

Rule Signature Page

Rule #: LSA Document No. 13-569(E)
Agency: Indiana Department of Transportation
Subject: Emergency Rule Regarding Issuance and Fee Structure for Permits for
Certain Overweight Loads

ADOPTED:

By: Karl B. Browning Date: 12.26.13
Karl B. Browning
Commissioner
Indiana Department of Transportation

ACCEPTED FOR FILING:

By: . TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION _____
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1 LSA Document #13-569(ER)

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TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

Emergency Rule LSA Document #13-XX(E)

DIGEST

Emergency rule temporarily adding noncode provisions to maintain and revise current process for issuance and fee structure of permits for certain overweight loads, and to supplement 105 IAC 10-3. Effective January 1, 2014.

Sec. 1. As used in this document, the terms “equivalent single axle load” or “ESAL)”, “the department”, “overweight divisible load” or “divisible load”, and “trip” shall have the meaning set forth in 105 IAC § 10-3-1.

Sec. 2. This section supplements the rules for special weight permits contained in 105 IAC 10-2. (b) A vehicle or combination of vehicles having a total gross weight greater than eighty thousand (80,000) pounds but less than one hundred thirty-four thousand (134,000) pounds must obtain a special weight permit for each trip on an extra heavy duty highway. The fee for this special weight permit is forty-one dollars and fifty cents (\$41.50).

Sec. 3. (a) The fees for nondivisible load permits issued under IC 9-20-6 to exceed the legal weight limit are as follows:

(1) A trip permit, twenty dollars (\$20).

(2) A mileage fee, which is in addition to the trip permit fee in subdivision (1), to be calculated for that part of the gross weight exceeding eighty thousand (80,000) pounds as follows:

(A) For loads greater than eighty thousand (80,000) pounds but not more than one hundred eight thousand (108,000) pounds, thirty-five cents (\$0.35) per mile.

(B) For loads greater than one hundred eight thousand (108,000) pounds but not more than one hundred fifty thousand (150,000) pounds, sixty cents (\$0.60) per mile.

(C) For loads greater than one hundred fifty thousand (150,000) pounds, one dollar (\$1) per mile.

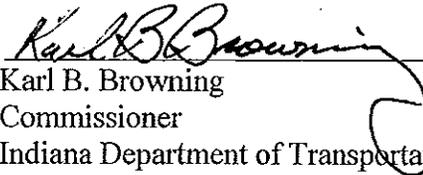
(b) If an application for a nondivisible load permit involves transporting heavy vehicles or loads, or other objects, that exceed the legal length, width, or height limit and that also exceed the legal weight limit in the same movement, the applicant shall pay only the greater of the two (2) fees established in this section 3 or under IC § 9-29-6-2, and the issuing officer or body shall issue a single oversize-overweight permit. The fee for a ninety (90) day permit described in IC 9-20-6-2(c)(3) is two hundred dollars (\$200).

Sec. 4. Sections 1-3 of this document are effective January 1, 2014.

Rule Signature Page

Rule #: LSA Document No. ~~13-568~~(E)
Agency: Indiana Department of Transportation
Subject: Emergency Rule Regarding Issuance, Fee Structure and Enforcement for
Permits for Overweight Divisible Loads

ADOPTED:

By:  Date: 12.26.13
Karl B. Browning
Commissioner
Indiana Department of Transportation

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TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

Emergency Rule LSA Document #13-XX(E)

DIGEST

Adds 105 IAC 10-3 and 105 IAC 10-4 for issuance, fee structure and enforcement of permits for overweight divisible loads for specified commodities. Effective January 1, 2014.

105 IAC 10-3

SECTION 1. 105 IAC 10-3 IS ADDED TO READ AS FOLLOWS:

Rule 3. General Provisions and Requirements for Overweight Load Permits.

105 IAC 10-3-1 Definitions

Authority: IC 8-23-2-6; IC 9-29-6-13

Affected: IC 8-23-2-1; IC 9-13-2-120.7; IC 9-29-6

Sec. 1. The following definitions shall apply throughout this article:

(1) "Agricultural commodities" means agricultural output products (such as corn, beans, wheat, oats, and bulk milk) being transported in their most basic, original form from the farm or from storage to market or for processing. The term does not include processed items no longer in original form (such as corn syrup, oils, or flour) and input materials used in the production of agriculture products (such as fertilizer or seed).

(2) "Axle group" means any number of individual axles that are within eight (8) feet of any other individual axle. Any axle spacing of more than eight (8) feet terminates one axle group and begins a new axle group.

