



Final Regulation Agency Background Document

Agency name	Department of Motor Vehicles
Virginia Administrative Code (VAC) citation	24 VAC 20-81
Regulation title	Hauling Permit Regulation
Action title	New regulation to establish requirements for issuance of permits to haul overweight and over dimension vehicles over highways of Virginia.
Date this document prepared	January 7, 2009

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The Department of Motor Vehicles is responsible for the issuance of oversize and overweight permits for the movement of objects and vehicles that exceed the statutory limits set forth in the Code of Virginia. The proposed regulation is a new regulation that will contain the Hauling Permit Manual. This Manual establishes the requirements for the issuance of Hauling Permits and the movement of these objects and vehicles over the highways of the Commonwealth.

During the 60 day comment period for the proposed regulation, concerns were raised by industry representatives and law enforcement officials in two key areas: The invalidation of hauling permits and the escort vehicle requirements. Industry representatives expressed concerns regarding the high cost associated with the invalidation of permits while law enforcement officials emphasized the need to ensure that over dimension loads are moved safely over the highways of Virginia. 24 VAC 20-81-230 has been revised to clarify the invalidation of permits by law enforcement. DMV believes that the revisions to this section will minimize the burden on specialized carriers and riggers in the Commonwealth yet support law enforcement requirements that over dimension loads be moved as safely as possible through local jurisdictions.

A number of specialized carriers and riggers in the Commonwealth also expressed concerns that the new escort requirements would place an unreasonable burden and expense on the industry. Conversely, several law enforcement officials indicated that strict escort requirements are essential in ensuring that over dimension loads are moved safely through their localities. 24 VAC 20-81-160, 24 VAC 20-81-170, and 24 VAC 20-81-180 have been revised to effectively balance the needs of the industry and the law enforcement community. The specific areas that were addressed include the number of escort vehicles required for specific load dimensions, the number of escort vehicles required for interstate and non-interstate routes, and safety requirements (fire extinguishers, lights, signs, visibility, etc.).

In addition to these two key issues, minimal revisions to the regulation have been made to clarify hauling permit requirements, eliminate confusion, ensure consistency with the Code of Virginia, and allow for efficiency and flexibility by DMV in the administration of the hauling permit regulation.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The final action was taken on January 7, 2009 by the Virginia Department of Motor Vehicles. The title of the regulation is the Hauling Permit Regulation.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Under § 46.2-203 and Article 18 of Chapter 10 of Title 46.2 of the Code of Virginia, the Commissioner of the Department of Motor Vehicles may adopt reasonable administrative regulations necessary to carry out the laws administered by the Department and may enforce these regulations and laws through the agencies of the Commonwealth he may designate.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The Code of Virginia sets forth limitations of weight, width, height, and length for objects and vehicles which may be moved over the highways of the Commonwealth. Pursuant to §§ 46.2-1139 et. seq. of the Code of Virginia, oversize or overweight permits may be issued for vehicles with loads that exceed these maximum statutory limits. As a result of legislation enacted in the 2003 session of the Virginia General Assembly, responsibility for the issuance of these permits was transferred from the Virginia Department of Transportation (VDOT) to the Virginia Department of Motor Vehicles (DMV) on July 1, 2003. The Hauling Permit Section, which reviews applications and issues these permits to haul over dimensional loads and configurations, was transferred from VDOT to DMV on that date.

The Hauling Permit Manual, which governs the issuance of oversize and overweight permits by the Hauling Permit Section based on state law, is currently contained as a regulation in the Virginia Administrative Code under VDOT (24 VAC 30 -111). The Manual is being revised to reflect the transfer of the permit issuance function and the organizational unit to DMV. This document is also being modified to clarify requirements relating to safety and enforcement in the hauling of these large loads, to enhance the ability of the Commonwealth to work cooperatively with other states in key areas such as escort vehicle requirements, and to reflect new technologies now available to assist customers. The revised Manual will be a new regulation, and DMV will work cooperatively with VDOT to request the repeal of the existing 24 VAC 30 -111.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

In order to reflect the transfer of the responsibility for the issuance of oversize and overweight permits from VDOT to DMV, references to the "Commonwealth Transportation Board" and the "Department of Transportation" will be changed to the "Commissioner" or the "Department of Motor Vehicles" as appropriate. In addition, key contact information in the Manual such as telephone numbers and mailing addresses are being updated to reflect the relocation of the Hauling Permit section to DMV.

