendment to §219.12(b)(3)(C) clarifies that TxDOT, rather than the department,
19 incurs a cost for analyses performed prior to issuing a superheavy permit under §219.12. An adopted
20 amendment to §219.12(b)(6) deletes reference to an intermodal container because Transportation Code,
21 §623.070 says that Subchapter D of Transportation Code, Chapter 623 does not apply to the
22 transportation of an intermodal shipping container.

1 Adopted amendments to §219.12(b)(7) through (b)(9) combine the paragraphs into revised
2 §219.12(b)(7) because the text covers a specific type of single-trip permit called a superheavy permit. The
3 adopted amendments to §219.12(b)(7) include the requirements in prior §219.12(b)(7) through (b)(9) for
4 the department to provide the applicant with a tentative route based on the physical size of the
5 overdimension load excluding weight, as well as the requirement for the applicant to investigate the
6 tentative route and acknowledge in writing to the department that the route is capable of accommodating
7 the overdimension load. The adopted amendments to §219.12(b)(7) also describe the current process,
8 including the requirement for the department to consult with TxDOT and the applicant as necessary to
9 attempt to determine a tentative route that the applicant can acknowledge is capable of accommodating
10 the overdimension load; the department’s obligation to provide the tentative route to the applicant’s
11 TxDOT-certified, licensed professional engineering firm once the applicant acknowledges to the
12 department that the tentative route is capable of accommodating the overdimension load; and the
13 requirement under Chapter 28, Subchapter G of this title (relating to Oversize and Overweight Vehicles
14 and Loads) for the applicant’s TxDOT-certified, licensed professional engineering firm to provide TxDOT
15 with a report that TxDOT uses to approve the department’s tentative route for the movement of a
16 superheavy load under Transportation Code, §623.071 as required by Transportation Code, §623.003.
17 TxDOT relies on outside engineering firms to provide the initial review and analysis for the superheavy
18 permit application prior to providing the department with approval for the tentative route, which the
19 department provides to the applicant for superheavy loads.

20 The applicant for a superheavy permit must provide the TxDOT-certified, licensed professional
21 engineering firm with the information and documents the engineering firm needs to provide TxDOT with
22 a written report under §28.86 of this title (relating to Bridge Report). The adopted amendments to
23 §219.12(b)(7) delete text found in prior §219.12(b)(7)(A) through (B) because the information and

1 documents that the TxDOT-certified, licensed professional engineering firm needs to create a written
2 report could vary, depending on the load and the processes of each firm. Before TxDOT will provide the
3 department with approval for the department’s tentative route for the superheavy load, TxDOT must
4 receive from the applicant’s TxDOT-certified, licensed professional engineering firm a written report that
5 includes a detailed structural analysis of the bridges on the proposed route demonstrating that the bridges
6 and culverts on the route are capable of sustaining the load. The department will not issue a superheavy
7 permit unless TxDOT provides the department with approval for the tentative route proposed by the
8 department and acknowledged by the applicant as capable of accommodating the overdimension load.

9 Adopted amendments to §219.12(b)(7) also clarify that the reference to an overdimension load
10 that is between 200,001 and 254,300 pounds is a reference to gross weight, which is defined in §219.2. In
11 addition, adopted amendments to §219.12(b)(7) delete text found in prior §219.12(b)(7)(C) through (D)
12 because the department no longer needs the referenced form and because the vehicle supervision fee is
13 already addressed in §219.12(b)(3). Further, adopted amendments to §219.12(b)(7) modify the prior text
14 in §219.12(b)(7)(E) to require the applicant to provide the department with the TxDOT-certified licensed,
15 professional engineering firm’s email address, instead of the firm’s phone number and fax number.

16 Adopted amendments to §219.12(d) delete references to storage tanks to be consistent with the
17 department’s current practice. An adopted amendment to §219.12(d) also deletes prior paragraph (1)
18 because there are no statutory limits on the size of a house under a permit to move a house. In addition,
19 adopted amendments to §219.12(d) add hyphens between the words “two” and “axle” because these
20 words are compound modifiers for the word “group.” Further, adopted amendments to §219.12(d) and
21 (e) delete the requirement for a permit applicant to provide a loading diagram to the department because
22 the applicant must enter weight information into the department’s designated permitting system, rather
23 than providing the loading diagram. An adopted amendment to §219.12(d) requires the applicant to

1 provide the department with the requested information regarding weights. Due to adopted deletions of
2 subdivisions within §219.12(d), the remaining subdivisions are renumbered accordingly. With the adopted
3 deletion of §219.12(e), subsection (f) is re-lettered accordingly.

4 An adopted amendment to §219.13(a) adds a citation to Transportation Code, Chapter 622
5 because permits for transporting poles required for the maintenance of electric power transmission and
6 distribution lines (power line poles) are authorized under Transportation Code, Chapter 622, Subchapter
7 E. Section 219.13(e)(6) provides the requirements regarding a permit for power line poles.

8 An adopted amendment to §219.13(b)(1) deletes the permit fee amounts because the fees are
9 listed in Transportation Code, §623.076. An adopted amendment to §219.13(b) deletes prior paragraph
10 (4), which said that time permits will not be issued to a vehicle or vehicle combination that is registered
11 with temporary vehicle registration. Transportation Code, §623.079 says a permit issued under
12 Subchapter D of Chapter 623 of the Transportation Code may only be issued if the vehicle is registered
13 under Transportation Code, Chapter 502 for the maximum gross weight applicable to the vehicle under
14 Transportation Code, §621.101 that is not heavier than 80,000 pounds overall gross weight. The vehicle
15 registration requirements under Transportation Code, §623.079 do not apply to the permits under
16 §219.13(e)(5) through (7). Also, for permits under §219.13 for which vehicle registration is required,
17 temporary vehicle registration under Transportation Code, Chapter 502 qualifies as vehicle registration
18 under Transportation Code, §623.079. With the adopted deletion of §219.13(b)(1) and (4), adopted
19 amendments to §219.13(b) renumber the subsequent paragraphs within §219.13(b) accordingly.

20 Adopted amendments to §219.13(e)(4) delete references to an intermodal container because
21 Transportation Code, §623.070 says that Subchapter D of Transportation Code, Chapter 623 does not
22 apply to the transportation of an intermodal shipping container. An adopted amendment to §219.13(e)(4)
23 also corrects an error by replacing the word “principle” with “principal.”

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

12 An adopted amendment to §219.13(e)(6) deletes subparagraph (F) because Transportation Code,
13 Chapter 623 does not require the vehicle to be registered under Transportation Code, Chapter 502. An
14 adopted amendment to §219.13(e)(6) re-letters subsequent subdivisions within the rule text due to the
15 deletion of subparagraph (F).

16 An adopted amendment to §219.13(e)(7) deletes subparagraph (F) because Transportation Code,
17 Chapter 623 does not require the vehicle to be registered under Transportation Code, Chapter 502.

18 An adopted amendment to §219.13(e)(8) removes reference to the fee under subsection (b) of
19 §219.13 because an adopted amendment deletes the fee language in subsection (b).

20 An adopted amendment to §219.14 deletes subsection (d) because the permit fee is listed in
21 Transportation Code, §623.096. An adopted amendment to §219.14 re-letters the subsequent
22 subsections due to the deletion of subsection (d). An adopted amendment to re-lettered §219.14(d)
23 deletes paragraph (5) because the language duplicates language found in Transportation Code, §623.100,

1 and does not list all national holidays. An adopted amendment to re-lettered §219.14(d) renumbers the
2 subsequent paragraphs due to the deletion of paragraph (5). An adopted amendment to re-lettered and
3 renumbered §219.14(d)(6) deletes the clause “listed in this subsection” because an adopted amendment
4 to re-lettered and renumbered §219.14(d) deletes the prior §219.14(e)(5) in which some of the national
5 holidays were listed. An adopted amendment to re-lettered and renumbered §219.14(d)(8) adds the title
6 for §219.11 for clarity. An adopted amendment to re-lettered §219.14(d) deletes prior §219.14(e)(10)
7 because Transportation Code, §623.099 requires TxDOT, rather than the department, to annually publish
8 a map or list of all bridges or overpasses which, due to height or width, require an escort flag vehicle to
9 stop oncoming traffic while the manufactured home crosses the bridge or overpass. An adopted
10 amendment to re-lettered §219.14(d) renumbers the remaining paragraph due to the deletion of
11 paragraph (10). Adopted amendments to §219.14 delete subsection (f) because the language is contained
12 in statute.

13 An adopted amendment to §219.15(a)(2) deletes reference to the fee required by subsection (d)
14 and replaces the language with a reference to the fee required by statute because an adopted amendment
15 to subsection (d) removes fee language that duplicates language found in statute. An adopted
16 amendment to §219.15(c) deletes reference to §219.11(b)(2) because the vehicle registration
17 requirements under Transportation Code, §623.079 do not apply to a permit under §219.15 and an
18 adopted amendment to §219.11(b) deletes the vehicle registration requirements. An adopted
19 amendment to §219.15 deletes subsection (f) because the language regarding escort requirements is
20 contained in statute.

21

22 Subchapter C. Permits for Over Axle and Over Gross Weight Tolerances

1 An adopted amendment to §219.30(a) removes an unnecessary sentence, which incorrectly
2 references the requirements in Subchapter C of Chapter 219. An adopted amendment to §219.30(b)
3 replaces the word “subchapter” with “section” because §219.30 is the only section in Subchapter C of
4 Chapter 219 that provides for the issuance of a permit under Transportation Code, §623.011. An adopted
5 amendment to §219.30(d)(3) removes reference to the vehicle’s inspection sticker because vehicle
6 inspection stickers are no longer issued in Texas. The vehicle inspection requirements in Texas are
7 enforced through vehicle registration under Transportation Code, §502.047 and §548.256. An adopted
8 amendment to §219.30(d) deletes paragraph (5) because the language is inconsistent with Transportation
9 Code, §623.013, which was amended by Senate Bill 1814, 87th Legislature, Regular Session (2021). An
10 adopted amendment to §219.30 deletes subsection (g) because most of the language is contained in
11 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 adopted
14 amendments to §219.30 re-letter the remaining subsection to address the removal of §219.30(g).

