

Background Report on Provisions for Oversize Vehicles
For the Senate Joint Resolution No. 26 Study

Prepared for the Revenue and Transportation Interim Committee
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Senate Joint Resolution No. 26 (SJR 26) calls for a study of transporting oversize loads through Montana and an exploration of how to establish a predictable, timely, and cost-effective process to allow movement through Montana. This staff report provides an overview of the relevant state laws and administrative rules that govern the movement of oversize loads. The sections of law cited throughout this background report are included in their entirety as an attachment for reference throughout the study.

SIZE, WEIGHT, AND LOAD

The Montana Code Annotated provides for size, weight, and load requirements for motor vehicles in Title 61, chapter 10, part 1. A vehicle that meets these requirements may move on state highways without any additional permits. These limits are summarized in the following table.

Dimension	Limit	Exceptions	Statutory Citation
Width	8.5 feet	Certain implements of husbandry or hay haulers, certain commercial hay grinders, appurtenances on certain recreational vehicles or campers operated for noncommercial purposes, and certain safety devices	61-10-102
Height	14 feet	No stated exceptions	61-10-103
Weight	Maximum weight for divisible loads: 131,060 pounds and subject to the federal bridge formula ¹	Divisible load operating under the Montana/Alberta Memorandum of Understanding: 137,800 pounds ²	61-10-107 and 18.8.431

¹The bridge gross weight formula is established in the Code of Federal Regulations and also included in section 61-10-407, Montana Code Annotated. The formula is $W=500((LN/(N-1))+12N+36)$ where W equals gross weight, L equals wheelbase in feet, and N equals the number of axles.

²The Montana/Alberta Memorandum of Understanding applies to a vehicle traveling on U.S. Highway 93 from the border between Canada and the United States to 10 miles south of the border.

Dimension	Limit	Exceptions	Statutory Citation
Weight, continued	An axle is limited to 20,000 pounds		61-10-107
	Two consecutive axles more than 40 inches or less than 96 inches apart limited to 34,000 pounds		61-10-107
Length	Single truck, bus, or self-propelled vehicle: 55 feet		61-10-104(1)
	All other combinations of vehicles: 75 feet from front bumper to back bumper or rear extremity of last trailer unless issued a special permit	Truck tractor-semitrailer: semitrailer limited to 53 feet	61-10-104(2)
		Truck tractor-semitrailer-trailer or truck tractor-semitrailer-semi-trailer ³ : semitrailer and trailer or two semitrailers limited to 28.5 feet each or 61 feet combined	
		Stinger-steered automobile or boat transporter ⁴ : 75 feet plus a maximum 3 feet of front overhang and 4 feet of rear overhang	
	Motor vehicle towing or drawing other motor vehicles: combination length of 75 feet		61-10-104(3)
Passenger vehicle or truck of less than 20,000 pounds manufacturer's rated capacity may not tow more than one trailer or semitrailer: 65 feet		61-10-104(4)	

³According to the definitions contained in section 61-1-101, the difference between a "semitrailer" and a "trailer" is that none of the weight of a trailer rests on the towing vehicle while some of the weight of a semitrailer rests upon another vehicle.

⁴"Stinger-steered automobile or boat transporter" means a truck tractor-semitrailer combination that has a fifth wheel on a drop frame located behind and below the rear axle of the truck tractor and that is designed and used for the transportation of vehicles or assembled boats or boat hulls.

Dimension	Limit	Exceptions	Statutory Citation
Length, continued	Truck or truck tractor and one pole trailer or semitrailer hauling raw logs: 75 feet in overall length and overhang may not exceed 15 feet except by special permit	Does not apply to a vehicle combination hauling utility poles	61-10-104(5)

PERMITS FOR EXCESS SIZE AND WEIGHT

Section 61-10-121(1) allows the Department of Transportation (Department) or its agent to issue a special permit for vehicles or loads that exceed one or more of the width, height, length, or weight limits listed above. Local authorities may also issue a special permit for oversized vehicles operating on roads for which the local government has jurisdiction. Issuance of such a permit requires application and there must be "good cause shown." Only the Department may issue special permits for a vehicle or combination of vehicles carrying "built-up or reducible loads" that exceed 9 feet in width or exceed the length, height, or weight requirements. This permit must be "issued in the public interest."

As provided in section 61-10-121(2), the application for a special permit must describe the powered vehicle or towing vehicle and "generally describe the type of vehicle, combination of vehicles, load, object, or other thing to be operated or moved" and the route over which the vehicle or combination of vehicles is to be moved.