(3) "Department" means the Indiana department of transportation as established in IC 8-23-2-1. As used in this article, "department" means the Indiana department of transportation acting directly or through its authorized representative.

(4) "Equivalent single axle load" or "ESAL" means the known, quantifiable, and standardized amount of damage to highway pavement structures equivalent to one (1) pass of a single eighteen thousand (18,000) pound dual tire axle, with all four (4) tires on the axle inflated to one hundred ten (110) pounds per square inch (psi).

(5) "Gross axle weight" or "GAW" means the total weight supported by each of a vehicle's individual axles.

(6) "Metal commodities" means output products from metal producing industries (such as metal coils, rods, plates, or raw metal products) being transported in their most basic, original form from a mill or from storage to market for processing. The term does not include manufactured parts being transported from a manufacturer or a supplier to another customer and input materials used in the production of metal commodities (such as ore or scrap metal).

(7) "Motor carrier services division" or "MCSA" means the motor carrier services division of the department of state revenue.

(8) “Overweight divisible load” or “divisible load” has the meaning set forth in IC 9-13-2-120.7.

(9) “Trip” means a single journey for a single vehicle from a designated point of origin to a designated destination.

(10) “Vehicle” means the combination of the truck or tractor power unit and the trailer or other conveyance bearing the divisible or non-divisible load.

(Indiana Department of Transportation; 105 IAC 10-3-1)

105 IAC 10-3-2 Calculation of ESAL Values

Authority: IC 8-23-2-6; IC 9-29-6-13

Affected: IC 9-29-6

Sec. 2. (a) The ESAL value for each axle group shall be calculated as follows.

- (1) The ESAL value for each axle shall be calculated as the actual axle weight, divided by the axle group divisor (as defined in subdivision (4), below), all raised to the fourth power ((weight/divisor)⁴). (See the sample equation shown in Figure 1.)
- (2) The numerator for each axle group is the sum of the gross axle weights of all individual axles within that axle group, or the combined GAW.
- (3) The divisor for each axle group depends on the number of axles in the group.
- (4) Divisors shall be as follows:
 - (A) If the axle group consists of a single axle, the divisor is eighteen thousand (18,000) pounds.
 - (B) If the axle group consists of a tandem axle (that is, two (2) individual axles), the divisor is thirty-three thousand two hundred (33,200) pounds.
 - (C) If the axle group consists of a tridem axle (that is, three (3) individual axles), the divisor is forty-six thousand (46,000) pounds.
 - (D) If the axle group consists of a quad axle (that is, four (4) individual axles), the divisor is fifty-seven thousand (57,000) pounds.
 - (E) If the axle group consists of a quintuple axle (that is, five (5) individual axles), the divisor is sixty-five thousand (65,000) pounds.
- (5) The resultant fraction quantity is raised to the fourth power.

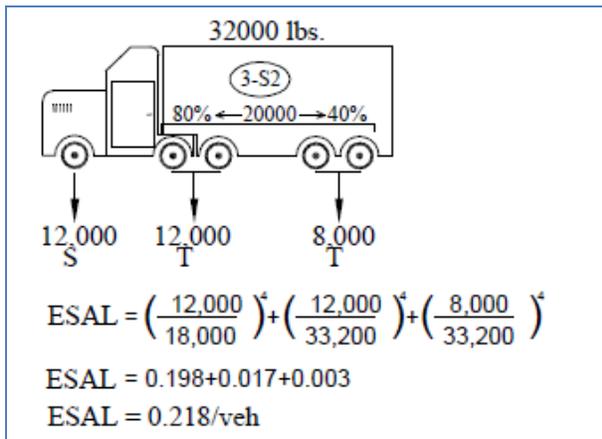
Figure 1. Examples of calculations for a single axle and a tandem axle.

$$\text{ESAL}_{\text{SINGLE AXLE}} = \left(\frac{W_{\text{SINGLE AXLE}}}{18,000 \text{ lbs.}} \right)^4$$
$$\text{ESAL}_{\text{TANDEM AXLE}} = \left(\frac{W_{\text{TANDEM AXLE}}}{33,200 \text{ lbs.}} \right)^4$$

Where: W = Gross axle weight (GAW).

(b) ESAL value for the sum of all axles of the vehicle shall be calculated as follows: (ESAL=Axle1 ESAL+Axle2 ESAL+Axle3 ESAL+...AxleN ESAL). (See the sample calculation shown in Figure 2.) The total vehicle ESAL value is the sum of all axle group ESAL values.

Figure 2. Example of calculation of total vehicle ESAL value.