In addition to incorporating this organizational change, the revision of the Hauling Permit Manual will address other relevant program areas. The safety of Virginia's citizens and highways is a key component in the movement of large objects and vehicles. The Manual is being modified to clarify the requirements that must be met by applicants for a Hauling Permit.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

This regulatory action poses no disadvantages to the public or the Commonwealth of Virginia. It will protect the citizens of Virginia by ensuring that over dimensional loads and configurations are transported safely over the highways and roads of our State.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar's office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
24 VAC 20-81-10	Definitions	Definition of "Nondivisible load" changed to reference the authoritative source, Code of Federal Regulations.	If Federal rules change this manual will not be affected. Request came from industry and law enforcement at Norfolk Hearing.
24 VAC 20-81-10	Definitions	Definition of "Tandem axle" was changed to reflect Code of Virginia.	To eliminate confusion.
24 VAC 20-81-60	Legal Weight Allowed Based on Axle Spacing	Language added to reflect Code of Virginia §46.2-1126.	Industry request from Norfolk Hearing and Virginia Trucking Association
24 VAC 20-81-80	Maximum Weight Allowed by Permit Without an Engineering Review Based on Axle Spacing	Language added to be consistent with Code of Virginia §46.2-1126.	Industry request from Norfolk Hearing and Virginia Trucking Association.
24 VAC 20-81-90	Single Trip Permit	Removed redundant language and changed the length of Single Trip Permits to 150 feet.	This is our current practice and industry felt this would be a hardship if left at 100 feet.
24 VAC 20-81-110	General Blanket Permit	Removed unnecessary language and changed length from 85 to 100 feet. Also struck the language for overhang.	These changes were a request of industry at the Norfolk Hearing.
24 VAC 20-81-120	Superload Blanket Permit	These changes clarified this section and will give DMV more flexibility to work with industry's growing needs.	These changes were requested by Industry at the Norfolk hearing and the Virginia Trucking Association.
24 VAC 20-81-130	Exempt Blanket Permits	These changes were made to reflect the Code of Virginia language.	House cleaning.
24 VAC 20-81-140	Hauling Permit Administrative Fees	Tank wagon and Exempt Blanket Permit fees were removed and deferred to Code of Virginia changes.	House cleaning.
24 VAC 20-81-150	Travel Restrictions	The requirement of 30 minutes after sunrise and 30 minutes before sunset have been changed to sunrise to sunset. Also some language was removed to give DMV more flexibility when issuing permits.	These changes were recommended by industry and other states. It will make Virginia more uniform with Southeastern Region.
24 VAC 20-81-160	Escort Vehicles and Equipment Requirement	This section was changed to conform with industry and surrounding states' requirements.	These changes were recommended by the industry and other States.
24 VAC 20-81-170	Escort Vehicle Driver Certification	This section was changed to conform to industry and surrounding states' requirements.	These changes were recommended by the industry and other states.

24 VAC 20-81-180	General Escorting Guidelines	These requirements have been completely changed.	These changes were a result of numerous contacts from industry and other states. This section has had more comments than any other area. The changes reflect the issues and concerns while still providing safe and efficient oversize moves in Virginia.
24 VAC 20-81-230	Denial; Revocation; Refusal to Renew; Appeal; Invalidation	Section D has been rewritten to clarify the invalidation of a permit.	These changes were the second most discussed issue by industry at the Norfolk Hearing and by the Virginia Trucking Association.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response
W. O. Grubb Crane Rental	Concern with invalidation of hauling permits by law enforcement.	Revision of 24 VAC 20-81-230 to clarify invalidation of hauling permits.
Bluwood Structures	Concern with new escort requirements.	Revision of 24 VAC 20-81-160, 24 VAC 20-81-170, and 24 VAC 20-81-180 to address escort concerns while still providing safe and efficient oversize moves in Virginia.
Charles W. Karper, Inc.	Concern with cost of new escort requirements.	Revision of 24 VAC 20-81-160, 24 VAC 20-81-170, and 24 VAC 20-81-180 to address escort concerns while still providing safe and efficient oversize moves in Virginia.
Glaize Components	Concern with new escort requirements.	Revision of 24 VAC 20-81-160, 24 VAC 20-81-170, and 24 VAC 20-81-180 to address escort concerns while still providing safe and efficient oversize moves in Virginia.
Blue Hawaiian Fiberglass Pools	Concern with new escort requirements.	Revision of 24 VAC 20-81-160, 24 VAC 20-81-170, and 24 VAC 20-81-180 to address escort concerns while still providing safe and efficient oversize moves in Virginia.
Virginia Trucking Association	Concern with travel restrictions. Concern with new escort requirements and invalidation of permits.	Revision of 24 VAC 20-81-150 to address travel restrictions. Revision of 24 VAC 20-81-160, 24 VAC 20-81-170, and 24 VAC 20-81-180 to address escort concerns while still providing safe and efficient oversize moves in Virginia. Revision of 24 VAC 20-81-230 to clarify invalidation of hauling permits.