15 An adopted amendment to §219.32(k) deletes language that is contained in Transportation Code,
16 §623.0171 because it is not necessary to repeat statutory language in rule. An adopted amendment to
17 §219.32(k) also restructures the language due to the deletion of the paragraphs under subsection (k).

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

21 An adopted amendment to §219.36(a) deletes reference to the bill under which Transportation
22 Code, §623.401, *et seq.* became law because Transportation Code, Chapter 623 currently only contains

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

3

4 Subchapter D. Permits for Oversize and Overweight Oil Well Related Vehicles

5 Adopted amendments to §219.42(d) add a hyphen between the words “trailer” and “mounted”
6 because these words are compound modifiers for the term “trailer-mounted unit.” An adopted
7 amendment to §219.42(d)(3) also removes outdated language regarding the calculation of the fee for a
8 single-trip permit for the movement of a trailer-mounted oil well servicing unit. Axles are no longer
9 temporarily disregarded for the purposes of calculating fees for this single-trip permit. In addition, an
10 adopted amendment to §219.42(d)(3) removes the subparagraph letter for prior subparagraph (A) due to
11 the deletion of subparagraph (B), which was the only other subparagraph under prior §219.42(d)(3).

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

17 An adopted amendment to §219.44(a)(1) deletes subparagraph (A) because Transportation Code,
18 §502.146(b)(3) requires the applicant for a permit plate for oil well servicing or drilling machinery to
19 submit proof that the applicant has a permit under Transportation Code, §623.142 before they can obtain
20 a permit plate under Transportation Code, §502.146(b)(3). An adopted amendment to §219.44(a)(1) also
21 removes the subparagraph letter for prior subparagraph (B) due to the deletion of subparagraph (A),
22 which was the only other subparagraph under prior §219.44(a)(1).

1 An adopted amendment to §219.45(a) replaces the word “fracing” with “fracking,” which is
2 defined as “the injection of fluid into shale beds at high pressure in order to free up petroleum resources
3 (such as oil or natural gas).” See *Fracking*, Merriam-Webster Online Dictionary ([www.merriam-
5 webster.com/dictionary/fracking](http://www.merriam-
4 webster.com/dictionary/fracking)) (last visited January 18, 2024). An adopted amendment to §219.45(c)
6 deletes prior paragraph (2) because the vehicle registration requirements are specified in statute and are
7 not required as part of the application process for a permit for a vehicle transporting liquid products
8 related to oil well production. An adopted amendment to §219.45(c) renumbers the remaining
9 paragraphs due to the deletion of prior paragraph (2). An adopted amendment to renumbered
10 §219.45(c)(3)(C) inserts the word “plate” before the word “number” to clarify that the permittee must
11 provide the department with the “license plate number” for the new trailer.

12 Subchapter E. Permits for Oversize and Overweight Unladen Lift Equipment Motor Vehicles
13 An adopted amendment to §219.60 replaces the word “cranes” with “unladen lift equipment
14 motor vehicles” to be consistent with the terminology in Transportation Code, Chapter 623, Subchapters
15 I and J. The department also adopts amendments to the following sections to replace terminology
16 regarding a crane with terminology regarding an unladen lift equipment motor vehicle to be consistent
17 with the terminology in Transportation Code, Chapter 623, Subchapter I and Subchapter J: §§219.61,
18 219.62, 219.63 and 219.64.

19 An adopted amendment to §219.61(a) deletes paragraph (4) regarding a trailer-mounted crane,
20 and an adopted amendment to §219.62(d)(2)(B) deletes the mileage rate for a trailer-mounted crane
21 because Transportation Code, §623.181 and §623.191 say the permits are for an “unladen lift equipment
22 motor vehicle,” rather than for a trailer-mounted crane. An adopted amendment to §219.61 deletes prior

1 subsection (g) in conjunction with the adopted amendment to move that language to the definition of
2 “nondivisible load or vehicle” in §219.2.

3 An adopted amendment to the title for §219.62 replaces the term “Single Trip” with “Single-Trip”
4 to be consistent with the term used in the text of §219.62. An adopted amendment to §219.62(b) adds a
5 space between the colon and title 43 as follows: Figure 1: 43 TAC §219.62(f). An adopted amendment to
6 §219.62(d) deletes paragraph (3) to remove outdated language regarding the calculation of the fee for a
7 single-trip permit for the movement of an unladen lift equipment motor vehicle. Axles are no longer
8 temporarily disregarded for the purposes of calculating fees for this single-trip permit. An adopted
9 amendment to §219.62(d) also renumbers paragraph (4) due to the deletion of paragraph (3).

10 The department adopts §219.63 with changes at adoption to remove the proposed deletion of a
11 space and the proposed addition of a space in the references to Figure 1: 43 TAC §219.62(f) that the
12 department indicated as changes in the published proposal. An adopted amendment to §219.63(e)
13 deletes paragraph (4) to remove outdated language regarding the calculation of the fee for a hubometer
14 permit for the movement of an unladen lift equipment motor vehicle. Axles are no longer temporarily
15 disregarded for the purposes of calculating fees for this hubometer permit.

16 Transportation Code, §623.145 and §623.195 require the board to consult with the Texas
17 Transportation Commission prior to the adoption of certain rules regarding oversize and overweight
18 permits for the operation of oil well servicing and drilling machinery and unladen lift equipment motor
19 vehicles. To comply with these statutory requirements, the board consulted with the Texas Transportation
20 Commission on the amendments to 43 TAC §§219.41 - 219.45 and 219.60 - 219.64. The department
21 provided the proposed amendments to the Texas Transportation Commission through TxDOT’s staff. The
22 Texas Transportation Commission considered the proposed amendments at its public meeting on April

1 25, 2024, and entered a Minute Order to document compliance with Transportation Code, §623.145 and
2 §623.195.

3

4 Subchapter F. Compliance

5 An adopted amendment to §219.81 deletes subsection (c) because the department does not have
6 rulemaking authority under Transportation Code, Chapters 621 through 623 to prohibit a person from
7 operating a vehicle on a highway or public road if the vehicle exceeds its gross weight registration. The
8 vehicle registration weight requirements are enforced by law enforcement officers under statutes, such
9 as Transportation Code, §§502.472, 621.002, 621.406, and 621.501.

10 The department adopts the repeal of §219.84 because the department replaced the remote
11 permit system with TxPROS and the department does not require applicants to sign a contract to use
12 TxPROS. The department adopts the repeal of §219.86 because it exceeds the scope of the department's
13 rulemaking authority. Although Transportation Code, §623.146 and §623.196 contain language that is
14 similar to the language in §219.86 for certain permits, the language in §219.86 applies to all permits. Not
15 all permits under Chapter 219 are governed by Transportation Code, §623.146 and §623.196.

16

17 Subchapter G. Records and Inspections

18 An adopted amendment to §219.102(b)(2) deletes language that says the display of an image that
19 includes permit information on a wireless communication device does not constitute effective consent
20 for a law enforcement officer or any other person to access the contents of the wireless communication
21 device except to view the permit information. The department does not have the statutory authority for
22 this language in §219.102(b)(2)(B). However, the person who chooses to display an image of a permit on
23 a wireless communication device can discuss the extent of their consent with the law enforcement officer

1 or any other person prior to displaying an image of a permit on a wireless communication device. An
2 adopted amendment to §219.102(b)(2) re-letters the remaining subparagraph due to the deletion of prior
3 §219.102(b)(2)(B). An adopted amendment to §219.102(b)(2) also deletes language in prior subparagraph
4 (D) that said a telecommunications provider may not be held liable to the operator of the motor vehicle
5 for the failure of a wireless communication device to display permit information. The department does
6 not have the statutory authority for the language in prior §219.102(b)(2)(D).

7

8 Subchapter H. Administrative Penalties and Sanctions

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

11 **SUMMARY OF COMMENTS.**

12 No comments on the proposed amendments, new sections and repeals were received.

13

14 **SUBCHAPTER A. GENERAL PROVISIONS**

15 **43 TAC §§219.1, 219.2, 219.5, 219.7 and 219.9**

16

17 **STATUTORY AUTHORITY.** The department adopts amendments and new sections under Transportation
18 Code, §621.008, which authorizes the board to adopt rules that are necessary to implement and enforce
19 Transportation Code, Chapter 621; Transportation Code, §621.356, which authorizes the board to adopt
20 rules prescribing the method of payment of a fee for a permit that is issued by the department for the
21 operation of a vehicle and load or a combination of vehicles and load that exceed size or weight
22 limitations; Transportation Code, §622.002, which authorizes the board to adopt rules that are necessary
23 to implement and enforce Transportation Code, Chapter 622, including Transportation Code, §622.051,

1 *et seq.* which authorize the department to issue a permit for transporting poles required for the
2 maintenance of electric power transmission and distribution lines; Transportation Code, §623.002, which
3 authorizes the board to adopt rules as necessary to implement Transportation Code, Chapter 623;
4 Transportation Code, §623.0171, which requires the department by rule to require an applicant for a
5 permit for a ready-mixed concrete truck to designate the counties in which the applicant intends to
6 operate; Transportation Code, §623.070, *et seq.* which authorize the department to issue a permit to an
7 applicant to move certain equipment or commodities and prescribe the application requirements for such
8 permits; Transportation Code, §623.074, which authorizes the department to adopt a rule to authorize an
9 applicant to submit an application electronically and to require an application for certain permits to
10 include the region or area over which the equipment is to be operated; Transportation Code, §623.076,
11 which authorizes the board to adopt rules for the payment of a fee under Subchapter D of Transportation
12 Code, Chapter 623 regarding heavy equipment; Transportation Code, §623.095(c), which authorizes the
13 department to adopt rules concerning the requirements for a permit under §623.095(c) regarding an
14 annual permit for a person authorized to be issued permits under Transportation Code, §623.094 for the
15 transportation of new manufactured homes from a manufacturing facility to a temporary storage location
16 not to exceed 20 miles from the point of manufacture; Transportation Code, §623.145, which requires the
17 board, in consultation with the Texas Transportation Commission, to adopt rules to provide for the
18 issuance of a permit under Subchapter G of Transportation Code, Chapter 623 regarding oil well servicing
19 and drilling machinery; Transportation Code, §623.195, which requires the board, in consultation with the
20 Texas Transportation Commission, to adopt rules to provide for the issuance of a permit under Subchapter
21 J of Transportation Code, Chapter 623 regarding unladen lift equipment motor vehicles; Transportation
22 Code, §623.342, which authorizes the board to adopt rules that are necessary to implement Subchapter
23 R of Transportation Code, Chapter 623 regarding permits to deliver relief supplies during a major disaster;