(c) This section shall apply to all calculations of ESAL values throughout this article.
(Indiana Department of Transportation; 105 IAC 10-3-2)

105 IAC 10-3-3 Permit requirements

Authority: IC 8-23-2-6; IC 9-29-6-13

Affected: IC 9-29-6

Sec. 3. (a) The department shall set the maximum weight of a vehicle that may be permitted with any overweight load permit (whether divisible or nondivisible). The maximum weight may not exceed the following limitations:

- (1) The GAW of the front axles of the truck or tractor power unit shall not exceed:
 - (A) seventeen thousand six hundred (17,600) pounds, or
 - (B) eight hundred (800) pounds per inch of tire width measured at the flanges

whichever is less.

- (2) The GAW of all axles other than front axles shall not exceed twenty thousand (20,000) pounds, unless:
 - (A) the vehicle will operate solely on interstate highways, U.S. highways, or other four lane state highways under the permit; or
 - (B) if necessary, a vehicle may travel over a two lane state highway to the nearest interstate, U.S. Highways or four lane state highway to reach the permitted destination(s).

In such cases, one (1) tandem axle group may have a GAW of up to forty-eight thousand (48,000) pounds (that is, two (2) axles, each with a GAW not more than twenty-four thousand (24,000) pounds). However, under no circumstances shall the weight carried by any tire exceed eight hundred (800) pounds per inch of tire width measured at the flanges.

- (3) The individual axle weight in any axle group shall not vary from other axles in same group by more than two thousand (2,000) pounds.
- (4) All tires shall be pneumatic, and no tires shall be permitted to carry a weight greater than that of any tire's manufacturer rated maximum weight.

(b) The department shall set axle spacing requirements for vehicles that may be permitted with any overweight load permit (divisible or nondivisible). The axle spacing on any vehicle for which any overweight load permit is issued shall meet all of the following requirements:

- (1) **Minimum inner bridge spacing:** The inner bridge spacing (the sum of all wheelbases) excluding the front axle shall be at least thirty-six (36) feet.

(2) **Minimum outside wheelbase:** The outside wheelbase (the sum of all wheelbases) shall be at least fifty-one (51) feet.

(3) Vehicles for which a divisible or nondivisible overweight permit is issued shall have a minimum of five (5) axles. For loads greater than one hundred thousand (100,000) pounds, the vehicle shall have a minimum of six (6) axles.

(4) No axle may be spaced less than three (3) feet, six (6) inches from any other axle.

(c) In order to be eligible to receive an overweight load (divisible or nondivisible) permit, the department shall require that vehicles conform to the following criteria:

(1) All trucks or tractor power units shall have tandem or tridem rear suspensions.

(2) Each axle shall have fully functional brakes manufacture rated for loads at or in excess of the permitted axle loads, and all brakes or braking systems must comply with all other federal requirements (including 49 CFR 393.52).

(3) The truck or tractor power unit shall be capable of pulling the permitted load at the legal speed limit for all portions of the specified permitted route.

(Indiana Department of Transportation; 105 IAC 10-3-3)

SECTION 2. 105 IAC 10-4 is added to read as follows:

Rule 4. Divisible Load Permits.

105 IAC 10-4-1 Purpose; applicability

Authority: IC 8-23-2-6; IC 9-29-6-13

Affected: IC 9-29-6

Sec. 1. (a) The purpose of this rule is to establish procedures for issuance, fees, and enforcement of overweight divisible load permits for specified commodities as defined herein.

(b) Whenever the department grants an overweight divisible load permit, the permitted commodities making up the load shall consist exclusively of either:

(1) metal commodities weighing between eighty thousand (80,000) pounds and one hundred twenty thousand (120,000) pounds; or

(2) agriculture commodities weighing between eighty thousand (80,000) pounds and ninety-seven thousand (97,000) pounds.

Permits issued by or on behalf of the department pursuant to this rule shall apply to specified interstate, U.S. and state routes or highways only. Any travel of overweight divisible loads over local routes or highways must be permitted separately by the affected local governments.

(Indiana Department of Transportation; 105 IAC 10-4-1)

105 IAC 10-4-2 Permit duration

Authority: IC 8-23-2-6; IC 9-29-6-13

Affected: IC 9-29-6

Sec. 2. (a) Beginning on February 1, 2014, the department may grant an annual, multi-trip permit for:

(1) divisible loads containing:

(A) agricultural commodities weighing between eighty thousand (80,000) pounds and ninety-seven thousand (97,000) pounds; and

(B) having a total vehicle ESAL value of less than or equal to two and four tenths (2.4) total ESALs; or

(2) divisible loads containing:

(A) metal commodities weighing between eighty thousand (80,000) pounds and one hundred twenty thousand (120,000) pounds; and

(B) having a total vehicle ESAL value of less than or equal to two and four tenths (2.4) total ESALs.

