

**CHAPTER 179. OVERSIZE AND OVERWEIGHT LOADS
AND VEHICLES**

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Authority

The provisions of this Chapter 179 issued under the Vehicle Code, 75 Pa.C.S. §§ 4962 and 6103, unless otherwise noted.

Source

The provisions of this Chapter 179 adopted June 4, 1976, effective June 5, 1976, 6 Pa.B. 1287; renumbered May 9, 1980, 10 Pa.B. 1918; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364, unless otherwise noted.

Cross References

This chapter cited in 67 Pa. Code § 187.4 (relating to permit requirements).

§ 179.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

AASHTO—The American Association of State Highway and Transportation Officials, located at 444 North Capitol Street, N. W., Washington, D. C. 20001.

Across—From one side to the opposite side of a vehicle or highway.

Act—75 Pa.C.S. §§ 101—9910 (relating to the Vehicle Code).

Along—In a line parallel with the length or direction of a vehicle or highway.

Axle—Load-bearing wheels in a transverse line across the full width of a vehicle.

Axle group—A group of axles in which every axle is located within 8 feet of another axle.

Base of operations—A temporary location at or near the job site used for the storage of equipment and materials for the job.

Brake retarder—A mechanical device which is designed to supplement a vehicle's service brakes by producing a retarding torque about one of the rotating components in a vehicle, converting kinetic energy to heat and thereby retarding the forward motion of a vehicle.

(i) An engine-brake retarder converts a diesel engine from a power-producing motor to a power-expending air compressor by changing the timing of the opening of the engine exhaust valves.

(ii) An exhaust-brake retarder constricts the flow of exhaust gases through the manifold, increasing the system back pressure and keeping the engine exhaust valves from closing at designed intervals.

(iii) An hydraulic brake retarder converts kinetic energy to heat by shearing a liquid with a rotating component inside a chamber.

Central Permit Office—The office which administers this chapter, located at:

Department of Transportation
Central Permit Office
400 North Street, 6th Floor
Harrisburg, Pennsylvania 17120-0041

Combination—Two or more vehicles physically interconnected in tandem.

Commonwealth—The Commonwealth of Pennsylvania.

County office—Any of the various maintenance district offices of the Department.

Department—The Department of Transportation of the Commonwealth of Pennsylvania.

District office—Any of the various engineering district offices of the Department.

Escort—A convoying vehicle or vehicles manned by the Department personnel, uniformed Pennsylvania State Police or local police which accompanies a permitted vehicle.

Gross weight—The combined weight of a vehicle or combination of vehicles and its load and driver.

Highway—The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of a college or university or public or private school or public or historical park.

House trailer—Includes the following:

(i) A trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways.

(ii) A trailer containing a chassis and exterior shell designed and constructed for use as a house trailer, as defined in subparagraph (i), but which is used permanently or temporarily for advertising, sales, display or promotion of merchandise or services, or for another commercial purpose except the transportation of property.

Implement of husbandry—A vehicle designed or adapted and determined by the Department to be used exclusively for agricultural operations and only incidentally operated or moved upon highways.

Mobile home—A trailer designed and used exclusively for living quarters or commercial purposes which exceeds the maximum size limitations prescribed by the act for operation on a highway and is only incidentally operated on a highway.

Nondivisible—Incapable of being divided into parts or dismembered without substantially damaging its usefulness or value.

Operating rating—The absolute maximum permissible load level to which a structure may be subjected under normal circumstances without exceeding its structural capacity.

Oversize—The length, width or height of a mobile home or vehicle or combination of vehicles, including the load or loads carried thereon, excluding mirrors or sunshades, which exceeds the applicable maximum length, width or height specified in Chapter 49, Subchapter B of the act (relating to width, height and length).

Overweight—The gross weight of a mobile home or vehicle or combination of vehicles, including the load carried thereon, which exceeds the applicable maximum gross weights specified in Chapter 49, Subchapter C of the act (relating to maximum weights of vehicles).

Permit—

(i) A special hauling permit issued by the Department under Chapters 19, Subchapter C and 49 of the act (relating to permits; and size, weight and load) and this chapter, for the movement of a mobile home or oversize or overweight vehicle, or combination, including the load thereon, on State highways under the Department's jurisdiction.

(ii) An oversize or overweight permit issued by another State authorizing movement along Pennsylvania State highways under terms and conditions outlined in an executed multistate permit agreement.

(iii) An oversize or overweight permit issued by the Department authorizing movement along another State's highways under terms and conditions outlined in an executed multistate permit agreement.

Permit service—A commercial enterprise that makes application for a permit for another person, firm, copartnership, association or corporation.

Person—A natural person, proprietorship, firm, partnership, association or corporation.

Pilot car—A conveying vehicle provided by the permittee, in order to warn the traveling public of an oversize vehicle or slow moving overweight vehicle, in accordance with § 179.10 (relating to general conditions).

Registered gross weight—The maximum gross weight at which a vehicle or combination is registered in this Commonwealth to operate upon a highway.

Registered person—A person registered with the Department under the provisions of § 179.4 (relating to registration; surety bond and registration agreement).

Registration—A registration under the provisions of § 179.4, which shall be in addition to the registration requirements of the act.

Roadway—That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder.

Responsible motor carrier—An owner, lessee or sublessee of a motor vehicle.

Revocation—Revocation of the registration agreement.

Semitrailer—A trailer so constructed that some part of its weight rests upon or is carried by the towing vehicle.

Shoulder—The portion of the highway, contiguous to the roadway, for accommodation of stopped vehicles, for emergency use and for lateral support of the roadway.

Single axle—An axle located over 8 feet from another axle.

Single-trip special hauling book permit or book permit—A permit which is validated by the district office by telephone and completed, prior to movement, by the permittee according to § 179.14 (relating to single-trip special hauling book permits for oversize movements).

Special mobile equipment—Vehicles not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditchdigging apparatus; well boring apparatus; earth moving and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, snowplows, ditchers, graders, finishing machines, road rollers, scarifiers, earth moving carryalls, scrapers, power shovels and drag lines; and self-propelled cranes and tractors, other than truck tractors. The term does not include house trailers; dump trucks; truck-mounted transit mixers, cranes or shovels; or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Structure—A tunnel, bridge or culvert including supports, which spans or provides passage over or under a waterway, a railroad or other obstruction.

Sunrise—The time designated by the National Weather Service at which the sun can first be seen on the horizon.

Sunset—The time designated by the National Weather Service at which the sun can last be seen on the horizon.

Super load—A vehicle or combination or load having a gross weight exceeding 201,000 pounds, a total length exceeding 160 feet, or a total width exceeding 16 feet; except that the following shall not be considered a super load:

(i) A building moved under § 179.11(b) (relating to special vehicle—load restrictions).

(ii) A vehicle or combination moved across the highway under sections 4965 or 4966 of the act (relating to single permits for multiple highway crossings and permit for movement of quarry equipment).

(iii) A dragline moved across the highway under the permit.

Supplement—An amendment to a special hauling permit.

Suspension—Refusal by the Department to issue a permit or to authorize continued operation under authority of the permit for a prescribed period of time, including a penalty prescribed by § 179.14(m) and §§ 179.16(a) and 179.18 (relating to penalties and enforcement; and sanctions for violations).

Traffic protector guide rail device—An instrument approved by the Department, which is placed around the extremities of a protruding dozer blade, as specified in § 179.11.

Trailer—A vehicle designed to be towed by a motor vehicle.

Urbanized area—A location, identified on Department Form M-938, in which travel under permit is restricted, as specified in § 179.10(7)(ii) when highways are congested with traffic.

Vehicle—Every device which is or may be moved or drawn upon a highway, except devices used exclusively upon rails or tracks.

Source

The provisions of this § 179.1 adopted June 4, 1976, effective June 5, 1976, 6 Pa.B. 1287; amended August 5, 1977, effective August 6, 1977, 7 Pa.B. 2192; amended May 26, 1978, effective May 27, 1978, 8 Pa.B. 1471; amended April 25, 1980, effective May 1, 1980, 10 Pa.B. 1686; renumbered May 16, 1981, 11 Pa.B. 1678; amended January 20, 1984, effective March 21, 1984, 14 Pa.B. 224; amended October 11, 1985, effective October 12, 1985, 15 Pa.B. 3654; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364; amended May 14, 1993, effective August 13, 1993, 23 Pa.B. 2334; amended September 2, 2011, effective September 3, 2011, 41 Pa.B. 4772. Immediately preceding text appears at serial pages (229727) to (229731).

§ 179.2. Purpose.

It is in the public interest and promotes the public welfare to regulate the use of State highways for the purpose of moving mobile homes, oversize or overweight vehicles, and combinations of vehicles, including the loads carried thereon, in order to preserve the safety of the users of Commonwealth highways; to facilitate the movement of mobile homes, oversize or overweight vehicles, and combinations of vehicles, as well as the movement of traffic, generally; to protect the structural integrity of the highway and bridge system; and to encourage the economic growth of commerce and industry in the Commonwealth without

the necessity of constant supervision by Department employees, police and local officials. Nothing contained in this chapter is intended to relax existing safety requirements.

Source

The provisions of this § 179.2 adopted June 4, 1976, effective June 5, 1976, 6 Pa.B. 1287; amended August 5, 1977, effective August 6, 1977, 7 Pa.B. 2192; renumbered May 16, 1981, 11 Pa.B. 1678; amended January 20, 1984, effective March 21, 1984, 14 Pa.B. 224; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364. Immediately preceding text appears at serial page (103499).

§ 179.3. Permit requirement.

A permit is required for movement on a Commonwealth highway of a mobile home, oversize or overweight vehicle, or combination of vehicles, including the load or loads carried thereon, and as otherwise provided in Chapter 49 of the act (relating to size, weight and load).

Source

The provisions of this § 179.3 adopted June 4, 1976, effective June 5, 1976, 6 Pa.B. 1287; amended August 5, 1977, effective August 6, 1977, 7 Pa.B. 2192; renumbered May 16, 1981, 11 Pa.B. 1678; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364. Immediately preceding text appears at serial page (103499).

§ 179.4. Registration; surety bond and registration agreement.

An applicant for a permit may register with the central permit office by filing a registration agreement for special hauling permits, Form M-936RA, and a surety bond, Form M-936B, in the amount of at least \$2,000, or at least \$5,000 if the applicant participates in the permit monthly billing system, or an amount in excess thereof as required by the central permit office. The bond shall be issued by a corporate surety approved by the Insurance Department, and shall guarantee to the Commonwealth, the payment of fees and expenses incident to the issuance of a permit.