1 Transportation Code, §623.411, which authorizes the department to adopt rules that are necessary to
2 implement Subchapter U of Transportation Code, Chapter 623, including rules governing the application
3 for a permit under Subchapter U regarding intermodal shipping containers; Transportation Code,
4 §623.427, which authorizes the department to adopt rules that are necessary to implement Subchapter
5 V of Transportation Code, Chapter 623 regarding vehicles transporting fluid milk; Transportation Code,
6 §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement
7 the powers and the duties of the department; Transportation Code, §1001.009, which authorizes the
8 board to adopt rules regarding the method of collection of a fee for any goods sold or services provided
9 by the department, including the issuance of licenses and permits; Government Code, §2001.004, which
10 requires state agencies to adopt rules of practice stating the nature and requirements of all available
11 formal and informal procedures; and the statutory authority referenced throughout the preamble and in
12 the rule text, which is incorporated herein by reference.

13

14 **CROSS REFERENCE TO STATUTE.** The adopted amendments and new sections implement Transportation
15 Code, Chapters 621, 622, 623, 1001, and 1002; and Government Code, Chapter 2001.

16

17 Text.

18 219.1. Purpose and Scope.

19 The department is responsible for regulating the movement of oversize and overweight vehicles
20 and loads on certain public roadways in this state, in order to ensure the safety of the traveling public,
21 and to protect the integrity of the public roadways and the bridges. This responsibility is accomplished
22 through the issuance of permits for the movement of oversize and overweight vehicles and loads. The
23 sections under this chapter prescribe the policies and procedures for the issuance of permits and the

1 filing of surety bonds. All applications for permits and all questions regarding the permits should be
2 directed to the department, even though TxDOT is responsible for certain issues regarding permits.

3

4 219.2. Definitions.

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

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

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

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

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

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

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

21 (6) Complete identification number--A unique and distinguishing number assigned to
22 equipment or a commodity for purposes of identification.

1 (7) Concrete pump truck--A self-propelled vehicle designed to pump the concrete
2 product from a ready mix truck to the point of construction.

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

6 (9) Day—A calendar day.

7 (10) Daytime--As defined in Transportation Code, §541.401.

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

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

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

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

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

1 (16) Gross weight--The unladen weight of a vehicle or combination of vehicles plus the
2 weight of the load being transported.

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

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

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

9 (20) Hubometer--A mechanical device attached to an axle on a unit or an unladen lift
10 equipment motor vehicle for recording mileage traveled.

11 (21) HUD label number--A unique number assigned to a manufactured home by the U.S.
12 Department of Housing and Urban Development.

13 (22) Indirect cost share--A prorated share of administering department activities, other
14 than the direct cost of the activities, including the cost of providing statewide support services.

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

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

21 (25) Manufactured home--Manufactured housing, as defined in Occupations Code,
22 Chapter 1201, and industrialized housing and buildings, as defined in Occupations Code, §1202.002, and
23 temporary chassis systems, and returnable undercarriages used for the transportation of manufactured

1 housing and industrialized housing and buildings, and a transportable section which is transported on a
2 chassis system or returnable undercarriage that is constructed so that it cannot, without dismantling or
3 destruction, be transported within legal size limits for motor vehicles.

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

7 (27) Nighttime—As defined in Transportation Code, §541.401.

8 (28) Nondivisible load or vehicle--

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

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

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

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

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

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

22 (iii) Casks designed for the transport of spent nuclear materials.

1 (iv) Military vehicles transporting marked military equipment or
2 materiel.

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

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

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

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

9 (32) Overhang--The portion of a load extending beyond the front or rear of a vehicle or
10 combination of vehicles.

11 (33) Overheight--A vehicle or load that exceeds the maximum height specified in
12 Transportation Code, §621.207.

13 (34) Overlength--A vehicle, combination of vehicles, or a vehicle or vehicle combination
14 and its load that exceed(s) the maximum length specified in Transportation Code, §§621.203, 621.204,
15 621.205, and 621.206.

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

19 (36) Overweight--A vehicle, combination of vehicles, or a vehicle or vehicle combination
20 and its load that exceed(s) the maximum weight specified in Transportation Code, §621.101.

21 (37) Overwidth--A vehicle or load that exceeds the maximum width specified in
22 Transportation Code, §621.201.

1 (38) Permit--Authority for the movement of an oversize and/or overweight vehicle,
2 combination of vehicles, or a vehicle or vehicle combination and its load, issued by the department
3 under Transportation Code, Chapter 623.

4 (39) Permit officer--An employee of the department who is authorized to issue an
5 oversize/overweight permit.

6 (40) Permit plate--A license plate issued under Transportation Code, §502.146, to oil
7 well servicing, cleanout, or drilling machinery as defined in Transportation Code, §502.001(29).

8 (41) Permitted vehicle--A vehicle, combination of vehicles, or vehicle and its load
9 operating under the provisions of a permit.

10 (42) Permittee--Any person, firm, or corporation that is issued an oversize/overweight
11 permit by the department.

12 (43) Pipe box--A container specifically constructed to safely transport and handle oil
13 field drill pipe and drill collars.

14 (44) Portable building compatible cargo--Cargo, other than a portable building unit, that
15 is manufactured, assembled, or distributed by a portable building unit manufacturer and is transported
16 in combination with a portable building unit.

17 (45) Portable building unit--The pre-fabricated structural and other components
18 incorporated and delivered by the manufacturer as a complete inspected unit with a distinct serial
19 number whether in fully assembled, partially assembled, or kit (unassembled) configuration when
20 loaded for transport.

21 (46) Principal--The person, firm, or corporation that is insured by a surety bond
22 company.

1 (47) Roll stability support safety system--An electronic system that monitors vehicle
2 dynamics and estimates the stability of a vehicle based on its mass and velocity, and actively adjusts
3 vehicle systems including the throttle and/or brake(s) to maintain stability when a rollover risk is
4 detected.

5 (48) Shipper's certificate of weight--A form approved by the department in which the
6 shipper certifies to the maximum weight of the shipment being transported.

7 (49) Single axle--An assembly of two or more wheels whose centers are in one
8 transverse vertical plane or may be included between two parallel transverse planes 40 inches apart
9 extending across the full width of the vehicle.

10 (50) Single-trip permit--A permit issued for an overdimension load for a single
11 continuous movement over a specific route for an amount of time necessary to make the movement.

12 (51) State highway--A highway or road under the jurisdiction of the Texas Department of
13 Transportation.

14 (52) State highway system--A network of roads and highways as defined by
15 Transportation Code, §221.001.

16 (53) Surety bond--An agreement issued by a surety bond company to a principal that
17 pledges to compensate the obligee as required under Transportation Code, Chapters 622 and 623.

18 (54) Tare weight--The empty weight of any vehicle transporting an overdimension load.

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

1 (56) Time permit--A permit issued for a specified period of time under §219.13 of this
2 title (relating to Time Permits).

3 (57) Tire size--The inches of lateral tread width.

4 (58) Trailer-mounted unit--An oil well clean-out, drilling, servicing, or swabbing unit
5 mounted on a trailer, constructed as a machine used for cleaning out, drilling, servicing, or swabbing oil
6 wells, and consisting in general of, but not limited to, a mast, an engine for power, a draw works, and a
7 chassis permanently constructed or assembled for this purpose.

8 (59) Truck--A motor vehicle designed, used, or maintained primarily for the
9 transportation of property.

10 (60) Truck blind spot systems--Vehicle-based sensor devices that detect other vehicles
11 or objects located in the vehicle's adjacent lanes. Warnings can be visual, audible, vibrating, or tactile.

12 (61) Trunnion axle--Two individual axles mounted in the same transverse plane, with
13 four tires on each axle, that are connected to a pivoting wrist pin that allows each individual axle to
14 oscillate in a vertical plane to provide for constant and equal weight distribution on each individual axle
15 at all times during movement.

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

19 (63) TxDOT--Texas Department of Transportation.

20 (64) Unit--Oil well clean-out unit, oil well drilling unit, oil well servicing unit, and/or oil
21 well swabbing unit.

22 (65) Unladen lift equipment motor vehicle--A motor vehicle, such as a crane or a
23 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) USDOT Number--The United States Department of Transportation number.

4 (67) Vehicle identification number--A unique and distinguishing number assigned to a
5 vehicle by the manufacturer or by the department in accordance with Transportation Code, §501.032
6 and §501.033.

7 (68) Water Well Drilling Machinery--Machinery used exclusively for the purpose of
8 drilling water wells, including machinery that is a unit or a unit mounted on a conventional vehicle or
9 chassis.

10 (69) Weight-equalizing suspension system--An arrangement of parts designed to attach
11 two or more consecutive axles to the frame of a vehicle in a manner that will equalize the load between
12 the axles.

13 (70) Windshield sticker--Identifying insignia indicating that a permit has been issued in
14 accordance with Subchapter C of this chapter.

15 (71) Year--A time period consisting of 12 consecutive months that commences with the
16 effective date stated in the permit.

17

18 219.5. Application Requirements.

