

WEIGHT LIMITS ON TENNESSEE HIGHWAYS

INTRODUCTION

Although County Officials have certain powers with regard to weight limits on county roads, this authority is derived from authority possessed by the State Department of Transportation. The ability to regulate weight limits on county roads must fit within the overall scheme of state laws and regulations. For that reason, this report first reviews the power and authority exercised by the Department of Transportation before discussing county authority.

Section 55-7-101 - Operation of Vehicles Injurious to Highways Must Conform to Regulations -- *No vehicle, truck, engine, or tractor of any kind, whether such vehicle be propelled by steam, gasoline, or otherwise, shall be permitted to operate upon any street, road, highway, or other public thoroughfare which, either by reason of its weight or the character of its wheels, will materially injure the surface or foundation of such street, road, highway, public thoroughfare, including the bridges thereon, unless and until the owner or operator of such vehicle of any kind shall have complied with such rules and regulations as may be prescribed by the departments of transportation and safety relating to the use of such highways by such vehicles. Tennessee Code Annotated.*

Statutes regulating the size, weight, and load of motor vehicles traveling on Tennessee highways are codified as **Title 55, Sections 55-7-101 -- 55-7-209**. While height and width specifications are included with Chapter 7 of Title 55 and will be touched on briefly, this report will focus primarily on maximum weights of such vehicles - allowances, exceptions and penalties for violations, as well as required permits.

Section 55-7-103 describes when maximum weight limits may be lowered:

Maximum Weight May be Lowered, When - Notices to be Posted -- (a) *From January 15 to April 15 of each year, and at any other time by reason of repairs, weather conditions, or recent construction of the road, the maximum weight herein permitted would damage the road, the [state] department of transportation may specify any lower maximum weight which, in the discretion of such department, is necessary in order to protect such streets, roads, highways, or other public thoroughfares from unnecessary injury or damage.*

(b) *Notice of such reduction in weight load shall be given by the department by posters posted at the termini of the road and all detours for one (1) week before such reduction of load becomes effective.*

Violation of regulations contained in **Sections 55-7-101--55-7-103** is a Class C misdemeanor and, upon conviction, subject to imprisonment for not greater than thirty (30) days or to a fine of not more than fifty dollars (\$50.00). (**Sections 55-7-104, 40-35-110, 40-35-111**) In addition, it is illegal to move an overloaded vehicle until the load has been reduced to bring it into legal compliance, or a special permit obtained. Failure to comply is a Class C misdemeanor.

Sections 55-7-107--55-7-109 relate to securing of loads of vehicles hauling timber, pulpwood, logs (**55-7-107**) and loose material hauled in an open truck bed (**55-7-109**), and penalties for violation of these sections. **Sections 55-7-201 and 55-7-202** outline maximum length, width and height regulations.

MAXIMUM WEIGHT LIMITS

Section 55-7-203 sets out weight limits currently established for public highways in Tennessee, as follow:

Gross Maximum Weight Limit	80,000 lbs.
Single Axles	20,000
Tandem Axles	34,000

Weight limits for the interstate system are slightly different than those outlined above for state highways. (For a complete explanation of weight limits, please refer to **Section 55-7-203, Tennessee Code Annotated.**)

In addition, **Section 55-7-203 (7)**, which was amended in 1996, relates to allowance for error on logging trucks, farm trucks, and certain other vehicles:

(7) For purposes of enforcement of this section, weight restrictions shall be deemed to have a margin of error of ten percent (10%) of the true gross or axle weight for all logging, sand, coal, clay, shale, phosphate, solid waste, recovered materials, farm trucks and machinery trucks when being operated over the state highway system other than the portion designated as the interstate system.

The various types of trucks listed in that statute are defined specifically in the law. The application of the margin of error rule to trucks hauling certain types of materials (machinery, sand) is limited to specific circumstances or distances.

OVERWEIGHT, OVERSIZE, OVERLENGTH LOADS

The law not only sets the maximum axle and gross weight limits allowed on Tennessee highways, but also authorizes that *"....the commissioner of transportation shall have the authority to grant special permits for the movements of freight motor vehicles carrying gross weights set forth in Section 55-7-203, or dimensions in excess of the dimensions set forth in Sections 55-7-201 and 55-7-202, and shall charge a fee in accordance with the schedules contained in subsection (h) for the issuance of a permit for each movement."* (55-7-205(a)) These special permit fees are charged in accordance with the following schedules set out in **Section 55-7-205 (h)**:

Excessive Width:

Not More Than 10 Feet	\$10.00
Over 10 Feet - Not More Than 12	15.00
Over 12 Feet - Not More Than 14	25.00
Over 14 Feet - Not More Than 16	30.00
Over 16 Feet -- \$30.00 plus \$5.00 for each additional foot or fraction thereof greater than 17 feet.	