Section 61-10-122 allows the Department or local authority to issue or withhold a permit at its discretion and establish seasonal or time limitations within which the vehicle or load may operate. In addition, the Department may prescribe conditions of operation "when necessary to assure against damage to the road foundation, surfaces, or structures or safety of traffic." The Department may also require "an undertaking or other security" in case of injury to a roadway or road structure. Administrative Rule 18.8.801 requires a \$1 million combined single limit bodily injury and property damage liability per occurrence before a special permit may be issued.

32-J Permits

The type of permit issued to the oversized loads of concern for the SJR 26 study is called a 32-J permit and is provided for in Administrative Rule 18.8.1101. Application for the 32-J permit is made on the M.C.S. form 32-J. The Helena Motor Carrier Services office must approve 32-J permits, and they may also require written approval from local jurisdictions, utility companies, and private property owners.

The following requirements are contained in Administrative Rule 18.8.1101, and the administrator of the Motor Carrier Services Division or his designee may impose additional requirements. The permittee:

- must provide flag vehicles, flag persons, and any signs required by the Department;
- may not delay traffic by more than 10 minutes;
- must furnish the insurance required by the Department;
- is responsible for obtaining necessary clearance or permits from a city, county, or public utility;
- may be required to provide to the Department advance notice of any movement; and
- is responsible for any property damage.

There are three classes of vehicles covered under the 32-J permit based on the dimensions of the vehicle or combination of vehicles. The class determines the permitted hours of travel and the flag vehicle requirements. A single 32-J application is required for a vehicle or combination of vehicles that meets the requirements of more than one class.

Class one dimensions include:

- width exceeding 18 feet but not 34 feet;
- height exceeding 17 feet but not 24 feet; or
- length exceeding 150 feet but not 200 feet in overall length.

A class one load application will be approved within 2 working days and may be moved only during daylight hours, Monday through Friday. Travel is not allowed on holidays, on holiday weekends, or after 3 p.m. Friday until sunrise on Monday on routes designated as "red route restrictions."

The flag vehicle requirements for class one moves on interstate highways require one front flag vehicle and two rear flag vehicles for width and one rear flag vehicle for length. Non-interstate highway moves require two front flag vehicles and two rear flag vehicles for width and one front flag vehicle and one rear flag vehicle for length.

Class two dimensions include:

- width exceeding 34 feet; or
- height exceeding 24 feet or height requiring utilities to cut power lines; or
- length exceeding 200 feet in overall length; and
- route of travel requires establishment of a work zone.⁵

The district administrator will approve a class two application within 5 working days. Travel is allowed only during daylight hours, from sunrise Monday until Friday at 3 p.m. The permittee must also have a \$15,000 bond on file with the Motor Carrier Services division.

Class two moves on interstate highways require one front flag vehicle and two rear flag vehicles for width, one rear flag vehicle for length, and one front flag vehicle if height requires utilities to cut power lines. A class two move on a noninterstate highway requires two front flag vehicles and two rear flag vehicles for width, one front flag vehicle and one rear flag vehicle for length, and one front flag vehicle and one rear flag vehicle if height requires utilities to cut power lines. In addition, flag vehicles are required for an overweight vehicle to keep other traffic off a structure if the route analysis determines that the load must cross structures at the centerline.

A class three move includes:

- weight requiring approval of the Department's bridge bureau; and
- width not exceeding 18 feet;
- height not exceeding 17 feet;
- length not exceeding 150 feet.

⁵The permittee must establish a work zone if the move requires using the opposite side of an interstate highway, traveling against traffic, or using the authorized crossover on interstate highways.

The travel restrictions for class three moves are contained in other rules. Administrative Rule 18.8.509 restricts travel to daylight hours, 7 days a week for vehicles or combinations with a load over 10 feet but not exceeding 18 feet, over 110 feet long but not exceeding 120 feet long, or over 14 feet 6 inches in height but not exceeding 18 feet high. However, such vehicles may not travel on holidays, holiday weekends, or on "red routes" from 3 p.m. Friday until sunrise Saturday and from noon Sunday until sunrise Monday. Vehicles or combinations exceeding 120 feet long may travel during daylight hours on Monday through Friday but may not travel holidays and holiday weekends and "red routes" from 3 p.m. Friday until sunrise Monday.

The flag vehicle requirements for class three are provided by reference to Administrative Rule 18.8.511A. A vehicle or combination with width over 16.5 feet or length over 120 feet traveling on an interstate highway requires one rear flag vehicle. When traveling on a noninterstate highway, a vehicle or combination of vehicles with a width over 12.5 feet and not exceeding 16.5 feet requires one front flag vehicle. A vehicle over 16.5 feet wide requires one front and one rear flag vehicle. Length of over 110 feet requires one rear flag vehicle.

For moves under each class, the district administrator may establish a move at times other than the ones specified if it is in the "best interests of the traveling public."

