Texas Transportation Commission

Minute Order

ALL Counties, ALL Districts

The Texas Transportation Commission (commission) finds it necessary to propose the repeal of §§28.20-28.22, §§28.30-28.32, §§28.40-28.47, §§28.60-28.67, §§28.100-28.107, §§28.110-28.117, and §§28.120-28.127, and new §§28.150-28.170, all concerning the authority of certain governmental entities to the issue permits for the movement of oversize and overweight vehicles.

The preamble and the proposed amendments, attached to this minute order as Exhibits A,B, C, D, E, F, G, H, and I 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 repeal of §§28.20-28.22, §§28.30-28.32, §§28.40-28.47, §§28.60-28.67, §§28.100-28.107, §§28.110-28.117, and §§28.120-28.127, and new §§28.150-28.170, are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

IT IS FURTHER ORDERED that 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, Texas Government Code, Chapter 2001.

Submitted and Reviewed by:

DocuSigned by:

275CD3AF332445F...

Director, Maintenance Division

Recommended by:

DocuSigned by:

0E1B35AE191749E...

Executive Director

Minute Order Number and Date Passed

117292 September 24, 2026

Proposed Preamble

The Texas Department of Transportation (department) proposes the repeal of §§28.20-28.22, §§28.30-28.32, §§28.40-28.47, §§28.60-28.67, §§28.100-28.107, §§28.110-28.117, and §§28.120-28.127, and new §§28.150-28.170, all concerning the authority of certain governmental entities to issue permits for the movement of oversize and overweight vehicles.

EXPLANATION OF PROPOSED REPEAL AND NEW SECTIONS

Seven subchapters of Chapter 28 authorize designated governmental entities to issue oversize or overweight (OS/OW) permits on specified roads. Those subchapters contain duplicative provisions that could be consolidated for uniformity and efficiency. The Texas Regulatory Efficiency Office (TREO), in its Regulatory Efficiency Review of the department, recommended several changes to Chapter 28 provisions relating to that authority. This rulemaking updates and streamlines the department's rules, addresses TREO's recommendations, and significantly reduces the rules' word count.

Subchapter C, Port of Brownsville Permits (§§28.20-28.22) is repealed.

Subchapter D, Chambers County Permits (§§28.30-28.32) is repealed.

Subchapter E, Victoria County Navigation District Permits (§§28.40-28.47) is repealed.

Subchapter F, Port Freeport Navigation District Permits (§§28.60-28.67) is repealed.

Subchapter H, Port Freeport Navigation District Permits (§§28.100-28.107) is repealed.

Subchapter I, Port of Harlingen Authority Permits (§§28.110-28.117) is repealed.

Subchapter J, Port of Palacios Permits (§§28.120-28.127) is repealed.

New Subchapter K, Issuance of Permits for Oversize or Overweight Vehicles by Other Governmental Entities (§§28.150-28.170), provides the authorization and requirements for certain governmental entities to issue permits for the movement of oversize or overweight vehicles carrying cargo on designated roads in accordance with Texas Transportation Code, Chapter 623. The new subchapter consolidates and reorganizes current rules, primarily with no substantive changes.

New §28.150, Purpose and Structure of Subchapter, provides the purpose of the new subchapter and explains that §§28.151-28.162 set out the provisions that apply to all of the governmental entities. Section 28.163 and the following sections are provisions that are specific to each governmental entity.

New §28.151, Definition, provides a definition of entity for the purposes of the subchapter.

New §28.152, Maintenance Agreement; Security Bond, requires an entity to enter into a maintenance agreement with the department before it will be authorized to issue permits for the movement of oversize or overweight vehicles. The section authorizes the department to require a $500,000 surety bond for maintenance of designated roadways that are subject to the movement of those vehicles.

New §28.153, Duties of Entity, provides the entity's obligations for being authorized to issue permits under the new subchapter.

New §28.154, Audits, states that the department will conduct audits to ensure compliance with applicable law.

New §28.155, Revocation of Permit Authority, provides the process for the revocation of the authority granted under this subchapter. This section clarifies that the authority may be revoked if the department determines that the entity issued a permit to a motor carrier whose certificate of registration was suspended or revoked by the Texas Department of Motor Vehicles.

New §28.156, Fees, covers the fees charged by an entity for a permit issued under the new subchapter.

New §28.157, Eligibility for Permit, provides the eligibility requirements for being issued a permit under the new subchapter.

New §28.158, Permit Application Form, provides that a permit application form is subject to the department's approval.

New §28.159, Permit, provides general requirements for the form, use, and validity of a permit issued under the subchapter.

New §28.160, Permit Size and Weight Limits for Axles, provides the maximum size and weight limits for vehicle movement under a permit issued under the subchapter.

New §28.161, Weight Measurements, describes the requirements for scales used for the measurement of weight.

New §28.162, Movement Requirements and Restrictions, sets out limitations on the movement of vehicles under permits issued under the subchapter.

New §28.163, Port of Brownsville, authorizes the department to enter into an agreement with the Brownsville Navigation District (Port of Brownsville) for the port to issue oversize or overweight permits.

New §28.164, Port Freeport Navigation District, authorizes the department to enter into an agreement with Port Freeport for the port to issue oversize or overweight permits.

New §28.165, Port of Harlingen Authority, authorizes the department to enter into an agreement with the Port of Harlingen Authority for the port to issue oversize or overweight permits.

New §28.166, Port of Palacios, authorizes the department to enter into an agreement with the Port of Palacios for the port to issue oversize or overweight permits.

New §28.167, Victoria County Navigation District, authorizes the department to enter into an agreement with the Victoria County Navigation District for the district to issue oversize or overweight permits. The rule provides that as an exception to the general weight limit set out §28.160(b), the gross weight limit for travel on the designated roads is 140,000 pounds.

New §28.168, Chambers County, authorizes the department to enter into an agreement with Chambers County for the county to issue oversize or overweight permits. The rule provides that as an exception to the general weight limit set out §28.160(b), the gross weight limit for travel on the designated roads is 100,000 pounds.

New §28.169, Hidalgo County Regional Mobility Authority, authorizes the department to enter into an agreement with the Hidalgo County Regional

Mobility Authority for the county to issue oversize or overweight permits. The rule provides an exception to the surety bond authority under §28.152(c). Texas Transportation Code, §623.370, requires the authority to file a surety bond with the department and requires the department to set the amount of the bond.

New §28.170, city of Laredo, authorizes the department to enter into an agreement with the city of Laredo for the port to issue oversize or overweight permits. The rule refers to Texas Transportation Code, §623.382, which has requirements that differ from the generally applicable surety bond authority provided by §28.152(c).

FISCAL NOTE

Stephen Stewart, Chief Financial Officer, has determined, in accordance with Texas Government Code, §2001.024(a)(4), that for each of the first five years in which the proposed rules are in effect, there will be no fiscal implications for state or local governments as a result of the department's or the Texas Transportation Commission's (commission) enforcing or administering the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

Jace Lee, Maintenance Division Director, has determined that there will be no significant impact on local economies or overall employment as a result of enforcing or administering the proposed rules and therefore, a local employment impact statement is not required under Texas Government Code, §2001.022.

PUBLIC BENEFIT

Mr. Lee has determined, as required by Texas Government Code, §2001.024(a)(5), that for each year of the first five years in which the proposed rules are in effect, the public benefit anticipated as a result of enforcing or administering the rules will be increased clarity, transparency, and consistency in the oversize and overweight permitting process. The simplified rules will make permit requirements easier to understand and navigate, promoting more efficient freight movement, enhancing customer service, and supporting economic activity throughout Texas.

COSTS ON REGULATED PERSONS

Mr. Lee has also determined, as required by Texas Government Code, §2001.024(a)(5), that for each year of that period there are no anticipated economic costs for persons, including a state agency, special district, or local government, required to comply with the proposed rules and therefore, Texas Government Code, §2001.0045, does not apply to this rulemaking.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities, as defined by Texas Government Code, §2006.001, and therefore, an economic impact statement and regulatory flexibility analysis are not required under Texas Government Code, §2006.002.

GOVERNMENT GROWTH IMPACT STATEMENT

Mr. Lee has considered the requirements of Texas Government Code, §2001.0221 and anticipates that the proposed rules will have no effect on government growth. He expects that during the first five years that the rule would be in effect:

(1) it would not create or eliminate a government program;

(2) its implementation would not require the creation of new employee positions or the elimination of existing employee positions;

(3) its implementation would not require an increase or decrease in future legislative appropriations to the agency;

(4) it would not require an increase or decrease in fees paid to the agency;

(5) it would not create a new regulation;

(6) it would not expand, limit, or repeal an existing regulation;

(7) it would not increase or decrease the number of individuals subject to its applicability; and

(8) it would not positively or adversely affect this state's economy.

SUBMITTAL OF INFORMATION AND COMMENTS

Any person that is required to comply with the proposed rule or any other interested person may provide information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, or may submit written comments on the repeal of §§28.20-28.22, §§28.30-28.32, §§28.40-28.47, §§28.60-28.67, §§28.100-28.107, §§28.110-28.117, and §§28.120-28.127, and proposed new §§28.150-28.170. The information or comments must be submitted to Rule

Comments, General Counsel Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483 or to RuleComments@txdot.gov with the subject line "*Oversize Overweight vehicles*." The deadline for receipt of the information or comments is 5:00 p.m. on November 9, 2026. In accordance with Texas Transportation Code, §201.811(a)(5), a person who makes a submission must disclose, in writing with the submission, whether the person does business with the department, may benefit monetarily from the proposed amendments, or is an employee of the department.

STATUTORY AUTHORITY

The amendments are proposed under Texas Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, Texas Transportation Code, §§623.239, 623.259, 623.288, 623.310, 623.369, and 623.390, which authorize the commission to adopt rules to implement Subchapters L, M, O, P, S, and T, respectively.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Texas Transportation Code, Chapter 623, Subchapters K, L, M, O, P, S, and T.

SUBCHAPTER C. PORT OF BROWNSVILLE PERMITS

§28.20. Purpose. In accordance with Transportation Code, Chapter 623, Subchapter K, the department may authorize the Brownsville Navigation District of Cameron County, Texas (Port of Brownsville) to issue permits for the movement of oversize or overweight vehicles carrying cargo on State Highway 48/State Highway 4 between the Gateway International Bridge and any location along that highway within the Port of Brownsville, or on U.S. Highway 77/U.S. Highway 83 and State Highway 48/State Highway 4 between the Veterans International Bridge at Los Tomates and any location along that highway within the Port of Brownsville or from the Free Trade International Bridge to the entrance of the Port of Brownsville using Farm-to-Market Road 509, United States Highways 77 and 83, Farm-to-Market Road 511, State Highway 550, and East Loop (State Highway 32). This subchapter sets forth the requirements and procedures applicable to the issuance of permits by the Port of Brownsville for the movement of oversize and overweight vehicles.