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

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

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

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

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

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

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

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

11 (d) An applicant must register for an account in the department's designated permitting system
12 prior to using the system to apply for or amend a permit. Once the applicant registers for an account in
13 the department's designated permitting system, the system will generate a customer identification
14 number for the applicant to use when applying for a permit. To register for an account, the applicant
15 must provide the following information via the department's designated permitting system, which is
16 accessible on the department's website:

17 (1) the applicant's company name, phone number, email address, permit delivery
18 method, physical address, and mailing address;

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

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

1 (e) If the department authorizes an application for a permit to be submitted by mail and the
2 applicant does not have a customer identification number, the applicant must authorize the department
3 to set up an account for the applicant in the department's designated permitting system for the
4 purposes of obtaining a customer identification number for the applicant based on information the
5 department obtains from the applicant's permit application and information the department obtains
6 from the Federal Motor Carrier Safety Administration's system.

7

8 219.7. Amendments to Permits.

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

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

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

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

20 (1) The permittee's name can be amended on any permit type to correct a spelling
21 error.

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

2

3 219.9. Federal Highway Administration Interpretation of Federal Law.

4 Notwithstanding any provisions in this chapter, this chapter does not authorize the operation of
5 a vehicle or vehicle combination on the following roadways in this state to the extent the Federal
6 Highway Administration determines the vehicle or vehicle combination exceeds the applicable weight or
7 size for such roadway under 23 U.S.C. §127, 49 U.S.C. §§31111 through 31114, or federal regulations
8 prescribed under 23 U.S.C. §127 or 49 U.S.C. §§31111 through 31114: the federal-aid primary system,
9 the federal-aid urban system, and the federal-aid secondary system, including the national system of
10 interstate and defense highways. To the extent the department learns that the Federal Highway
11 Administration generally determines a vehicle or vehicle combination exceeds the applicable weight or
12 size for such roadway under 23 U.S.C. §127, 49 U.S.C. §§31111 through 31114, or federal regulations
13 prescribed under 23 U.S.C. §127 or 49 U.S.C. §§31111 through 31114 in a way that may conflict with a
14 provision in this chapter, the department will post a notice on its website and may provide notice to
15 permittees through the applicable email addresses on file with the department.

16

17 **SUBCHAPTER B. GENERAL PERMITS**

18 **43 TAC §§219.11 - 219.15**

19 **STATUTORY AUTHORITY.** The department adopts amendments under Transportation Code, §621.008,
20 which authorizes the board to adopt rules that are necessary to implement and enforce Transportation
21 Code, Chapter 621; Transportation Code, §622.002, which authorizes the board to adopt rules that are
22 necessary to implement and enforce Transportation Code, Chapter 622, including Transportation Code,

1 §622.051, *et seq.* which authorize the department to issue a permit for transporting poles required for
2 the maintenance of electric power transmission and distribution lines; Transportation Code, §623.002,
3 which authorizes the board to adopt rules as necessary to implement Transportation Code, Chapter 623;
4 Transportation Code, §623.003, which requires the department to base the department’s routing decision
5 on information provided by TxDOT to the extent the department is required to determine a route under
6 Transportation Code, Chapter 623; Transportation Code, §623.008, which authorizes the department to
7 require a person operating under a permit issued by the department to use one or more escort flag
8 vehicles and escort flaggers if required by TxDOT or for the safe movement over the roads of an oversize
9 or overweight vehicle and its load; Transportation Code, §623.070, *et seq.* which authorize the
10 department to issue a permit to an applicant to move certain equipment or commodities and prescribe
11 the application requirements for such permits; Transportation Code, §623.072 which authorizes the
12 department to determine the route of the equipment and the commodity on each state highway in the
13 municipality if the municipality with a state highway in its territory does not designate a route;
14 Transportation Code, §623.074, which authorizes the department to adopt a rule to require an application
15 for certain permits to include the region or area over which the equipment is to be operated;
16 Transportation Code, §623.095(c), which authorizes the department to adopt rules concerning the
17 requirements for an annual permit for the transportation of new manufactured homes from a
18 manufacturing facility to a temporary storage location not to exceed 20 miles from the point of
19 manufacture; Transportation Code, §623.122 which authorizes the department to determine the route to
20 be used by the equipment on the state highway in the municipality if the municipality with a state highway
21 in its territory does not designate a route; Transportation Code, §623.128, which only authorizes a permit
22 for the movement of portable building units to be used during daylight hours; Transportation Code,
23 §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement

1 the powers and the duties of the department; Government Code, §2001.004, which requires state
2 agencies to adopt rules of practice stating the nature and requirements of all available formal and informal
3 procedures; and the statutory authority referenced throughout the preamble and in the rule text, which
4 is incorporated herein by reference.

5 **CROSS REFERENCE TO STATUTE.** The adopted amendments implement Transportation Code, Chapters
6 621, 622, 623, and 1002; and Government Code, Chapter 2001.

7

8 Text.

9 §219.11. General Oversize/Overweight Permit Requirements and Procedures.

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

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

18 (c) Permit application.

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

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

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

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

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

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

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

9 (G) any other information required by law.

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

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

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

17 (i) unique to the person using it;

18 (ii) capable of independent verification;

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

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

22 (d) Maximum permit weight limits.

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

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

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

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

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

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

22 (F) If two or more consecutive axle groups have an axle spacing of less than 12
23 feet, measured from the center of the last axle of the preceding group to the center of the first axle of

1 the following group, the maximum permit weight on the axle groups will be reduced by 2.5% for each
2 foot less than 12 feet.

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

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

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

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

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

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

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

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

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

14 on each axle; or

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

16 (i) two axles;

17 (ii) eight tires per axle;

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

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

20 feet.

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

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

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

- 1 (A) single axle--22,500 pounds;
- 2 (B) two-axle group--41,400 pounds;
- 3 (C) three-axle group--54,000 pounds;
- 4 (D) four-axle group--63,000 pounds;
- 5 (E) five-axle group--73,260 pounds;
- 6 (F) axle group with six or more axles--determined by TxDOT based on an
- 7 engineering study of the equipment, which will include the type of steering system used, the type of
- 8 axle suspension, the spacing distance between each axle, the number of tires per axle, and the tire size
- 9 on each axle;
- 10 (G) trunnion axles--54,000 pounds; and
- 11 (H) if two or more consecutive axle groups have an axle spacing of less than 12
- 12 feet, measured from the center of the last axle of the preceding group to the center of the first axle of
- 13 the following group, the maximum permit weight on the axle groups will be reduced by 2.5% for each
- 14 foot less than 12 feet.

15 (e) Permit issuance.

16 (1) General. Upon receiving an application in the form prescribed by the department,

17 the department will review the permit application for the appropriate information and will then

18 determine the most practical route based on information provided by TxDOT.

19 (2) Routing.

20 (A) A permitted vehicle will be routed over the most practical route available

21 taking into consideration:

22 (i) the size and weight of the overdimension load in relation to vertical

23 clearances, width restrictions, steep grades, and reduced capacity or load restricted bridges;

1 (ii) the geometrics of the roadway in comparison to the overdimension
2 load;

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

5 (iv) traffic conditions, including traffic volume;

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

8 (vi) load restricted roads; and

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

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

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

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

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

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

21 (ii) the transport complies with the permit, including the time period
22 stated on the permit.

23 (f) Refund of permit fees.

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

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

4 (1) vehicle breakdown;

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

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

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

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

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

13 (h) Requirements for overwidth loads.

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

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

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

22 (4) An applicant requesting a permit to move a load exceeding 20 feet wide will be
23 furnished with a proposed route. The applicant must physically inspect the proposed route to determine

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

4 (A) The applicant must notify the department in writing whether the vehicle and
5 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 (i) Requirements for overlength loads.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (j) Requirements for overheight loads.

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

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

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

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

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

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

23 (1) General.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 and

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

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

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

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

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

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

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

18 (i) at least five feet, but not more than seven feet in length, and at least
19 12 inches, but not more than 18 inches in height;

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

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

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

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

5 (8) Equipment requirements for motorcycles.

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

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

11 (I) Restrictions.

12 (1) Daytime and nighttime movement restrictions.

13 (A) A permitted vehicle may be moved only during the daytime unless:

14 (i) the permitted vehicle is overweight only;

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

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

20 (B) An exception may be granted allowing nighttime movement, based on a
21 route and traffic study conducted by TxDOT. Escort flag vehicles may be required when an exception
22 allowing nighttime movement is granted.

23 (2) Holiday restrictions.

1 (A) Effective through January 10, 2025, the maximum size limits for a permit
2 issued under Transportation Code, Chapter 623, Subchapter D, for holiday movement is 14 feet wide, 16
3 feet high, and 110 feet long, unless an exception is granted based on a route and traffic study conducted
4 by TxDOT.

5 (B) The department may restrict holiday movement of specific loads based on
6 TxDOT's determination that the load could pose a hazard for the traveling public due to local road or
7 traffic conditions.

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

10 (m) General provisions.

11 (1) Multiple commodities.

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

19 (B) Subject to the restrictions in subparagraph (A) of this paragraph and the
20 definition of a "nondivisible load or vehicle" in §219.2 of this title (relating to Definitions), an applicant
21 requesting a permit to haul a dozer and its detached blade may be issued a permit, as a nondivisible
22 load, if removal of the blade will decrease the overall width of the load, thereby reducing the hazard to
23 the traveling public.

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

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

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

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

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

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

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

13 (E) be signed by the principal; and

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

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

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

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

21

22 §219.12. Single-Trip Permits Issued Under Transportation Code, Chapter 623, Subchapter D.

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

5 (b) Overweight loads.

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

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

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

11 (A) The VSF is \$35 if:

12 (i) the vehicle and load do not exceed 254,300 pounds gross weight;

13 (ii) there is at least 95 feet of overall axle spacing; and

14 (iii) the vehicle and load do not exceed maximum permit weight on any
15 axle or axle group, as described in §219.11(d).

16 (B) The VSF is \$500 if:

17 (i) there is less than 95 feet of overall axle spacing;

18 (ii) the vehicle and load exceed maximum permit weight on any axle or
19 axle group, as described in §219.11(d); or

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

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

10 (4) An applicant applying for a permit to move a load that is required for the fulfillment
11 of a fixed price public works contract that was entered into prior to the effective date of this section,
12 and administered by federal, state, or local governmental entities, will not be required to pay the vehicle
13 supervision fee, provided the applicant presents proof of the contract to the department prior to permit
14 issuance.