(1) Except in the case of a permit service:

(i) The name of the applicant shall be identical on the registration agreement and surety bond and on a permit issued thereunder.

(ii) A person desiring permits to be issued in more than one name shall register separately under each name and file separate registration agreements and surety bonds.

(2) A registration agreement and a surety bond shall be valid until the central permit office acknowledges, in writing, the cancellation of the registration agreement or surety bond.

(3) A person shall first have been registered by the Department under § 179.5 (relating to issuance of registration agreement), to be eligible to apply for or to obtain a permit by telefacsimile or another wire method approved by

the Department. Otherwise, the application shall be made in person or by mail, accompanied by a certified check or money order.

Source

The provisions of this § 179.4 adopted June 4, 1976, effective June 5, 1976, 6 Pa.B. 1287; amended April 25, 1980, effective May 1, 1980, 10 Pa.B. 1686; renumbered May 16, 1981, 11 Pa.B. 1678; amended January 20, 1984, effective March 21, 1984, 14 Pa.B. 224; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364; amended May 14, 1993, effective August 13, 1993, 23 Pa.B. 2334. Immediately preceding text appears at serial pages (133017) to (133018).

Cross References

This section cited in 67 Pa. Code § 179.1 (relating to definitions); 67 Pa. Code § 179.5 (relating to issuance of registration agreement); and 67 Pa. Code § 179.13 (relating to permit services).

§ 179.5. Issuance of registration agreement.

Every person who complies with § 179.4 (relating to registration; surety bond and registration agreement) shall be deemed to be a registered applicant and shall receive from the central permit office a registration agreement upon which shall appear:

- (1) The account number, which shall be used when applying for permits.
- (2) The name and address of the registered person.

Source

The provisions of this § 179.5 adopted June 4, 1976, effective June 5, 1976, 6 Pa.B. 1287; renumbered May 16, 1981, 11 Pa.B. 1678; amended January 20, 1984, effective March 21, 1984, 14 Pa.B. 224; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364; amended May 14, 1993, effective August 13, 1993, 23 Pa.B. 2334. Immediately preceding text appears at serial pages (133018) to (133019).

Cross References

This section cited in 67 Pa. Code § 179.4 (relating to registration; surety bond and registration agreement); and 67 Pa. Code § 179.16 (relating to penalties and enforcement).

§ 179.6. Revocation of registration.

Registration will be revoked automatically upon written acknowledgment by the central permit office of cancellation of the surety bond or registration agreement, or for just cause, as determined by the Secretary.

Source

The provisions of this § 179.6 adopted June 4, 1976, effective June 5, 1976, 6 Pa.B. 1287; renumbered May 16, 1981, 11 Pa.B. 1678; amended January 20, 1984, effective March 21, 1984, 14 Pa.B. 224; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364; amended May 14, 1993, effective August 13, 1993, 23 Pa.B. 2334. Immediately preceding text appears at serial page (133019).

Cross References

This section cited in 67 Pa. Code § 179.16 (relating to penalties and enforcement); and 67 Pa. Code § 179.18 (relating to sanctions for violations).

§ 179.7. Indemnification, insurance and security.

(a) *Indemnification.* Indemnification of the Department for property damage and personal injury will be governed as follows:

(1) The permittee shall indemnify fully and if requested, defend the Commonwealth from liability, loss, injury or damage to persons or property which the Commonwealth, its officers, agents and employes individually may suffer as a result of claims, demands, costs or judgments arising against it as a result of the granting of the permit to the permittee, including claims, demands, costs or judgments arising as a result of activities of the permittee, its agents, employes or others at the permit site or work or other actions taken by one or more of them under or in violation of the permit; or as a result of the failure of one or more of them to conform to pertinent statutes, ordinances, regulations or other requirements of a governmental authority in connection with the permit.

(2) The permittee and its contractors shall add the Commonwealth as an additional insured to their insurance policies to secure the permittee's indemnification of the Department for property damage and personal injury under this subsection. Contractors shall include pilot car owners.

(3) The amount of insurance shall be at least \$250,000 per person and at least \$1 million per occurrence, or other statutory limitations on damages as the General Assembly may establish. A policy shall guarantee coverage for damage and injury which occurs during the time the permit is in effect and which is the result of the granting of the permit to the permittee.

(4) Upon request, the permittee shall deliver to the Department certificates of insurance evidencing that the coverage required under this subsection has been obtained. An applicant which provides satisfactory evidence that it has complied with section 1787 of the act (relating to self-insurance), Chapter 223 (relating to self-insurance) and 31 Pa. Code Chapter 67, Subchapter B (relating to evidence of financial responsibility), may be a self-insurer.

(b) *Insurance.* The permittee shall obtain, prior to movement under the permit, a policy of insurance, issued by an insurer having a certificate of authority and a licensed agent authorized to transact the business of insurance in this Commonwealth, in accordance with the following conditions:

(1) The permittee and its contractors shall obtain insurance for public liability and property damage, in a form satisfactory to the Department, to cover a loss that may arise out of operations under the permit.

(2) The amount of insurance shall be at least \$250,000 per person and at least \$1 million per occurrence. A policy shall guarantee coverage for damage

and injury which occurs during the time the permit is in effect and which is the result of the granting of the permit to the permittee.

(3) Upon request, the permittee shall deliver to the Department certificates of insurance evidencing that the insurance coverage required under this subsection has been obtained. An applicant which provides satisfactory evidence that it has complied with section 1787 of the act, Chapter 223 and 31 Pa. Code Chapter 67, Subchapter B, may be a self-insurer.

(4) The permittee's obligations to indemnify the Department and to obtain insurance to secure indemnification under subsection (a) and its obligations to restore the highways and bridges and to obtain security relating to restoration under subsection (c) are separate from the obligations to obtain insurance for the purposes required under this subsection. Obtaining insurance under this subsection does not relieve the permittee of its obligations under subsections (a) and (c).

(c) *Security.* The Department may require the applicant to execute an agreement or provide security, or both, as a prerequisite to issuance of the permit. The Department's determination as to the necessity and the amount of security will be based on sizes and weights of the vehicle or combination and load, as well as the condition of highways, structures and appurtenances on the permitted routes. If security is required, it shall be delivered to the Department in a form and amount acceptable to the Department and shall guarantee restoration of the highways and bridges which may be damaged by operations under the permit, for at least 1 year after the expiration of the permit. If the security is executed by a corporate surety registered and authorized to do business in this Commonwealth, the following documents are acceptable forms of security:

(1) An individual or blanket bond—Form M-937C—executed by the permittee and naming the Commonwealth as obligee.

(2) An irrevocable letter of credit in a form acceptable to the Department, signed by a bank officer and naming the Department as sole beneficiary, to be honored on presentment.

Source

The provisions of this § 179.7 adopted June 4, 1976, effective June 5, 1976, 6 Pa.B. 1287; amended August 5, 1977, effective August 6, 1977, 7 Pa.B. 2192; amended April 25, 1980, effective July 1, 1980, 10 Pa.B. 1686; renumbered May 16, 1981, 11 Pa.B. 1678; amended January 20, 1984, effective March 21, 1984, 14 Pa.B. 224; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364; amended May 14, 1993, effective August 13, 1993, 23 Pa.B. 2334. Immediately preceding text appears at serial page (133019).

Cross References

This section cited in 67 Pa. Code § 179.13 (relating to permit services); and 67 Pa. Code § 179.14 (relating to single-trip special hauling book permits for oversize movements).

§ 179.8. Permit application procedure.

Except as otherwise specified in this chapter, a permit application shall be made to the district or county office having jurisdiction over the point of origin or the point of destination in this Commonwealth. An application shall be submitted in the name of the responsible motor carrier and shall be properly completed.

(1) An application to a district office may be made in person or by mail, telefacsimile or another wire method approved by the Department. A wired application shall be submitted in a format acceptable to the central permit office.

(i) Applications made in person or by mail:

(A) Shall be on Form M-936A and signed by the applicant or the applicant's agent.

(B) Shall be accompanied by a check or money order, unless the applicant participates in the permit monthly billing system. A certified check or money order is required from persons not registered with the Department, payable to the Department, in the appropriate amount, as set forth in Chapter 19, Subchapter C of the act (relating to permits) and § 179.9 (relating to issuance of permits). Company checks will be acceptable only from registered persons.

(ii) Applications made by telefacsimile or another wire method approved by the Department:

(A) Shall be accepted only from registered persons.

(B) Shall be followed by a check or money order, payable to the Department, in the prescribed amount. Payment shall be submitted within 3 work days after the permittee receives the permit, Form M-936P or supplement, Form M-945S, or within 3 weeks if the applicant participates in the permit monthly billing system.

(C) Shall contain the following legible information:

(I) Name, as set forth on the registration agreement, and mailing address of the registered person and his registration identification number.

(II) Type of load, and type of transporting equipment, specifying the serial number of the load or the bill of lading number if the load has no serial number, and specifying the number of axles on each vehicle.

(III) Point of origin and destination in and through Pennsylvania.

(IV) Beginning and ending dates of movement.

(V) Proposed route of movement in Pennsylvania.

(VI) Total number of miles that will be traveled on Commonwealth highways, not including the Pennsylvania Turnpike.

(VII) Total fees, as set forth in Chapter 19, Subchapter C of the act and § 179.9.

(VIII) Overall size, including width and height in inches and length in feet of the vehicle, or combination of vehicles, including any load carried thereon.

(IX) Gross weight, axle weights and registered gross weight.

(X) License number and the State of registration of transporting or drawing vehicle; or if no license is required, the complete serial number (VIN) of the manufacturer.

(XI) License number and State of registration of every drawn vehicle; or if no license is required, the complete serial number (VIN) of the manufacturer.

(XII) Name of insurance carrier, policy number, amount and effective period of coverage, unless a registration agreement for special hauling permits is in effect.

(XIII) Where, and the method by which, the permit should be transmitted.

(XIV) Other information specified on Department application Forms M-936A and M-936AS or an application form authorized under an executed multistate permit agreement.

(D) Telephone applications will not be accepted, except as provided under §§ 179.12 and 179.14 (relating to emergency movements; and single-trip special hauling book permits for oversize movements).