§28.21. Responsibilities.

(a) Authority to issue permits. The Port of Brownsville may issue a permit for travel on the roads designated by Transportation Code, §623.219(a) by a vehicle or vehicle combination that exceeds the vehicle size or weight limits specified by Transportation Code, Chapter 621, Subchapters B and C but does not exceed loaded dimensions of 12 feet wide, 16 feet high, or 110 feet long, or 125,000 pounds gross weight.

(b) Surety bond. The department may require the Port of Brownsville to post a surety bond in the amount of $500,000 for the purpose of reimbursing the department for actual maintenance costs of State Highway 48/State Highway 4, U.S. Highway 77/U.S. Highway 83, Farm-to-Market

Repeal

Road 509, Farm-to-Market Road 511, State Highway 550, and East Loop (State Highway 32) in the event that sufficient revenue is not collected from permits issued under this subchapter.

(c) Verification of permits. All permits issued by the Port of Brownsville shall be carried in the permitted vehicle. The Port of Brownsville shall provide access for verification of permit authenticity by law enforcement and department personnel.

(d) Training. The Port of Brownsville shall secure any training necessary for personnel to issue permits under this subchapter. The department may provide assistance with training upon request by the Port of Brownsville.

(e) Accounting. The department shall develop accounting procedures related to permits issued under this subchapter which the Port of Brownsville must comply with for the purpose of revenue collections and any payment made to the department under subsection (i) of this section.

(f) Audits. The department may conduct audits annually or upon direction by the executive director of all Port of Brownsville permit issuance activities. In order to insure compliance, audits will at a minimum include a review of all permits issued, financial transaction records related to permit issuance, review of vehicle scale weight tickets and monitoring of personnel issuing permits under this subchapter.

(g) Revocation of authority to issue permits. If the department determines as a result of an audit that the Port of Brownsville is not complying with this subchapter, the executive director will issue a notice to the Port of Brownsville allowing 30 days to correct any non-compliance issue. If after 30 days it is determined that the Port of Brownsville is not in compliance, then the executive director may revoke the Port of Brownsville's authority to issue permits.

Repeal

(1) Upon notification that its authority to issue permits under this subchapter has been revoked, the Port of Brownsville may appeal the revocation to the commission in writing.

(2) In cases where a revocation is being appealed, the Port of Brownsville's authority to issue permits under this subchapter shall remain in effect until the commission makes a final decision regarding the appeal.

(3) Upon revocation of authority to issue permits, termination of the maintenance contract, or expiration of this subchapter, all permit fees collected by the port, less allowable administrative costs, shall be paid to the department.

(h) Fees. Fees collected under this subchapter shall be used solely to provide funds for the payments provided for under Transportation Code, §623.214, less administrative costs.

(1) The permit fee shall not exceed $80 per trip. The Port of Brownsville may retain up to 15 percent of such permit fees for administrative costs, and the balance of the permit fees shall be deposited in the state highway fund to be used for maintenance of State Highway 48/State Highway 4 and U.S. Highway 77/U.S. Highway 83, Farm-to-Market Road 509, Farm-to-Market Road 511, State Highway 550, and East Loop (State Highway 32).

(2) The Port of Brownsville may issue a permit and collect a fee for a permit issued under this subchapter for any vehicle or vehicle combination exceeding vehicle size or weight as specified by Transportation Code, Chapter 621, Subchapters B and C, originating at:

(A) the Gateway International Bridge traveling only on State Highway 48/State Highway 4 to any location along that highway within the Port of Brownsville;

Repeal

(B) a location within the Port of Brownsville traveling on State Highway 48/State Highway 4 to the Gateway International Bridge;

(C) the Veterans International Bridge at Los Tomates, traveling on U.S. Highway 77/U.S. Highway 83 and State Highway 48/State Highway 4 to any location along that highway within Port of Brownsville;

(D) a location within the Port of Brownsville, traveling on State Highway 48/State Highway 4 and U.S. Highway 77/U.S. Highway 83 to the Veterans International Bridge at Los Tomates;

(E) the Free Trade International Bridge to the entrance of the Port of Brownsville using Farm-to-Market 509, United States Highways 77 and 83, Farm-to-Market Road 511, State Highway 550, and East Loop (State Highway 32); or

(F) a location within the Port of Brownsville, traveling on East Loop (State Highway 32), State Highway 550, Farm-to-Market Road 511, United States Highways 77 and 83, and Farm-to-Market 509 to the Free Trade International Bridge.

(i) Maintenance Contract. The Port of Brownsville shall enter into a maintenance contract with the department for the maintenance of the portions of State Highway 4, State Highway 48, and U.S. Highway 77/U.S. Highway 83, Farm-to-Market Road 509, Farm-to-Market Road 511, State Highway 550, and East Loop (State Highway 32) for which a permit may be issued under this subchapter.

(1) Maintenance shall include, but is not limited to, routine maintenance, preventive maintenance, and total reconstruction of the roadway and bridge structures as determined by the department to maintain the current level of service.

Repeal

(2) The Port of Brownsville may make direct restitution to the department for actual maintenance costs in lieu of the department filing against the surety bond described in subsection (b) of this section, in the event that sufficient revenue is not collected.

(j) Reporting. Port of Brownsville shall provide monthly and annual reports to the department's Finance Division regarding all permits issued and all fees collected during the period covered by the report. The report must be in a format approved by the department.

§28.22. Permit Issuance Requirements and Procedures.

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

(1) the name of the applicant;

(2) date of issuance;

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

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

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

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

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

Repeal

(8) a statement that the cargo shall be transported over the most direct route using State Highway 48/State Highway 4 between the Gateway International Bridge and any location along that highway within the Port of Brownsville, or using U.S. Highway 77/U.S. Highway 83 and State Highway 48/State Highway 4 between the Veterans International Bridge at Los Tomates and any location along that highway within the Port of Brownsville or from the Free Trade International Bridge to the entrance of the Port of Brownsville using Farm-to-Market Road 509, United States Highways 77 and 83, Farm-to-Market Road 511, State Highway 550, and East Loop (State Highway 32);

(9) the location where the cargo was loaded; and

(10) the date or dates on which movement authorized by the permit is allowed.

(b) Permit issuance.

(1) General.

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

(B) A permit is void when an applicant:

(i) gives false or incorrect information;

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

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

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

Repeal

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

(c) Maximum permit weight limits.

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

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

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

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

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

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

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

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

(F) trunnion axles -- 60,000 pounds if;

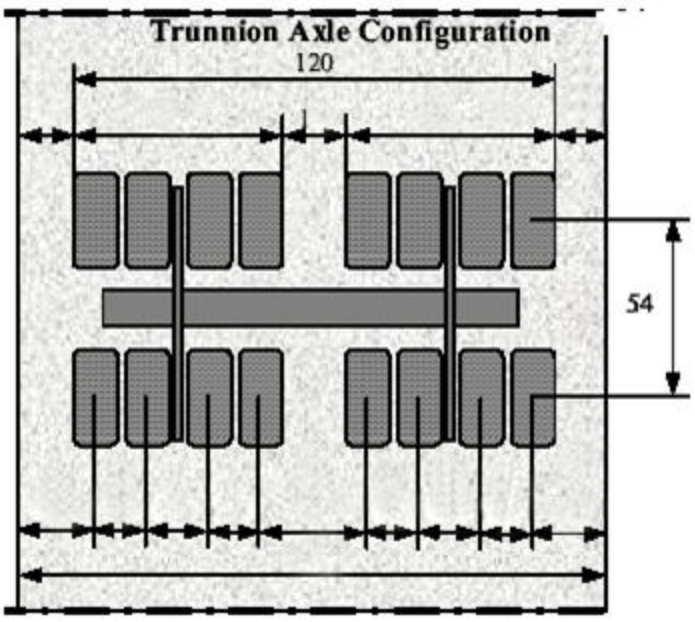
(i) the trunnion configuration has two axles;

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

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

Repeal

Figure: 43 TAC §28.22(c)(3)(F)(iii)



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

(d) Vehicles exceeding weight limits. Any vehicle exceeding weight limits outlined in subsection (c) of this section, shall apply directly to the Texas Department of Motor Vehicles for an oversize or overweight permit in accordance Transportation Code, Chapter 623.

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

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

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

Repeal

(h) Restrictions.

(1) Any vehicle issued a permit by the Port of Brownsville must be weighed on scales capable of determining gross vehicle weights and individual axle loads. For the purpose of ensuring the accuracy of the permit, the scales must be certified by the Texas Department of Agriculture or accepted by the United Mexican States.

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

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

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

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

Repeal

SUBCHAPTER D. CHAMBERS COUNTY PERMITS

§28.30. Purpose. In accordance with Transportation Code, Chapter 623, Subchapter M, the commission may authorize Chambers County, Texas to issue permits for the movement of oversize and overweight vehicles and loads on the roads designated by Transportation Code, §623.252(b)(1). This subchapter sets forth the requirements and applicable procedures for the issuance of permits by Chambers County for the movement of oversize and overweight vehicles.

§28.31. Responsibilities.

(a) Authority to issue permits. Chambers County may issue a permit for a vehicle or vehicle combination that exceeds the vehicle size or weight limits specified by Transportation Code, Chapter 621, Subchapters B and C but does not exceed loaded dimensions of 12 feet wide, 16 feet high, or 110 feet long, or 100,000 pounds gross weight for travel on the roads designated by Transportation Code, §623.252(b)(1).

(b) Permit fees and administrative costs. Chambers County shall collect a fee for each permit issued under this subchapter. The permit fee may not exceed $80 per trip. Chambers County may retain an amount up to 15 percent of each permit fee to cover costs of administering the program. The permit fee and administration costs shall be established by the agreement between the department and Chambers County. Chambers County shall deposit the permit fees collected, less administrative cost amounts authorized, in the State Highway Fund. The department will use those amounts for the maintenance and improvement of the roads designated by Transportation Code, §623.252(b)(1).

Repeal

(c) Surety bond. The department may require Chambers County to post a surety bond in the amount of $500,000 for the purpose of reimbursing the department the amount equal to the actual maintenance costs of roads designated by Transportation Code, §623.252(b)(1) less the amount that Chambers County deposits in the State Highway Fund under subsection (b) of this section.

(d) Verification of permits. All permits issued by Chambers County shall be carried in the permitted vehicle. Chambers County shall provide access for verification of permit authenticity by law enforcement and department personnel.

