

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

Page 1 of 1

ALL Districts

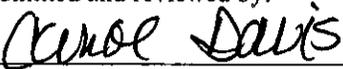
The Texas Transportation Commission (commission) finds it necessary to propose amendments to §28.11, §28.14, §28.15, and §28.92, and new §§28.100 – 28.102, relating to oversize and overweight vehicles and loads, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments and new sections, attached to this minute order as Exhibits A - D, are incorporated by reference as though set forth at length verbatim in this minute order.

IT IS THEREFORE ORDERED by the commission that the amendments and new sections are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

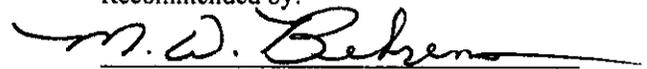
The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:



Director, Motor Carrier Division

Recommended by:



Executive Director

110262 OCT 27 05

Minute
Number

Date
Passed

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes
3 amendments to §§28.11, 28.14, 28.15, 28.92, and new Subchapter
4 H, Chambers County Permits, §§28.100-28.102, concerning oversize
5 and overweight vehicles and loads.

6

7 EXPLANATION OF PROPOSED AMENDMENTS AND NEW SECTIONS

8 The proposed amendments and new sections are necessary to
9 implement the provisions of House Bill 1044, House Bill 2438,
10 and Senate Bill 1641, 79th Legislature, Regular Session, 2005,
11 and to clarify existing information.

12

13 House Bill 1044 amended Transportation Code, Chapter 623, by
14 adding §623.250 to authorize Chambers County, Texas, to issue
15 permits for the movement of loaded oversize/overweight vehicles
16 weighing up to 100,000 pounds only on Farm-to-Market Road 1405
17 and the frontage road of State Highway 99 located in the Cedar
18 Crossing Business Park.

19

20 House Bill 2438 amended Transportation Code, Chapter 623, by
21 repealing §623.093(d) removing the requirement for certain
22 manufactured housing permit applications to be accompanied by
23 proof that ad valorem taxes have been paid.

24

25 Senate Bill 1641 amended Transportation Code, Chapter 623, by

1 extending the expiration date of the Port of Brownsville Permit
2 Program defined in §623.219.

3
4 Additional amendments are proposed to clarify escort vehicle
5 requirements to ensure consistency in escort vehicle equipment.
6 Amendments to surety bond requirements are proposed to ensure
7 that motor carriers hauling oversize/overweight loads are in
8 compliance with motor carrier registration requirements.

9
10 Section 28.11. General Oversize/Overweight Permit Requirements
11 and Procedures

12 Proposed changes to §28.11(b)(1), clarify when a surety bond is
13 and is not acceptable in lieu of motor carrier registration when
14 applying for an oversize/overweight permit. This will assist in
15 ensuring that motor carriers hauling oversize/overweight loads
16 are in compliance with financial responsibility requirements.

17 Section 28.11(b)(1) states that a surety bond can only be used
18 if the entity is not required to register as a motor carrier.
19 This amendment will help ensure the safety of the traveling
20 public and will help ensure the integrity of the highway
21 infrastructure.

22
23 Proposed changes to §28.11(k)(7)(A), state that escort vehicles
24 must be a single unit within a specific weight range. This
25 addition will help clarify what vehicle type can and cannot be

1 used as an escort vehicle. Section 28.11(k)(7)(C) requires
2 escort vehicles to display sign(s) with "OVERSIZE LOAD" or "WIDE
3 LOAD"; "WIDE LOAD" has been added to allow for consistency in
4 industry standards. Section 28.11(k)(7)(D) currently requires
5 the escort vehicle to maintain two-way "radio" communications;
6 "radio" has been removed to allow for other means of
7 communication, such as cell phone. These amendments clarify the
8 equipment requirements for escort vehicles assisting with the
9 transport of oversize/overweight loads. These amendments will
10 help ensure the safety of the traveling public.

11

12 Section 28.14. Manufactured Housing, and Industrialized Housing
13 and Building Permits.

14 Proposed amendments to §28.14(b)(3) comply with House Bill 2438,
15 79th Legislature, Regular Session, 2005, which repealed
16 §623.093(d), eliminating the requirement for certain
17 manufactured housing permit applications to be accompanied by
18 proof that ad valorem taxes have been paid. This repeal will
19 allow the department to more effectively and efficiently
20 administer Transportation Code Chapter 623, Subchapter E.

21

22 Proposed amendments to §28.14(f)(4)(A)-(D) and §28.14(f)(6)
23 clarify the equipment requirements for escort vehicles assisting
24 with the transport of manufactured housing. These amendments
25 are added for consistency to ensure that all escort vehicles

1 meet the same general requirements.

2

3 Section 28.15. Portable Building Unit Permits.

4 Proposed amendments to §28.15(f)(3)(D) and §28.15(f)(4) clarify
5 the equipment requirements for escort vehicles assisting with
6 the transport of portable buildings. These amendments are added
7 for consistency to ensure that all escort vehicles meet the same
8 general requirements.

9

10 Section 28.92 Permit Issuance Requirements and Procedures.

11 Proposed amendments to §28.92(b)(3) define reporting
12 requirements for the Port of Brownsville Permit Program. This
13 requires the permitting authority to provide monthly and annual
14 reports. This will ensure compliance with Transportation Code,
15 §623.215.