(E) The applicant is encouraged to identify on his application a prior permit under which the vehicle was authorized to travel over the proposed routes.

(2) Applications to county offices shall be made in person, on Form M-936A, accompanied by a check or money order, unless the applicant participates in the permit monthly billing system. A certified check or money order is required from a person not registered with the Department. A company check will be acceptable only from a registered person.

(3) Information provided in applications shall be accurate. Section 4904 of 18 Pa.C.S. (relating to unsworn falsification to authorities), makes it a misdemeanor for a person to mislead a public servant in performing an official function by making a written false statement which the person does not believe to be true. Supplements will not be issued to correct errors contained in submitted applications.

(4) The following application requirements for oversize or overweight movements include the following criteria:

(i) When a combination exceeds 136,000 pounds gross weight, or the general gross weight limits specified in Table 8-1, column I or the axle weight limits specified in Table 8-2, or when a truck tractor's steering axle exceeds 12,000 pounds, a completed supplemental application, Form M-936AS, shall be submitted in writing to the issuing district office with the

completed application, Form M-936A. A supplemental application shall be submitted at least 3 work days prior to the anticipated move date.

(ii) When an axle weight of special mobile equipment or other vehicle which is not part of a combination exceeds 27,000 pounds, or whenever the gross weight exceeds 136,000 pounds, a completed supplemental application, Form M-936AS shall be submitted in writing to the issuing district office with the completed application, Form M-936A, unless a completed supplemental application for the vehicle and routes is on file with the district office. A supplemental application shall be submitted at least 3 work days prior to the anticipated move date.

(iii) At least 3 weeks prior to the anticipated move date of a super load, a completed preliminary application, Form M-936A, and—when required by this subsection—a supplemental application, Form M-936AS, shall be submitted in writing to the central permit office, together with justification for the movement. Justification shall include the following:

(A) Detailed routing, including city streets and township roads, if any.

(B) The certification of the manufacturer or designer that the object cannot feasibly be manufactured in smaller sections.

(C) Signed statements from other transportation companies—that is, air, water, rail—that they are unable to accommodate a move over all or any part of the course, when requested by the central permit office.

(D) Written approvals from cities through which the proposed movement will pass.

(E) The projected number of similar objects to be moved within the next year. Designers should obtain preliminary approval prior to manufacturing a super load.

(iv) When the applicant proposes to move an overweight vehicle or combination across a bridge which is posted with a sign containing the words “BRIDGE LIMITED TO ONE TRUCK,” Form M-936AS shall be submitted in writing to the issuing district office with the completed application, Form M-936A.

(v) When the Department determines, or when the applicant determines and the Department concurs, that traffic may be adversely affected by the proposed movement, the applicant shall submit a traffic control plan in writing to the Department. The traffic control plan shall be consistent with the requirements of Chapter 203 (relating to work zone traffic control).

(5) Vehicle weight restrictions are as follows:

(i) General and maximum gross weight limits for combinations.

(A) A special hauling permit will be issued for a combination having a gross weight which does not exceed either the general limit specified in Table 8-1, column I or axle weight limits specified in Table 8-2 (See Figure 8-1).

(B) A combination will be authorized to carry a gross weight up to the maximum limit specified in Table 8-1, column II subject to the bridge engineer's review and approval of the routes which cross bridges and supplemental application, Form M-936AS.

(C) To determine the general and maximum gross weight limits for a combination of vehicles not identified in Table 8-1, add the applicable axle weight limits for the unidentified vehicle, as specified in Table 8-2, to the appropriate gross weight limits specified in Table 8-1.

(ii) Combination axle weight limits.

(A) Except as provided in clauses (B) and (C), a combination may not, when operated upon a highway, have a weight upon an axle in excess of 27,000 pounds or upon an axle or axle group in excess of the limits specified in Table 8-2.

(B) A combination having axle weights in excess of the limits specified in Table 8-2 will be authorized to carry axle weights up to 27,000 pounds, subject to the bridge engineer's review and approval of the routes which cross bridges and supplemental application, Form M-936AS.

(C) An overweight super load combination having axle weights in excess of 27,000 pounds may be authorized where no feasible alternative is available, provided the applicant agrees to shore—in a manner approved by the bridge engineer—each bridge loaded in excess of its operating rating. The applicant shall also submit security satisfactory to the Department in accordance with section 4962 of the act (relating to conditions of permits and security damages).

(iii) Special mobile equipment axle weight limits.

(A) A special hauling permit will be issued for special mobile equipment having a single axle weight up to, but not exceeding, 50,000 pounds, subject to the bridge engineer's review and approval of the routes and supplemental application, Form M-936AS. Special mobile equipment having only one axle in excess of 50,000 pounds may be transported with that axle placed piggyback on a semitrailer, subject to the bridge engineer's review and approval of the routes and supplemental application, Form M-936AS.

(B) Special mobile equipment having an axle group with an axle weight in the group in excess of 27,000 pounds will be authorized where no feasible alternative is available, subject to the bridge engineer's review and approval of the routes and supplemental application, Form M-936AS. The applicant will be required to shore—in a manner approved by the bridge engineer—each bridge loaded in excess of its operating rating. The applicant shall also, upon request, submit security satisfactory to the Department in accordance with section 4962 of the act (relating to conditions of permits and security damages).

(iv) No permitted vehicle may operate along a highway with a weight upon an axle in excess of the manufacturer's rated axle capacity.

(v) A permitted vehicle may not operate along a highway with a weight upon a wheel in excess of 800 pounds per nominal inch of tire width on the wheel, except that special mobile equipment may be authorized to carry up to 1,000 pounds per nominal inch of tire width on the wheel subject to approval of the routes and supplemental application, Form M-936AS, by the bridge engineer and pavement engineer.

(vi) A permitted vehicle may not operate along a highway if equipped with other than pneumatic tires. Movement across the highway may be authorized, subject to the applicant submitting an acceptable traffic control plan and security to the Department.

(6) The applicant may appeal a denial of a permit by the Department under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies), by submitting a written request for a hearing within 30 days after service of the document containing the denial, to the Commonwealth of Pennsylvania, Department of Transportation, Administrative Docket Clerk, Commonwealth Keystone Building, 400 North Street, 9th Floor, Harrisburg, Pennsylvania 17120-0096. A filing fee, as prescribed under Chapter 491 (relating to administrative practice and procedure), made payable to the "Commonwealth of Pennsylvania," shall accompany each request.

(7) The Department will examine and determine the genuineness, regularity and legality of every application, and may reject an application if not satisfied as to its genuineness, regularity or legality, or the truth of a statement contained in the application. The Department may also make investigations and require additional information related to the permit application.

TABLE 8-1

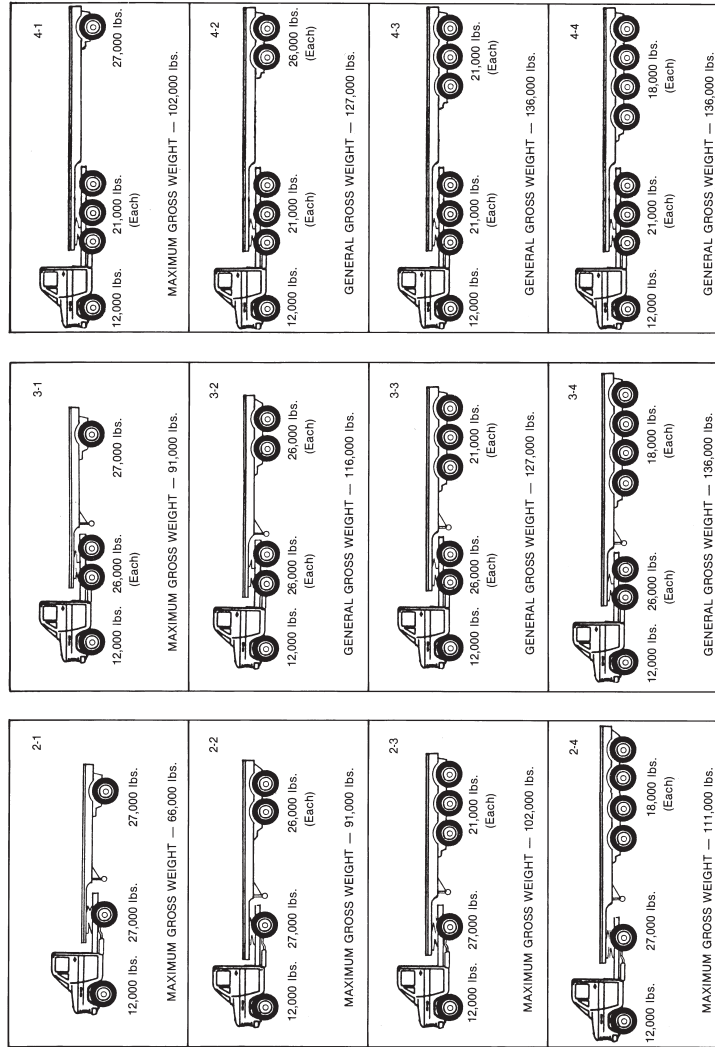
| <i>Combination of Vehicles truck tractor & semitrailer</i> | | <i>I General Gross Weight</i> | <i>II Maximum Gross Weight</i> |
|--|---|---------------------------------------|--|
| <i>no. of axles</i> | | <i>no. of axles</i> | |
| 2 | & | 1 | 66,000 |
| 2 | & | 2 | 91,000 |
| 2 | & | 3 | 102,000 |
| 2 | & | 4 | 111,000 |
| 3 | & | 1 | 91,000 |
| 3 | & | 2 | 116,000 |
| 3 | & | 3 | 127,000 |
| 3 | & | 4 | 136,000 |
| 4 | & | 1 | 102,000 |
| 4 | & | 2 | 127,000 |

| <i>Combination of Vehicles truck tractor & semitrailer</i> | | <i>I General Gross Weight</i> | <i>II Maximum Gross Weight</i> |
|--|---|---------------------------------------|--|
| 4 | & | 3 | 136,000 |
| 4 | & | 4 | 136,000 |
| | | | 174,000 |
| | | | 201,000 |

TABLE 8-2

| <i>Number of Axles in Group</i> | <i>Distance Between Extreme Axles in Axle Group</i> | <i>Maximum Weight Upon Any Axle in Axle Group</i> | <i>Maximum Weight Upon Axle Group</i> |
|---|---|---|---|
| One | — | 27,000 pounds | 27,000 pounds |
| Two | 4 feet to 8 feet | 26,000 pounds | 52,000 pounds |
| Three | 8 feet to 16 feet | 21,000 pounds | 63,000 pounds |
| Four | 12 feet to 24 feet | 18,000 pounds | 72,000 pounds |

FIGURE 8-1
ILLUSTRATION OF PERMITTED WEIGHT LIMITS FOR COMBINATIONS



A combination which exceeds the general gross weight limits specified in Figure 8-1 may be authorized, subject to the Bridge Engineer's review and approval of the routes and supplemental application, Form M-936AS. Also see Table 8-1 and Table 8-2 of this chapter.