E.T Gresham Company, Inc.	Concern with general blanket permits and superload blanket permits. Concern with new escort requirements.	Revision of 24 VAC 20-81-110 and 24 VAC 20-81-120 to address blanket permits. Revision of 24 VAC 20-81-160, 24 VAC 20-81-170, and 24 VAC 20-81-180 to address escort concerns while still providing safe and efficient oversize moves in Virginia.
John E. Link Trucking, Inc.	Concern with new escort requirements and invalidation of permits.	Revision of 24 VAC 20-81-160, 24 VAC 20-81-170, and 24 VAC 20-81-180 to address escort concerns while still providing safe and efficient oversize moves in Virginia. Revision of 24 VAC 20-81-230 to clarify invalidation of hauling permits.
Vaught Trucking, Inc.	Concern with new escort requirements and invalidation of permits.	Revision of 24 VAC 20-81-160, 24 VAC 20-81-170, and 24 VAC 20-81-180 to address escort concerns while still providing safe and efficient oversize moves in Virginia. Revision of 24 VAC 20-81-230 to clarify invalidation of hauling permits.
Guy M. Turner	Concern with new escort requirements and invalidation of permits.	Revision of 24 VAC 20-81-160, 24 VAC 20-81-170, and 24 VAC 20-81-180 to address escort concerns while still providing safe and efficient oversize moves in Virginia. Revision of 24 VAC 20-81-230 to clarify invalidation of hauling permits.
Hirschfield Transportation	Concern with new escort requirements and invalidation of permits.	Revision of 24 VAC 20-81-160, 24 VAC 20-81-170, and 24 VAC 20-81-180 to address escort concerns while still providing safe and efficient oversize moves in Virginia. Revision of 24 VAC 20-81-230 to clarify invalidation of hauling permits.
Bob's Escort	Concern with new escort requirements.	Revision of 24 VAC 20-81-160, 24 VAC 20-81-170, and 24 VAC 20-81-180 to address escort concerns while still providing safe and efficient oversize moves in Virginia.
Newport News Police Department	Concern with new escort requirements and invalidation of permits.	Revision of 24 VAC 20-81-160, 24 VAC 20-81-170, and 24 VAC 20-81-180 to address escort concerns while still providing safe and efficient oversize moves in Virginia. Revision of 24 VAC 20-81-230 to clarify invalidation of hauling permits.
Norfolk Police Department	Concern with new escort requirements and invalidation of permits.	Revision of 24 VAC 20-81-160, 24 VAC 20-81-170, and 24 VAC 20-81-180 to address escort concerns while still providing safe and efficient oversize moves in Virginia. Revision of 24 VAC 20-81-230 to clarify invalidation of hauling permits.
Specialized Transportation Safety Committee	Concern with definition of "Non-divisible load." Concern with travel restrictions. Concern with new escort requirements and invalidation of permits.	Revision of 24 VAC 20-81-10 to address definition of "Non-divisible load." Revision of 24 VAC 20-81-150 to address travel restrictions. Revision of 24 VAC 20-81-160, 24 VAC 20-81-170, and 24 VAC 20-81-180 to address escort concerns while still providing safe and efficient oversize moves in Virginia.

	Revision of 24 VAC 20-81-230 to clarify invalidation of hauling permits.
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All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale

Not applicable. The Hauling Permit Regulation is a new regulation. Details regarding the new regulation and changes since the proposed stage are provided under Brief Summary above. Specific section changes made to the regulation since the proposed stage are outlined under Changes Made Since the Proposed Stage above.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

DMV believes that the proposed regulatory action will not adversely impact small businesses in Virginia. The agency feels that these revisions to the Hauling Permit Manual are essential to protect the infrastructure of our highway and bridge systems and the safety of our citizens. The updating and clarification of the hauling permit requirements will ensure the efficient and safe movement of large loads over the highways of the Commonwealth. The revisions to the Manual will also enhance customer access to the application process for the issuance of hauling permits.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulatory action will benefit and protect the families of Virginia by promoting safety on our highways. The clarification of requirements in the Hauling Permit Manual will ensure that the movement of large configurations over the roads of our State will be completed in the safest manner possible. The proposed action will also allow for more efficient processing of Hauling Permits.