Excessive Height or Length: \$15.00

Excessive Weight: \$15.00 plus \$.05/Ton per Mile

Evaluation of Bridges and Similar Structures:

> Movements weighing over 200,000 but not more than 300,000 pounds	\$100.00
> Movements weighing over 300,000 but not more than 500,000 pounds	300.00
> Movements weighing over 500,000 but not more than 1,000,000 pounds	500.00
> Movements weighing over 1,000,000 pounds	Actual Cost

A permit shall be available from the department of transportation on an annual basis for overdimensional and/or overweight vehicles except for those vehicles permitted as provided for in subdivision (h) (6) for five hundred dollars (\$500) per year for weights up to one hundred twenty thousand pounds (120,000 lbs.) and for one thousand dollars (\$1,000) per year for weights in excess of one hundred twenty thousand pounds (120,000 lbs.). Movements in excess of one hundred fifty thousand pounds (150,000 lbs.) shall be required to obtain a special permit at a cost of fifteen dollars (\$15.00) plus five cents (5¢) per ton-mile for all weight in excess of one hundred fifty-thousand pounds (150,000 lbs.). Section 55-7-205 (h)(5)

EXCEPTIONS TO SIZE AND WEIGHT PROVISIONS

Section 55-7-205 (a) allows certain exceptions pertaining to size and/or weight limits as follow:

Farm Equipment:

....It is not necessary to obtain a permit nor is it unlawful to move any vehicle or machinery in excess of the maximum weight and height....used for normal farm purposes only where the same is hauled on a farm truck....or such vehicle or machinery is being transported by a farm machinery equipment dealer or repairman in making a delivery thereof of new or used equipment or machinery to the farm of the purchaser thereof, or in making a pickup and delivery of such farm machinery or equipment from the farm to a shop of a farm equipment dealer or repairman for repairs and return to the farm, and such movement is performed during daylight hours within a radius of fifty (50) miles of the point of origin thereof and no part of such movement is upon any highway designated and known as a part of the national system of interstate and defense highways of any fully controlled access highway.

Utility Companies:

No fee authorized by this section shall be charged for the issuance or renewal of such special permits to retail electric service owned by a municipality or electric cooperative corporation, or to any telephone company or to contractors when they are moving utility poles doing work for such utilities. Upon compliance with the appropriate rules and regulations, such electric services, telephone companies, and their contractors when they are moving utility poles may be issued special permits for stated periods not exceeding one (1) year.

PENALTIES FOR VIOLATIONS

Each violation of **Sections 55-7-201--55-7-203**, each violation of restrictions on the maximum gross weight of freight motor vehicles adopted by the commissioner of transportation (**Section 55-7-205**), and each violation of rules and regulations adopted by the commissioner of safety under that section, is a Class C misdemeanor. (**Section 55-7-206 (a)**) In addition, when any freight motor vehicle is found to be in violation of only **55-7-203 (3)**, a fine of twenty-five (\$25.00) is to be imposed. (**Section 55-7-206 (d)(1)**)

COUNTY OFFICIALS AUTHORITY - OVERWEIGHT, OVERSIZE VEHICLES

Of significance to county officials in Tennessee, **Section 55-7-205** provides that appropriate county officials shall have the same permitting authority as the commissioner of transportation as it relates to county roads.

...The authorized county authorities....may issue permits, but always consistently with rules and regulations prescribed by the commissioner, for movements over any and all roads (except city streets) within the limits of the county for which they are acting. (55-7-205(i))

"Appropriate county officials" have the same authority to set weight limits on county roads as the commissioner of transportation has on state roads. This is the authority to reduce the maximum gross weight of freight motor vehicles operating over lateral highways and secondary roads where through weakness of structure in either the surface of the road or of bridges, the maximum loads provided by law, injure or damage such roads or bridges. T.C.A. 55-7-205(a). Whereas the regular maximum weights for freight motor vehicles are set on a weight per axle basis, with the gross maximum weight limit being 80,000 lbs., the lower weight limits may be a certain gross amount per vehicle.

The law noted above does not specify who are the "appropriate county officials". The term "appropriate officials" certainly includes the chief administrative officer of the county highway department in counties under the County Uniform Highway Law as well as the highway commission in the counties where the highway commissioners are both elected by popular vote and given general supervisory authority over roads by private act. The widest possible approval of actions in lowering weight limits will aid in enforcement. It would be beneficial to have the weight limits ratified by resolution of the county legislative body. That way, violation of the weight limits could subject the offender to a civil monetary penalty of up to \$500 for violation of rules and regulations of the county if so specified by the resolution of the county legislative body. **(Section 5-1-121)** Furthermore, the weight limits that are set should be reasonable and based on the best information available regarding the weight that the road or bridge will withstand. The Department of Transportation can assist highway departments by conducting engineering studies that can be used to support the need for reduced weight limits.