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

18 (6) Unless the permit is issued for a load under subsection (c) of this section, this permit
19 may not be used for a container, including a trailer, loaded with divisible cargo.

20 (7) The following provisions apply to an application for a superheavy permit to move an
21 overdimension load that is over 254,300 pounds gross weight, between 200,001 and 254,300 pounds

1 gross weight with less than 95 feet overall axle spacing, or over the maximum permitted weight on any
2 axle or axle group described in §219.11(d) of this title.

3 (A) In consultation with TxDOT and the applicant as necessary, the department
4 will determine a tentative route based on the physical size of the overdimension load excluding the
5 weight. After the department provides the tentative route to the applicant, the applicant must
6 investigate the tentative route and acknowledge in writing to the department that the tentative route is
7 capable of accommodating the overdimension load. If the applicant tells the department that the
8 tentative route is not capable of accommodating the overdimension load, the department will consult
9 with TxDOT and the applicant as necessary to attempt to create a tentative route that the applicant can
10 acknowledge is capable of accommodating the overdimension load.

11 (B) The applicant must provide the department with the name and email
12 address of the applicant's TxDOT-certified, licensed professional engineering firm, which TxDOT certifies
13 under Chapter 28, Subchapter G of this title (relating to Oversize and Overweight Vehicles and Loads).
14 Once the applicant provides the department with the name and email address of the applicant's TxDOT-
15 certified, licensed professional engineering firm and acknowledges to the department that the tentative
16 route is capable of accommodating the overdimension load, the department will provide the tentative
17 route and the applicant's application information to the applicant's TxDOT-certified, licensed
18 professional engineering firm.

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

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

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

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

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

12 (3) The axle weight limits must not exceed the maximum weight limits as specified in
13 §219.11(d)(3).

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

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

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

1 (7) Movement will be restricted to daytime only.

2 (d) Houses.

3 (1) The issuance of a permit for a house exceeding 20 feet in width will be based on:

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

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

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

9 (2) The proposed route must include the beginning and ending points on a state
10 highway.

11 (3) A permit may be issued for the movement of an overweight house provided:

12 (A) the applicant provides the department with the requested information
13 regarding weights;

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

18 (C) that, when a support beam is equipped with two or more two-axle groups,
19 each two-axle group is connected to a common mechanical or hydraulic system to ensure that each two-
20 axle group shares equally in the weight distribution at all times during the movement; and when the

1 spacing between the two-axle groups, measured from the center of the last axle of the front group to
2 the center of the first axle of the following group, is eight feet or more, the front two-axle group is
3 equipped for self-steering in a manner that will guide or direct the axle group in turning movements
4 without tire scrubbing or pavement scuffing; and

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

7 (e) Self-propelled off-road equipment. A permit may be issued for the movement of oversize
8 and overweight self-propelled off-road equipment under the following conditions.

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

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

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

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

14 (5) The equipment must be moved empty.

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

17

18 §219.13. Time Permits.

19 (a) General information. Applications for time permits issued under Transportation Code,
20 Chapter 622 and Chapter 623, and this section shall be made in accordance with §219.11(b) and (c) of

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

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

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

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

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

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

12 (5) Restrictions.

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

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

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

1 (6) Escort requirements. Permitted vehicles are subject to the escort requirements
2 specified in §219.11(k) of this title.

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

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

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

10 (1) Width requirements.

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

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

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

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

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

19 (i) a height greater than 14 feet;

20 (ii) an overlength load; or

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

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

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

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

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

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

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

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

18 (1) Length requirements.

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

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

4 (2) Weight, height and width requirements.

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

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

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

11 (4) Emergency movement. A permitted vehicle transporting utility poles will be allowed
12 emergency nighttime movement for restoring electrical utility service, provided the permitted vehicle is
13 accompanied by a rear escort flag vehicle.

14 (e) Annual permits.

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

17 (A) Permits issued under this subsection are not transferable.

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

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

3 (D) Vehicles permitted under this subsection may travel through any highway
4 construction or maintenance area provided the dimensions do not exceed the construction restrictions
5 as published by the department.

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

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

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

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

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

20 (D) Unless stated otherwise on the permit, the permitted vehicle must travel in
21 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, loaded with divisible cargo. Unless otherwise noted, permits issued under this paragraph are
3 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.

21 (B) The department may issue an annual permit under Transportation Code,
22 §623.071(d), to a specific motor carrier, for the movement of superheavy or oversize equipment that

1 falls within the definition of a nondivisible load. This permit may not be used for a container, including a
2 trailer, loaded with divisible cargo. Unless otherwise noted, permits issued under this paragraph are
3 subject to the conditions described in paragraph (1) of this subsection and subparagraphs (A)(i)-(viii) of
4 this paragraph. A permit issued under this paragraph may be transferred from one vehicle to another
5 vehicle in the permittee's fleet provided:

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

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

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

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

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

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

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

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

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

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

8 (B) The fee for a permit issued under this paragraph is \$1,500. Fees are non-
9 refundable.

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

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

14 (E) Authorized movement for a vehicle permitted under this section shall be
15 valid during daytime only.

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

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

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

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

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

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

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

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

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

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

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

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

15 when light is insufficient or atmospheric conditions are unfavorable, at all distances from 100 to 600 feet
16 from the rear when directly in front of lawful lower beams of headlamps; and

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

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

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

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

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

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

6 (E) Movement is restricted to daytime only.

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

12

13 §219.14. Manufactured Housing, and Industrialized Housing and Building Permits.

14 (a) General Information.

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

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

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

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

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

5 (b) Permit application.

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

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

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

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

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

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

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

17 (ii) Texas seal number; or

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

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

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

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

5 (d) Permit provisions and conditions.

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

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

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

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

13 (5) The department may limit the hours for travel on certain routes because of heavy
14 traffic conditions.

15 (6) The department will publish any limitations on movements during the national
16 holidays, or any limitations during certain hours of heavy traffic conditions, and will make such
17 publications available to the public prior to the limitations becoming effective.

18 (7) The permit will contain the route for the transportation of the manufactured home
19 from the point of origin to the point of destination.

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

6 (9) A permittee may not transport a manufactured home with a void permit; a new
7 permit must be obtained.

8

9 §219.15. Portable Building Unit Permits.

10 (a) General information.

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

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

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

20 (c) Permit issuance. Permit issuance is subject to the requirements of §219.11(e) and (g) of this
21 title.

1 (d) Non-refundable permit fee. All fees are non-refundable.

2 (e) Permit provisions and conditions.

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

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

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

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

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

12 (6) Movement of the permitted vehicle must be made during daytime only.

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

15

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

17 **43 TAC §§219.30 - 219.32 and §§219.34 - 219.36**

18

19 **STATUTORY AUTHORITY.** The department adopts amendments under Transportation Code, §621.008,
20 which authorizes the board to adopt rules that are necessary to implement and enforce Transportation

1 Code, Chapter 621; Transportation Code, §623.002, which authorizes the board to adopt rules as
2 necessary to implement Transportation Code, Chapter 623; Transportation Code, §623.003, which
3 requires the department to base the department’s routing decision on information provided by TxDOT to
4 the extent the department is required to determine a route under Transportation Code, Chapter 623;
5 Transportation Code, §623.0171, which requires the department by rule to require an applicant for a
6 permit for a ready-mixed concrete truck to designate the counties in which the applicant intends to
7 operate; Transportation Code, §623.0171, which requires the department by rule to specify how 50
8 percent of the fee collected for a permit for a ready-mixed concrete truck shall be divided among and
9 distributed to the counties designated in the permit application; Transportation Code, §623.0172, which
10 prohibits the use of a permit issued under this section on routes for which TxDOT has not authorized the
11 operation of a vehicle combination described by §623.0172(b); Transportation Code, §623.343, which
12 authorizes the department to impose conditions on a permit holder to ensure the safe operation of a
13 permitted vehicle and minimize damage to roadways, including requirements relating to vehicle routing,
14 hours of operation, weight limits, and requirements for escort vehicles; Transportation Code, §623.405,
15 which only authorizes a permit for an intermodal shipping container to be used on highways and roads
16 approved by TxDOT; Transportation Code, §623.411, which requires the department to adopt rules that
17 are necessary to implement Subchapter U of Transportation Code, Chapter 623, regarding intermodal
18 shipping containers; Transportation Code, §623.424, which only authorizes a permit for fluid milk to be
19 used on highways and roads approved by TxDOT; Transportation Code, §623.427, which requires the
20 department to adopt rules that are necessary to implement Subchapter V of Transportation Code, Chapter
21 623 regarding vehicles transporting fluid milk; Transportation Code, §1002.001, which authorizes the
22 board to adopt rules that are necessary and appropriate to implement the powers and the duties of the
23 department; Government Code, §2001.004, which requires state agencies to adopt rules of practice

1 stating the nature and requirements of all available formal and informal procedures; and the statutory
2 authority referenced throughout the preamble and in the rule text, which is incorporated herein by
3 reference.

4 **CROSS REFERENCE TO STATUTE.** The amendments implement Transportation Code, Chapters 621, 623,
5 and 1002; and Government Code, Chapter 2001.

6
7 Text.

8 §219.30. Permits for Over Axle and Over Gross Weight Tolerances.

9 (a) Purpose. In accordance with Transportation Code, §623.011, the department is
10 authorized under certain conditions to issue an annual permit for the operation of a vehicle within
11 certain tolerances above legal axle and gross weight limits, as provided in Transportation Code,
12 Chapter 621.

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

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

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

23 (c) Application for permit.

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

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

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

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

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

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

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

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

14 (3) The application shall be accompanied by:

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

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

19 (d) Issuance of permit and windshield sticker.

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

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

1 (3) 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 in a manner that will not
3 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. The windshield sticker must be
5 removed from the vehicle upon expiration of the permit.