16

17 Proposed amendment to §28.92(h)(7) extends the expiration date
18 of the Port of Brownsville Permit Program to June 1, 2009, to
19 ensure compliance with Senate Bill 1641, 79th Legislature,
20 Regular Session, 2005.

21

22 Subchapter H. Chambers County Permits

23 Proposed amendments to Chapter 28 include the addition of
24 Subchapter H, to comply with the requirements of House Bill
25 1044, 79th Legislature, Regular Session, 2005. This subchapter

1 was developed to be consistent with similar programs previously
2 established.

3
4 Proposed addition of §28.100 defines the purpose of Subchapter
5 H, which allows Chambers County, Texas, to issue permits for the
6 movement of loaded oversize/overweight vehicles weighing up to
7 100,000 pounds only on Farm-to-Market Road 1405 and the frontage
8 road of State Highway 99 located in the Cedar Crossing Business
9 Park.

10
11 Proposed addition of §28.101 defines the responsibilities of
12 Chambers County, Texas and the department for the implementation
13 and oversight of the Chambers County Permit Program. Areas of
14 responsibility included in the proposed addition are (1) surety
15 bond; (2) verification of permits; (3) training; (4) accounting;
16 (5) audits; (6) revocation of authority to issue permits; (7)
17 fees; (8) maintenance contract; and (9) reporting. These areas
18 were developed to be in compliance with Transportation Code,
19 Chapter 623, Subchapter M and to be consistent with similar
20 programs previously established.

21
22 Proposed addition of §28.102 establishes the permit issuance
23 requirements and procedures that Chambers County, Texas must
24 follow as part of the Chambers County Permit Program.
25 Requirements and procedures included in the proposed addition

1 are (1) permit application; (2) permit issuance; (3) maximum
2 permit weight limits; (4) vehicles exceeding weight limits; (5)
3 registration; (6) travel conditions; (7) daylight and night
4 movement restrictions; and (8) restrictions. These areas were
5 developed to be in compliance with Transportation Code, Chapter
6 623, Subchapter M and to be consistent with similar programs
7 previously established.

8

9 FISCAL NOTE

10 James Bass, Chief Financial Officer, has determined that for
11 each of the first five years the amendments and new sections as
12 proposed are in effect, there will be minimal fiscal
13 implications for state or local governments as a result of
14 enforcing or administering the amendments and new section. The
15 fiscal impact is due to rule change mandated by recently enacted
16 legislation repealing Transportation Code, §623.093(d), which
17 requires forms and Internet revisions. There will also be a
18 minimal fiscal impact as a result of authorizing Chambers County
19 to issue oversize and overweight vehicle permits. The cost of
20 processing the permits and maintaining the effected roads will
21 be offset by the permit fees collected by Chambers County. There
22 are no anticipated economic costs for persons required to comply
23 with the sections as proposed.

24

25 Carol Davis, Director, Motor Carrier Division, has certified

1 that there will be no significant impact on local economies or
2 overall employment as a result of enforcing or administering the
3 amendments and new sections.

4

5 PUBLIC BENEFIT

6 Ms. Davis has also determined that for each of the first five
7 years the sections are in effect, the public benefit anticipated
8 as a result of enforcing or administering the amendments and new
9 sections will be convenience and improved public safety. There
10 will be no adverse economic effect on small businesses.

11

12 STATUTORY AUTHORITY

13 The amendments and new sections are proposed under
14 Transportation Code, §201.101, which provides the Texas
15 Transportation Commission with the authority to establish rules
16 for the conduct of the work of the department, and more
17 specifically, Transportation Code, Chapters 623, which
18 authorizes the department to administer the provisions of the
19 laws governing the issuance of permits for the movement of
20 oversize and overweight vehicles and loads.

21

22 CROSS REFERENCE TO STATUTE

23 Transportation Code, §623.215, and §623.250.

1 SUBCHAPTER B. GENERAL PERMITS

2 §28.11. General Oversize/Overweight Permit Requirements and
3 Procedures.

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

8 (b) Prerequisites to obtaining an oversize/overweight
9 permit. Unless exempted by law or this chapter, the following
10 requirements must be met prior to the issuance of an
11 oversize/overweight permit.

12 (1) Commercial motor carrier registration or surety bond.
13 Prior to obtaining an oversize/overweight permit, an applicant
14 permitted under the provisions of Transportation Code, Chapter
15 623, Subchapter D, must be registered as a commercial motor
16 carrier under Chapter 18 of this title (relating to Motor
17 Carriers) or, if not required to obtain a motor carrier
18 registration, file a surety bond with the department as
19 described in subsection (n) of this section [~~in lieu of~~
20 ~~commercial motor carrier registration, file a surety bond with~~
21 ~~the department as described in subsection (n) of this section~~].

22 (2) Vehicle registration. A vehicle registered with a
23 permit plate will not be issued an oversize/overweight permit

1 under this subchapter. A permitted vehicle operating under this
2 subchapter must be registered with one of the following types of
3 vehicle registration:

4 (A) current Texas license plates that indicate the
5 permitted vehicle is registered for maximum legal gross weight
6 or the maximum weight the vehicle can transport;

7 (B) Texas temporary registration;

8 (C) current out of state license plates that are
9 apportioned for travel in Texas; or

10 (D) foreign commercial vehicles registered under Texas
11 annual registration.