Source

The provisions of this § 179.8 adopted June 4, 1976, effective June 5, 1976, 6 Pa.B. 1287; amended August 5, 1977, effective August 6, 1977, 7 Pa.B. 2192; amended May 26, 1978, effective May 27, 1978, 8 Pa.B. 1471; amended April 25, 1980, effective May 1, 1980, 10 Pa.B. 1686; renumbered May 16, 1981, 11 Pa.B. 1678; amended January 20, 1984, effective March 21, 1984, 14 Pa.B. 224; amended October 11, 1985, effective October 12, 1985, 15 Pa.B. 3654; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364; amended May 14, 1993, effective August 13, 1993, 23 Pa.B. 2334; amended September 2, 2011, effective September 3, 2011, 41 Pa.B. 4772. Immediately preceding text appears at serial pages (229736) to (229742).

Cross References

This section cited in 67 Pa. Code § 179.14 (relating to single-trip special hauling book permits for oversize movements).

§ 179.9. Issuance of permits.

(a) *General.* Upon approval of an application submitted under this chapter, a permit will be issued by the office to which application was made subject to this chapter and the conditions contained in the permit and its supplements.

(b) *Form of permit.* Upon request, a district office will issue a permit to a registered person by a wire method approved by the Department. A wired permit may not be altered.

(c) *Dismantling, reducing or disassembling.* Special hauling permits will not be issued for a vehicle or combination of vehicles, including the load carried thereon, which can be reasonably dismantled, reduced, disassembled or otherwise rearranged so as not to exceed the size or weight limits specified in Chapter 49 of the act (relating to size, weight and load). Even if a vehicle or load cannot be brought within the size or weight limits, it shall be dismantled, reduced, disassembled or otherwise rearranged as much as is practicable. The Department may allow removable parts to remain on a vehicle or load if axle weights do not exceed the limits specified in Table 8-2 (in the case of combinations) or 27,000 pounds (in the case of other vehicles) and if wheel weights do not exceed 800 pounds per nominal inch of tire width on the wheel.

(d) *Movement without or in violation of permit.* Subsequent to issuance of a citation by a police officer for movement without or in violation of a permit, a special permit may be issued by the Department authorizing the operation of the vehicle or combination to a point on the Commonwealth boundary by the shortest distance from the place where the violation occurred or, at the discretion of the Department, to some other place where the load can be reasonably dismantled, reduced, disassembled or otherwise rearranged.

(e) *Additional fees.* The following additional fees shall be assessed, when appropriate:

(1) If a permittee's vehicle or load is scheduled by the Department or the State Police for weighing, measuring or inspecting, the permittee shall reimburse the Commonwealth for costs incurred. The charges will be calculated either on an actual cost basis or a standard unit cost basis.

(2) If Department personnel or State Police, or both, escort the permitted vehicle, the permittee shall reimburse the Commonwealth for costs incurred. The charges will be calculated either on an actual cost basis or a standard unit cost basis.

(3) The fee for a permit if Department telecommunications equipment is used in processing is \$1.

(4) The fee for an annual permit for special mobile equipment with overweight axles is \$300.

(5) The fee for a seasonal permit for an implement of husbandry as authorized in § 179.15a(c) (relating to seasonal/annual permits) is \$25.

(6) The fee for each submission of a preliminary super load application listing a gross weight in excess of 201,000 pounds is \$50 plus \$10 for each county involved in the routing.

(7) The fees for a permit issued under an executed multistate permit agreement shall be assessed in accordance with the agreement fee schedules.

(f) *Refund.* Section 1947 of the act (relating to refund of certain fees), authorizes the Department to refund a portion of the fees paid on unused permits. To be eligible to receive a refund, the permittee shall submit the following to the permit office to which payment is made:

(1) The permittee's copy, including a wired copy, of the permit.

(2) A refund request, in writing, which shall include an explanation as to why the permit was not used.

(3) Requests for refunds shall be postmarked or delivered to the appropriate permit office on or before the permit expiration date.

(g) *Permit supplements.*

(1) The Department may authorize or require modifications to the permit by issuing a supplement. A supplement may be issued to change a route or as otherwise provided in this subsection. A supplement will not be issued to change weights, dimensions, the permittee's name or the type of load or to authorize other changes which may only be authorized under a new permit.

(2) The permittee may request, in writing, a supplement to the permit for the following reasons:

(i) A substitution of a motor vehicle, a truck tractor or a semitrailer due to vehicle breakdown, if no weights or sizes are increased and the substitute vehicle has the same number of axles and wheels with spacings between axles and vehicle manufacturer's ratings no less than the permitted vehicle.

(ii) A one-time request for a 3 weekday time extension of a single-trip permit, if requested prior to the permit's expiration.

(iii) A necessary change to the scheduled date of the start of a movement to be escorted by the State Police, that is submitted and approved at least 24 hours prior to the initial movement in this Commonwealth.

(iv) A change to the registration number of a vehicle due to the issuance of a new vehicle registration number by the state in which the vehicle is registered.

(v) In the case of seasonal or annual permits, a change in the transporting vehicle due to the purchase of a replacement vehicle, if weights or sizes are not increased and the purchased vehicle has the same number of axles and wheels, with spacings between axles and vehicle manufacturer's ratings no less than the former permitted vehicle.

(3) If approved, a free supplement authorizing a modification to the permit will be issued, in writing, by the Department. Supplements shall be attached to the permit.

(h) *Alteration of permit.* A person may not alter, forge or counterfeit a permit or supplement. A person may not display an altered, forged or counterfeited permit or supplement. Alteration of a permit or supplement immediately invalidates the permit.

Source

The provisions of this § 179.9 adopted June 4, 1976, effective June 5, 1976, 6 Pa.B. 1287; amended August 5, 1977, effective August 6, 1977, 7 Pa.B. 2192; amended April 25, 1980, effective May 1, 1980, 10 Pa.B. 1686; renumbered May 16, 1981, 11 Pa.B. 1678; amended August 20, 1982, effective August 21, 1982, 12 Pa.B. 2798; amended January 20, 1984, effective March 21, 1984, 14 Pa.B. 224; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364; amended May 14, 1993, effective August 13, 1993, 23 Pa.B. 2334. Immediately preceding text appears at serial pages (133027) to (133028).

Cross References

This section cited in 67 Pa. Code § 179.8 (relating to permit application procedure); 67 Pa. Code § 179.12 (relating to emergency movements); and 67 Pa. Code § 179.13 (relating to permit services).

§ 179.10. General conditions.

The following conditions apply to permits issued under this chapter and the operation of permitted vehicles, if applicable:

(1) *Driver to carry permit and regulations.* Movement may not be started until a permit has been issued. The driver shall carry the permit and a copy of Form M-938 in the permitted vehicle and shall have these documents available for inspection by a police officer or representative of the Department. The permit may not be assigned or transferred to another person or carried by another person while operating under the permit.

(2) *Posted weight limits.* The permit may not supersede a lesser weight limit posted on a bridge or highway under authority of section 4902 of the act (relating to restrictions on use of highways and bridges); however, the permittee may apply to the Department or local authorities, whichever is responsible for the posting, for a permit to exceed the posted weight. The Department or local authorities may require security to cover the cost of repairs and restoration of any bridge or highway which they determine may be loaded in excess of its operating rating or otherwise damaged by the movement.

(3) *Scope of permit.* The granting of a permit may not be considered as a guarantee of the sufficiency of a highway or structure thereon for the load authorized.

(4) *Additional restrictions.* The permittee shall comply with applicable statutes and regulations of the Commonwealth and a political subdivision thereof, unless specifically exempted by the permit or its supplement.

(5) *Highway restrictions.*

(i) The permit shall authorize movement only on the roadway portion of highways specified in the permit which are under the jurisdiction of the Department. The permit does not authorize movement upon shoulders except in a highway work zone in which traffic is directed to travel off the roadway.

(ii) The permit is not valid for movement on the Pennsylvania Turnpike unless otherwise authorized in the act.

(iii) Permission shall be obtained from local authorities for the use of local roads and streets, which are listed in brackets or parentheses on the permit.

(iv) Permission shall be obtained from the National Park Service for travel on Traffic Route 209 between its intersection with TR 402 in Monroe County and TR 6 in Pike County. National Park Service phone numbers are listed on the permit application (Form M-936A).

(v) The permitted vehicle may deviate from the routing authorized in the permit only when specifically directed by a police officer exhibiting some sign of authority.

(6) *Inclement weather.* Movement under the permit shall be restricted during unfavorable weather or road conditions. For the purpose of this chapter, unfavorable weather or road conditions shall include:

(i) Snow covered highways until pavement has been plowed full width, icy pavements until highway has been cindered or salted;

(ii) Driving rain, fog, snow storm or other atmospheric conditions which restrict visibility to less than 1,000 feet.

(iii) Winds sufficient to cause the wheels of the (semi) trailer to deflect more than 6 inches from the path of the wheels of the drawing vehicle.

(7) *Restricted travel periods.*

(i) Unless exempted in this paragraph, movement under permit is not authorized during any of the following periods:

(A) Sunset to sunrise.

(B) Saturday, after 12 noon.

(C) Sunday.

(D) Holidays specified in this clause and the day preceding these holidays, unless otherwise specified in the permit:

New Year's Day—January 1.

Memorial Day—last Monday in May.

Independence Day—July 4.

Labor Day—first Monday in September.

Thanksgiving Day—fourth Thursday in November.

Christmas Day—December 25.

(ii) Except during the holiday periods listed in clause (D), movement under permit in urbanized areas is authorized 7 days a week only during the following time periods:

(A) 3 a.m. to 7:30 a.m.

(B) 9 a.m. to 4 p.m.

(C) 7 p.m. to sunset.

(D) 9 a.m. to 4 p.m. through the Fort Pitt, Squirrel Hill or Liberty Tunnels in Allegheny County.