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

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

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

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

22 (g) Lapse or termination of permit. A permit shall lapse or terminate and the windshield
23 sticker must be removed from the vehicle:

- 1 (1) when the lease of the vehicle expires;
- 2 (2) on the sale of the vehicle for which the permit was issued;
- 3 (3) on the sale, takeover, or dissolution of the firm, partnership, or corporation to
- 4 which a permit was issued; or

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

7

8

9 §219.31. Timber Permits.

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

14 (b) Application for permit.

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

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

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

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

21 (C) vehicle information, including vehicle year, make, license plate number

22 and state of issuance, and vehicle identification number;

1 (D) a list of timber producing counties described in Transportation Code,
2 §623.321(a), in which the vehicle or combination of vehicles will be operated; and

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

5 (3) The application shall be accompanied by:

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

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

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

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

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

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

21 (d) Notification. The financially responsible party as defined in Transportation Code,
22 §623.323(a), shall electronically file the notification document described by §623.323(b) with the
23 department via the form on the department's website.

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

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

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

7 (1) on the expiration of the permit;

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

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

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

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

15 (h) Restrictions. Permits issued under this section are subject to the restrictions in
16 §219.11(l) of this title.

17
18 §219.32. Ready-Mixed Concrete Truck Permits.

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

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

4 (c) Application for permit.

5 (1) To qualify for a ready-mixed concrete truck 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;

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

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

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

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

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

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

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

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

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

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

11 (1) on the expiration of the permit;

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

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

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

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

19 (i) Construction or maintenance areas.

20 (1) Permits issued under this section authorize the operator of the permitted
21 vehicle to travel through any state highway construction or maintenance area, provided the size
22 and weight of the vehicle do not exceed the construction restrictions that are available on the
23 department's website. If a permitted vehicle is delivering concrete to a state highway construction

1 or maintenance jobsite within a construction or maintenance area, the following may provide the
2 permittee a written exception to operate the permitted vehicle in the construction or maintenance
3 area at a size or weight that exceeds the size and weight listed on the department's website: the
4 Texas Department of Transportation or a Texas Department of Transportation contractor that is
5 authorized by the Texas Department of Transportation to issue permit exceptions. The written
6 exception must be carried in the permitted vehicle when the vehicle is on a state highway and
7 must be provided to the department or law enforcement upon request.

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

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

12 (k) Distribution of fees. Fifty percent of the fees collected for permits under Transportation
13 Code, §623.0171 shall be divided equally among all counties designated in the permit application.
14

15 §219.34. North Texas Intermodal Permit.

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

19 (b) Application for permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (g) Nighttime movement. Nighttime movement is allowed under this permit, unless
5 prohibited by the curfew movement restrictions published by the department.

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

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

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

16

17 §219.35. Fluid Milk Transport Permit.

18 (a) Purpose. This section prescribes the requirements, restrictions, and procedures
19 regarding the annual permit for transporting fluid milk under the provisions of Transportation
20 Code, Chapter 623, Subchapter V.

21 (b) Application for permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (1) on the expiration of the permit;

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

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

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

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

21 (h) Construction or maintenance areas.

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

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

3 (i) Nighttime movement. Nighttime movement is allowed under this permit, unless
4 prohibited by the curfew movement restrictions published by the department.

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

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

10

11 §219.36. Intermodal Shipping Container Port Permit.

12 (a) Purpose. This section prescribes the requirements, restrictions, and procedures
13 regarding the annual permit for transporting an intermodal shipping container under the
14 provisions of Transportation Code, Chapter 623, Subchapter U.

15 (b) Application for permit.

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

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

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

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

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

- 1 (D) a list of counties in which the vehicle will be operated;
2 (E) a list of municipalities in which the vehicle will be operated; and
3 (F) applicant's USDOT Number if applicant is required by law to have a USDOT
4 Number.

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

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

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

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

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

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

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

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

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

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

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

8 (1) on the expiration of the permit;

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

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

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

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

16 (h) Construction or maintenance areas.

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

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

21 (i) Nighttime movement. Nighttime movement is allowed under this permit, unless
22 prohibited by the curfew movement restrictions published by the department.

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

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

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

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

16

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

18

43 TAC §§219.41 - 219.45

19

20 **STATUTORY AUTHORITY.** The department adopts amendments under Transportation Code, §621.008,
21 which authorizes the board to adopt rules that are necessary to implement and enforce Transportation
22 Code, Chapter 621; Transportation Code, §623.002, which authorizes the board to adopt rules as

1 necessary to implement Transportation Code, Chapter 623; Transportation Code, §623.003, which
2 requires the department to base the department’s routing decision on information provided by TxDOT to
3 the extent the department is required to determine a route under Transportation Code, Chapter 623;
4 Transportation Code, §623.145, which requires the board, in consultation with the Texas Transportation
5 Commission, to adopt rules to provide for the issuance of a permit under Subchapter G of Transportation
6 Code, Chapter 623 regarding oil well servicing and drilling machinery, including rules regarding conditions
7 on the route and time of movement; Transportation Code, §1002.001, which authorizes the board to
8 adopt rules that are necessary and appropriate to implement the powers and the duties of the
9 department; Government Code, §2001.004, which requires state agencies to adopt rules of practice
10 stating the nature and requirements of all available formal and informal procedures; and the statutory
11 authority referenced throughout the preamble and in the rule text, which is incorporated herein by
12 reference.

13 **CROSS REFERENCE TO STATUTE.** The adopted amendments implement Transportation Code, Chapters
14 621, 623, and 1002; and Government Code, Chapter 2001.

15
16 Text.

17 §219.41. General Requirements.

18 (a) General information.

19 (1) Permits issued under this subchapter, with the exception of permits issued under
20 §219.45 of this title (relating to Permits for Vehicles Transporting Liquid Products Related to Oil Well
21 Production), are subject to the requirements of this section.

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

1 (A) single-trip mileage permits;

2 (B) quarterly hubometer permits; and

3 (C) annual permits.

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

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

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

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

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

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

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

13 and

14 (7) any other information required by law.

15 (c) 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 movement only.

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

11 (e) 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.

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

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

3 (d) Permit fees and refunds.

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

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

9 (A) Highway use factor. The highway use factor for a single trip mileage permit is
10 0.6.

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

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

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

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

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) Permit fees for trailer-mounted units.

6 The permit fee for a trailer-mounted unit is based on the overall width, overall
7 height, and all axle weights, including the truck-tractor axles.

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

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

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

14 Attached Graphic

15 Attached Graphic

16

17 219.43. Quarterly Hubometer Permits.

18 (a) General information.

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

- 1 (2) A quarterly hubometer permit:
- 2 (A) is effective for three consecutive months;
- 3 (B) allows the unit to travel on all state-maintained highways; and
- 4 (C) allows the unit to travel on a state-wide basis.
- 5 (3) A unit permitted under this subsection must not exceed any of the following
- 6 dimensions:
- 7 (A) 12 feet in width;
- 8 (B) 14 feet, 6 inches in height; and
- 9 (C) 95 feet in length.
- 10 (4) With the exception of units that are overlength only, a unit operated with a permit
- 11 issued under this section must be equipped with a hubometer. The permittee must maintain the
- 12 hubometer in good working condition.
- 13 (5) A unit exceeding 175,000 pounds gross weight must:
- 14 (A) have front and rear escort flag vehicles to prevent traffic from traveling
- 15 beside the unit as it crosses a bridge;
- 16 (B) cross all multi-lane bridges by centering the unit on a lane line;
- 17 (C) cross all two-lane bridges in the center of the bridge; and
- 18 (D) cross each bridge at a speed not greater than 20 miles per hour.
- 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 a unit will be determined by
4 calculating the "W" weight for the group, using the formulas in Figure 2: 43 TAC §219.42(f), "Maximum
5 Permit Weight Formulas," and comparing the calculated "W" weight with the corresponding "W" weight
6 that is established in Figure 1: 43 TAC §219.42(f), "Maximum Permit Weight Table."

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

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

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

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

22 (c) Initial permit application and issuance.

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

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

6 (d) Permit renewals and closeouts.

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

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

12 (e) Permit fees.

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

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

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

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

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

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

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

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

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

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

21 (4) Permit fees for trailer-mounted units.

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

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

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

5 (2) the license plate number.

6

7 §219.44. Annual Permits.

8 (a) General information. Permits issued under this section are subject to the requirements of
9 §219.41 of this title (relating to General Requirements).

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

11 The fee for an annual self-propelled oil well servicing unit permit is \$52 per axle.
12 The indirect cost share is included in this fee.

13 (2) Annual oil field rig-up truck permits.

14 (A) An oil field rig-up truck permitted under this section must not exceed:

15 (i) legal height or length limits, as provided in Transportation Code,

16 Chapter 621, Subchapter C;

17 (ii) 850 pounds per inch of tire width on the front axle;

18 (iii) 25,000 pounds on the front axle; or

19 (iv) legal weight on all other axles.

1 (B) An oil field rig-up truck, operating under an annual permit, must be
2 registered in accordance with Transportation Code, Chapter 502.

3 (C) The annual permit fee for an oil field rig-up truck is \$52. The indirect cost
4 share is included in this fee.

5 (D) An annual permit for an oil field rig-up truck allows the unit to travel at
6 nighttime, provided the unit does not exceed nine feet in width.

7 (3) A permit issued under this section may not be amended.

8 (4) A permit issued under this section allows travel on a statewide basis and on all state
9 maintained highways.

10 (b) Permit application and issuance.

11 (1) An application for an annual permit under this section must be made in accordance
12 with §219.41(b) of this title.

13 (2) Upon receipt of the application and the appropriate fees, the department will
14 provide a copy of the permit to the applicant.

15

16 §219.45. Permits for Vehicles Transporting Liquid Products Related to Oil Well Production.

17 (a) General provisions. This section applies to the following vehicles which may secure an annual
18 permit issued under provisions of Transportation Code, Chapter 623, Subchapter G, to haul liquid loads
19 over all state-maintained highways.

1 (1) A vehicle combination consisting of a truck-tractor and semi-trailer specifically
2 designed with a tank and pump unit for transporting:

3 (A) liquid fracking products, liquid oil well waste products, or unrefined liquid
4 petroleum products to an oil well; or

5 (B) unrefined liquid petroleum products or liquid oil well waste products from an
6 oil well not connected to a pipeline.