12 (c) - (j) (No change.)

13 (k) Escort vehicle requirements. Escort vehicle
14 requirements are provided to facilitate the safe movement of
15 permitted vehicles and to protect the traveling public during
16 the movement of permitted vehicles. A permittee must provide
17 for escort vehicles and law enforcement assistance when required
18 by the MCD. The requirements in this subsection do not apply to
19 the movement of manufactured housing, portable building units,
20 or portable building compatible cargo. Escort vehicle
21 requirements for the movement of manufactured housing are
22 described in §28.14 of this subchapter (relating to Manufactured
23 Housing, and Industrialized Housing and Building Permits).

1 Escort vehicle requirements for the movement of portable
2 building units and portable building compatible cargo are
3 described in §28.15 of this subchapter (relating to Portable
4 Building Unit Permits).

5 (1) General.

6 (A) Applicability. The operator of an escort vehicle
7 shall, consistent with applicable law, warn the traveling public
8 when:

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

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

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

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

18 (v) in the opinion of MCD, warning is required to
19 ensure the safety of the traveling public or safe movement of
20 the permitted vehicle.

21 (B) Law enforcement assistance. Law enforcement
22 assistance may be required by the MCD to control traffic when a
23 permitted vehicle is being moved within the corporate limits of

1 a city, or at such times when law enforcement assistance would
2 provide for the safe movement of the permitted vehicle and the
3 traveling public.

4 (C) Obstructions. It is the responsibility of the
5 permittee to contact utility companies, telephone companies,
6 television cable companies, or other entities as they may
7 require, when it is necessary to raise or lower any overhead
8 wire, traffic signal, street light, television cable, sign, or
9 other overhead obstruction. The permittee is responsible for
10 providing the appropriate advance notice as required by each
11 entity.

12 (2) Escort requirements for overwidth loads. Unless an
13 exception is granted by the MCD, based on a route and traffic
14 study, an overwidth load must:

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

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

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

23 (3) Escort requirements for overlength loads. Unless an

1 exception is granted by the MCD, based on a route and traffic
2 study, overlength loads must have:

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

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

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

11 (4) Escort requirements for overheight loads. Unless an
12 exception is granted by the MCD, based on a route and traffic
13 study, overheight loads must have:

14 (A) a front escort vehicle equipped with a height pole
15 to accurately measure overhead obstructions for any permitted
16 vehicle that exceeds 17 feet in height; and

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

19 (5) Escort requirements for permitted vehicles exceeding
20 legal limits in more than one dimension. When a load exceeds
21 more than one dimension that requires an escort under this
22 subsection, front and rear escorts will be required unless an
23 exception is granted by the MCD. For example, under this

1 subsection one escort is required for a load exceeding 14 feet
2 in width, and one escort is required for a load exceeding 110
3 feet in length. In the case of a permitted vehicle that exceeds
4 both 14 feet in width and 110 feet in length, both front and
5 rear escorts are required.

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

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

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

15 (B) An escort vehicle must be equipped with two
16 flashing amber lights or one rotating amber beacon of not less
17 than eight inches in diameter, affixed to the roof of the escort
18 vehicle, which must be visible to the front, sides, and rear of
19 the escort vehicle while actively engaged in escort duties for
20 the permitted vehicle.

21 (C) (B) An escort vehicle must display a sign, on
22 either the roof of the vehicle, or the front and ~~or~~ rear of
23 the vehicle, with the words "OVERSIZE LOAD" or "WIDE LOAD." The

1 sign must be visible from the front and rear of the vehicle
2 while escorting the permitted load. The sign must meet the
3 following specifications:

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

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

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

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

15 (D) [~~(C)~~] An escort vehicle must maintain two-way
16 [~~radio~~] communications with the permitted vehicle and other
17 escort vehicles involved with the movement of the permitted
18 vehicle.

19 (E) [~~(D)~~] Warning flags must be either red or orange
20 fluorescent material, at least 12 inches square, securely
21 mounted on a staff or securely fastened by at least one corner
22 to the widest extremities of an overwidth permitted vehicle, and
23 at the rear of an overlength permitted vehicle or a permitted

1 vehicle with a rear overhang in excess of four feet.

2 (8) Equipment requirements for motorcycles.

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

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

11 (1) - (n) (No change.)

12

13 §28.14. Manufactured Housing, and Industrialized Housing and
14 Building Permits.

15 (a) General information.

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

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

1 Chapter 643.

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

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

6 (B) or the owner presents a lease showing that the
7 owner of the manufactured home is the lessee of the towing
8 vehicle.

9 (b) Application for permit.

10 (1) The applicant must complete the application and shall
11 include the manufactured home's HUD label number, Texas seal
12 number, or the complete identification number or serial number
13 of the manufactured home, and the overall width, height, and
14 length of the home and the towing vehicle in combination. If
15 the manufactured home is being moved to or from a site in this
16 state where it has been, or will be, occupied as a dwelling, the
17 permit must also show the name of the owner of the home, the
18 location from which the home is being moved, and the location to
19 which the home is being delivered.