(iii) When an oversize movement is made within an urbanized area between 3 a.m. and sunrise, the permitted vehicle and load shall be illuminated with additional lighting on all sides so as to be clearly visible from 1,000 feet in all directions. The movement shall be accompanied with pilot car escort, operated in accordance with paragraph (13).

(iv) Movement across a State highway may be authorized on days and hours during which movement along a State highway is prohibited under this paragraph, if the district traffic engineer approves the applicant's proposed days and hours of operation and its traffic control plan.

(v) The Department's Chief Engineer or the Central Permit Office or the State Police—Bureau of Patrol may exempt an oversize/ overweight movement from the travel period restrictions in this paragraph in the following instances:

(A) A movement certified by the Department of Defense as being essential to the national defense, provided the permitted vehicle is escorted by a following pilot car operated in accordance with paragraph (13)(ii).

(B) An emergency requiring immediate movement for the protection of life or property, when authorized in accordance with § 179.12 (relating to emergency movements).

(C) The Department determines that movement during authorized time periods is not feasible and that there will be a public benefit by authorizing the movement.

(8) *Invalidation of permit.* The permit shall be subject to confiscation by the violation of a condition specified therein or by the violation of this chapter. The permit shall be automatically invalidated by the giving of false information on the permit application.

(9) *Permit limited to single trip.*

(i) Unless otherwise provided in the act, this chapter or the permit, a permit shall be valid only for a single trip in one direction between the two points designated. The Department may authorize scheduled detours off of a limited access highway of up to 1 mile for service or rest, when requested on the application and specifically indicated on the permit. A single-trip permit expires after 5 authorized weekdays have lapsed, as specified on the permit.

(ii) The permit may not authorize a return trip unless requested and specifically indicated on the permit.

(10) *Liability.* The permittee shall pay any claim for personal injury or property damage arising out of his operation under the permit for which he

shall be determined to be legally responsible, and shall fully indemnify, defend—if requested—and save harmless the Commonwealth and any Department, officer and employe thereof from a suit, action or claim against them arising out of the operations.

(11) *Damage to highway.* The permittee shall repair at his own expense and to the satisfaction of the Department any overt damage to highways or structures which occurs in connection with operations under the permit.

(12) *Police escort.* An escort is required as follows:

(i) An escort by uniformed State Police or local police shall be required in the following instances:

(A) Buildings in excess of 16 feet in width.

(B) Super loads.

(C) The period while a provision of the act is being contravened.

(ii) An escort by Department personnel may also be required if conditions warrant.

(iii) If an escort by the State Police is necessary, the application shall be submitted to the Department to allow for the State Police to be notified by the Central Permit Office at least 24 hours prior to initial movement under the permit.

(13) *Pilot cars.*

(i) Pilot cars are required to accompany a permitted vehicle as outlined in this paragraph and as specified in the permit.

(A) *Length.* If the total length of the vehicle or combination, including a load on the combination, exceeds 90 feet, or if a load extends more than 15 feet beyond the rear of a combination, a pilot car shall follow the permitted vehicle on all highways to warn and direct traffic, especially in lane change areas. The pilot car may temporarily lead the permitted vehicle to direct traffic while the vehicle or combination is negotiating a sharp or right angle turn.

(B) *Width.* If the total width of the vehicle or combination including any load exceeds 13 feet:

(I) A pilot car shall follow the permitted vehicle to warn and direct traffic, when operating on highways having two or more lanes which carry traffic in the same direction as the permitted vehicle.

(II) On highways having only one lane which carries traffic in the same direction as the permitted vehicle, a pilot car shall precede the permitted vehicle to warn and direct traffic.

(III) A pilot car shall follow the permitted vehicle when accompanied by a police escort.

(C) *Height.* If the total height of the vehicle or combination, including a load, exceeds 14 feet, 6 inches, a pilot car shall precede the permitted vehicle by 1,000 feet to 3,000 feet on all highways, to detect critical overhead obstructions by means of a height pole or other height sensitizing

device. Affected public utilities shall be notified by the permittee at least 24 hours prior to the permitted movement to arrange for the relocation of affected wires.

(D) *Weight.* Pilot car requirements for overweight movements shall be as follows:

(I) If the permit requires the permitted vehicle to travel over bridges at reduced speeds, a pilot car shall follow the permitted vehicle to warn and direct traffic while the permitted vehicle is traveling at reduced speeds.

(II) If the permit requires the permitted vehicle either to be the only vehicle on a bridge span or to occupy more than one lane while crossing a bridge, pilot cars shall precede and follow the permitted vehicle on each such bridge which supports two directional traffic. A pilot car shall follow the permitted vehicle on each such bridge which supports one directional traffic.

(E) *Urbanized areas.* Pilot cars shall precede and follow an oversize permitted vehicle operating within an urbanized area during hours of darkness, as authorized in paragraph (7)(ii). A permitted vehicle not capable of maintaining 40 m.p.h. on limited access highways within an urbanized area may be authorized to operate on limited access highways within an urbanized area only from 9 a.m. to 4 p.m., when accompanied with a following pilot car.

(F) *Nonurbanized areas.* If the permitted vehicle or combination cannot maintain a minimum speed of 40 m.p.h. on limited access highways, a pilot car shall follow the permitted vehicle to warn and direct traffic.

(ii) *Operating requirements.*

(A) Pilot cars shall maintain visual and two-way radio contact with the permitted vehicle or combination during movement, except for intermittent interruptions which are not under the driver's control, such as terrain or traffic interruptions.

(B) Head lamps and rear lamps of a permitted vehicle or combination travelling with pilot car escort shall be illuminated during movement.

(C) Pilot cars shall be equipped with one or two flashing or revolving amber lights, in accordance with sections 4572 and 6107 of the act (relating to visual signals on authorized vehicles; and designation of authorized vehicles by department) and §§ 15.2 and 173.3 (relating to types of authorized vehicles; and display requirements). The flashing or revolving lights shall be continuously operated during movement.

(14) *Obstructed lighting equipment.* Whenever the rear running lights, stop lights, turn signals or hazard warning lights required by the act are obstructed by the load on a vehicle or by a towed vehicle or its load, lighting equipment shall be displayed on the rear of the towed vehicle or load equivalent to the obstructed lights or signals.

(15) *Sign requirements.*

(i) Clean yellow warning signs at least 7 feet wide by at least 18 inches high and containing only the words "OVERSIZE LOAD" in black letters at least 10 inches high with a 2-inch letter stroke, shall be mounted on the front of the permitted oversize vehicle and on the rear of the permitted oversize vehicle or load, unless otherwise specified in the permit.

(ii) When a pilot car is required in accordance with paragraph (13), a clean yellow warning sign at least 5 feet wide by at least 1 foot high containing only the words "OVERSIZE LOAD" in black letters at least 8 inches high shall be mounted on both the front and the rear of the pilot car.

(iii) When the load has been removed and the vehicle is no longer oversize, all "OVERSIZE LOAD" signs shall be removed or covered.

(16) *Flag requirements.* Points of excessive length (including an overlength vehicle or combination or a load extending more than 4 feet beyond the rear of a combination) and width, including an overwidth vehicle or a load extending beyond one or both sides of a vehicle or combination, shall be marked with clean, plain, red or fluorescent orange warning flags, at least 18 inches square.

(17) *Inspection report requirement.* The permittee shall carry with the permit:

(i) In the case of trucks, truck tractors and other motor vehicles not identified in subparagraph (ii), the last prior trip's vehicle inspection report which conforms with 49 CFR 396.11 (relating to driver vehicle inspection reports) as well as § 229.365 or § 231.365 (relating to driver vehicle inspection reports; and driver vehicle inspection reports).

(ii) In the case of special mobile equipment, implements of husbandry, trailers, semitrailers and dollies, a certification that the light systems, brake systems, tires, steering and coupling devices were checked within 7 days prior to the date of movement and are in good condition and safe for travel on the highways.

(18) *Convoys prohibited.* Except for military convoys, a permitted oversize vehicle may not travel within 1,000 feet of another permitted oversize vehicle traveling in the same direction.

(19) *Traffic build-up prohibited.* The permitted vehicle should not allow a build-up of traffic to the rear in excess of six vehicles unless there is no open road ahead. The permitted vehicle shall, at the first opportunity when and where it is reasonable and safe to do so and after giving appropriate signal, drive completely off the traveled portion of the highway and stop, to allow traffic build-up to pass safely.

(20) *Brake retarder required.* A motor vehicle operating along a State highway and having a Gross Weight above 80,000 pounds shall be equipped with an engine-brake retarder or an exhaust-brake retarder or a hydraulic-brake retarder to supplement the service brakes. The brake retarder shall be in good working order and shall be used by the driver as necessitated by traffic or

roadway conditions. A brake retarder is not required on a new motor vehicle while the vehicle is being tested by the vehicle manufacturer within a 15-mile radius of the place of manufacture or while the vehicle is in transit from the vehicle manufacturer to a purchaser or dealer outside this Commonwealth. The use of brake retarders may not be prohibited by a local authority unless prior written approval is obtained from the Department. If the Department denies written approval, a local authority may file an application for reconsideration under 1 Pa. Code § 35.241 (relating to application for rehearing or reconsideration).

Source

The provisions of this § 179.10 adopted June 4, 1976, effective June 5, 1976, 6 Pa.B. 1287; amended August 5, 1977, effective August 6, 1977, 7 Pa.B. 2192; amended April 25, 1980, effective May 1, 1980, 10 Pa.B. 1686; corrected May 9, 1980, effective May 1, 1980, 10 Pa.B. 1918; renumbered May 9, 1980, 10 Pa.B. 1918; amended January 20, 1984, effective March 21, 1984, 14 Pa.B. 224; amended October 11, 1985, effective October 12, 1985, 15 Pa.B. 3654; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364; amended May 14, 1993, effective August 13, 1993, except that paragraphs (15) and (20) are effective May 16, 1994, 23 Pa.B. 2334. Immediately preceding text appears at serial pages (133028) to (133032).

Notes of Decisions

Invalidation of Permit

Promulgation of a provision which operates to automatically invalidate a special permit for carrying weight in excess of maximum legal weight is not invalid, insofar as the Department of Transportation is authorized to prescribe conditions of permits and has the regulatory authority to confiscate permits when the holder is operating in violation of issued permits. *Commonwealth v. Pollock*, 606 A.2d 500 (Pa. Super 1992); appeal denied 619 A.2d 700 (Pa. 1993).