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

(f) Accounting. The department shall develop accounting procedures related to permits issued under this subchapter. Chambers County shall comply with those accounting procedures for the purpose of revenue collections and any payment made to the department under subsection (i) of this section.

(g) Audits. The department may conduct annual audits of all Chambers County permit activities or upon direction by the executive director. In order to insure compliance, audits will at a minimum include a review of all permits issued, financial transaction records related to permit issuance, review of vehicle scale weight tickets, and monitoring of personnel issuing permits under this subchapter.

(h) Revocation of authority to issue permits. If the department determines as a result of an audit that Chambers County is not complying with this subchapter, the executive director will issue a notice to Chambers County allowing 30 days to correct any non-compliance issue. If after 30

Repeal

days it is determined that Chambers County is not in compliance, then the executive director may revoke Chambers County's authority to issue permits.

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

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

(3) Upon revocation of authority to issue permits, termination of the maintenance contract, or expiration of this subchapter, all permit fees collected by Chambers County, less allowable administrative costs, shall be paid to the department.

(i) Maintenance payments. If Chambers County does not deposit in the State Highway Fund under subsection (b) of this section sufficient amounts to reimburse the department for the payment of the costs of maintenance of the highways that are designated by Transportation Code, §623.252(b)(1), Chambers County may pay the deficiency in lieu of the department's filing against the surety bond provided under subsection (c) of this section for that amount. Maintenance includes routine maintenance, preventive maintenance, and total reconstruction of the roadway and bridge structures as determined by the department to maintain the current level of service.

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

§28.32. Permit Issuance Requirements and Procedures.

Repeal

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

(1) the name of the applicant;

(2) date of issuance;

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

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

(5) a statement of the kind and weight of each commodity to be transported, not to exceed loaded dimensions of 12 feet wide, 16 feet high, or 110 feet long, or 100,000 pounds gross weight;

(6) a statement of any condition on which the permit is issued;

(7) a statement that the cargo may be transported in Chambers County only over the roads that are described by Transportation Code, §623.652(b)(1);

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

(9) the date or dates on which movement authorized by the permit is allowed.

(b) Permit issuance.

(1) General.

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

(B) A permit is void when an applicant:

Repeal

(i) gives false or incorrect information;

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

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

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

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

(c) Maximum permit weight limits.

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

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

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

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

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

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

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

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

Repeal

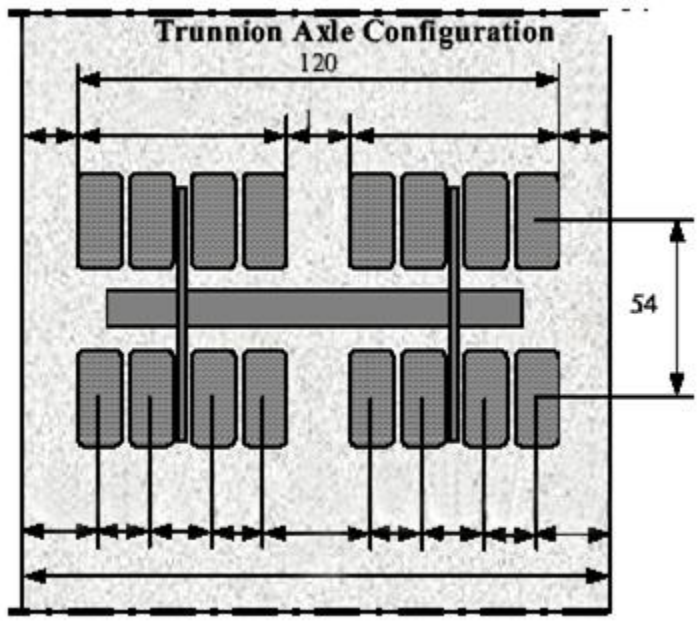
(F) trunnion axles--60,000 pounds if:

(i) the trunnion configuration has two axles;

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

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

Figure: 43 TAC §28.32(c)(3)(F)(iii)



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

(d) Vehicles exceeding weight limits. Any vehicle exceeding weight limits outlined in subsection (c) of this section, shall apply directly to the Texas Department of Motor Vehicles for an oversize or overweight permit in accordance with Transportation Code, Chapter 623.

(e) Registration. Any vehicle or combination of vehicles permitted under this subchapter shall be registered in accordance with Transportation

Code, Chapter 502.

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

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

(h) Restrictions.

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

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

(3) The owner of a vehicle permitted under this subchapter must be registered as a motor carrier in accordance with Transportation Code, Chapters 643 or 645, prior to the oversize or overweight permit being issued.

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

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

(i) Records. Chambers County shall maintain records relative to this subchapter, which are subject to audit by department personnel.

(j) Issuing entity. A motor carrier transporting loads that fall within the

Repeal

size and weight limits of §28.31 of this subchapter (relating to Responsibilities) on trips originating and terminating within the Cedar Crossing Business Park using a road designated by Transportation Code, §623.252(b)(1) must obtain a permit from Chambers County.

Repeal

SUBCHAPTER E. VICTORIA COUNTY NAVIGATION DISTRICT PERMITS

§28.40. Purpose. In accordance with Transportation Code, Chapter 623, Subchapter L, the commission may authorize the Victoria County Navigation District to issue permits for the movement of oversize or overweight vehicles carrying cargo on roads designated by Transportation Code, §623.232. This subchapter sets forth the requirements and procedures applicable to the issuance of permits by the Victoria County Navigation District for the movement of oversize and overweight vehicles.

§28.41. Definition. In this subchapter, "district" means the Victoria County Navigation District.

§28.42. District's Powers and Duties.

(a) Authority to issue permits. The district may issue a permit and collect a fee for the movement within the district on the roads designated by Transportation Code, §623.232 of a vehicle or vehicle combination that exceeds the vehicle size or weight limits specified by Transportation Code, Chapter 621, Subchapters B and C, but does not exceed loaded dimensions of 12 feet wide, 16 feet high, and 110 feet long, and does not exceed 140,000 pounds gross weight.

(b) Surety bond. The department may require the district to post a surety bond in the amount of $500,000 for the reimbursement of the department for actual maintenance costs of roads designated by Transportation Code, §623.232 if revenue collected from permits issued under this subchapter is insufficient to pay for those costs and the district fails to reimburse the department for those costs.

Repeal

(c) Verification of permits. The district shall provide law enforcement and department personnel access to any of the district's property to verify compliance with this subchapter by the district or another person.

(d) Training. The district shall provide or obtain any training necessary for personnel to issue permits under this subchapter. The department may provide assistance with training on request by the district.

(e) Accounting. The department shall develop accounting procedures related to permits issued under this subchapter with which the district must comply for revenue collections and any payment made to the department under subsection (i) of this section.

(f) Audits. The department may conduct audits annually or on direction by the executive director of all permit issuance activities of the district. To insure compliance with applicable law, audits at a minimum will include a review of all permits issued, financial transaction records related to permit issuance, and vehicle scale weight tickets and the monitoring of personnel issuing permits under this subchapter.

(g) Revocation of authority to issue permits. If the department determines as a result of an audit that the district is not complying with this subchapter or other applicable law, the executive director will issue a notice to the district allowing 30 days for the district to correct any non-compliance issue. If the department determines that, after that 30-day period, the district has not corrected the issue, the executive director may revoke the district's authority to issue permits under this subchapter. The district may appeal to the commission in writing the revocation of its authority under this subsection. If the district appeals the revocation, the district's authority to issue permits under this subchapter remains in effect until the commission makes a final decision on the appeal.

Repeal

(h) Fees. Fees under this subchapter may be collected, deposited, and used only as provided by Transportation Code, §623.234. The district may determine acceptable methods of payment. All fees transmitted to the department must be in U.S. currency. On revocation of the district's authority to issue permits, termination of the maintenance contract entered into under subsection (i) of this section, or expiration of this subchapter, the district shall pay to the department all permit fees collected by the district, less allowable administrative costs.

(i) Maintenance contract. The district shall enter into a contract with the department for the maintenance of roads designated by Transportation Code, §623.232 for which a permit may be issued under this subchapter. The contract will cover routine maintenance, preventive maintenance, and total reconstruction of the roadway and bridge structures, as determined by the department to maintain the current level of service, and may include other types of maintenance.

(j) Reporting. The district shall provide monthly and annual reports to the department's Finance Division regarding all permits issued and all fees collected during the period covered by the report. The report must be in a format approved by the department.

§28.43. Permit Eligibility.

(a) Registration requirements. To be eligible for a permit under this subchapter:

(1) a vehicle or combination of vehicles must be registered under Transportation Code, Chapter 502; and

Repeal

(2) the owner of the vehicle or combination of vehicles must be registered as a motor carrier under Transportation Code, Chapter 643 or 645.

(b) Prohibition for unpaid penalties. The district may not issue a permit under this subchapter:

(1) to a person or company that is prohibited under Transportation Code, §623.271 from being issued a permit; or

(2) for a vehicle that is prohibited under Transportation Code, §623.271 from being issued a permit.

§28.44. Permit Issuance Requirements and Procedures.

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

(1) the name of the applicant;

(2) the name of the driver of the vehicle in which the cargo is to be transported;

(3) a description of the kind of cargo to be transported;

(4) the kind and weight of each commodity to be transported;

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

(6) the location where the cargo will be loaded; and

(7) the date or dates on which movement is requested.

Repeal

(b) Permit form and contents. A permit issued under this subchapter must be in a form approved by the department and at a minimum must include all information required under Transportation Code, §623.235(a) and §623.236.

§28.45. Permit Weight Limits for Axles.

(a) Minimum axle group spacing. For an axle group to be permitted for maximum weight authorized under this section:

(1) an axle group must have a minimum spacing of four feet, measured from center of axle to center of axle, between each axle in the group; and

(2) two or more consecutive axle groups must have a minimum axle spacing of 12 feet, measured from center of the last axle of a group to center of the first axle of the immediately following group.