20 (2) Applications for industrialized housing and building
21 permits, and permits for manufactured housing not being
22 transported from the manufacturer or retailer pursuant to the
23 original sale, exchange, or lease-purchase of the manufactured

1 home to a consumer, shall be submitted in accordance with
2 §28.11(c) of this subchapter (relating to General
3 Oversize/Overweight Permit Requirements and Procedures).

4 ~~[(3) An application for a permit to move a manufactured~~
5 ~~home not described under paragraph (2) of this subsection must~~
6 ~~be accompanied by:]~~

7 ~~[(A) a written statement from the chief appraiser of~~
8 ~~the county appraisal district, or by interlocal agreement, the~~
9 ~~county tax assessor collector, stating that no unpaid ad valorem~~
10 ~~taxes have been reported as due by any taxing unit for which the~~
11 ~~district appraises property;]~~

12 ~~[(B) evidence from the county appraiser, or by~~
13 ~~interlocal agreement, the county tax assessor collector, for the~~
14 ~~county in which the home is located showing that the~~
15 ~~manufactured home was moved into the county after January 1 of~~
16 ~~the current year;]~~

17 ~~[(C) a certificate from the appraisal district, or by~~
18 ~~interlocal agreement, the county tax assessor collector, for the~~
19 ~~county in which the manufactured home is located that states the~~
20 ~~owner of the manufactured home or other person has provided~~
21 ~~information sufficient to list the manufactured home in the~~
22 ~~supplemental appraisal records of that district; or]~~

23 ~~[(D) a copy of a writ of possession for the~~

1 ~~manufactured home, issued by a court of competent jurisdiction.]~~

2 (c) Permit issuance.

3 (1) Permit issuance is subject to the requirements of
4 §28.11(e)(4) of this subchapter (relating to General
5 Oversize/Overweight Permit Requirements and Procedures).

6 (2) Amendments can only be made to change intermediate
7 points between the origination and destination points listed on
8 the permit.

9 (d) Payment of permit fee. The cost of the permit is \$20,
10 payable in accordance with §28.11(f) of this subchapter
11 (relating to General Oversize/Overweight Permit Requirements and
12 Procedures).

13 (e) Permit provisions and conditions.

14 (1) The overall combined length of the manufactured home
15 and the towing vehicle includes the length of the hitch or
16 towing device.

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

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

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

23 (5) Movement must be made during daylight hours only and

1 may be made on any day except New Year's Day, Memorial Day,
2 Independence Day, Labor Day, Thanksgiving Day, and Christmas
3 Day.

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

6 (7) The department will publish any limitations on
7 movements during the national holidays listed in this
8 subsection, or any limitations during certain hours of heavy
9 traffic conditions, and will make such publications available to
10 the public prior to the limitations becoming effective.

11 (8) The permit will contain the route for the
12 transportation of the manufactured home from the point of origin
13 to the point of destination.

14 (9) The route for the transportation must be the most
15 practical route as described in §28.11(e) of this subchapter
16 (relating to General Oversize/Overweight Permit Requirements and
17 Procedures), except where construction is in progress and the
18 permitted vehicle's dimensions exceed the construction
19 restrictions as published by the department, or where bridge or
20 overpass width or height would create a safety hazard.

21 (10) The department will publish annually a map or list
22 of all bridges or overpasses which, due to height or width,
23 require an escort vehicle to stop oncoming traffic while the

1 manufactured home crosses the bridge or overpass.

2 (11) A permittee may not transport a manufactured home
3 with a void permit; a new permit must be obtained.

4 (f) Escort requirements.

5 (1) A manufactured home exceeding 12 feet in width must
6 have a rotating amber beacon of not less than eight inches in
7 diameter mounted somewhere on the roof at the rear of the
8 manufactured home, or may have two five-inch flashing amber
9 lights mounted approximately six feet from ground level at the
10 rear corners of the manufactured home. The towing vehicle must
11 have one rotating amber beacon of not less than eight inches in
12 diameter mounted on top of the cab. These beacons or flashing
13 lights must be operational and luminiferous during any permitted
14 move over the highways, roads, and streets of this state.

15 (2) A manufactured home with a width exceeding 16 feet
16 but not exceeding 18 feet must have a front escort vehicle on
17 two-lane roadways and a rear escort vehicle on roadways of four
18 or more lanes.

19 (3) A manufactured home exceeding 18 feet in width must
20 have a front and a rear escort on all roadways at all times.

21 (4) The escort vehicle must [~~have~~]:

22 (A) have one red 16 inch square flag mounted on each of
23 the four corners of the vehicle;

1 (B) have a sign mounted on the front and rear of the
2 vehicle displaying the words "WIDE LOAD" in black letters at
3 least eight inches high with a brush stroke at least 1.41 inches
4 wide against a yellow background; [~~and~~]

5 (C) have an amber light or lights, visible from both
6 front and rear, mounted on top of the vehicle in one of the
7 following configurations:

8 (i) two simultaneously flashing lights or

9 (ii) one rotating beacon of not less than eight
10 inches in diameter; and

11 (D) maintain two-way communications with the permitted
12 vehicle and other escort vehicles involved with the movement of
13 the permitted vehicle.

14 (5) Two transportable sections of a multi-section
15 manufactured home, or two single section manufactured homes,
16 when towed together in convoy, may be considered one home for
17 purposes of the escort vehicle requirements, provided the
18 distance between the two units does not exceed 1,000 feet.

