§2354-D. Allow certain commercial motor vehicles that exceed weight limits and vehicle dimension standards to operate on a designated route of travel

1. Commissioner may allow certain commercial motor vehicles that exceed weight limits and vehicle dimension standards. The Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, may allow a specified commercial motor vehicle configuration with any number of axles that would otherwise be in violation of the provisions in this chapter regarding operational weight limits, gross vehicle weights, axle weights, tire weights or vehicle dimensions to operate on a specified route of travel over public ways if:

A. The department receives a proposal from an entity seeking an allowance to operate a specified commercial motor vehicle configuration pursuant to this subsection on a specified route of travel; [PL 2013, c. 565, §2 (NEW).]

B. The chief engineer of the department, as appointed in accordance with Title 23, section 201, finds the proposed configuration and weight can be safely operated on the proposed route of travel. In making this finding, the chief engineer may consider available manufacturer's ratings for gross vehicle weight, axle capacity, brake systems and other components. The chief engineer may place such restrictions on operations as are necessary to ensure public safety; [PL 2013, c. 565, §2 (NEW).]

C. The chief engineer of the department, as appointed in accordance with Title 23, section 201, finds that the public ways and bridge infrastructure affected by the proposed route of travel can withstand, or can be improved and maintained to withstand, the proposed configuration and weight. The improvements necessary may include initial capital improvements and future maintenance or capital improvements; and [PL 2013, c. 565, §2 (NEW).]

D. The department receives satisfactory assurance that at least 50% of the cost of any infrastructure assessment and at least 50% of the cost for any infrastructure improvements determined necessary pursuant to paragraph C will be provided by the entity seeking the allowance. The department may provide the balance of funding, if feasible. [PL 2013, c. 565, §2 (NEW).]

[PL 2015, c. 119, §3 (AMD).]

2. Rules. The Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, shall adopt rules to implement this section. The rules must include appropriate mechanisms to ensure that, prior to giving an allowance to operate a commercial motor vehicle pursuant to this section on a route of travel that includes a public way that traverses a municipality, unorganized or deorganized area in a county or a reservation or trust land of a federally recognized Indian tribe in this State, appropriate input from or approval of the municipality, county or federally recognized Indian tribe is obtained. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2013, c. 565, §2 (NEW).]

3. Report. Beginning February 1, 2017, and biennially thereafter, the Commissioner of Transportation shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters on the implementation of this section. The report must include the number of proposals received by the department, including how many were authorized; the reasons any proposals were not authorized or did not move forward; the costs incurred by the department; the amount of funds provided by relevant entities or funding sources other than the department; any infrastructure improvements made to accommodate proposals; the designated routes of travel allowed; the allowed configurations on these designated routes; and the gross vehicle weights allowed.

[PL 2013, c. 565, §2 (NEW).]

4. Commissioner may revoke privileges of operation. The Commissioner of Transportation may revoke the privileges of operation under this section of a commercial motor vehicle and the associated entity that sought the allowance under this section for cause, including repeatedly exceeding allowed gross vehicle weight limits or operating outside the allowed designated route of travel. Revocation by the commissioner is considered a final agency action.
[PL 2013, c. 565, §2 (NEW).]

5. Exclusion. Nothing contained in this section applies to the Interstate Highway System as defined in the Federal Aid Highway Act of 1956.
[PL 2013, c. 565, §2 (NEW).]

SECTION HISTORY

PL 2013, c. 565, §2 (NEW). PL 2015, c. 119, §3 (AMD).

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