(b) Maximum permit weight. Maximum permit weight for an axle or axle group is the weight computed by multiplying 650 pounds times the total number of inches of the width of tires on the axle or group or the following applicable axle or axle group weight, whichever is less:

(1) single axle - 25,000 pounds;

(2) two-axle group - 46,000 pounds;

(3) three-axle group - 60,000 pounds;

(4) four-axle group - 70,000 pounds;

(5) five-axle group - 81,400 pounds; or

(6) trunnion axles - 60,000 pounds if:

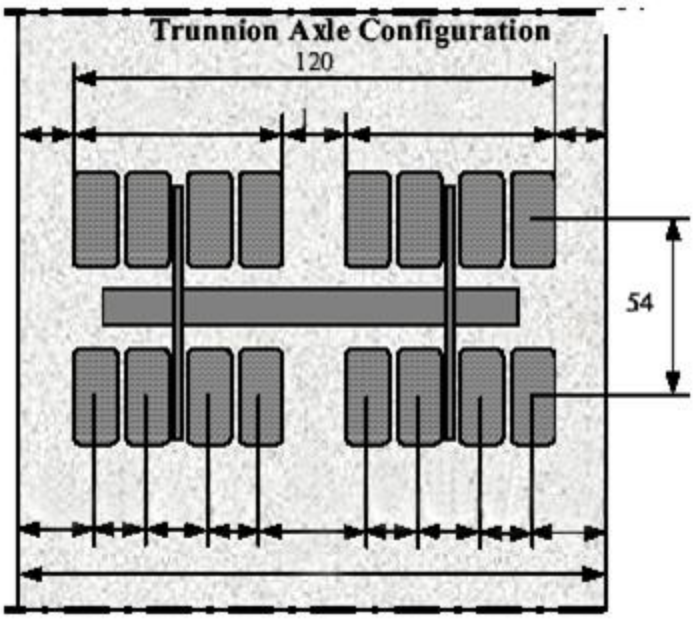
(A) the trunnion configuration has two axles;

Repeal

(B) there are a total of 16 tires for the trunnion configuration; and

(C) the trunnion axle, as shown in the following diagram, is 10 feet in width.

Figure: 43 TAC §28.45(b)(6)(C)



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

(d) Permits for vehicles exceeding permit weight limits. For a vehicle exceeding weight limits provided in this section, a person must apply directly to the Texas Department of Motor Vehicles for an oversize or overweight permit in accordance Transportation Code, Chapter 623.

§28.46. Movement Requirements and Restrictions.

(a) Carrying of permit. The original permit issued by the district must be carried in the permitted vehicle.

Repeal

(b) Prohibition on movement with void permit. A permittee is prohibited from transporting an oversize or overweight load with a void permit. A permit is void if the applicant gives false or incorrect information. A permit becomes void when the permittee fails to comply with the restrictions or conditions stated in the permit or when the permittee changes or alters the information in the permit.

(c) Weather conditions or road work. Movement of a permitted vehicle is prohibited when:

(1) visibility is reduced to less than 2/10 of one mile;

(2) the road surface is hazardous due to weather conditions, such as rain, ice, sleet, or snow; or

(3) highway maintenance or construction work is being performed.

(d) Daylight and night movement restrictions. An oversize permitted vehicle may be moved only during daylight hours. A permitted vehicle that is overweight but not oversize may be moved at any time.

(e) Weight ticket requirement. Any vehicle issued a permit by the district must be weighed on scales that are capable of determining gross vehicle weights and individual axle loads and are certified by the Texas Department of Agriculture or accepted by the United Mexican States.

(f) Speed. The maximum speed for a permitted vehicle is set by Transportation Code, §623.237.

§28.47. Records. The district shall maintain records that evidence compliance with this subchapter. Those records are subject to audit by department personnel.

Repeal

SUBCHAPTER F. PORT FREEPORT NAVIGATION DISTRICT PERMITS

§28.60. Purpose. In accordance with Transportation Code, Chapter 623, Subchapter K, the commission may authorize Port Freeport to issue permits for the movement of oversize or overweight vehicles carrying cargo on roads designated by Transportation Code, §623.219(b). This subchapter sets forth the requirements and procedures applicable to the issuance of permits by Port Freeport for the movement of oversize and overweight vehicles.

§28.61. Definition. In this subchapter, "district" means Port Freeport, which is subject to Special District Local Laws Code, Chapter 5002.

§28.62. District's Powers and Duties.

(a) District authorized to issue permits. The district may issue a permit and collect a fee for the movement within the territory of the district on the roads designated by Transportation Code, §623.219(b) of a vehicle or vehicle combination that exceeds the vehicle size or weight limits specified by Transportation Code, Chapter 621, Subchapters B and C, but does not exceed loaded dimensions of 12 feet wide, 16 feet high, and 110 feet long, and does not exceed 125,000 pounds gross weight.

(b) Surety bond. The department may require the district to post a surety bond in the amount of $500,000 for the reimbursement of the department for actual maintenance costs of roads designated by Transportation Code, §623.219(b) if revenue collected from permits issued under this subchapter is insufficient to pay for those costs and the district fails to reimburse the department for those costs.

Repeal

(c) Verification of permits. The district shall provide law enforcement and department personnel access to any of the district's property to verify compliance with this subchapter by the district or another person.

(d) Training. The district shall provide or obtain any training necessary for personnel to issue permits under this subchapter. The department may provide assistance with training on request by the district.

(e) Accounting. The department shall develop accounting procedures related to permits issued under this subchapter with which the district must comply for revenue collections and any payment made to the department under subsection (i) of this section.

(f) Audits. The department may conduct audits annually or at the direction of the executive director of all permit issuance activities of the district. To insure compliance with applicable law, audits at a minimum will include a review of all permits issued, financial transaction records related to permit issuance and vehicle scale weight tickets, and the monitoring of personnel issuing permits under this subchapter.

(g) Revocation of authority to issue permits. If the department determines as a result of an audit that the district is not complying with this subchapter or other applicable law, the executive director will issue a notice to the district allowing 30 days for the district to correct any non-compliance issue. If the department determines that, after that 30-day period, the district has not corrected the issue, the executive director may revoke the district's authority to issue permits under this subchapter. The district may appeal to the commission in writing the revocation of its authority under this subsection. If the district appeals the revocation, the district's authority to issue permits under this subchapter remains in effect until the commission makes a final decision on the appeal.

Repeal

(h) Fees. Fees under this subchapter may be collected, deposited, and used only as provided by Transportation Code, §623.214. The district may determine acceptable methods of payment. All fees transmitted to the department must be in U.S. currency. On revocation of the district's authority to issue permits, termination of the maintenance contract entered into under subsection (i) of this section, or expiration of this subchapter, the district shall pay to the department all permit fees collected by the district, less allowable administrative costs.

(i) Maintenance contract. The district shall enter into a contract with the department for the maintenance of roads designated by Transportation Code, §623.219(b) for which a permit may be issued under this subchapter. The contract will cover routine maintenance, preventive maintenance, and total reconstruction of the roadway and bridge structures, as determined by the department to maintain the current level of service, and may include other types of maintenance.

(j) Reporting. The district shall provide monthly and annual reports to the department's Finance Division regarding all permits issued and all fees collected during the period covered by the report. The report must be in a format approved by the department.

§28.63. Permit Eligibility.

(a) Registration requirements. To be eligible for a permit under this subchapter:

(1) a vehicle or combination of vehicles must be registered under Transportation Code, Chapter 502; and

Repeal

(2) the owner of the vehicle or combination of vehicles must be registered as a motor carrier under Transportation Code, Chapter 643 or 645.

(b) Prohibition for unpaid penalties. The district may not issue a permit under this subchapter:

(1) to a person or company that is prohibited under Transportation Code, §623.271 from being issued a permit; or

(2) for a vehicle that is prohibited under Transportation Code, §623.271 from being issued a permit.

§28.64. Permit Issuance Requirements and Procedures.

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

(1) the name of the applicant;

(2) the name of the driver of the vehicle in which the cargo is to be transported;

(3) a description of the kind of cargo to be transported;

(4) the kind and weight of each commodity to be transported;

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

(6) the location where the cargo will be loaded; and

(7) the date or dates on which movement is requested.

Repeal

(b) Permit form and contents. A permit issued under this subchapter must be in a form approved by the department and at a minimum must include all information required under Transportation Code, §623.215(a) and §623.216.

§28.65. Permit Weight Limits for Axles.

(a) Minimum axle group spacing. For an axle group to be permitted for maximum weight authorized under this section:

(1) an axle group must have a minimum spacing of four feet, measured from center of axle to center of axle, between each axle in the group; and

(2) two or more consecutive axle groups must have a minimum axle spacing of 12 feet, measured from center of the last axle of a group to center of the first axle of the immediately following group.

(b) Maximum permit weight. Maximum permit weight for an axle or axle group is the weight computed by multiplying 650 pounds times the total number of inches of the width of tires on the axle or group or the following applicable axle or axle group weight, whichever is less:

(1) single axle - 25,000 pounds;

(2) two-axle group - 46,000 pounds;

(3) three-axle group - 60,000 pounds;

(4) four-axle group - 70,000 pounds;

(5) five-axle group - 81,400 pounds; or

(6) trunnion axles - 60,000 pounds if:

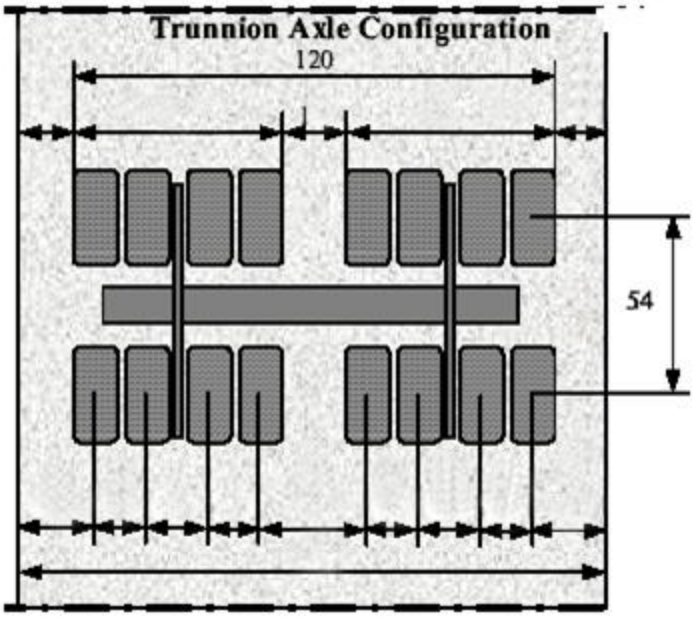
(A) the trunnion configuration has two axles;

Repeal

(B) there are a total of 16 tires for the trunnion configuration; and

(C) the trunnion axle, as shown in the following diagram, is 10 feet in width.

Figure: 43 TAC §28.65(b)(6)(C)



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

(d) Permits for vehicles exceeding permit weight limits. For a vehicle exceeding weight limits provided in this section, a person must apply directly to the Texas Department of Motor Vehicles for an oversize or overweight permit in accordance with Transportation Code, Chapter 623.

§28.66. Movement Requirements and Restrictions.

(a) Carrying of permit. The original permit issued by the district must be carried in the permitted vehicle.