19 (6) An escort vehicle must comply with the requirements
20 in §28.11(k)(1) and §28.11(k)(7)(A) of this title (relating to
21 General Oversize/Overweight Permit Requirements and Procedures).

22

23 §28.15. Portable Building Unit Permits.

1 (a) General information.

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

8 (2) In addition to the fee required by subsection (d)(1),
9 the department shall collect an amount equal to any fee that
10 would apply to the movement of cargo exceeding any applicable
11 width limits, if such cargo were moved in a manner not governed
12 by this section.

13 (b) Application for permit. Applications shall be made in
14 accordance with §28.11(c) of this title (relating to General
15 Oversize/Overweight Permit Requirements and Procedures).

16 (c) Permit issuance. Permit issuance is subject to the
17 requirements of §28.11(b)(1)(A) and (B) of this title (relating
18 to General Oversize/Overweight Permit Requirements and
19 Procedures), with the exception of §28.11(k) of this title,
20 concerning escort requirements.

21 (d) Payment of permit fee. The cost of the permit is
22 \$7.50, with all fees payable in accordance with §28.11(f) of
23 this title (relating to General Oversize/Overweight Permit

1 Requirements and Procedures). All fees are non-refundable.

2 (e) Permit provisions and conditions.

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

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

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

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

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

18 (6) Movement of the permitted vehicle must be made during
19 daylight hours only.

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

23 (f) Escort requirements.

1 (1) A portable building unit or portable building
2 compatible cargo with a width exceeding 16 feet but not
3 exceeding 18 feet must have a front escort vehicle on two-lane
4 roadways and a rear escort vehicle on roadways of four or more
5 lanes.

6 (2) A portable building unit or portable building
7 compatible cargo exceeding 18 feet in width must have a front
8 and a rear escort on all roadways at all times.

9 (3) The escort vehicle must [~~have~~]:

10 (A) have one red 16 inch square flag mounted on each of
11 the four corners of the vehicle;

12 (B) have a sign mounted on the front and rear of the
13 vehicle displaying the words "WIDE LOAD" in black letters at
14 least eight inches high with a brush stroke at least 1.41 inches
15 wide against a yellow background;

16 (C) have an amber light or lights, visible from both
17 front and rear, mounted on top of the vehicle and which must be
18 two simultaneously flashing lights or one rotating beacon of not
19 less than eight inches in diameter; and

20 (D) maintain two-way communications with the permitted
21 vehicle and other escort vehicles involved with the movement of
22 the permitted vehicle.

23 (4) An escort vehicle must comply with the requirements

1 in §28.11(k)(1) and §28.11(k)(7)(A) [~~(7)~~] of this title (relating
2 to General Oversize/Overweight Permit Requirements and
3 Procedures).

1 SUBCHAPTER G. PORT OF BROWNSVILLE PORT AUTHORITY PERMITS

2 §28.92. Permit Issuance Requirements and Procedures.

3 (a) Permit application. Application for a permit issued
4 under this subchapter shall be in a form approved by the
5 department, and shall at a minimum include:

6 (1) the name of the applicant;

7 (2) date of issuance;

8 (3) signature of the director of the Port of Brownsville;

9 (4) a statement of the kind of cargo being transported;

10 (5) the maximum weight and dimensions of the proposed
11 vehicle combination, including number of tires on each axle,
12 tire size for each axle, distance between each axle, measured
13 from center of axle to center of axle, and the specific weight
14 of each individual axle when loaded;

15 (6) the kind and weight of each commodity to be
16 transported, not to exceed loaded dimensions of 12' wide, 15'6"
17 high, 110' long or 125,000 pounds gross weight;

18 (7) a statement of any condition on which the permit is
19 issued;

20 (8) a statement that the cargo shall be transported over
21 the most direct route using State Highway 48/State Highway 4
22 between the Gateway International Bridge and the Port of
23 Brownsville, or using U.S. Highway 77/U.S. Highway 83 and State

1 Highway 48/State Highway 4 between the Veterans International
2 Bridge at Los Tomates and the Port of Brownsville;

3 (9) the name of the driver of the vehicle in which the
4 cargo is to be transported;

5 (10) the location where the cargo was loaded; and

6 (11) the name of the specific Port of Brownsville
7 employee issuing the permit.

8 (b) Permit issuance.

9 (1) General.

10 (A) The original permit must be carried in the vehicle
11 for which it is issued.

12 (B) A permit is void when an applicant:

13 (i) gives false or incorrect information;

14 (ii) does not comply with the restrictions or
15 conditions stated in the permit; or

16 (iii) changes or alters the information on the
17 permit.

18 (C) A permittee may not transport an overdimension or
19 overweight load with a voided permit.

20 (2) Payment of permit fee. The Port of Brownsville may
21 determine acceptable methods of payment. All fees transmitted
22 to the department must be in U.S. currency.

23 (3) Reporting. Brownsville Port Authority shall provide

1 monthly and annual reports to the department's Finance Division
2 regarding all permits issued and all fees collected. The report
3 must be in a format approved by the department.

4 (c) Maximum permit weight limits.

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

9 (2) Two or more consecutive axle groups must have an axle
10 spacing of 12 feet or greater, measured from the center of the
11 last axle of the preceding group to the center of the first axle
12 of the following group, in order for each group to be permitted
13 for maximum permit weight.