In addition to the above requirements, Administrative Rule 18.8.604 addresses vehicle weight and route analyses. The Department conducts a vehicle weight analysis for a specific vehicle configuration, axle spacings, axle weights, and gross weight upon request. A new analysis must be requested if the vehicle configuration is altered. A copy of the vehicle weight analysis must be carried in the vehicle.

Environmental Review

The 2013 Legislature changed the requirements related to environmental review for special permits issued for excess size or weight.⁶ Section 61-10-121(4) now provides that issuance of a special permit for excess size or weight is exempt from Title 75, chapter 1, parts 1 and 2 (known as the Montana Environmental Policy Act or MEPA) if existing roads and rights-of-way are used.

Restrictions on Roadway

A local road authority may not alter the size, weight, and load limitations summarized above or substitute other limitation or requirements except as provided in section 61-10-128. The Department or a local road authority may prohibit the operation of or impose restrictions on the weight and speed of vehicles traveling on a highway under its jurisdiction and for which it provides maintenance if there will be serious damage or destruction by deterioration, rain, snow, or other climatic conditions unless the use of vehicles is prohibited or weights and speeds are reduced. The Department can issue such regulations by order, and a local road authority must pass an ordinance or resolution.

Movement of Wires or Cables

Title 69, chapter 4, part 6, addresses the procedure for movements that interfere with cables or wires. Section 69-4-601 prohibits a person moving a load from cutting, moving, or raising electric light or electric power wires or poles and telephone wires, cables, or poles without giving notice to the owner of the wires, cables, or poles.

⁶Ch. 218, L. 2013.

Section 69-4-602 provides additional detail about the notice requirements and provides that the mover should give at least 10 days' written notice of the proposed time and place of the move. The owner is then required to give the mover a written estimate of the cost of all work related to cutting or raising the wires or cables or moving the poles at least 3 days before the move or within 10 days of receipt of the written notice of the move. Public utilities, cable companies, and unregulated telecommunications providers with wires, cables, or poles in Montana are required to file with the Public Service Commission an application for approval of a cost schedule for labor and equipment for work related to cutting or raising wires or cables or moving poles.

The owner of the wires, cables, or poles is required to provide competent workers to move or cut the wires, cables, or poles as provided in section 69-4-603. The mover is required to pay the cost⁷ and must make a prepayment of the total cost as follows:

- 100% if the structure is moved through or out of the service area of the owner; or
- 50% if the structure is moved to a place within the service territory of the owner.

The owner may waive the prepayment or accept a bond or other financial instrument in lieu of payment. Payment must be made within 30 days of the move.

Section 69-4-603 provides, in addition, that a person may not move or cut wires, cables, or poles unless the owner refuses to raise or cut the wires or cables or move the poles after proper notice is given.

Section 69-4-604 provides that it is "unlawful" for a person "to move, touch, cut, molest, or in any way interfere with any electric light, electric power, telephone, or telegraph wires, cables, messenger wires, or guy wires or any poles bearing any such wires, except in compliance with the provisions of this part."

Fees

A special permit requires a \$10 trip fee as provided in section 61-10-124. Section 61-10-124(2) prohibits the issuance of a term or blanket permit for vehicles in excess of 15 feet wide, 95 feet long, or 14 feet high. The vehicles or combinations with which this study is concerned exceed one or more of these limits and can only be issued trip permits.

There are additional fees provided for in section 61-10-125 for a load that is over the gross allowable load provided by the bridge formula but that does not exceed the axle limits set forth in 61-10-107(1):

- \$10 for distances up to and including 100 miles;
- \$30 for distances from 101 to 199 miles; and
- \$50 for distances over 200 miles traveled.

Axle weight in excess of the limits set forth in 61-10-107(1) is subject to additional fees based on the excess axle weight per 25 miles traveled. Beginning with 5,000 pounds of excess axle weight the fee is \$3.50 per 25-mile increment of travel and increases by \$3.50 for each additional 5,000 pounds of excess axle weight. For purposes of the calculation, mileage is rounded up if it exceeds a 25-mile increment.

The fees collected for special permits are deposited in the highway nonrestricted account in the state special revenue fund as provided in section 61-10-126.

⁷If a person moves a structure for occupancy or use by that person, the cost of moving or cutting the wires, cables, or poles is shared equally by the mover and the owner.

Penalties

Violation of a special permit is grounds for confiscation by an inspecting officer as provided in Administrative Rule 18.8.901. A violation includes a violation of state law, conditions attached to the permit, or Department rules and regulations.

Administrative Rule 18.8.902 lays out the administrative penalties for violating a special permit. A first violation requires reissuance of a new permit. A second violation carries a 24-hour suspension. A third violation, a 30-day suspension; a fourth violation, a 60-day suspension; a fifth violation, a 90-day suspension. Violations in excess of a fifth violation require the permittee to apply in writing to the administrator of the Motor Carrier Services division.

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