(b) Prohibition on movement with void permit. A permittee is prohibited from transporting an oversize or overweight load with a void permit. A permit is void if the applicant gives false or incorrect information. A permit becomes void when the permittee fails to comply with the restrictions or conditions stated in the permit or when the permittee changes or alters the information in the permit.

(c) Weather conditions or road work. Movement of a permitted vehicle is prohibited when:

(1) visibility is reduced to less than 2/10 of one mile;

(2) the road surface is hazardous due to weather conditions, such as rain, ice, sleet, or snow; or

(3) highway maintenance or construction work is being performed.

(d) Daylight and night movement restrictions. An oversize permitted vehicle may be moved only during daylight hours. A permitted vehicle that is overweight but not oversize may be moved at any time.

(e) Weight ticket requirement. Any vehicle issued a permit by the district must be weighed on scales that are capable of determining gross vehicle weights and individual axle loads and are certified by the Texas Department of Agriculture or accepted by the United Mexican States.

(f) Speed. The maximum speed for a permitted vehicle is set by Transportation Code, §623.217.

§28.67. Records. The district shall maintain records that evidence compliance with this subchapter. Those records are subject to audit by department personnel.

Repeal

SUBCHAPTER H. HIDALGO COUNTY REGIONAL MOBILITY AUTHORITY PERMITS

§28.100. Purpose. In accordance with Transportation Code, Chapter 623, Subchapter S, the commission may authorize Hidalgo County Regional Mobility Authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on roads designated by Transportation Code, §623.363 and as designated by the commission under this subchapter. This subchapter sets forth the requirements and procedures applicable to the issuance of permits by Hidalgo County Regional Mobility Authority for the movement of oversize and overweight vehicles.

§28.101. Definition. In this subchapter, "authority" means Hidalgo County Regional Mobility Authority, which is subject to Special District Local Laws Code, Chapter 5002.

§28.102. Authority's Powers and Duties.

(a) Authority authorized to issue permits. Subject to subsection (j) of this section, the authority may issue a permit and collect a fee for the movement within the territory of the authority of a vehicle or vehicle combination that exceeds the vehicle size or weight limits specified by Transportation Code, Chapter 621, Subchapters B and C, but does not exceed loaded dimensions of 12 feet wide, 16 feet high, and 110 feet long, and does not exceed 125,000 pounds gross weight for travel on:

(1) the state-owned roads designated by Transportation Code, §623.363;

(2) US 281/Military Highway from Spur 29 to FM 1015;

Repeal

(3) FM 1015 from US 281/Military Highway, south to the Progreso International Bridge;

(4) FM 2557 from US 281/Military Highway to Interstate 2;

(5) FM 3072 from Veterans Boulevard ("I" Road) to Cesar Chavez Road;

(6) US 281 (Cage Boulevard) from Spur 600 to Anaya Road;

(7) U.S. Highway 83 Business from South Pleasantview Drive to South Bridge Avenue; and

(8) the segment of W. offing Road from the intersection with Doffin Canal Road/S. Veterans Blvd (Spur 29) to 0.8 miles east of that intersection, which segment is not on the state highway system.

(b) Surety bond. The authority shall obtain a surety bond in the amount set by the department to cover the estimated annual maintenance costs of roads identified in subsection (a) of this section. The department will draw on the bond only if revenue collected from permits issued under this subchapter is insufficient to pay for those costs and the authority fails to reimburse the department for those costs. The estimated maintenance costs will be based on the amortized cost of the identified roads, projected regular maintenance and operations costs, and the bridge consumption costs associated with the movement of overweight and oversize vehicles issued a permit by the authority.

(c) Verification of permits. The authority shall provide law enforcement and department personnel access to any of the authority's property to verify compliance with this subchapter by the authority or another person.

(d) Training. The authority shall provide or obtain any training necessary for personnel to issue permits under this subchapter. The

Repeal

department may provide assistance with training on request by the authority.

(e) Accounting. The department shall develop accounting procedures related to permits issued under this subchapter with which the authority must comply for revenue collections and any payment made to the department under subsection (i) of this section.

(f) Audits. The department may conduct audits annually or at the direction of the executive director of all permit issuance activities of the authority. To insure compliance with applicable law, audits at a minimum will include a review of all permits issued, financial transaction records related to permit issuance and vehicle scale weight tickets, and the monitoring of personnel issuing permits under this subchapter.

(g) Revocation of authority to issue permits. If the department determines as a result of an audit that the authority is not complying with this subchapter or other applicable law, the executive director will issue a notice to the authority allowing 30 days for the authority to correct any non-compliance issue. If the department determines that, after that 30-day period, the authority has not corrected the issue, the executive director may revoke the authority's authority to issue permits under this subchapter. The authority may appeal to the commission in writing the revocation of its authority under this subsection. If the authority appeals the revocation, the authority's authority to issue permits under this subchapter remains in effect until the commission makes a final decision on the appeal.

(h) Fees. Fees under this subchapter may be collected, deposited, and used only as provided by Transportation Code, §623.364. The authority may determine acceptable methods of payment. All fees transmitted to the department must be in U.S. currency. On revocation of the authority's authority to issue permits, termination of the maintenance contract entered

Repeal

into under subsection (i) of this section, or expiration of this subchapter, the authority shall pay to the department all permit fees collected by the authority, less allowable administrative costs.

(i) Maintenance contract. The authority shall enter into a contract with the department for the maintenance of roads identified in subsection (a) of this section for which a permit may be issued under this subchapter. The contract will cover routine maintenance, preventive maintenance, and total reconstruction of the roadway and bridge structures, as determined by the department to maintain the current level of service, and may include other types of maintenance.

(j) Off-system roadways. Before the authority may issue a permit and collect a fee for the movement of a vehicle or vehicle combination on a roadway designated in subsection (a)(8) of this section, the authority must demonstrate to the satisfaction of the department that the roadway has sufficient structure to safely sustain the overweight loads. The authority is responsible for the maintenance and repair of each roadway designated in subsection (a)(8) of this section for which it issues a permit to the level of service determined by the department under subsection (i) of this section. The maintenance contract entered into under subsection (i) of this section must provide details of the allocation of the permit fees to be used for the maintenance of such a roadway. The authority may not issue a permit for the movement of a vehicle or vehicle combination after September 30, 2025, on a roadway designated in subsection (a)(8) of this section.

(k) Reporting. The authority shall provide monthly and annual reports to the department's Finance Division regarding all permits issued and all fees collected during the period covered by the report. The report must be in a format approved by the department.

Repeal

§28.103. Permit Eligibility.

(a) Registration requirements. To be eligible for a permit under this subchapter:

(1) a vehicle or combination of vehicles must be registered under Transportation Code, Chapter 502; and

(2) the owner of the vehicle or combination of vehicles must be registered as a motor carrier under Transportation Code, Chapter 643 or 645.

(b) Prohibition for unpaid penalties. The authority may not issue a permit under this subchapter:

(1) to a person or company that is prohibited under Transportation Code, §623.271 from being issued a permit; or

(2) for a vehicle that is prohibited under Transportation Code, §623.271 from being issued a permit.

§28.104. Permit Issuance Requirements and Procedures.

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

(1) the name of the applicant;

(2) a description of the kind of cargo to be transported;

(3) the kind and weight of each commodity to be transported;

(4) the maximum weight and dimensions of the proposed vehicle combination, including number of tires on each axle, tire size for each axle,

Repeal

distance between each axle measured from center of axle to center of axle, and the specific weight of each individual axle when loaded;

(5) the locations where the cargo will be loaded and delivered; and

(6) the date or dates on which movement is requested.

(b) Permit form and contents. A permit issued under this subchapter must be in a form approved by the department and at a minimum must include all information required under Transportation Code, §623.365(a) and §623.366.

§28.105. Permit Weight Limits for Axles.

(a) Minimum axle group spacing. For an axle group to be permitted for maximum weight authorized under this section:

(1) an axle group must have a minimum spacing of four feet, measured from center of axle to center of axle, between each axle in the group; and

(2) two or more consecutive axle groups must have a minimum axle spacing of 12 feet, measured from center of the last axle of a group to center of the first axle of the immediately following group.

(b) Maximum permit weight. Maximum permit weight for an axle or axle group is the weight computed by multiplying 650 pounds times the total number of inches of the width of tires on the axle or group or the following applicable axle or axle group weight, whichever is less:

(1) single axle - 25,000 pounds;

(2) two-axle group - 46,000 pounds;

Repeal

(3) three-axle group - 60,000 pounds;

(4) four-axle group - 70,000 pounds;

(5) five-axle group - 81,400 pounds; or

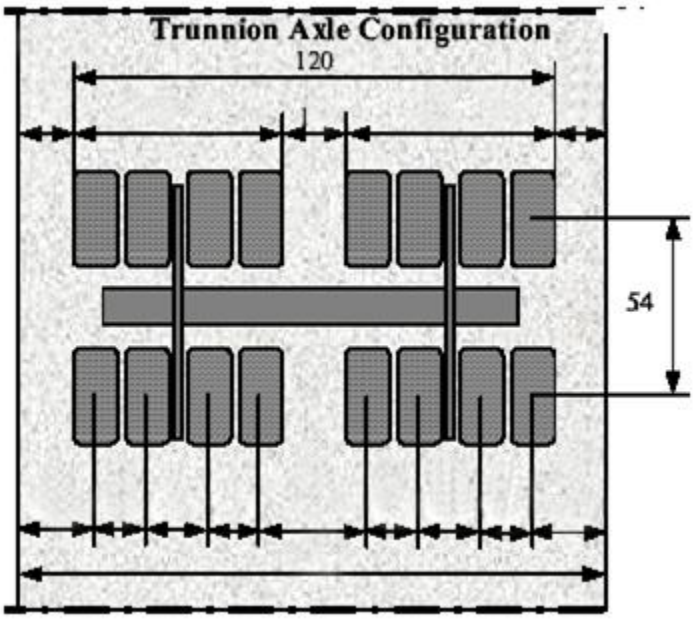
(6) trunnion axles - 60,000 pounds if:

(A) the trunnion configuration has two axles;

(B) there are a total of 16 tires for the trunnion configuration; and

(C) the trunnion axle, as shown in the following diagram, is 10 feet in width.

Figure: 43 TAC §28.105(b)(6)(C)



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

(d) Permits for vehicles exceeding permit weight limits. For a vehicle exceeding weight limits provided in this section, a person must apply directly

to the Texas Department of Motor Vehicles for an oversize or overweight permit in accordance with Transportation Code, Chapter 623.

§28.106. Movement Requirements and Restrictions.