The Commonwealth may consider a special hauling permit void ab initio where a driver violates one of several conditions of the permit. *Department of Transportation v. Wasko*, 704 A.2d 1104 (Pa. Super. 1998).

Penalty for Violation of Permit

The automatic invalidation of an overweight permit by violation of the regulation in paragraph (8) is a penalty in and of itself and does not trigger all the penalties under the regulations, such as fines for being overweight. *Commonwealth v. Austin*, 459 A.2d 336 (Pa. 1983).

The Department of Transportation has the regulatory authority to confiscate permits when the holder is operating in violation of issued permits; confiscation is consistent with the legislative intent to protect the safety of highway users, promote efficient movement of traffic and protect the highways. *Commonwealth v. Pollock*, 606 A.2d 500 (Pa. Super. 1992).

The Department has the regulatory authority to confiscate permits when the holder is operating in violation of issued permits. *Commonwealth v. Pollock*, 606 A.2d 500 (Pa. Super. 1992).

The automatic invalidation of an overweight permit by violation of the safety regulations of 67 Pa. Code § 179.10(8) is a penalty in and of itself and does not trigger all the penalties under the regulations, such as fines for being overweight. *Commonwealth v. Austin*, 459 A.2d 336 (Pa. 1983).

Promulgation of a provision which operates to automatically invalidate a special permit for carrying weight in excess of maximum legal weight is not invalid, insofar as the Department of Transportation is authorized to prescribe conditions of operations under such permits which it deems neces-

sary to protect the safety of highway users, to promote the efficient movement of traffic, or to protect the highways. *Austin v. Commonwealth*, 442 A.2d 832 (Pa. Cmwlth. 1982).

Cross References

This section cited in 67 Pa. Code § 179.1 (relating to definitions); 67 Pa. Code § 179.12 (relating to emergency movements); and 67 Pa. Code § 179.14 (relating to single-trip special hauling book permits for oversize movements).

§ 179.11. Special vehicle—load restrictions.

(a) *Movement of mobile homes, modular housing units and undercarriages.* A mobile home, modular housing unit or modular housing undercarriage that does not exceed 80 feet in body length, 14 feet in width—except as authorized in paragraph (3)—and 14 feet, 6 inches, in height may be transported upon the highway subject to the following requirements:

(1) The towing hitch mechanism of a modular housing undercarriage or mobile home shall be equipped with two antisway devices whenever the total width exceeds 13 feet, unless operating on a highway section having a posted speed below 40 miles per hour. A modular housing undercarriage or mobile home which has at least four tandem axles with brakes on each wheel may operate on any highway without antisway devices.

(*Editor's Note:* The Department of Transportation waived enforcement of § 179.11(a)(1) at 30 Pa.B. 3051 (June 17, 2000).)

(2) The gross weight of the combination may not exceed the towing vehicle's registered gross combination weight or gross combination weight rating.

(3) A mobile home or modular housing unit may exceed 14 feet in width by no more than 6 inches total overhang at the roof eaves. The total width at the roof eaves may not exceed 14 feet, 6 inches. A roof eave overhang in excess of 3 inches shall be loaded to face the right side of the highway.

(4) A mobile home or modular housing unit which is found to exceed the 14-foot width limit specified in this subsection or the 14-foot, 6-inch total roof eave width limit provided in paragraph (3), will be authorized to operate upon the highway only for purposes of returning to the manufacturer or other location determined by the Department.

(b) *Movement of buildings.* A site-built building in excess of 14 feet in width may be moved a short distance upon a highway if the applicant's traffic control plan and proposed route are approved by the district office.

(c) *Movement of dozers.* A dozer with an attached blade in excess of 12 feet in width, but no wider than 15 feet, may be hauled upon the highway if a traffic protector guide rail device is securely fastened to the dozer.

Source

The provisions of this § 179.11 adopted June 4, 1976, effective June 5, 1976, 6 Pa.B. 1287; amended August 5, 1977, effective August 6, 1977, 7 Pa.B. 2192; renumbered May 16, 1981, 11 Pa.B. 1678; amended January 20, 1984, effective March 21, 1984, 14 Pa.B. 224; amended October 11,

1985, effective October 12, 1985, 15 Pa.B. 3654; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364; amended May 14, 1993, effective August 13, 1993, 23 Pa.B. 2334. Immediately preceding text appears at serial pages (175744) to (175745).

Cross References

This section cited in 67 Pa. Code § 179.1 (relating to definitions); and 67 Pa. Code § 179.14 (relating to single-trip special hauling book permits for oversize movements).

§ 179.12. Emergency movements.

(a) In the event of an emergency or accident affecting the public safety or convenience, such as a train derailment, under section 4964 of the act (relating to oral authorization following emergency or accident), authorization for an overweight or oversize movement may be granted prior to obtaining a permit, in accordance with the following criteria:

(1) If the necessity for an emergency movement arises between the hours of 8 a.m. and 4 p.m., other than on legal holidays, Saturdays and Sundays, the owner of the transporting equipment or the owner's agent shall, in advance of making a movement, contact the district permit office nearest to the point of

entry or point of origin in this Commonwealth, for a preassigned emergency movement authorization number. In the case of a super load, the applicant shall contact the central permit office to obtain authorization prior to movement.

(Editor's Note: For emergency movements at hours when permit offices are closed, the Pennsylvania Emergency Management Agency, not the Pennsylvania State Police, should be contacted at (800) HBG-PEMA or (717) 651-2001 prior to making any movement. Department personnel anticipate the promulgation of a regulatory amendment to Chapter 179 and will formalize changes to § 179.12(a)(2) at that time.)

(2) For emergency movements at hours when the permit offices are closed, the owner of the transporting equipment shall, prior to making any movement, telephone the State Police at (717) 783-1864, and provide satisfactory information on the nature of the emergency, the vehicle to be permitted and the route of travel.

(3) Within 72 hours of the movement, the owner of the transporting equipment shall apply for a permit at the district permit office nearest to the point of entry or point of origin in this Commonwealth, to cover the movement in the manner prescribed in § 179.9 (relating to issuance of permits).

(4) The AASHTO policy pertaining to emergency movement of the Federal Emergency Management Agency mobile homes shall govern the movement of these units to a declared disaster area.

(5) Road marches of military tracked vehicles may be authorized upon specified highways, in accordance with AASHTO policy.

(6) Return movement from an emergency or accident site during daylight hours is authorized, except during the holiday periods specified in § 179.10(7) (relating to general conditions).

(b) Consistent with Chapter 403 (relating to hazardous materials transportation), a permit may authorize an overweight combination to haul radioactive material. A permit may also authorize cask safety cushions to exceed the maximum width limits prescribed in section 4921 of the act (relating to width of vehicles), however the cask itself may not exceed the maximum length, width or height limits.

Source

The provisions of this § 179.12 adopted June 4, 1976, effective June 5, 1976, 6 Pa.B. 1287; amended August 5, 1977, effective August 6, 1977, 7 Pa.B. 2192; amended May 26, 1978, effective May 27, 1978, 8 Pa.B. 1471; renumbered May 16, 1981; amended January 20, 1984, effective March 21, 1984, 14 Pa.B. 224; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364; amended May 14, 1993, effective August 13, 1993, 23 Pa.B. 2334. Immediately preceding text appears at serial pages (175745) to (175746).

Cross References

This section cited in 67 Pa. Code § 179.8 (relating to permit application procedure); and 67 Pa. Code § 179.10 (relating to general conditions).

§ 179.13. Permit services.

A permit service that is registered with the Department under § 179.4 (relating to registration; surety bond and registration agreement) may obtain special hauling permits, Form M-936P, subject to the additional provisions in this section.

- (1) The permit service shall provide the applicant with a copy of the permit and Form M-938.
- (2) When applying for a special hauling permit:
 - (i) The permit service shall identify itself with its assigned registration identification number.
 - (ii) The permit service may not call the application into the permit office by telephone.
 - (iii) In lieu of item number five on the registration agreement, Form M-936RA, the permit service shall assure the Department that it will verify that each applicant has sufficient insurance coverage as specified in § 179.7 (relating to indemnification, insurance and security).
 - (iv) Wired applications shall be submitted in a format acceptable to the central permit office.
 - (v) The permit service is not authorized to make preliminary application for a superload.
- (3) A permit, including a permit to be retransmitted, may not be altered. Retransmitted permits shall be printed on paper at least 8 1/2 inches in width by 11 inches in length and shall contain readable print.
- (4) The permit service shall be responsible for the payment of permit fees as set forth in Chapter 19, Subchapter C of the act (relating to permits) and § 179.9 (relating to issuance of permits).
- (5) Payment shall be submitted within 3 work days after the permit service receives the permittee's copy of the permit, Form M-936P, or supplement, Form M-945S, or within 3 weeks if the permit service participates in the permit monthly billing system.

Source

The provisions of this § 179.13 adopted June 4, 1976, effective June 5, 1976, 6 Pa.B. 1287; amended August 5, 1977, effective August 6, 1977, 7 Pa.B. 2192; renumbered May 16, 1981, 11 Pa.B. 1678; amended January 20, 1984, effective March 21, 1984, 14 Pa.B. 224; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364; amended May 14, 1993, effective August 13, 1993, 23 Pa.B. 2334. Immediately preceding text appears at serial pages (175746) to (175747).

§ 179.14. Single-trip special hauling book permits for oversize movements.

- (a) *General.* Single-trip special hauling book permits shall be subject to applicable conditions, as may be specified in this chapter, including the provisions of §§ 179.7 and 179.10 (relating to indemnification, insurance and security; and general conditions), as well as those conditions listed in this section.
- (b) *Nonissuance.* Single-trip special hauling book permits may not be issued for:
 - (1) Movements which exceed the legal weight limitations set forth in Chapter 49, Subchapter C of the act (relating to maximum weights of vehicles).

(2) Vehicles having a gross weight in excess of their registered gross weight or, if the vehicle is registered to a dealer, the gross vehicle weight rating or gross combination weight rating.

(3) Return trips unless requested and specifically indicated on the book permit.

(c) *Limitations.* Movements in excess of 95 feet in length, 168 inches in width or 168 inches in height may not be made under this type of permit, except that a mobile home or modular housing unit having a total 6-inch roof eave overhang as authorized in § 179.11(a) (relating to special vehicle—load restrictions) may be moved under this type of permit.