Signs should be placed at appropriate places along the road or prior to entry upon a bridge to give the public reasonable notice of the lowered weight limits. In addition, appropriate county officials are also authorized to issue special permits for transporting oversize and/or overweight loads on county roads in conformity with rules and regulations prescribed by the commissioner of transportation.

SAMPLE FORMS, RULES AND REGULATIONS FOR ISSUANCE OF PERMITS

The sample forms, rules and regulations included herein are presented only as a guide to be used by local county highway departments in implementing a permit system in their county. Each county may adopt this guide or modify it so long as the permits are consistent with the rules and regulations of the Tennessee Department of Transportation.

RULES FOR MOVEMENT OF OVERWEIGHT VEHICLES ON THE COUNTY ROADS OF _____ COUNTY

1. Any movement of equipment and/or commodities which exceeds the gross weight limit as posted on all county roads may not be moved over the local county and rural roads of this county without first applying for and obtaining a permit for such movement from the chief administrative officer of the county highway department.
2. Permits will not be issued for the movement of any piece of equipment and/or commodity which, in the opinion of the chief administrative officer, can reasonably be reduced and/or dismantled in weight to come within the legal limits as hereinbefore set out.
3. Permits will not be issued when, in the opinion of the chief administrative officer, the roadway surfaces or bridges are affected by conditions which would make the movement unsafe.
4. Any person, firm, company or corporation that undertakes the movement of any overweight piece(s) of equipment and/or commodity which is contrary to the provision of **Section 55-7-205(f)** shall, in the discretion of the chief administrative officer, be denied any further permit(s) for such overweight movement for such a period of time, not to exceed one year, as the chief administrative officer shall deem appropriate.

5. At the direction of the commissioner of the state department of transportation, certain exceptions to these rules and regulations may be made to the Military Departments of the State of Tennessee and the United States government upon certification by a responsible officer thereof, that such movements are necessary to the national defense.
6. Special permits for the movement of overweight loads may be granted for periods of time up to but not exceeding one year, in the discretion of the chief administrative officer. Permit applications should specify what period of time is requested.
7. Any person, firm, company or corporation that undertakes the movement of any overweight piece(s) of equipment and/or commodity on the local county roads or roads on the state rural road system, shall hold the counties harmless from any claims for damages resulting from the exercise of any of the privileges granted under the special permit so issued for such overweight movement. To this end, said person, firm, company or corporation shall carry liability insurance with an insurer, acceptable to the chief administrative officer and furnish a certificate of said insurance to the chief administrative officer. The certificate of insurance shall provide that the insurer shall give to the chief administrative officer written notice of intention to terminate said required insurance by certified mail. Termination shall become effective thirty (30) days after receipt of said notice from the insurer by the county highway department.
8. Application for special permit must be made on the official application forms of the county highway department. These forms may be obtained in the office of the county highway department or by letter request or telegram to the chief administrative officer of the county highway department. The party requesting a special permit must advise the county highway

department of the following via the permit application:

- a. Description of equipment and/or commodity to be moved.
- b. Method of moving.
- c. Gross weight of load.
- d. Origin and destination of movement (within the county).
- e. Proposed routes over which movement will be made.
- f. Proposed dates of movement (within the county).
- g. Accept financial responsibility for any damage caused county roads due to the movement of the overweight load.

SAMPLE PERMIT

The following sample permit form should be used as a guide for chief administrative officers of county highway departments in the administration of special permits for overweight movements on local county and rural roads within their jurisdiction.

SAMPLE

SAMPLE

SPECIAL PERMIT

_____ COUNTY HIGHWAY DEPARTMENT

_____, TENNESSEE

DATE: _____ To All Law

Enforcement Officers:

Permit is hereby issued to (Individual/Company/Corporation - Address) for the movement of (Type of Equipment/Commodity) by truck and/or trailer over the county and rural roads in _____ County, Tennessee.

Permit is overweight to gross weight of _____ pounds. Permit does not supersede any state limits on size and weight except gross weight limit.

Permit valid from (Beginning Date) to (Ending Date) . Permit is inoperative if road surfaces are affected by ice or snow.

This permit is granted with the understanding that, after thirty (30) days' notice, permit may be revoked or suspended in case the permit law or the policy of this county highway department is changed, or if for any reason the chief administrative officer deems this necessary.

When traffic accumulates behind, mover will pull over to allow traffic to pass. Mover is responsible for any damage to roadways, bridges, or the traveling public in this county.