14 (3) Maximum permit weight for an axle or axle group is
15 based on 650 pounds per inch of tire width or the following axle
16 or axle group weights, whichever is the lesser amount:

- 17 (A) single axle -- 25,000 pounds;
18 (B) two axle group -- 46,000 pounds;
19 (C) three axle group -- 60,000 pounds;
20 (D) four axle group -- 70,000 pounds;
21 (E) five axle group -- 81,400 pounds; or
22 (F) trunnion axles -- 60,000 pounds if;

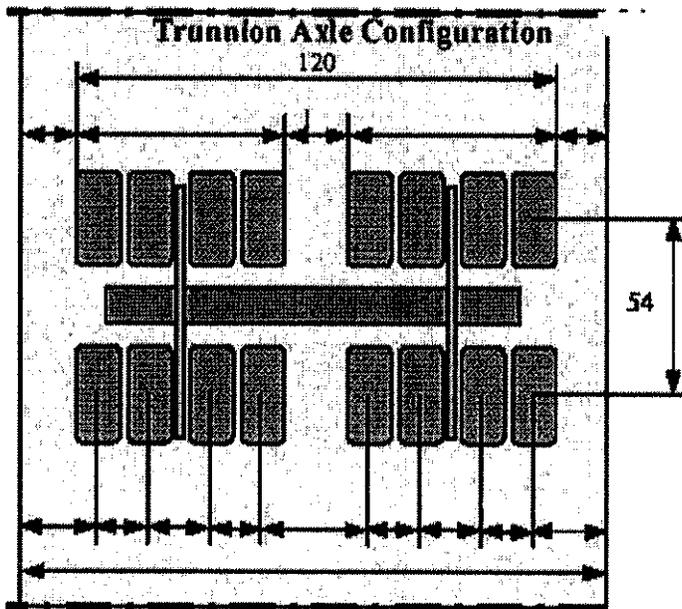
23 (i) the trunnion configuration has two axles;

1 (ii) there are a total of 16 tires for a trunnion
2 configuration; and

3 (iii) the trunnion axle as shown in the following
4 diagram is 10 feet in width.

5 Figure: 43 TAC §28.92(c)(3)(F)(iii)

6



7

NOTE: Additions underlined
Deletions in []
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Exhibit C

1 (4) A permit issued under this subchapter does not
2 authorize the vehicle to exceed manufacturer's tire load rating.

3 (d) Vehicles exceeding weight limits. Any vehicle
4 exceeding weight limits outlined in subsection (c) of this
5 section, shall apply directly to the department for an oversize
6 or overweight permit in accordance with §28.11 of this chapter
7 (relating to General Oversize/Overweight Permit Requirements and
8 Procedures).

9 (e) Registration. Any vehicle or combination of vehicles
10 permitted under this subchapter shall be registered in
11 accordance with Transportation Code, Chapter 502.

12 (f) Travel conditions. Movement of a permitted vehicle is
13 prohibited when visibility is reduced to less than 2/10 of one
14 mile or the road surface is hazardous due to weather conditions
15 such as rain, ice, sleet, or snow, or highway maintenance or
16 construction work.

17 (g) Daylight and night movement restrictions. An oversize
18 permitted vehicle may be moved only during daylight hours;
19 however, an overweight only permitted vehicle may be moved at
20 any time.

21 (h) Restrictions.

22 (1) Any vehicle issued a permit by the Port of
23 Brownsville must be weighed on scales capable of determining

1 gross vehicle weights and individual axle loads. For the
2 purpose of ensuring the accuracy of the permit, the scales must
3 be certified by the Texas Department of Agriculture or accepted
4 by the United Mexican States.

5 (2) A valid permit and certified weight ticket must be
6 presented to the gate authorities before the permitted vehicle
7 shall be allowed to exit or enter the port.

8 (3) A copy of the certified weight ticket shall be
9 retained by the Port of Brownsville and become a part of the
10 official permit record subject to inspection by department
11 personnel or Texas Department of Public Safety personnel.

12 (4) The owner of a vehicle permitted under this
13 subchapter must be registered as a motor carrier in accordance
14 with Transportation Code, Chapters 643 or 645, prior to the
15 oversize or overweight permit being issued. The Port of
16 Brownsville shall maintain records relative to this subchapter,
17 which are subject to audit by department personnel.

18 (5) Permits issued by the Port of Brownsville shall be in
19 a form prescribed by the department.

20 (6) The maximum speed for a permitted vehicle shall be 55
21 miles per hour, or the posted maximum, whichever is less.

22 (7) This subchapter expires June 1, 2009 [~~2007~~].

1 SUBCHAPTER H. CHAMBERS COUNTY PERMITS

2 §28.100. Purpose. In accordance with Transportation Code,
3 Chapter 623, Subchapter K, the commission may authorize Chambers
4 County, Texas to issue permits for the movement of oversize and
5 overweight vehicles and loads on Farm-to-Market Road 1405 and
6 the frontage road of State Highway 99 located in the Cedar
7 Crossing Business Park. This subchapter sets forth the
8 requirements and applicable procedures for the issuance of
9 permits by Chambers County for the movement of oversize and
10 overweight vehicles.

11
12 §28.101. Responsibilities.