7 (2) A permit issued under this section is effective for one year beginning on the effective
8 date.

9 (b) Application for permit.

10 (1) An application for an annual permit under this section must be made in accordance
11 with §219.41(b) of this title (relating to General Requirements).

12 (2) The permit request must be received by the department not more than 14 days prior
13 to the date that the permit is to begin.

14 (c) Permit qualifications and requirements.

15 (1) The semi-trailer must be of legal size and weight.

16 (2) Only one semi-trailer will be listed on a permit.

17 (3) The permit may be transferred from an existing trailer being removed from service
18 and placed on a new trailer being added to the permittee's fleet, if the permittee supplies the
19 department with:

20 (A) the existing valid permit number;

- 1 (B) the make and model of the new trailer;
- 2 (C) the license plate number of the new trailer; and
- 3 (D) a transfer fee of \$31 per permit to cover administrative costs.

4 (d) Fees.

5 (1) The permit fee is based on the axles of the semi-trailer and the drive axles of the
6 truck-tractor. The fee for the permit, which includes the indirect cost share, is determined as follows:

7 (A) \$52 per axle--to haul liquid oil well waste products or unrefined liquid
8 petroleum products from oil wells not connected by a pipeline and return empty;

9 (B) \$52 per axle--to haul liquid products related to oil well production to an oil
10 well and return empty; and

11 (C) \$104 per axle--to haul liquid products related to oil well production to an oil
12 well and return with liquid oil well waste products or unrefined liquid petroleum products from an oil
13 well not connected to a pipeline.

14 (2) Each permittee will be charged a \$20 issuance fee in addition to the permit fee.

15 (e) Permit movement conditions. The permit load must not cross any load-restricted bridge
16 when exceeding the posted capacity of such.

17

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

19 **VEHICLES**

20 **43 TAC §§219.60 - 219.64**

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STATUTORY AUTHORITY. The department adopts amendments under Transportation Code, §621.008, which authorizes the board to adopt rules that are necessary to implement and enforce Transportation Code, Chapter 621; Transportation Code, §623.002, which authorizes the board to adopt rules as necessary to implement Transportation Code, Chapter 623; Transportation Code, §623.003, which requires the department to base the department’s routing decision on information provided by TxDOT to the extent the department is required to determine a route under Transportation Code, Chapter 623; Transportation Code, §623.181, which authorizes the department to issue an annual permit for the movement over a highway or road in this state of an unladen lift equipment motor vehicle that exceeds the maximum weight or width limitations prescribed by statute; Transportation Code, §623.195, which requires the board, in consultation with the Texas Transportation Commission, to adopt rules to provide for the issuance of a permit under Subchapter J of Transportation Code, Chapter 623 regarding trip permits for unladen lift equipment motor vehicles, including rules regarding conditions on the route and time of movement; Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department; Government Code, §2001.004, which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures; and the statutory authority referenced throughout the preamble and in the rule text, which is incorporated herein by reference.

CROSS REFERENCE TO STATUTE. The adopted amendments implement Transportation Code, Chapters 621, 623, and 1002; and Government Code, Chapter 2001.

Text.
219.60. Purpose.

1 The sections in this subchapter set forth the requirements and procedures applicable to permits
2 issued for unladen lift equipment motor vehicles under the provisions of Transportation Code, Chapter
3 623, Subchapters I and J.

4

5 §219.61. General Requirements for Permits for Oversize and Overweight Unladen Lift Equipment Motor
6 Vehicles.

7 (a) General information.

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

10 (2) Unladen lift equipment motor vehicles are eligible for an annual permit under this
11 subchapter.

12 (3) Unladen lift equipment motor vehicles are also eligible for the following permits
13 under this subchapter at weights above those established by §219.11(d)(2) of this title (relating to
14 General Oversize/Overweight Permit Requirements and Procedures):

15 (A) single-trip mileage permits; and

16 (B) quarterly hubometer permits.

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

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

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

1 (3) year, make and vehicle identification number of the unladen lift equipment motor
2 vehicle;

3 (4) width, height, and length of the unladen lift equipment motor vehicle;

4 (5) unladen lift equipment motor vehicle axle and tire information, including the number
5 of axles, distance between axles, gauge per axle, axle weights, number of tires, and tire size;

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

8 (7) any other information required by law.

9 (c) Restrictions.

10 (1) An unladen lift equipment motor vehicle permitted under this subchapter is subject
11 to the restrictions specified in §219.11(l)(2) and (3) of this title, and the permittee is responsible for
12 obtaining information concerning current restrictions from the department.

13 (2) An unladen lift equipment motor vehicle permitted under this subchapter may travel
14 through highway construction or maintenance areas provided the dimensions do not exceed the
15 construction restrictions as published by the department.

16 (3) An unladen lift equipment motor vehicle permitted under this subchapter may only
17 be operated during daytime, unless:

18 (A) the unladen lift equipment motor vehicle is overweight only; or

19 (B) the unladen lift equipment motor vehicle complies with one of the following,
20 regardless of whether the unladen lift equipment motor vehicle is overweight:

1 (i) the unladen lift equipment motor vehicle does not exceed nine feet in
2 width, 14 feet in height, or 65 feet in length; or

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

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

6 (II) 14 feet in height; or

7 (III) 95 feet in length.

8 (d) Transferability. Unless otherwise noted, a permit issued under this subchapter may not be
9 transferred between unladen lift equipment motor vehicles or between permittees.

10 (e) Escort requirements. In addition to any other escort requirements specified in this
11 subchapter, unladen lift equipment motor vehicles permitted under this subchapter are subject to the
12 escort requirements specified in §219.11(k) of this title.

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 to be returned to the point
4 of origin on the same permit, provided the return trip is made within the time period stated in the
5 permit.

6 (3) An unladen lift equipment motor vehicle exceeding 175,000 pounds gross weight must:

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

9 (B) cross all multi-lane bridges by centering the unladen lift equipment motor
10 vehicle 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 (4) An unladen lift equipment motor vehicle exceeding 12 feet in width must be
14 centered in the outside traffic lane of any highway that has paved shoulders.

15 (5) Except as otherwise provided in this section, the permitted unladen lift equipment
16 motor vehicle must not cross a load-restricted bridge when exceeding the posted capacity of the bridge.

17 (b) Maximum permit weight limits.

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

1 (2) The maximum permit weight for any group of axles on an unladen lift equipment
2 motor vehicle is determined by calculating the "W" weight for the group, using the formulas shown in
3 Figure 2: 43 TAC §219.62(f), "Maximum Permit Weight Formulas," and comparing the calculated "W"
4 weight with the corresponding "W" weight that is established in Figure 1: 43 TAC §219.62(f), "Maximum
5 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 applicant with an unladen lift equipment motor vehicle that has any group of
10 axles that exceeds the limits established by Figure 1: 43 TAC §219.62(f), "Maximum Permit Weight Table,"
11 and Figure 2: 43 TAC §219.62(f), "Maximum Permit Weight Formulas," must comply with the following
12 process and requirements:

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

15 (i) a detailed diagram, on a form prescribed by the department, which
16 illustrates the required information listed in §219.61(b)(5) of this title;

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

18 and

19 (iii) the name and contact information of the applicant's TxDOT-
20 approved licensed professional engineer.

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

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

11 (c) Permit application and issuance.

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

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

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

20 (d) Permit fees and refunds.

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

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

6 (A) Highway use factor. The highway use factor for a single-trip mileage permit is
7 0.6.

8 (B) Total rate per mile. The total rate per mile is the combined mileage rates for
9 width, height, and weight for the unladen lift equipment motor vehicle.

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

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

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

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

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

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

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

7 Attached Graphic

8 Attached Graphic

9

10 219.63. Quarterly Hubometer Permits.

11 (a) General information.

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

15 (2) A quarterly hubometer permit:

16 (A) is effective for three consecutive months;

17 (B) allows the unladen lift equipment motor vehicle to travel on all state-
18 maintained highways; and

19 (C) allows the unladen lift equipment motor vehicle to travel on a state-wide
20 basis.

1 (3) An unladen lift equipment motor vehicle permitted under this section must not
2 exceed any of the following dimensions:

3 (A) 12 feet in width;

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

5 (C) 95 feet in length.

6 (4) With the exception of unladen lift equipment motor vehicles that are overlength
7 only, unladen lift equipment motor vehicles operated with a quarterly hubometer permit must be
8 equipped with a hubometer. The permittee must maintain the hubometer in good working condition.

9 (5) An unladen lift equipment motor vehicle exceeding 175,000 pounds gross weight
10 must:

11 (A) have front and rear escort flag vehicles to prevent traffic from traveling
12 beside the unladen lift equipment motor vehicle as it crosses a bridge;

13 (B) cross all multi-lane bridges by centering the unladen lift equipment motor
14 vehicle on a lane line;

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

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

17 (6) The permitted unladen lift equipment motor vehicle must not cross a load-restricted
18 bridge when exceeding the posted capacity of the bridge.

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

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

1 (B) the license plate number.

2 (b) Maximum permit weight limits.

3 (1) The maximum permit weight for any single axle must not exceed 30,000 pounds or
4 850 pounds per inch of tire width, whichever is less.

5 (2) The maximum permit weight for any group of axles on an unladen lift equipment
6 motor vehicle will be determined by calculating the "W" weight for the group, using the formulas in
7 Figure 2: 43 TAC §219.62(f), "Maximum Permit Weight Formulas," and comparing the calculated "W"
8 weight with the corresponding "W" weight that is established in Figure 1: 43 TAC §219.62(f), "Maximum
9 Permit Weight Table."

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

13 (4) An unladen lift equipment motor vehicle that has any group of axles that exceeds the
14 limits established by Figure 1: 43 TAC §219.62(f), "Maximum Permit Weight Table," and Figure 2: 43 TAC
15 §219.62(f), "Maximum Permit Weight Formulas," is not eligible for a permit under this section; however,
16 it is eligible for a permit under §219.62 of this title (relating to Single-Trip Mileage Permits).