Chief Administrative Officer

_____ County Highway Department

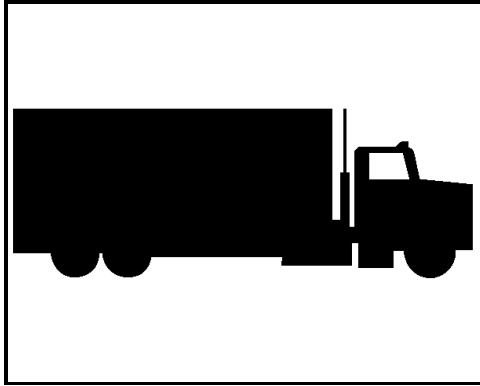
Permissible to use photostatic copies of the above permit.

SETTING SPEED LIMITS ON COUNTY ROADS

The county legislative body in each county has the power to set speed limits lower than the standard state speed limit (65 m.p.h. for automobiles and trucks) as it may deem appropriate on any road being maintained by the county. A speed limit that is set by the county cannot exceed 55 m.p.h. **(Section 55-8-152(f)(1)(C))** The county must erect appropriate signs and traffic signals. **(Sections 55-8-153(d), 55-8-152)** However, some special rules apply with respect to establishing speed limits on roads adjacent to school grounds. Some population class exceptions in the law may apply to certain counties, but the general rule is that speed limits on county roads next to school grounds must be based on an engineering investigation and shall not be less than 15 m.p.h. and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. **(Section 55-8-152(e))**

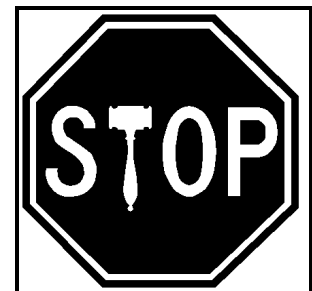
Although the county legislative body sets the speed limits, the county highway department is responsible for placing signs in the county right-of-way. The Manual on Uniform Traffic Control Devices should be followed to determine how to properly place signs along the road. It is our understanding that this manual is available from TTAP.

**THE UNIVERSITY OF TENNESSEE
COUNTY TECHNICAL ASSISTANCE SERVICE**



TECHNICAL REPORT NO. 92-2

**WEIGHT LIMITS ON TENNESSEE HIGHWAYS
AND
SPEED LIMITS ON COUNTY ROADS**



August 1999

August 1999

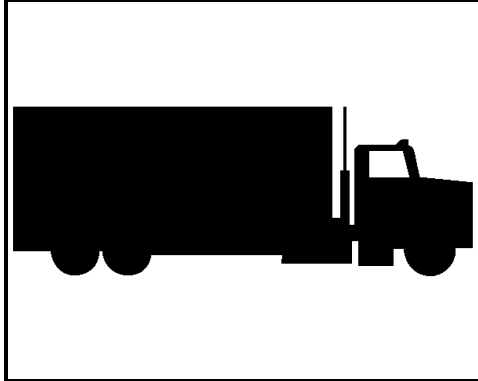
Dear County Highway Official:

For many years, county highway departments have had to deal with considerable damage to county roads resulting from use by heavy and/or large haulers for extended periods of time. Most county roads are not built to withstand the wear and tear caused by constant use by trucks weighing many tons. Harsh winters compounded by wet springs add to the problem. In addition, many county bridges, already weak, have become increasingly dangerous after continuous exposure to weights approaching the maximum weights authorized by law for state roads. County highway officials frequently raise the question of how a county highway department can legally protect county roads and bridges from damage caused by trucks weighing more than these roads and bridges can accommodate.

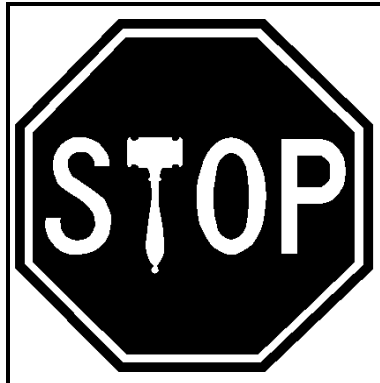
This report is presented as an aid in designing a system for legally controlling the use of county roads by heavy/large haulers. It is important to note that current laws do not provide a complete solution to the problem. They do, however, offer limited means by which some control of heavy haulers. Through the use of lowered weight limits and enforcement of these limits county road officials can maintain at least some control.

If you have questions concerning this report, please do not hesitate to contact any member of the CTAS staff.

Rodney Carmical
Executive Director



**WEIGHT LIMITS ON TENNESSEE HIGHWAYS
AND
SPEED LIMITS ON COUNTY ROADS**



AUGUST 1999

Prepared by

Judith F. Reinhart
Special Projects Coordinator

**THE UNIVERSITY OF TENNESSEE
COUNTY TECHNICAL ASSISTANCE SERVICE**

AUTHORIZATION NO. 15-1570-00-002-92