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Regulatory
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Notice of Intended Regulatory Action (NOIRA) 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.
Document preparation date	November 30, 2004

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

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 legal 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.

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 number(s), 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 § 46.2-1128 of the Code of Virginia, the Commissioner of the Department of Motor Vehicles may promulgate regulations governing the issuance of permits for vehicles exceeding the maximum legal limits for size and weight.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

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 permit in this important area. For example, the updated Manual will specify the type of signage that an escort vehicle must utilize when leading an overweight or over dimension configuration on the highways of the Commonwealth. The Manual will also list the safety equipment that must be carried by the escort vehicle, such as reflective bi-directional triangles and a fire extinguisher.

Permit requirements in the Hauling Permit Manual are also being clarified from a law enforcement perspective. For example, state and local law enforcement officials now sometimes cite permit holders for not signing the hauling permit issued by DMV. The intent of requiring the signature on the permit is to ensure that the applicant has read and understands the conditions under which the overweight or over dimension configuration may be moved. However, the

permit holder may have actually read the permit and the failure to sign the credential may have only been an oversight. The revised Manual will help to clarify this and other situations under which a credential holder should be cited for a violation of the permit requirements.

The revision of the Hauling Permit Manual will also address the ability of the Commonwealth to work cooperatively with other states, and assist applicants for a hauling permit in moving a large vehicle or load across jurisdictional boundaries. Eight states now have escort vehicle programs. Since Virginia was the first state to have an escort vehicle program, it does not recognize these programs in other jurisdictions. The Manual is being revised to provide for reciprocity with the escort programs in other states, and allow for the holder of a hauling permit to utilize the same escort during an entire trip across state boundaries. This will enable the permit holder to complete the move in a more effective and economical fashion.

The Hauling Permit Manual is also being revised to incorporate new services that are now available to customers based on advances in technology. Applicants for a hauling permit can now apply for a credential on line through the Virginia Automated Hauling Permit System (VAHPS). This system, which is available through the DMV web site on a twenty four hour a day and seven day a week basis, significantly enhances customer service by allowing applicants to request a hauling permit at their office or other remote location during a time frame convenient to their schedule.

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.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

DMV believes that there are no other viable alternatives to the proposed regulatory action. The revision of the Hauling Permit Manual is essential to address the transfer of the Hauling Permit section from VDOT to the agency. In addition, the Manual has not been updated since 1996. Additional revisions to the document are necessary to clarify safety requirements regarding the hauling of large objects and vehicles, to facilitate the effective enforcement of permit requirements, to enable the Commonwealth to work cooperatively with other jurisdictions, and to allow increased customer access to the permit application process.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

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.