17 (c) Initial permit application and issuance.

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

1 (2) Upon verification of the unladen lift equipment motor vehicle information and
2 receipt of the permit fee, the department will provide a copy of the permit to the applicant, and will also
3 provide a renewal application form to the applicant.

4 (d) Permit renewals and closeouts.

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

7 (2) Upon receipt of the renewal application, the department will verify the unladen lift
8 equipment motor vehicle information, check mileage traveled on the last permit, calculate the new
9 permit fee, and advise the applicant of the permit fee.

10 (e) Permit fees.

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

13 (2) Fees for overlength unladen lift equipment motor vehicles. An unladen lift equipment
14 motor vehicle that is overlength only is not required to have a hubometer. The fee for this permit is \$31.

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

18 (A) Hubometer mileage. Mileage for a quarterly hubometer permit is
19 determined by the unladen lift equipment motor vehicle's current hubometer mileage reading minus the
20 unladen lift equipment motor vehicle's hubometer mileage reading from the previous quarterly
21 hubometer permit.

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

3 (C) Total rate per mile. The total rate per mile is the combined mileage rates for
4 width, height, and weight for the unladen lift equipment motor vehicle.

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

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

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

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

17

18 219.64. Annual Permits.

19 (a) General information. Permits issued under this section are subject to the requirements of
20 §219.61 of this title (relating to General Requirements for Permits for Oversize and Overweight Unladen
21 Lift Equipment Motor Vehicles).

1 (1) An unladen lift equipment motor vehicle permitted under this section must not
2 exceed:

3 (A) the weight limits established in §219.11(d)(1), (2), and (3) of this title
4 (relating to General Oversize/Overweight Permit Requirements and Procedures);

5 (B) a gross weight of 120,000 pounds;

6 (C) legal length and height limits as specified in Transportation Code, Chapter
7 621, Subchapter C; and

8 (D) 10 feet in width.

9 (2) A permit issued under this section may not be amended.

10 (3) An unladen lift equipment motor vehicle permitted under this section must not cross
11 a load-restricted bridge or a load-restricted road when exceeding the posted capacity of such.

12 (b) Permit application and issuance.

13 (1) Initial permit application. An application for an annual permit under this section must
14 be made in accordance with §219.61(b) of this title.

15 (2) Permit issuance. Upon receipt of the application and the appropriate permit fee, the
16 department will verify the application information and provide the permit to the applicant.

17

18 **SUBCHAPTER F. COMPLIANCE**

19 **43 TAC §§219.81, 219.84 and 219.86**

20

1 **STATUTORY AUTHORITY.** The department adopts the amendment under Transportation Code, §621.008,
2 which authorizes the board to adopt rules that are necessary to implement and enforce Transportation
3 Code, Chapter 621; Transportation Code, §622.002, which authorizes the board to adopt rules that are
4 necessary to implement and enforce Transportation Code, Chapter 622; Transportation Code, §623.002,
5 which authorizes the board to adopt rules as necessary to implement Transportation Code, Chapter 623;
6 Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and
7 appropriate to implement the powers and the duties of the department; Government Code, §2001.004,
8 which requires state agencies to adopt rules of practice stating the nature and requirements of all
9 available formal and informal procedures; and the statutory authority referenced throughout the
10 preamble and in the rule text, which is incorporated herein by reference.

11 **CROSS REFERENCE TO STATUTE.** The adopted amendment implements Transportation Code, Chapters
12 621, 622, 623, and 1002; and Government Code, Chapter 2001.

13

14 Text.

15 §219.81. Applicability.

16 (a) A person operating or loading a vehicle for which a permit under this chapter is required shall
17 comply with all applicable terms, conditions, and requirements of the permit, and with this chapter and
18 Transportation Code, Chapters 621, 622, or 623 as applicable.

19 (b) A person loading a vehicle or operating on a public road or highway a vehicle for which a
20 permit under this chapter is not required shall comply with the weight and size provisions of
21 Transportation Code, Chapters 621, 622, or 623.

22

1 **STATUTORY AUTHORITY.** The department adopts the repeals under Transportation Code, §621.008,
2 which authorizes the board to adopt rules that are necessary to implement and enforce Transportation
3 Code, Chapter 621; Transportation Code, §622.002, which authorizes the board to adopt rules that are
4 necessary to implement and enforce Transportation Code, Chapter 622; Transportation Code, §623.002,
5 which authorizes the board to adopt rules as necessary to implement Transportation Code, Chapter 623;
6 Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and
7 appropriate to implement the powers and the duties of the department; and the statutory authority
8 referenced throughout the preamble and in the rule text, which is incorporated herein by reference.

9 **CROSS REFERENCE TO STATUTE.** The adopted repeals implement Transportation Code, Chapters 621,
10 622, 623 and 1002.

11

12 Text.

13 [~~§219.84. Compliance with Remote Permit System.~~]

14 [A person who by contract is authorized by the department to access the electronic filing
15 applications system shall comply with all of the requirements of the contract and any conditions placed
16 on the permits.]

17

18 [~~§219.86. Permit Compliance.~~]

19 [A permit issued under this chapter becomes invalid immediately on the violation of a rule or a
20 condition or requirement placed on the permit. Movement over a highway or public road of the vehicle
21 for which the permit was issued after the permit becomes invalid under this section is a violation of this

1 ~~chapter and subject to enforcement action under this chapter and Transportation Code, Chapter 621,~~
2 ~~622, or 623.]~~

3

4

SUBCHAPTER G. RECORDS AND INSPECTIONS

5

43 TAC §219.102

6

7 **STATUTORY AUTHORITY.** The department adopts the amendments under Transportation Code,
8 §621.008, which authorizes the board to adopt rules that are necessary to implement and enforce
9 Transportation Code, Chapter 621; Transportation Code, §622.002, which authorizes the board to adopt
10 rules that are necessary to implement and enforce Transportation Code, Chapter 622; Transportation
11 Code, §623.002, which authorizes the board to adopt rules as necessary to implement Transportation
12 Code, Chapter 623; Transportation Code, §1002.001, which authorizes the board to adopt rules that are
13 necessary and appropriate to implement the powers and the duties of the department; Government
14 Code, §2001.004, which requires state agencies to adopt rules of practice stating the nature and
15 requirements of all available formal and informal procedures; and the statutory authority referenced
16 throughout the preamble and in the rule text, which is incorporated herein by reference.

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

19

20 Text.

21 §219.102. Records.

22 (a) General records to be maintained. Each person who is subject to this chapter shall maintain
23 the following records if information in such a record is necessary to verify the person's operation:

1 (1) operational logs, insurance certificates, and documents to verify the person's
2 operations;

3 (2) complete and accurate records of services performed; and

4 (3) all certificate of title documents, shipper's certificate of weight, including
5 information used to support the shipper's certificate of weight, weight tickets, permits for oversize or
6 overweight vehicles and loads, dispatch records, load tickets, waybill or any other document that verify
7 the operations of the vehicle to determine the actual weight, insurance coverage, size or capacity of the
8 vehicle, and the size or weight of the commodity being transported.

9 (b) Evidence of permits.

10 (1) Except as stated otherwise in §219.13(e)(4)(B)(ii) of this title (relating to Time
11 Permits), the original permit, a print copy of the permit, or an electronic copy of the permit must be
12 kept in the permitted vehicle until the permit terminates or expires.

13 (2) Except as stated otherwise in §219.13(e)(4)(B)(ii), an operator of a vehicle operating
14 under a permit issued under Transportation Code, Subtitle E, shall, on request, provide the original
15 permit, a print copy of the permit, or an electronic copy of the permit to a department inspector or to a
16 peace officer, as defined by Code of Criminal Procedure, Article 2.12.

17 (A) If the department provides a permit electronically, the vehicle operator may
18 provide a legible and accurate image of the permit displayed on a wireless communication device.

19 (B) The authorization of the use of a wireless communication device to display
20 permit information under this paragraph does not prevent the State Office of Administrative Hearings or

1 a court of competent jurisdiction from requiring a person to provide a paper copy of the person's
2 evidence of permit in a hearing or trial or in connection with discovery proceedings.

3 (c) Preservation and destruction of records. Records required under this section shall be
4 maintained for not less than two years, except that drivers' time cards and logs shall be maintained for
5 not less than six months.

6

7

SUBCHAPTER H. ADMINISTRATIVE PENALTIES AND SANCTIONS

8

43 TAC §219.123

9

10 **STATUTORY AUTHORITY.** The department adopts the repeal under Transportation Code, §621.008, which
11 authorizes the board to adopt rules that are necessary to implement and enforce Transportation Code,
12 Chapter 621; Transportation Code, §622.002, which authorizes the board to adopt rules that are necessary
13 to implement and enforce Transportation Code, Chapter 622; Transportation Code, §623.002, which
14 authorizes the board to adopt rules as necessary to implement Transportation Code, Chapter 623;
15 Transportation Code, §623.271, which requires the payment of an administrative penalty under §623.271
16 before the department may issue a permit under Transportation Code, Chapter 623 to a person who has
17 been ordered to pay the administrative penalty and for the vehicle that is the subject of the enforcement
18 order; Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and
19 appropriate to implement the powers and the duties of the department; Government Code, §2001.004,
20 which requires state agencies to adopt rules of practice stating the nature and requirements of all
21 available formal and informal procedures; Government Code, §2001.054, which specifies the
22 requirements regarding the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a

1 license; and the statutory authority referenced throughout the preamble and in the rule text, which is
2 incorporated herein by reference.

3 **CROSS REFERENCE TO STATUTE.** The adopted repeal implements Transportation Code, Chapters 621,
4 622, and 623; and Government Code, Chapter 2001.

5

6 Text.

7 [~~§219.123. Implications for Nonpayment of Penalties; Grounds for Action.~~]

8 [The department may not issue an oversize or overweight permit to the person who has not
9 paid an administrative penalty that is due or for the vehicle that is the subject of the enforcement order
10 until the amount of the delinquent administrative penalty has been paid to the department.]

11

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13