Any such annual permits shall be issued solely to a specific vehicle (including a specific truck or tractor power unit with a specific trailer configuration), and for a specified route, for multiple days up to the assigned expiration date. Annual permits are valid for a period of one (1) year from the issue date.

(b) A single trip permit shall be assigned to the truck or tractor power unit, per trip, per configuration, per route for all loads greater than two and four tenths (2.4) ESALs.

(Indiana Department of Transportation; 105 IAC 10-4-2)

105 IAC 10-4-3 Permit fee schedule

Authority: IC 8-23-2-6; IC 9-29-6-13

Affected: IC 8-14-1; IC 9-29-6

Sec. 3. (a) Except as otherwise ordered by the commissioner of the department, all permit fees collected from issuance of divisible load permits will be transferred to the department's portion of the motor vehicle highway account (as established in IC 8-14-1) to assist in defraying costs of repairs or replacement of the road and bridge infrastructure consumed through use of overweight divisible loads with ESAL values in excess of two and four tenths (2.4) ESALs.

(b) For each permit issued under this rule, an applicant shall pay a twenty dollar (\$20) administrative fee in addition to other permit fees as provided under this section.

(c) Divisible load permit fees shall be calculated as follows:

(1) A legal eighty thousand (80,000) pound, five (5) axle tractor trailer is measured to have an ESAL value of approximately two and four tenths (2.4) ESALs. Loads exceeding eighty thousand (80,000) pounds require divisible or non-divisible overweight permits and will be charged for all additional ESALs in excess of two and four tenths (2.4) ESALs on a per mile basis.

(2) Permitted ESALs for a given permit shall be the total vehicle ESAL value of the permitted vehicle minus the two and four tenths (2.4) ESALs allowed by a legal load without a permit (ESAL - 2.4).

(3) ESAL miles are the permitted ESAL value multiplied by the miles to be driven on the route specified in the permit. ((ESAL-2.4) x miles traveled).

(4) The total fee for an individual trip permit will be the administrative fee of twenty dollars (\$20) plus seven cents (\$0.07) per ESAL mile above the allowed two and four tenths (2.4)ESALs. ($\$20 + ((\$0.07) \times (\text{ESAL} - 2.4) \times (\text{miles traveled}))$). See a sample calculation of permit fee in Figure 3.

(5) Annual multitrip permits for vehicles greater than eighty thousand (80,000) pounds and less than two and four tenths (2.4) total vehicle ESALs shall be issued at a zero (0) ESAL-mile fee and the twenty dollar (\$20) administrative fee.

Figure 3. Example of calculation of total permit fee.

For an overweight vehicle with a calculated ESAL value of **4.0** that is going to travel **250** miles:

$$= \$20 \text{ admin fee} + (\$0.07/\text{ESAL mile}) \times (4.0 \text{ ESALs} - 2.4 \text{ ESAL credit}) \times 250 \text{ miles}$$

$$\text{Simplifying } 4.0 - 2.4 = 1.6$$

$$= \$20 \text{ administrative fee} + (\$0.07/\text{ESAL mile}) \times (1.6 \text{ ESALs}) \times 250 \text{ miles}$$

$$\text{Simplifying } .07 \times 1.6 \times 250 = 28$$

$$= \$20 + \$28$$

$$= \underline{\$48}$$

(d) All permit fees shall be rounded up to the nearest dollar.
(Indiana Department of Transportation; 105 IAC 10-4-3)

105 IAC 10-4-4 Enforcement; penalties for noncompliance

Authority: IC 9-29-6-13; IC 8-23-2-6

Affected: IC 9-29-6-0.5; IC 9-29-6-1; IC 9-29-6-3; IC 9-29-6-10

Sec. 4. (a) Any permit violation will invalidate the current permit in its entirety, and the permitted load must be made legal prior to further movement by dividing the load or by transferring the load to a legal configuration, or by making any needed repairs to the vehicle.

(b) Permit invalidation and refusal of future permits for noncompliance. Any permit violation may disqualify the permittee from applying for a new permit for a period of thirty (30), ninety (90), and three hundred sixty-five (365) calendar days for the first, second, and third violation, respectively.

(Indiana Department of Transportation; 105 IAC 10-4-4)