(d) *Engineering district.* Book permits shall be used only when the move originates or terminates within the engineering district where the book was purchased.

(e) *Not transferable.* Book permits shall be used only by the permittee to which the book is issued; they are not transferable.

(f) *Time limits.* Book permits expire after 5 authorized weekdays have lapsed, as specified on the permit. In addition, each permit in a book of single-trip special hauling permits shall be used only prior to the expiration date on the front cover of the book.

(g) *Supplements.* Supplements will not be issued on single-trip special hauling book permits.

(h) *Information.* Before preparing each permit, the permittee shall furnish the appropriate engineering district permit office, orally, the information required on the permit.

(i) *Validation.* Upon approval of the routing and other pertinent information received, the permit will be validated by giving a code number which shall be inserted in the SPC section of the permit. The district permit office may validate the permit by calling the applicant collect after completing its review of the application.

(j) *Completion of permit.* Permits shall be completely filled in by typewriter or legible printing, in duplicate. Indelible ink shall be used. Incompleteness, alteration or erasures void the permit.

(1) To be eligible to receive a refund for a voided permit, persons shall submit a refund request, in writing, including both copies of the voided permit.

(2) Requests for refunds shall be postmarked or delivered to the appropriate district permit office on the same day the permit is validated.

(k) *Original permit.* The original permittee copy of the validated book permit shall be carried by the driver of the permitted vehicle. Photocopies or facsimile copies of book permits are not valid.

(l) *Office copy.* The originating office copy of the book permit shall be forwarded to the appropriate district permit office on the same day that the book permit is validated.

(m) *Suspension of privilege.* After providing an opportunity for a hearing to show cause why a suspension should not be imposed for a violation of this section, the Department may impose suspensions upon a person, applicant or permittee, including the employes, agents, officers, contractors, subcontractors, lessees, successors and assigns of the foregoing, according to this subsection, when, by substantial evidence, a violation is found to have occurred. Lack of intent is not a defense to a violation. Two violations of this section within 6 months constitute grounds for suspension for up to 3 months of the privilege of using single-trip special hauling book permits. During a suspension under this section, the permittee is restricted only from operating under authority of a book permit. An application may still be made for permits under § 179.8 (relating to permit application procedure). After a suspension under this section has been served, the applicant may again apply for permits under this section, unless otherwise suspended under §§ 179.16 and 179.18 (relating to penalties and enforcement; and sanctions for violations). Suspension of book permit privileges under this section does not relieve the permittee from other penalties that may be imposed under §§ 179.16 and 179.18.

(n) *Expiration date.* A book of permits expires 12 months from the date of issuance as indicated on the front cover of the book. Upon expiration, the permittee shall return unused permits in the book to the appropriate engineering district permit office.

(o) *Return of copies.* A book permit will not be issued to a person who has not returned appropriate copies of validated, voided or expired book permits.

Source

The provisions of this § 179.14 adopted June 4, 1976, effective June 5, 1976, 6 Pa.B. 1287; amended August 5, 1977, effective August 6, 1977, 7 Pa.B. 2192; amended April 25, 1980, effective May 1, 1980, 10 Pa.B. 1686; renumbered May 16, 1981, 11 Pa.B. 1678; amended January 20, 1984, effective March 21, 1984, 14 Pa.B. 224; amended October 11, 1985, effective October 12, 1985, 15 Pa.B. 3654; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364; amended May 14, 1993, effective August 13, 1993, 23 Pa.B. 2334. Immediately preceding text appears at serial pages (175747) to (175748).

Cross References

This section cited in 67 Pa. Code § 179.1 (relating to definitions); and 67 Pa. Code § 179.8 (relating to permit application procedure).

§ 179.15. Telecommunications vendor services.

The Department will allow a person to install and maintain telecommunications equipment, such as telefacsimile, in the district offices, as specified in this section.

(1) *Obtaining approval.* A person who wishes to install and maintain telecommunications equipment in one or more district offices shall submit its proposal to the central permit office.

- (2) *Department responsibilities.*
 - (i) The district permit office will arrange for the following:
 - (A) Assist with installation of telephone lines.
 - (B) A dedicated electrical outlet and power, 120 volts, 60 cycles, single phase, grounded.
 - (ii) The district permit office will provide the following:
 - (A) Personnel to operate equipment.
 - (B) Copies of permits transmitted over telecommunications equipment.
- (3) *Vendor responsibilities.* Vendor responsibilities are as follows:
 - (i) Annual fees are as follows:
 - (A) Prior to operating telecommunications equipment, the vendor shall provide the Department with a minimum annual fee, as indicated in Table 15-1.
 - (B) Prior to each successive anniversary date, the vendor shall provide the Department with a minimum annual fee as indicated in the current Table 15-1.
 - (ii) If the equipment of the vendor does not transmit more than the annual number of permits identified in Table 15-1, the Department will not assess additional permit handling fees.
 - (iii) If the equipment of the vendor does transmit more than the annual number of permits identified in Table 15-1, the vendor shall pay the Department \$2 for each additional permit.
 - (iv) The vendor shall make payment in full, to the central permit office within 30 days after receipt of the invoice of the Department.
 - (v) The vendor shall provide materials and supplies required by the central permit office, such as facsimile paper, coordinated furniture and self-addressed stamped envelopes for mailing copies of permits to the vendor.
 - (vi) The vendor shall, upon request, train district office employees on its equipment, at no cost to the Department.
- (4) *Termination of approval.* The Secretary may terminate approval to a vendor for cause on 30 days written notice. In this case, the annual fees will be retained by the Department on a pro rata basis.

TABLE 15-1

| <i>District</i> | <i>Annual Fee</i> | <i>Number of Permits Annual Fee Represents</i> |
|-------------------|-------------------|--|
| 1-0—Oil City | \$10,000 | 5,000 |
| 2-0—Clearfield | 2,000 | 1,000 |
| 3-0—Montoursville | 4,000 | 2,000 |
| 4-0—Dunmore | 6,000 | 3,000 |

| <i>District</i> | <i>Annual Fee</i> | <i>Number of Permits Annual Fee Represents</i> |
|---------------------|-----------------------|--|
| 5-0—Allentown | 6,000 | 3,000 |
| 6-0—King of Prussia | 10,000 | 5,000 |
| 8-0—Harrisburg | 14,000 | 7,000 |
| 9-0—Hollidaysburg | 4,000 | 2,000 |
| 10-0—Indiana | 4,000 | 2,000 |
| 11-0—Pittsburgh | 6,000 | 3,000 |
| 12-0—Uniontown | 6,000 | 3,000 |
| Total—All Districts | \$72,000 | 36,000 |

Source

The provisions of this § 179.15 adopted June 4, 1976, effective June 5, 1976, 6 Pa.B. 1287; amended August 5, 1977, effective August 6, 1977, 7 Pa.B. 2192; amended May 26, 1978, effective May 27, 1978, 8 Pa.B. 1471; amended April 25, 1980, 10 Pa.B. 1686; renumbered May 16, 1981, 11 Pa.B. 1678; amended January 20, 1984, effective March 21, 1984, 14 Pa.B. 224; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364; amended May 14, 1993, effective August 13, 1993, 23 Pa.B. 2334; amended September 2, 2011, effective September 3, 2011, 41 Pa.B. 4772. Immediately preceding text appears at serial pages (229756) to (229758).

§ 179.15a. Seasonal/annual permits.

(a) *Construction truck permits.* In accordance with section 4970(b) of the act (relating to permit for movement of construction equipment), an annual permit may be issued for certain construction trucks to exceed the maximum gross weight established in section 4941(c) of the act (relating to maximum gross weight of vehicles) and the maximum axle weights established in section 4943(a) of the act (relating to maximum axle weight of vehicles), subject to the requirements of this subsection.

(1) *Permit limitations.* A permit will only be issued to a construction truck which:

- (i) Is engaged in construction operations.
- (ii) Was registered in this Commonwealth or another state on October 10, 1980.
- (iii) Is registered at a gross weight of 73,280 pounds if a four-axle truck.

(2) *Authorization of travel.* A permit issued to a construction truck will authorize travel on any State highway in the counties listed in the permit, including bridges on those highways, except:

- (i) On a highway not under the jurisdiction of the Department.
- (ii) On an Interstate highway.
- (iii) On a posted highway or bridge.
- (iv) On a highway or portion of highway or on a bridge specifically prohibited in the permit.

- (v) With a gross weight in excess of 68,000 pounds on a three-axle truck.
- (vi) With a gross weight in excess of 73,280 pounds on a four-axle truck.
- (vii) With tandem axle weights on a four-axle truck in excess of 21,400 pounds per individual axle or 60,000 pounds for a group of three-tandem axles.
- (viii) With tandem axle weights on a three-axle truck in excess of 26,000 pounds per individual axle.
- (ix) With a weight on an axle in excess of the rated axle capacity of the manufacturer.

(3) *Submission of application.* Each applicant for an annual construction truck permit shall submit to the Central Permit Office, at least 30 days in advance of the permit, the following:

- (i) Application forms M-936A and M-936AS for each construction truck, containing the following additional information:
 - (A) The county for which the construction truck permit is desired.
 - (B) The type of load to be hauled.
 - (C) The maximum gross weight and axle weights that the construction truck will carry when moving upon the highway.
 - (D) The rated axle capacities of the manufacturer.
 - (E) The truck's current registration class.
 - (F) The vehicle identification number (VIN).

(ii) Upon review and approval of each application, the Central Permit Office will advise the applicant of the check amount that is required:

- (A) To cover the \$50 permit fee.
- (B) To cover the difference between each three-axle truck's current registration class fee and the fee for the registration class within which the construction truck will be authorized to operate by the permit.

(b) *Special mobile equipment permits.*

(1) An annual Special Mobile Equipment (S.M.E.) permit may be issued to a vehicle registered as special mobile equipment, authorizing movement upon highways in accordance with this section.

(2) An S.M.E. permit will authorize special mobile equipment to operate with individual axle weights up to 21,400 pounds, if the following conditions are met:

- (i) The vehicle's length, width or height does not exceed the maximum limits specified in sections 4921—4925 of the act (relating to width, height and length).
- (ii) The vehicle's gross weight does not exceed 73,280 pounds.
- (iii) None of the vehicle's axle weights exceed the manufacturer's rated axle capacity.