13 (a) Surety bond. Chambers County shall post a surety bond
14 in the amount of \$500,000 for the purpose of reimbursing the
15 department for actual maintenance costs of Farm-to-Market Road
16 1405 and the frontage road of State Highway 99 located in the
17 Cedar Crossing Business Park in the event that sufficient
18 revenue is not collected from permits issued under this
19 subchapter.

20 (b) Verification of permits. All permits issued by
21 Chambers County shall be carried in the permitted vehicle.
22 Chambers County shall provide access or a phone number for
23 verification of permit authenticity by law enforcement or

1 department personnel.

2 (c) Training. Chambers County shall secure any training
3 necessary for personnel to issue permits under this subchapter.
4 The department may provide assistance with training upon request
5 by Chambers County.

6 (d) Accounting. The department shall develop accounting
7 procedures related to permits issued under this subchapter for
8 the purpose of revenue collections and any payment made to the
9 department under subsection (h) of this section.

10 (e) Audits. The department may conduct audits of all
11 permits issued by Chambers County semi-annually or upon
12 direction by the executive director under this subchapter. In
13 order to insure compliance, audits will at a minimum include a
14 review of all permits issued, financial transaction records
15 related to permit issuance, review of vehicle scale weight
16 tickets and monitoring of personnel issuing permits under this
17 subchapter.

18 (f) Revocation of authority to issue permits. If the
19 department determines as a result of an audit that Chambers
20 County is not complying with this subchapter, the executive
21 director will issue a notice to Chambers County allowing 30 days
22 to correct any non-compliance issue. If after 30 days it is
23 determined that Chambers County is not in compliance, then the

1 executive director may revoke Chambers County's authority to
2 issue permits.

3 (1) Upon notification that its authority to issue permits
4 under this subchapter has been revoked, Chambers County may
5 appeal the revocation to the commission in writing.

6 (2) In cases where a revocation is being appealed,
7 Chambers County's authority to issue permits under this
8 subchapter shall remain in effect until the commission makes a
9 final decision regarding the appeal.

10 (3) Upon revocation of authority to issue permits,
11 termination of the maintenance contract, or expiration of this
12 subchapter, all fees collected by Chambers County, with the
13 exception of administrative costs already expended, shall be
14 paid to the department.

15 (g) Fees. Fees collected under this subchapter shall be
16 used solely to provide funds for the payments provided for under
17 Transportation Code, §623.253, less administrative costs.

18 (1) The permit fee shall not exceed \$80 per trip.
19 Chambers County may retain up to 15% of such permit fees for
20 administrative costs, and the balance of the permit fees shall
21 be used to make payments to the department for maintenance of
22 Farm-to-Market Road 1405 and the frontage road of State Highway
23 99 located in the Cedar Crossing Business Park.

NOTE: New Sections

Exhibit D

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1 (2) Chambers County may issue a permit and collect a fee
2 for any vehicle or vehicle combination weighing up to 100,000
3 pounds, and with load dimensions not exceeding 12' wide, 16'
4 high or 110' long, traveling only on Farm-to-Market Road 1405
5 and the frontage road of State Highway 99 located in the Cedar
6 Crossing Business Park.

7 (h) Maintenance contract. Chambers County shall enter into
8 a maintenance contract with the department for the maintenance
9 of Farm-to-Market Road 1405 and the frontage road of State
10 Highway 99 located in the Cedar Crossing Business Park.

11 (1) The maintenance contract shall provide for a system
12 of payments from Chambers County to the department for all
13 maintenance costs expended by the department to maintain Farm-
14 to-Market Road 1405 and the frontage road of State Highway 99
15 located in the Cedar Crossing Business Park to the current level
16 of service or pavement conditions. Maintenance shall include,
17 but is not limited to, routine maintenance, preventive
18 maintenance, and total reconstruction of the roadway and bridge
19 structures as determined by the department to maintain the
20 current level of service.

21 (2) Chambers County may make direct restitution to the
22 department for actual maintenance costs from this fund in lieu
23 of the department filing against the surety bond required in

1 subsection (a) of this section, in the event that sufficient
2 revenue is not collected.

3 (i) Reporting. Chambers County shall provide monthly and
4 annual reports to the department's Finance Division regarding
5 all permits issued and fees collected. The report must be in a
6 format approved by the department.

7
8 §28.102. Permit Issuance Requirements and Procedures.

9 (a) Permit application. Application for a permit issued
10 under this subchapter shall be in a form approved by the
11 department, and shall at a minimum include:

12 (1) the name of the applicant;

13 (2) date of issuance;

14 (3) signature of the designated agent of Chambers County;

15 (4) a statement of the kind of cargo being transported;

16 (5) the maximum weight and dimensions of the proposed

17 vehicle combination, including number of tires on each axle,

18 tire size for each axle, distance between each axle, measured

19 from center of axle to center of axle, and the specific weight

20 of each individual axle when loaded;

21 (6) the kind and weight of each commodity to be

22 transported;

23 (7) a statement of any condition on which the permit is

NOTE: New Sections

Exhibit D

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1 issued;

2 (8) a statement that the cargo shall be transported over
3 the most direct route using only Farm-to-Market Road 1405 and
4 the frontage road of State Highway 99 located in the Cedar
5 Crossing Business Park;

6 (9) the name of the driver of the vehicle in which the
7 cargo is to be transported;

8 (10) the location where the cargo was loaded;

9 (11) the date(s) on which movement authorized by the
10 permit is allowed; and

11 (12) the name of the specific Chambers County employee
12 issuing the permit.