(a) Carrying of permit. The original permit issued by the authority must be carried in the permitted vehicle.

(b) Prohibition on movement with void permit. permittee is prohibited from transporting an oversize or overweight load with a void permit. A permit if void if the applicant gives false or incorrect information. A permit becomes void when the permittee fails to comply with the restrictions or conditions stated in the permit or when the permittee changes or alters the information in the permit.

(c) Weather conditions or road work. Movement of a permitted vehicle is prohibited when:

(1) visibility is reduced to less than 2/10 of one mile;

(2) the road surface is hazardous due to weather conditions, such as rain, ice, sleet, or snow; or

(3) highway maintenance or construction work is being performed.

(d) Daylight and night movement restrictions. An oversize permitted vehicle may be moved only during daylight hours. A permitted vehicle that is overweight but not oversize may be moved at any time.

(e) Weight ticket requirement. Any vehicle issued a permit by the authority must be weighed on scales that are capable of determining gross vehicle weights and individual axle loads and are certified by the Texas Department of Agriculture or accepted by the United Mexican States.

(f) Speed. The maximum speed for a permitted vehicle is set by Transportation Code, §623.367.

§28.107. Records. The authority shall maintain records that evidence

Repeal

compliance with this subchapter. Those records are subject to audit by department personnel.

Repeal

SUBCHAPTER I. PORT OF HARLINGEN AUTHORITY PERMITS

§28.110. Purpose. In accordance with Transportation Code, Chapter 623, Subchapter K, the commission may authorize Port of Harlingen Authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on roads designated by Transportation Code, §623.219(a)(2)(B), (C), (D), and (E). This subchapter sets forth the requirements and procedures applicable to the issuance of permits by Port of Harlingen Authority for the movement of oversize and overweight vehicles.

§28.111. Definition. In this subchapter, "Authority" means Port of Harlingen Authority.

§28.112. Authority's Powers and Duties.

(a) Authority authorized to issue permits. The Authority may issue a permit and collect a fee for the movement on roads designated by Transportation Code, §623.219(a)(2)(B), (C), (D), and (E) of a vehicle or vehicle combination that exceeds the vehicle size or weight limits specified by Transportation Code, Chapter 621, Subchapters B and C, but does not exceed loaded dimensions of 12 feet wide, 16 feet high, and 110 feet long, and does not exceed 125,000 pounds gross weight.

(b) Surety bond. The department may require the Authority to post a surety bond in the amount of $500,000 for the reimbursement of the department for actual maintenance costs of roads designated by Transportation Code, §623.219(a)(2)(B), (C), (D), and (E) if revenue collected from permits issued under this subchapter is insufficient to pay for those costs and the Authority fails to reimburse the department for those costs. The estimated maintenance costs will be based on the amortized cost

Repeal

of the identified roads, projected regular maintenance and operations costs, and the bridge consumption costs associated with the movement of overweight and oversize vehicles issued a permit by the Authority.

(c) Verification of permits. The Authority shall provide law enforcement and department personnel access to any of the Authority's property to verify compliance with this subchapter by the Authority or another person.

(d) Training. The Authority shall provide or obtain any training necessary for personnel to issue permits under this subchapter. The department may provide assistance with training on request by the Authority.

(e) Accounting. The Authority must comply with the department’s accounting procedures for revenue collections and payments made to the department under subsection (i) of this section.

(f) Audits. The department may conduct audits annually or at the direction of the executive director of all permit issuance activities of the Authority. To insure compliance with applicable law, audits at a minimum will include a review of all permits issued, financial transaction records related to permit issuance and vehicle scale weight tickets, and the monitoring of personnel issuing permits under this subchapter.

(g) Revocation of authority to issue permits. If the department determines as a result of an audit that the Authority is not complying with this subchapter or other applicable law, the executive director will issue a notice to the Authority allowing 30 days for the Authority to correct any non-compliance issue. If the department determines that, after that 30-day period, the Authority has not corrected the issue, the executive director may revoke the Authority's authority to issue permits under this subchapter. The Authority may appeal to the commission in writing the revocation of its authority under this subsection. If the Authority appeals the revocation, the

Repeal

Authority's authority to issue permits under this subchapter remains in effect until the commission makes a final decision on the appeal.

(h) Fees. Fees under this subchapter may be collected, deposited, and used only as provided by Transportation Code, §623.214. The Authority may determine acceptable methods of payment. All fees transmitted to the department must be in U.S. currency. On revocation of the Authority's authority to issue permits, termination of the maintenance contract entered into under subsection (i) of this section, or expiration of this subchapter, the Authority shall pay to the department all permit fees collected by the Authority, less allowable administrative costs.

(i) Maintenance agreement. The Authority shall enter into an agreement with the department for the maintenance of roads designated by Transportation Code, §623.219(a)(2)(B), (C), (D), and (E) for which a permit may be issued under this subchapter. The contract will cover routine maintenance, preventive maintenance, and total reconstruction of the roadway and bridge structures, as determined by the department to maintain the current level of service, and may include other types of maintenance.

(j) Reporting. The Authority shall provide monthly and annual reports to the department's Financial Management Division regarding all permits issued and all fees collected during the period covered by the report. The report must be in a format approved by the department.

§28.113. Permit Eligibility.

(a) Registration requirements. To be eligible for a permit under this subchapter:

Repeal

(1) a vehicle or combination of vehicles must be registered under Transportation Code, Chapter 502; and

(2) the owner of the vehicle or combination of vehicles must be registered as a motor carrier under Transportation Code, Chapter 643 or 645.

(b) Prohibition for unpaid penalties. The Authority may not issue a permit under this subchapter:

(1) to a person or company that is prohibited under Transportation Code, §623.271 from being issued a permit; or

(2) for a vehicle that is prohibited under Transportation Code, §623.271 from being issued a permit.

§28.114. Permit Issuance Requirements and Procedures.

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

(1) the name of the applicant;

(2) the name of the driver of the vehicle in which the cargo is to be transported;

(3) a description of the kind of cargo to be transported;

(4) the kind and weight of each commodity to be transported;

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

Repeal

(6) the route the carrier will travel on roads designated by Transportation Code, §623.219(a)(2)(B), (C), (D), and (E);

(7) the date or dates on which movement is requested.

(b) Permit form and contents. A permit issued under this subchapter must be in a form approved by the department and at a minimum must include all information required under Transportation Code, §623.215(a) and §623.216.

§28.115. Permit Weight Limits for Axles.

(a) Minimum axle group spacing. For an axle group to be permitted for maximum weight authorized under this section:

(1) an axle group must have a minimum spacing of four feet, measured from center of axle to center of axle, between each axle in the group; and

(2) two or more consecutive axle groups must have a minimum axle spacing of 12 feet, measured from center of the last axle of a group to center of the first axle of the immediately following group.

(b) Maximum permit weight. Maximum permit weight for an axle or axle group is the weight computed by multiplying 650 pounds times the total number of inches of the width of tires on the axle or group or the following applicable axle or axle group weight, whichever is less:

(1) single axle - 25,000 pounds;

(2) two-axle group - 46,000 pounds;

(3) three-axle group - 60,000 pounds;

(4) four-axle group - 70,000 pounds;

Repeal

(5) five-axle group - 81,400 pounds; or

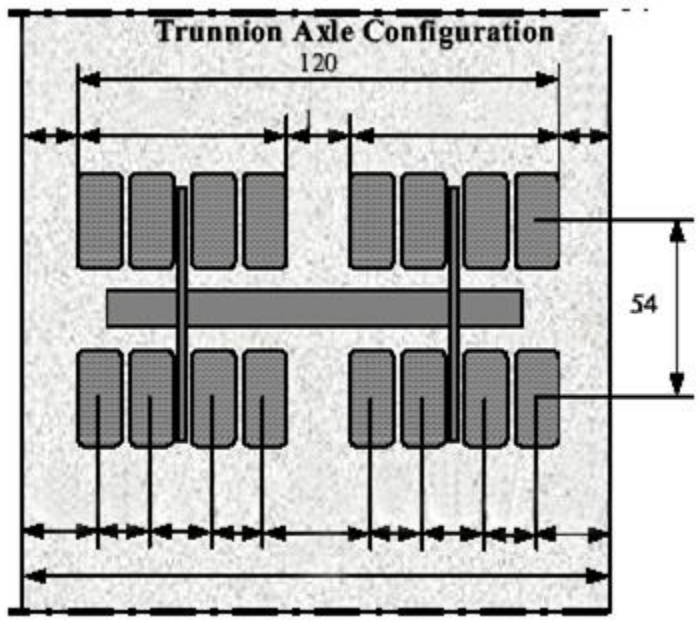
(6) trunnion axles - 60,000 pounds if:

(A) the trunnion configuration has two axles;

(B) there are a total of 16 tires for the trunnion configuration; and

(C) the trunnion axle, as shown in the following diagram, is 10 feet in width.

Figure: 43 TAC §28.115(b)(6)(C)



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

(d) Permits for vehicles exceeding permit weight limits. For a vehicle exceeding weight limits provided in this section, a person must apply directly to the Texas Department of Motor Vehicles for an oversize or overweight

permit in accordance with Transportation Code, Chapter 623.

§28.116. Movement Requirements and Restrictions.

(a) Carrying of permit. The original permit issued by the Authority must be carried in the permitted vehicle.

(b) Prohibition on movement with void permit. A permittee is prohibited from transporting an oversize or overweight load with a void permit. A permit is void if the applicant gives false or incorrect information. A permit becomes void when the permittee fails to comply with the restrictions or conditions stated in the permit or when the permittee changes or alters the information in the permit.

(c) Weather conditions or road work. Movement of a permitted vehicle is prohibited when:

(1) visibility is reduced to less than 2/10 of one mile;

(2) the road surface is hazardous due to weather conditions, such as rain, ice, sleet, or snow; or

(3) highway maintenance or construction work is being performed.

(d) Daylight and night movement restrictions. An oversize permitted vehicle may be moved only during daylight hours. A permitted vehicle that is overweight but not oversize may be moved at any time.

(e) Weight ticket requirement. Any vehicle issued a permit by the Authority must be weighed on scales that are capable of determining gross vehicle weights and individual axle loads and are certified by the Texas Department of Agriculture or accepted by the United Mexican States.

(f) Speed. The maximum speed for a permitted vehicle is set by Transportation Code, §623.217.

§28.117. Records. The Authority shall maintain records that evidence compliance with this subchapter. Those records are subject to audit by

Repeal

department personnel.

