

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

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ALL Districts

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §28.002 and §28.004, relating to Oversize and Overweight Vehicles and Loads to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments, attached to this minute order as exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §28.002 and §28.004, are adopted and are authorized for filing with the Office of Secretary of State.

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

Submitted and reviewed by:

DocuSigned by:

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Director, Maintenance Division

Recommended by:

DocuSigned by:

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Executive Director

116881 January 30, 2025

Minute Number	Date Passed
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Adopted Preamble

2 The Texas Department of Transportation (department) adopts the
3 amendments to §28.2 and new §28.4 concerning Oversize and
4 Overweight Vehicles and Loads. The amendments to §28.2 and new
5 §28.4 are adopted without changes to the proposed text as
6 published in the November 15 2024 issues of the *Texas Register*
7 (49 TexReg 9198) and will not be republished.

8

9 EXPLANATION OF ADOPTED AMENDMENTS

10 After the legislature's creation of the Texas Department of
11 Motor Vehicles (DMV), some of the department's duties and rules
12 were transferred to the DMV, including the provision relating to
13 permits issued for the movement of oversize vehicles on
14 specified holidays. The DMV recently identified that it does
15 not have the statutory authority for such a provision and is in
16 the process of changing its rules to delete the provision. The
17 statutory authority to place holiday restrictions on oversize
18 and overweight vehicles was not changed by the transfer of
19 duties to the DMV and remains with the commission. This
20 rulemaking clarifies that the size limitations previously
21 established by the commission for the movement of oversize
22 vehicles on specified holidays continue in effect.

23

24 Amendments to §28.2, Definitions, corrects an error in the
25 definition of "permittee" in paragraph (11). Permits for
26 oversize or overweight vehicles are issued by the DMV.

27

1 New §28.4, Holiday restrictions on size limits, clarifies that
2 the maximum size limits for a permit issued for movement of a
3 vehicle on New Year's Day, Memorial Day, Independence Day, Labor
4 Day, Thanksgiving Day, or Christmas Day is 14 feet wide, 16 feet
5 high, and 110 feet long, unless an exception is granted based on
6 a route and traffic study conducted by the department.

7

8 COMMENTS

9 No comments on the proposed amendments were received.

10

11 STATUTORY AUTHORITY

12 The amendments are adopted under Transportation Code, §201.101,
13 which provides the commission with the authority to establish
14 rules for the conduct of the work of the department, and more
15 specifically, Transportation Code, §621.006, which authorizes
16 the commission to impose restrictions on the weight and size of
17 vehicles to be operated on state highways on specified holidays.

18

19 CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

20 Transportation Code, §621.006.

21

1 SUBCHAPTER A. GENERAL PROVISIONS

2 §28.2. Definitions. The following words and terms, when used in
3 this chapter, will have the following meanings, unless the
4 context clearly indicates otherwise.

(1) Axle - The common axis of rotation of one or more wheels whether power-driven or freely rotating, and whether in one or more segments.

14 (3) Commission - The Texas Transportation Commission.

15 (4) Daylight - The period beginning one-half hour
16 before sunrise and ending one-half hour after sunset.

17 (5) Department - The Texas Department of
18 Transportation.

19 (6) Four-axle group - Any four consecutive axles,
20 having at least 40 inches from center of axle to center of axle,
21 whose extreme centers are not more than 192 inches apart and are
22 individually attached to or articulated from, or both, to the
23 vehicle by a weight equalizing suspension system.

24 (7) Gross weight - The unladen weight of a vehicle or
25 combination of vehicles plus the weight of the load being
26 transported.

(8) Motor carrier - A person that controls, operates, or directs the operation of one or more vehicles that transport persons or cargo over a public highway in this state.

4 (9) Overweight - An overdimension load that exceeds
5 the maximum weight specified in Transportation Code, §621.101.

12 (12) Single axle - An assembly of two or more wheels
13 whose centers are in one transverse vertical plane or may be
14 included between two parallel transverse planes 40 inches apart
15 extending across the full width of the vehicle.

16 (13) State highway - A highway or road under the
17 jurisdiction of the Texas Department of Transportation.

18 (14) State highway system - A network of roads and
19 highways as defined by Transportation Code, §221.001.

20 (15) Surety bond - An agreement issued by a surety
21 bond company to a principal that pledges to compensate the
22 department for any damage that might be sustained to the
23 highways and bridges by virtue of the operation of the equipment
24 for which a permit was issued. A surety bond is effective the
25 day it is issued and expires at the end of the state fiscal

1 year, which is August 31st. For example, if you obtain a surety
2 bond on August 30th, it will expire the next day at midnight.

3 (16) Three-axle group - Any three consecutive axles,
4 having at least 40 inches from center of axle to center of axle,
5 whose extreme centers are not more than 144 inches apart, and
6 are individually attached to or articulated from, or both, to
7 the vehicle by a weight equalizing suspension system.

8 (17) Trunnion axle - Two individual axles mounted in
9 the same transverse plane, with four tires on each axle, that
10 are connected to a pivoting wrist pin that allows each
11 individual axle to oscillate in a vertical plane to provide for
12 constant and equal weight distribution on each individual axle
13 at all times during movement.

14 (18) Two-axle group - Any two consecutive axles whose
15 centers are at least 40 inches but not more than 96 inches apart
16 and are individually attached to or articulated from, or both,
17 to the vehicle by a weight equalizing suspension system.

18 (19) Vehicle - Every device in or by which any person
19 or property is or may be transported or drawn upon a public
20 highway, except devices used exclusively upon stationary rails
21 or tracks.

22

23 §28.4. Holiday Restrictions on Size Limits. The maximum size
24 limits for a permit issued under Transportation Code, Chapter
25 623, Subchapter D, for movement of a vehicle on a holiday listed
26 in Transportation Code, §621.006, is 14 feet wide, 16 feet high,

1 and 110 feet long, unless an exception is granted based on a
2 route and traffic study conducted by the department.
3