13 (b) Permit issuance.

14 (1) General.

15 (A) The original permit must be carried in the vehicle
16 for which it is issued.

17 (B) A permit is void when an applicant:

18 (i) gives false or incorrect information;

19 (ii) does not comply with the restrictions or
20 conditions stated in the permit; or

21 (iii) changes or alters the information on the
22 permit.

23 (C) A permittee may not transport an overdimension or

1 overweight load with a voided permit.

2 (2) Payment of permit fee. Chambers County may determine
3 acceptable methods of payment. All fees transmitted to the
4 department must be in U.S. currency.

5 (c) Maximum permit weight limits.

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

10 (2) Two or more consecutive axle groups must have an axle
11 spacing of 12 feet or greater, measured from the center of the
12 last axle of the preceding group to the center of the first axle
13 of the following group, in order for each group to be permitted
14 for maximum permit weight.

15 (3) Maximum permit weight for an axle or axle group is
16 based on 650 pounds per inch of tire width or the following axle
17 or axle group weights, whichever is the lesser amount;

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

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

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

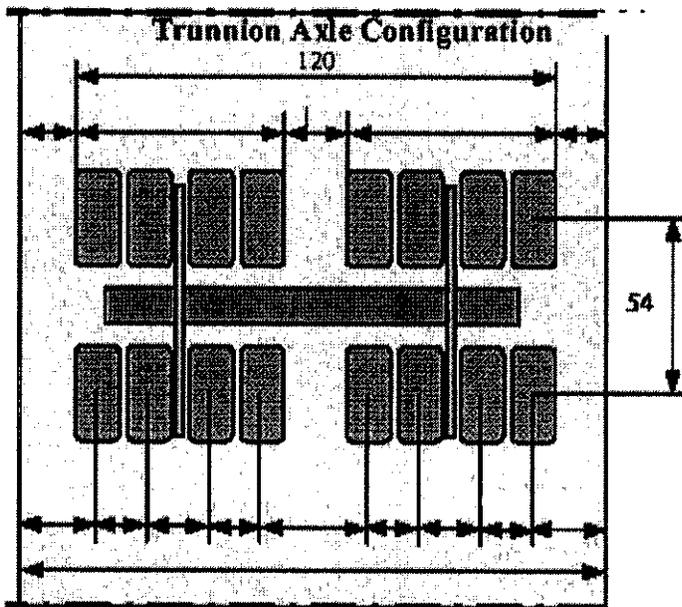
21 (D) four axle group - 70,000 pounds;

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

23 (F) trunnion axles - 60,000 pounds if:

- 1 (i) the trunnion configuration has two axles;
2 (ii) there are a total of 16 tires for a trunnion
3 configuration; and
4 (iii) the trunnion axle as shown in the following
5 diagram is 10 feet in width.

6 Figure: 43 TAC §28.102(c)(3)(F)(iii)



- 7
8 (4) A permit issued under this subchapter does not
9 authorize the vehicle to exceed manufacturer's tire load rating.

- 10 (d) Vehicles exceeding weight limits. Any vehicle
11 exceeding weight limits outlined in subsection (c) of this
12 section, shall apply directly to the department for an oversize
13 or overweight permit in accordance with §28.11 of this chapter
14 (relating to General Oversize/Overweight Permit Requirements and

NOTE: New Sections

Exhibit D

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1 Procedures).

2 (e) Registration. Any vehicle or combination of vehicles
3 permitted under this subchapter shall be registered in
4 accordance with Transportation Code, Chapter 502.

5 (f) Travel conditions. Movement of a permitted vehicle is
6 prohibited when visibility is reduced to less than 2/10 of one
7 mile or the road surface is hazardous due to weather conditions
8 such as rain, ice, sleet, or snow, or highway maintenance or
9 construction work.

10 (g) Daylight and night movement restrictions. An oversize
11 permitted vehicle may be moved only during daylight hours;
12 however, an overweight only permitted vehicle may be moved at
13 any time.

14 (h) Restrictions.

15 (1) Any vehicle issued a permit by Chambers County must
16 be weighed on scales capable of determining permitted loaded
17 gross vehicle weights and individual axle loads. For the
18 purpose of ensuring the accuracy of the permit, the scales must
19 be certified by the Texas Department of Agriculture.

20 (2) A copy of the certified weight ticket shall be
21 retained by Chambers County and become a part of the official
22 permit record subject to inspection by department personnel or
23 Texas Department of Public Safety personnel.

NOTE: New Sections

Exhibit D

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1 (3) The owner of a vehicle permitted under this
2 subchapter must be registered as a motor carrier in accordance
3 with Transportation Code, Chapters 643 or 645, prior to the
4 oversize or overweight permit being issued. Chambers County
5 shall maintain records relative to this subchapter, which are
6 subject to audit by department personnel.

7 (4) Permits issued by Chambers County shall be in a form
8 prescribed by the department.

9 (5) The maximum speed for a permitted vehicle shall be 55
10 miles per hour or the posted maximum, whichever is less.