Repeal

SUBCHAPTER J. PORT OF PALACIOS PERMITS

§28.120. Purpose. In accordance with Transportation Code, Chapter 623, Subchapter K, the commission may authorize the Port of Palacios to issue permits for the movement of oversize or overweight vehicles carrying cargo on roads designated by Transportation Code, §623.219(b-1). This subchapter sets forth the requirements and procedures applicable to the issuance of permits by the Port of Palacios for the movement of oversize and overweight vehicles.

§28.121. Definition. In this subchapter, "Authority" means the Port of Palacios.

§28.122. Authority's Powers and Duties.

(a) Authority authorized to issue permits. The Authority may issue a permit and collect a fee for the movement, on roads designated by Transportation Code, §623.219(b-1), of a vehicle or vehicle combination that exceeds the vehicle size or weight limits specified by Transportation Code, Chapter 621, Subchapters B and C, but does not exceed loaded dimensions of 12 feet wide, 16 feet high, and 110 feet long, and does not exceed 125,000 pounds gross weight.

(b) Surety bond. The department may require the Authority to post a surety bond in the amount of $500,000 for the reimbursement of the department for actual maintenance costs of roads designated by Transportation Code, §623.219(b-1) if revenue collected from permits issued under this subchapter is insufficient to pay for those costs and the Authority fails to reimburse the department for those costs. The estimated maintenance costs will be based on the amortized cost of the identified

Repeal

roads, projected regular maintenance and operations costs, and the bridge consumption costs associated with the movement of overweight and oversize vehicles issued a permit by the Authority.

(c) Verification of permits. The Authority shall provide law enforcement and department personnel access to any of the Authority's property to verify compliance with this subchapter by the Authority or another person.

(d) Training. The Authority shall provide or obtain any training necessary for personnel to issue permits under this subchapter. The department may provide assistance with training on request by the Authority.

(e) Accounting. The Authority must comply with the department’s accounting procedures for revenue collections and payments made to the department under subsection (i) of this section.

(f) Audits. The department may conduct audits annually or, at the direction of the executive director, conduct audits of all permit issuance activities of the Authority. To ensure compliance with applicable law, audits at a minimum will include a review of all permits issued, financial transaction records related to permit issuance and vehicle scale weight tickets, and the monitoring of personnel issuing permits under this subchapter.

(g) Revocation of authority to issue permits. If the department determines as a result of an audit that the Authority is not complying with this subchapter or other applicable law, the executive director will issue a notice to the Authority allowing 30 days for the Authority to correct any non-compliance issue. If the department determines that, after that 30-day period, the Authority has not corrected the issue, the executive director may revoke the Authority's authority to issue permits under this subchapter. The Authority may appeal to the commission in writing the revocation of its authority under this subsection. If the Authority appeals the revocation, the

Repeal

Authority's authority to issue permits under this subchapter remains in effect until the commission makes a final decision on the appeal.

(h) Fees. Fees under this subchapter may be collected, deposited, and used only as provided by Transportation Code, §623.214. The Authority may determine acceptable methods of payment. All fees transmitted to the department must be in U.S. currency. On revocation of the Authority's authority to issue permits, termination of the maintenance agreement entered into under subsection (i) of this section, or expiration of this subchapter, the Authority shall pay to the department all permit fees collected by the Authority, less allowable administrative costs.

(i) Maintenance agreement. The Authority shall enter into an agreement with the department for the maintenance of roads designated by Transportation Code, §623.219(b-1), for which a permit may be issued under this subchapter. The agreement will cover routine maintenance, preventive maintenance, and total reconstruction of the roadway and bridge structures, as determined by the department to maintain the current level of service, and may include other types of maintenance.

(j) Reporting. The Authority shall provide monthly and annual reports to the department's Financial Management Division regarding all permits issued and all fees collected during the period covered by the report. The report must be in a format approved by the department.

§28.123. Permit Eligibility.

(a) Registration requirements. To be eligible for a permit under this subchapter:

(1) a vehicle or combination of vehicles must be registered under Transportation Code, Chapter 502; and

Repeal

(2) the owner of the vehicle or combination of vehicles must be registered as a motor carrier under Transportation Code, Chapter 643 or 645.

(b) Prohibition for unpaid penalties. The Authority may not issue a permit under this subchapter:

(1) to a person or company that is prohibited under Transportation Code, §623.271 from being issued a permit; or

(2) for a vehicle that is prohibited under Transportation Code, §623.271 from being issued a permit.

§28.124. Permit Issuance Requirements and Procedures.

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

(1) the name of the applicant;

(2) the name of the driver of the vehicle in which the cargo is to be transported;

(3) a description of the kind of cargo to be transported;

(4) the kind and weight of each commodity to be transported;

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

(6) the route the carrier will travel on roads designated by Transportation Code, §623.219(b-1);

Repeal

(7) the date or dates on which movement is requested.

(b) Permit form and contents. A permit issued under this subchapter must be in a form approved by the department and at a minimum must include all information required under Transportation Code, §623.215(a) and §623.216.

§28.125. Permit Weight Limits for Axles.

(a) Minimum axle group spacing. For an axle group to be permitted for maximum weight authorized under this section:

(1) an axle group must have a minimum spacing of four feet, measured from center of axle to center of axle, between each axle in the group; and

(2) two or more consecutive axle groups must have a minimum axle spacing of 12 feet, measured from center of the last axle of a group to center of the first axle of the immediately following group.

(b) Maximum permit weight. Maximum permit weight for an axle or axle group is the weight computed by multiplying 650 pounds times the total number of inches of the width of tires on the axle or group or the following applicable axle or axle group weight, whichever is less:

(1) single axle - 25,000 pounds;

(2) two-axle group - 46,000 pounds;

(3) three-axle group - 60,000 pounds;

(4) four-axle group - 70,000 pounds;

(5) five-axle group - 81,400 pounds; or

(6) trunnion axles - 60,000 pounds if:

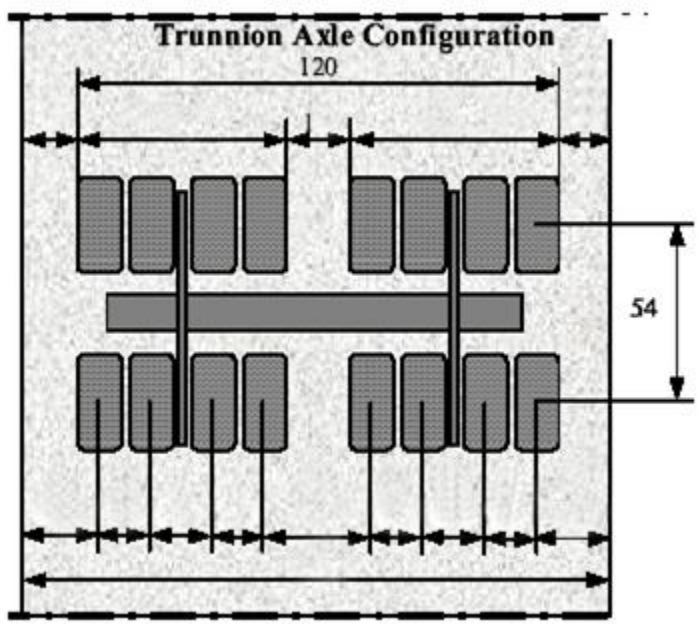
Repeal

(A) the trunnion configuration has two axles;

(B) there are a total of 16 tires for the trunnion configuration; and

(C) the trunnion axle, as shown in the following diagram, is 10 feet in width.

Figure: 43 TAC §28.125(b)(6)(C)



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

(d) Permits for vehicles exceeding permit weight limits. For a vehicle exceeding weight limits provided in this section, a person must apply directly to the Texas Department of Motor Vehicles for an oversize or overweight permit in accordance with Transportation Code, Chapter 623.

§28.126. Movement Requirements and Restrictions.

(a) Carrying of permit. The original permit issued by the Authority

must be carried in the permitted vehicle.

(b) Prohibition on movement with void permit. A permittee is prohibited from transporting an oversize or overweight load with a void permit. A permit is void if the applicant gives false or incorrect information. A permit becomes void when the permittee fails to comply with the restrictions or conditions stated in the permit or when the permittee changes or alters the information in the permit.

(c) Weather conditions or road work. Movement of a permitted vehicle is prohibited when:

(1) visibility is reduced to less than 2/10 of one mile;

(2) the road surface is hazardous due to weather conditions, such as rain, ice, sleet, or snow; or

(3) highway maintenance or construction work is being performed.

(d) Daylight and night movement restrictions. An oversize permitted vehicle may be moved only during daylight hours. A permitted vehicle that is overweight but not oversize may be moved at any time.

(e) Weight ticket requirement. Any vehicle issued a permit by the Authority must be weighed on scales that are capable of determining gross vehicle weights and individual axle loads and are certified by the Texas Department of Agriculture or accepted by the United Mexican States.

(f) Speed. The maximum speed for a permitted vehicle is set by Transportation Code, §623.217.

§28.127. Records. The Authority shall maintain records that evidence compliance with this subchapter. Those records are subject to audit by department personnel.

Repeal

SUBCHAPTER K. ISSUANCE OF PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES BY OTHER GOVERNMENTAL ENTITIES

§28.150. Purpose and Structure of Subchapter.

(a) Under Texas Transportation Code, Chapter 623, the commission may authorize certain governmental entities to issue permits for the movement of oversize or overweight vehicles carrying cargo on roads specified in various sections of that chapter. This subchapter provides the authorization and requirements for the issuance of permits by those entities.

(b) The first sections of this subchapter set out provisions that are generally applicable to the grant of authority to issue permits and the duties under that grant of authority. The sections beginning with §28.163 (relating to Port of Brownsville) provide the specific authority granted to each governmental entity and any exceptions to the general requirements that apply to that entity.

§28.151. Definition.

In this subchapter, "entity" means a governmental entity that is granted authority to issue a permit under this subchapter.

§28.152. Maintenance Agreement; Security Bond.

(a) Before an entity may issue a permit under this subchapter for the movement of a vehicle or vehicle combination that exceeds the size or weight limits specified in Texas Transportation Code, Chapter 621, Subchapters B and C, the entity must enter into an agreement with the department for the maintenance of roads on which a vehicle may travel under a permit issued by the entity.

(b) Maintenance covered under the agreement includes routine and preventive maintenance and other types of maintenance that the department determines necessary, and may include the total reconstruction of a roadway and bridge structures, if the department determines that the reconstruction is necessary to maintain the current level of service.

(c) The department may require the entity to post a surety bond in the amount of $500,000 for the reimbursement of the department for actual maintenance costs of the designated roads if the revenue collected from permits issued under this subchapter is insufficient to pay for those costs and the entity fails to reimburse the department for those costs.

