



Virginia
Regulatory
Town Hall

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Proposed 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	November 28, 2007

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

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

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 of Virginia.

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., the 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 by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, 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 briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" 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. These requirements are discussed in depth under the “Detail of changes” section.

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 the regulatory action poses no disadvantages to the public or the Commonwealth, please so 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.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which are more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

The proposed regulatory action is not more restrictive than and does not exceed applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There is no locality in the Commonwealth that is particularly affected by the proposed regulation or would have to bear a disproportionate material impact.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable

effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to **Mr. Ron Thompson, Senior Policy Analyst, Department of Motor Vehicles, P.O. Box 27412, Room 724, Richmond, Virginia, 23269-0001; Telephone (804) 367-1844, FAX (804) 367-6631, TDD 1-800-272-9268; E-mail, Ronald.thompson@dmv.virginia.gov.** Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last date of the public comment period.

Public hearings will be held in Northern Virginia, Southwest Virginia, Richmond, and Tidewater. Notice of the public hearings may appear on the Virginia Regulatory Town Hall website (www.townhall.virginia.gov) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	The Commonwealth of Virginia will incur minimal cost in implementing and enforcing this regulation, since the requirements for the movement of overweight and over dimension vehicles are substantially in place and are primarily being clarified and updated.
Projected cost of the regulation on localities	No cost will be incurred by localities as a result of this regulatory action.
Description of the individuals, businesses or other entities likely to be affected by the regulation	Specialized carriers and riggers are the entities that move overweight and over dimension vehicles over the highways of the Commonwealth.
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	There are approximately 7,500 specialized carriers and riggers in the Commonwealth, and the majority of these entities are small, independently owned businesses with fewer than 500 employees. The proposed regulatory action will have minimal impact on these entities, since the requirements are substantially in place and are primarily being clarified and updated.
All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.	The proposed regulatory action will result in a small fee increase for hauling permits. However, even with this increase, the fees will be the second least expensive in the United States. Only the hauling permit fees for the state of Ohio will be less expensive than the Commonwealth of Virginia. As noted above, the impact of the proposed regulation will be minimal.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

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.

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.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

No substantive comments were received during the 30 day comment period on the NOIRA.

Commenter	Comment	Agency response

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.

Detail of changes

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

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Not applicable. Please see statement below.

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

The Hauling Permit Manual will provide for the following key requirements.

The Hauling Permit Manual will specify the type of signage that an escort vehicle must utilize when leading an overweight or over dimension configuration or vehicle 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 or vehicle 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 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.

Through this regulatory process, DMV will also examine the fees charged for permits issued under the Hauling Permit program. The agency will work with industry representatives and affected entities to determine the appropriate level of fees that should be charged to support the program services.