- (3) Applicants for an S.M.E. permit shall submit a properly completed application (Form M-936A) and supplemental application (Form M-936AS) to the district office of the Department with a certified check or money order in the appropriate amount.
- (4) An S.M.E. permit may not authorize travel on any of the following:
- (i) A highway not under the jurisdiction of the Department.
 - (ii) A posted highway or bridge.
- (5) An S.M.E. permit may also be issued under this subsection to an unloaded motor vehicle having weights and sizes which do not exceed the limits under this subsection but which do not otherwise qualify for registration as S.M.E.
- (c) *Implement of husbandry permits.* A seasonal permit may be issued for certain implements of husbandry, to operate from sunrise to sunset, as follows:
- (1) A 90-day permit may be issued for an implement of husbandry which does not exceed 10 feet in width, authorizing movement along limited access highways, provided the permitted vehicle maintains a minimum speed of 40 miles per hour.
 - (2) A 90-day permit may be issued for an implement of husbandry wider than 174 inches but not exceeding 16 feet in width, authorizing movement upon State highways, other than limited access highways.
- (d) *Military vehicle permits.* A free 30-day permit may be issued to the Department of the Army, authorizing nondivisible oversize or overweight movement by a military vehicle convoy upon specified Interstate and State highways.
- (e) *Governmental vehicle permits.* A free annual permit may be issued to a vehicle owned by a governmental entity, authorizing nondivisible oversize or overweight movement upon State highways.

Source

The provisions of this § 179.15a adopted March 6, 1981, effective March 7, 1981, 11 Pa.B. 811; corrected May 20, 1983, effective July 11, 1981, 13 Pa.B. 1721; amended January 20, 1984, effective March 21, 1984, 14 Pa.B. 224; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364; amended May 14, 1993, effective August 13, 1993, 23 Pa.B. 2334. Immediately preceding text appears at serial pages (133040) to (133042).

Cross References

This section cited in 67 Pa. Code § 179.9 (relating to issuance of permits).

§ 179.15b. [Reserved].

Source

The provisions of this § 179.15b adopted August 20, 1982, effective August 21, 1983, 12 Pa.B. 2797; reserved January 20, 1984, effective March 21, 1984, 14 Pa.B. 224. Immediately preceding text appears at serial pages (82398) and (73549).

§ 179.16. Penalties and enforcement.

(a) *General rule.* A violation of this chapter or a permit shall be authority for the officer to confiscate the permit and for imposition of any or all of the following penalties:

- (1) Such fines, imprisonment and other penalties as are provided by law.
- (2) Revocation of the registration of the applicant under § 179.6 (relating to revocation of registration).
- (3) Confiscation of the special hauling permits of the applicant by a police officer or representative of the Department.
- (4) Refusal by the Department to issue future special hauling permits or to permit future registration under § 179.5 (relating to issuance of registration agreement).
- (5) Removal of a registered person from the monthly billing system.

(b) *Determination of amount of overweight.*

- (1) *Weight in excess of permitted weight.* If a vehicle or combination operating under a permit is found to have a weight in excess of the permitted axle or gross weight, the amount of overweight is determined by subtracting from the actual weight the greater of the permitted weight or the maximum weight authorized by Chapter 49, Subchapter C of the act (relating to maximum weights of vehicles).

Example 1 (Legal axle exceeds permit axle)

| | | | |
|---------------|--------|---------|--------------------------|
| Scale Weight | 16,000 | 16,000 | (Scale Weight) |
| Permit Weight | 14,000 | -18,000 | (Greater Weight = Legal) |
| Legal Weight | 18,000 | - 2,000 | (No Fine) |

Example 2 (Permit axle exceeds legal axle)

| | | | |
|---------------|--------|---------|---------------------------|
| Scale Weight | 26,000 | 26,000 | (Scale Weight) |
| Permit Weight | 24,000 | -24,000 | (Greater Weight = Permit) |
| Legal Weight | 18,000 | + 2,000 | (Amount Overweight) |

Example 3 (Legal gross exceeds permit gross)

| | | | |
|---------------|--------|---------|--------------------------|
| Scale Weight | 90,000 | 90,000 | (Scale Weight) |
| Permit Weight | 75,000 | -80,000 | (Greater Weight = Legal) |
| Legal Weight | 80,000 | +10,000 | (Amount Overweight) |

Example 4 (Permit gross exceeds legal gross)

| | | | |
|---------------|--------|---------|---------------------------|
| Scale Weight | 90,000 | 90,000 | (Scale Weight) |
| Permit Weight | 84,000 | -84,000 | (Greater Weight = Permit) |
| Legal Weight | 80,000 | + 6,000 | (Amount Overweight) |

(2) *Other permit violations.* If any vehicle or combination operating under a permit to exceed weight limits is found to be operating off the approved route indicated in the permit, the amount of overweight is determined as if there were no permit.

Source

The provisions of this § 179.16 adopted August 5, 1977, effective August 6, 1977, 7 Pa.B. 2192; amended April 25, 1980, effective May 1, 1980, 10 Pa.B. 1686; renumbered May 16, 1981, 11 Pa.B. 1678; amended January 20, 1984, effective March 21, 1984, 14 Pa.B. 224; readopted December 2, 1988, effective December 3, 1988, 18 Pa.B. 5364. Immediately preceding text appears at serial pages (125309) to (125310).

Notes of Decisions

The fines assessed under the Vehicle Code for operating overweight vehicles without a permit were not proper when special permits had been obtained. *Commonwealth v. J. F. Lomma, Inc.*, 590 A.2d 342 (Pa. Super. 1991).

Where a party has an overweight permit authorizing the party to haul overweight loads over a specific route, a penalty imposed on that party's hauling of an overweight load over an unauthorized route shall be imposed under 75 Pa.C.S. § 4945, not under 75 Pa.C.S. § 4907. *Commonwealth v. Liver*, 520 A.2d 56 (Pa. Super. 1987).

An initial administrative review by the Department of Transportation is not required under this section, which clearly states that the violation of any regulation under the Vehicle Code would invalidate the special permit and constitute grounds for prosecution. *Austin v. Commonwealth*, 442 A.2d 832 (Pa. Cmwlth. 1982). Vacated on other grounds see 459 A.2d 336 (Pa. 1983).

Cross References

This section cited in 67 Pa. Code § 179.1 (relating to definitions); and 67 Pa. Code § 179.14 (relating to single-trip special hauling book permits for oversize movements).

§ 179.17. [Reserved].**Source**

The provisions of this § 179.17 adopted April 25, 1980, effective May 1, 1980, 10 Pa.B. 1686; renumbered May 16, 1981, 11 Pa.B. 1678; reserved January 20, 1984, effective March 21, 1984, 14 Pa.B. 224. Immediately preceding text appears at serial page (73550).

§ 179.18. Sanctions for violations.

(a) *Suspension after hearing.* After providing an opportunity for a hearing to show cause why a suspension should not be imposed for a violation of a permit, the registration agreement, this chapter or the act, the Department may impose suspensions upon a person, applicant, permittee or permit service, including the employes, agents, officers, contractors, subcontractors, lessees, successors and assigns of the foregoing, according to the following schedule, when, by substantial evidence, a violation is found to have occurred. Lack of intent is not a defense to a violation.

(b) *Schedule.*

| <i>Violation Category</i> | <i>Period of Suspension</i> | | |
|--|-----------------------------|--------------------------|---|
| | <i>First Violation:</i> | <i>Second Violation:</i> | <i>Third and Subsequent Violations:</i> |
| (1) Fabricating or displaying an altered, forged or counterfeited permit. | up to 3 months | 3 months to 6 months | 6 months to 12 months |
| (2) Aiding or abetting another person's attempt to avoid a suspension. | up to 3 months | 3 months to 6 months | 6 months to 12 months |
| (3) Operating during a period of suspension. | up to 6 months | 6 months to 12 months | 12 months to 36 months |
| (4) Bribing or attempting to bribe a Commonwealth employe. | up to 6 months | 6 months to 12 months | 12 months to 36 months |
| (5) Giving a Commonwealth employe a gift, gratuity, entertainment, loan, favor or other thing of monetary value. | up to 3 months | 3 months to 6 months | 6 months to 12 months |
| (6) Other violations of the act. | up to 2 months | 2 months to 4 months | 4 months to 6 months |
| (7) Other violations of a permit, the registration agreement or this chapter. | up to 1 month | 1 month to 2 months | 2 months to 3 months |

(c) *Second, third and subsequent violations.* Second, third and subsequent violations will be determined on the basis of previous violations of the same violation category committed within a 4-year period. A second, third or subsequent violation will be deemed a first violation if the most recent, previous violation of the same category occurred more than 4 years prior to the date of the second, third or subsequent violation. If a second, third or subsequent violation of the same category occurs within 4 years of the most recent, previous violation, it will be deemed a second, third or subsequent violation, regardless of when other previous violations occurred.

(d) *Multiple violations.* In the case of multiple violations considered at one time, the Department may direct that the imposed suspension be served concurrently or consecutively. The Department may also impose a revocation upon the applicant's registration agreement, under § 179.6 (relating to revocation of registration), to run concurrently or consecutively with a suspension, if a violation involves a permit obtained by wire. The Department may also deem any number of several violations committed during a proximate period of time, or in the same course of misconduct, to constitute one or more violations, if the Department determines that sufficient mitigating or aggravating circumstances are present.

(e) *Appeal of Secretary's Order.* A person may appeal a final order of suspension under 2 Pa.C.S. §§ 701—704 (relating to judicial review of Commonwealth agency action) within 30 days after issuance of the final order by the Secretary.

(f) *Suspension without hearing.*

(1) Without providing a hearing, the Department may immediately suspend a person from obtaining permits or operating under permit authority for failure to pay a fee authorized under the act or this chapter, until proper payment is received.

(2) Without providing a hearing, Department personnel and law enforcement personnel may immediately confiscate an altered, forged, or counterfeited permit, or a permit used in violation of its terms and conditions.

(g) *Reinstatement.* After a suspension under this section has been served, and the penalties and fees have been paid, the applicant may again apply for permits under this chapter.

Source

The provisions of this § 179.18 adopted May 14, 1993, effective August 13, 1993, 23 Pa.B. 2334.

Cross References

This section cited in 67 Pa. Code § 179.1 (relating to definitions); and 67 Pa. Code § 179.14 (relating to single-trip special hauling book permits for oversize movements).

[Next page is 181-1.]