§28.153. Duties of Entity.

(a) The entity shall provide or obtain any training necessary for its personnel to issue permits under this subchapter. The department may assist with training on the entity’s request.

(b) The entity shall comply with accounting procedures developed by the department for revenue collections and payments made to the department under §28.152 of this subchapter (relating to Maintenance Agreement; Security Bond).

(c) The entity shall maintain records that evidence compliance with this subchapter.

(d) The entity shall provide to the department's Finance Division, in a format approved by the department, monthly and annual reports regarding all permits issued and all fees collected during the period covered by the report.

(e) The entity shall provide law enforcement and the department's personnel access to any of the entity's property to verify compliance with this subchapter.

§28.154. Audits. Annually, or on direction of the executive director, the department will conduct audits of all permit issuance activities of the entity to ensure compliance with applicable law.

§28.155. Revocation of Permit Authority.

(a) If the department determines, as a result of an audit, that the entity is not complying with applicable law or determines that the entity issued a permit to a motor carrier whose certificate of registration was suspended or revoked by the Texas Department of Motor Vehicles, the executive director will issue a notice to the entity allowing 30 days for the entity to correct the issue. If, after the 30-day period, the department determines that the entity has not corrected the issue, the executive director may modify or revoke the entity's authority to issue permits under this subchapter.

(b) The entity may appeal the revocation to the commission in writing. If an appeal is filed, the entity's authority to issue permits under this subchapter remains effective until the commission makes a final decision on the appeal.

§28.156. Fees.

(a) Texas Transportation Code, Chapter 623, governs the amount, deposit, and use of fees collected by an entity under this subchapter. The entity may determine the acceptable methods for the payment of fees.

(b) On termination of the entity's authority to issue permits or the maintenance contract entered into under §28.152 of this subchapter (relating to Maintenance Agreement; Security Bond), the entity shall pay to the department all permit fees collected by the entity, less allowable administrative costs authorized by Texas Transportation Code, Chapter 623.

§28.157. Eligibility for Permit.

(a) An entity may issue a permit under this subchapter only if:

(1) the vehicle or vehicle combination is registered under Texas Transportation Code, Chapter 502; and

(2) the owner of the vehicle or combination is registered as a motor carrier under Texas Transportation Code, Chapter 643 or 645.

(b) An entity may not issue a permit under this subchapter to a person or for a vehicle that is prohibited from being issued a permit under Texas Transportation Code, §623.271.

§28.158. Permit Application Form. An application for a permit under this subchapter must be in the form approved by the department.

§28.159. Permit.

(a) A permit issued under this subchapter must be in a form approved by the department and must include all information required under Texas Transportation Code, Chapter 623.

(b) The original permit must be carried in the vehicle for which it was issued.

(c) A permit is void:

(1) if a person gives incorrect information on the permit application; or

(2) on noncompliance with or alteration of the permit.

§28.160. Permit Size and Weight Limits for Axles.

(a) The loaded dimensions of a vehicle or vehicle combination moving under a permit issued under this subchapter may not exceed 12 feet wide, 16 feet high, and 110 feet long.

(b) The gross weight of a vehicle or vehicle combination moving under a permit issued under this subchapter may not exceed 125,000 pounds.

(c) Subject to subsection (d) of this section, the maximum permit weight for an axle or axle group is the lesser of the weight computed by multiplying 650 pounds times the total number of inches of the width of tires on the axle or group or the following applicable weight:

(1) single axle - 25,000 pounds;

(2) two-axle group - 46,000 pounds;

(3) three-axle group - 60,000 pounds;

(4) four-axle group - 70,000 pounds;

(5) five-axle group - 81,400 pounds; or

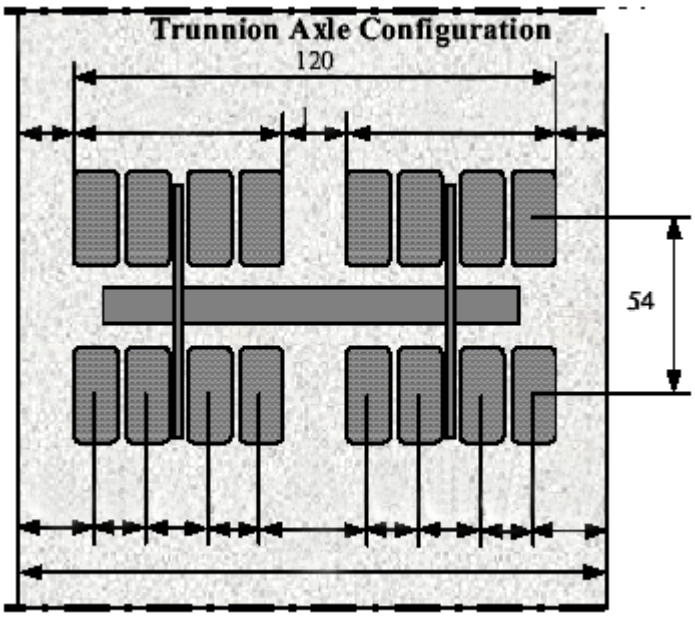
(6) trunnion axles - 60,000 pounds if:

(A) the trunnion configuration has two axles;

(B) there is a total of 16 tires for the trunnion configuration; and

(C) the trunnion axle, as shown in the following diagram, is 10 feet in width.

Figure: 43 TAC §28.60(c)(6)(C)



(d) A permit may be issued for the maximum weight authorized under subsection (c) of this section for an axle group only if:

(1) the distance between the centers of the axles in the group is at least four feet; and

(2) for two or more consecutive axle groups, the distance between the center of the last axle of a group to center of the first axle of the immediately following group is at least 12 feet.

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

(f) To exceed a weight limit set in this section, a person must apply to the Texas Department of Motor Vehicles for the applicable oversize or overweight permit under Texas Transportation Code, Chapter 623.

§28.161. Weight Measurements. Weight measurements must be made using scales that are certified by the Texas Department of Agriculture or, for international transportation, certified by the Texas Department of Agriculture or accepted by the United Mexican States.

§28.162. Movement Requirements and Restrictions.

(a) Movement of a vehicle under a permit issued under this subchapter is prohibited:

(1) when visibility is less than 2/10 of a mile; or

(2) on a road on which:

(A) the surface is hazardous due to weather conditions; or

(B) maintenance or construction work is being performed.

(b) A vehicle for which an oversize permit is issued under this subsection may be moved only during daylight.

(c) A vehicle for which only an overweight permit is issued under this subsection may be moved at any time.

(d) The maximum speed for a vehicle moving under a permit is issued under this subsection is set by Texas Transportation Code, Chapter 623, for that type of permit.

§28.163. Port of Brownsville. In accordance with Texas Transportation Code, Chapter 623, Subchapter K, and subject to the requirements of this subchapter, the department may enter into an agreement with the Brownsville Navigation District (Port of Brownsville) for the port to issue permits for the movement of oversize or overweight vehicles carrying cargo on the roads designated by Texas Transportation Code, §623.219(a)(1).

§28.164. Port Freeport Navigation District. In accordance with Texas Transportation Code, Chapter 623, Subchapter K, and subject to the requirements of this subchapter, the department may enter into an agreement with Port Freeport to issue permits for the movement of oversize or overweight vehicles carrying cargo on roads designated by Texas Transportation Code, §623.219(b).

§28.165. Port of Harlingen Authority. In accordance with Texas Transportation Code, Chapter 623, Subchapter K, and subject to the requirements of this subchapter, the department may enter into an agreement with the Port of Harlingen Authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on roads designated by Texas Transportation Code, §623.219(a)(2)(B), (C), (D), and (E).

§28.166. Port of Palacios. In accordance with Texas Transportation Code, Chapter 623, Subchapter K, and subject to the requirements of this subchapter, the department may enter into an agreement with the Port of Palacios to issue permits for the movement of oversize or overweight vehicles carrying cargo on roads designated by Texas Transportation Code, §623.219(b-1).

§28.167. Victoria County Navigation District.

(a) In accordance with Texas Transportation Code, Chapter 623, Subchapter L, and subject to the requirements of this subchapter, the department may enter into an agreement with the Victoria County Navigation District to issue permits for the movement of oversize or overweight vehicles carrying cargo on roads designated by Texas Transportation Code, §623.232.

(b) Notwithstanding §28.160(b) of this subchapter (relating to Permit Size and Weight Limits for Axles), the gross weight for travel on the designated roads may not exceed 140,000 pounds.

§28.168. Chambers County.

(a) In accordance with Texas Transportation Code, Chapter 623, Subchapter M, and subject to the requirements of this subchapter, the department may enter into an agreement with Chambers County, Texas to issue permits for the movement of oversize and overweight vehicles and loads on the roads designated by Texas Transportation Code, §623.252(b)(1).

(b) Notwithstanding §28.160(b) of this subchapter (relating to Permit Size and Weight Limits for Axles), the gross weight for travel on the designated roads may not exceed 100,000 pounds.

§28.169. Hidalgo County Regional Mobility Authority.

(a) In accordance with Texas Transportation Code, Chapter 623, Subchapter S, and subject to the requirements of this subchapter, the department may enter into an agreement with Hidalgo County Regional Mobility Authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on roads designated by Texas Transportation Code, §623.363 and for movement on:

(1) the state-owned roads designated by Texas Transportation Code, §623.363;

(2) United States Highway (US) 281/Military Highway from Spur 29 to Farm to Market (FM) 1015;

(3) FM 1015 from US 281/Military Highway, south to the Progreso International Bridge;

(4) FM 2557 from US 281/Military Highway to Interstate 2;

(5) FM 3072 from Veterans Boulevard ("I" Road) to Cesar Chavez Road;

(6) US 281 (Cage Boulevard) from Spur 600 to Anaya Road; and

(7) US 83 Business from South Pleasant View Drive to South Bridge Avenue.

(b) Notwithstanding §28.152(c) of this subchapter (relating to Maintenance Agreement; Security Bond), the department will set the

amount of the surety bond required to be posted by Hidalgo County Regional Mobility Authority under Texas Transportation Code, §623.370.

§28.170. City of Laredo.

(a) In accordance with Texas Transportation Code, Chapter 623, Subchapter T, and subject to the requirements of this subchapter, the department may enter into an agreement with the city of Laredo to issue permits for the movement of oversize and overweight vehicles and loads on the state-owned roads designated by Texas Transportation Code, §623.382.

(b) A surety bond required of the city of Laredo under §28.152(c) of this subchapter (relating to Maintenance Agreement; Security Bond), is for the maintenance of roadways described only by Texas Transportation Code, §623.382(a). The bond may not be in an amount of less than $500,000.