

## Weight Limit Posting Issues

### Comments by Lieutenant Derek Fenby, Vermont Department of Motor Vehicles

### Discussion at the Road Foreman Meeting on August 5, 2015 at Strafford Town Garage

Notes by Katharine Otto, Southern Windsor County Regional Planning Commission

**Note: These notes are intended as a brief summary of what was discussed at the road foreman meeting.**

**If you have any questions about posting weight limits, you or your selectboard can contact Lt Derek Fenby 802-793-9095, [derek.fenby@state.vt.us](mailto:derek.fenby@state.vt.us)**

Must have resource to have on hand:

- Vermont Statues - Title 23 <http://legislature.vermont.gov/statutes/title/23>

Also check out:

- Example Uniform Municipal Excess Weight Limit Permit - <http://swcrpc.org/transportation>
- Municipal Highways and Bridges Special Weight Limits – DMV records - <http://dmv.vermont.gov/municipal-highways-bridges>

#### General Information about weight limits

Weight limits in Vermont are automatically the following, unless posted otherwise:

- 80,000 lbs for state roads
- 24,000 lbs for class 2, 3 or 4 town highway or bridge (not wood floor)
- 16,000 lbs for any bridge with wood floor or stringers on class 3 or 4 town highway
- 20,000 lbs for any bridge with wood floor or stringers on class 1 or 2 town highway

(23 VSA 13(15) § 1392(1-4) - <http://legislature.vermont.gov/statutes/section/23/013/01392>)

All roads are suitable for all vehicles unless posted otherwise

- 23 VSA 13(3) § 1042 - <http://legislature.vermont.gov/statutes/section/23/013/01042>
- 23 VSA 13(15) § 1396 <http://legislature.vermont.gov/statutes/section/23/013/01396>

Need signs to say weight limit when move from state road to town road. These signs can be installed by VTrans.

- 23 VSA 13(15) § 1397 <http://legislature.vermont.gov/statutes/section/23/013/01397>

Class 1 weight postings would need to be approved by VTrans, and have a safe alternative route. 23 VSA 13(3) § 1042 - <http://legislature.vermont.gov/statutes/section/23/013/01042>

Can only have one weight limit for the entire length. This means that if part of a through road has a notable weight restriction (eg bridge), the entire road would have to have that limit, unless there was another road out of the area to avoid the bridge.

Certificate of postings is needed if weight limit is not normal (24,000 lbs for town roads) – would be on file with:

- Town Clerk
- Municipal Highways and Bridges Special Weight Limits – DMV records - <http://dmv.vermont.gov/municipal-highways-bridges> - Needs to be renewed by February 10<sup>th</sup> each year - 23 VSA 13(15) § 1400b <http://legislature.vermont.gov/statutes/section/23/013/01400b>

Emergency services can use any road despite postings

- Definition of emergency vehicle – at 23 VSA 1 § 4(1) - <http://legislature.vermont.gov/statutes/section/23/001/00004>
- Emergency service vehicles exempt - 23 VSA 13(15) § 1399 - <http://legislature.vermont.gov/statutes/section/23/013/01399>

Agricultural service vehicles (eg milk trucks) can use any road despite postings, although they must choose the quickest route causing least damage (eg least mileage on unpaved roads and weight restricted roads).

- Definition of Agricultural service vehicle – at 23 VSA 1 § 4(71) - <http://legislature.vermont.gov/statutes/section/23/001/00004>
- Farm trucks exempt – at 23 VSA 7(2) § 370 - <http://legislature.vermont.gov/statutes/section/23/007/00370>
- Agricultural Service vehicles exempt - 23 VSA 13(15) §1400b - <http://legislature.vermont.gov/statutes/section/23/013/01400d>

Fuel, trash and utility vehicles are not exempt from road postings. (Although it could be seen that an emergency oil delivery in the winter is an emergency.)

While you cannot stop oil trucks making deliveries on roadways, if there is an issue of weight you could require that oil company only to carry the oil needed specifically for that house.

Logger vehicles often 80,000 – 90,000 lbs, and sometimes more

Can specify load per vehicle type – although unusual.

Be very careful not to discriminate against or show favoritism for any particular vehicle.

### Permits

Need to have permits available otherwise all vehicles have permission to drive on all roads

Permits for state roads - 23 VSA 13(15) § 1400 - <http://legislature.vermont.gov/statutes/section/23/013/01400>

Permits for town roads - 23 VSA 13(15) § 1400a - <http://legislature.vermont.gov/statutes/section/23/013/01400a>

Permits need to be renewed annually - 23 VSA 13(15) § 1400a - <http://legislature.vermont.gov/statutes/section/23/013/01400a>

A variety of people have authority to issue permits – written or verbal - Selectboard/ Trustees/ Legislative Body. But written permits are easier for the DMV to enforce

Permits can include:

- Hours of operation
- Weight Limits on specific roads
- Conditions – including “unless otherwise posted for frost/mud season”
- Some cost recovery for damage - 23 VSA 13(15) § 1400a - <http://legislature.vermont.gov/statutes/section/23/013/01400a>
- For more categories see 23 VSA 13(15) § 1400a - <http://legislature.vermont.gov/statutes/section/23/013/01400a>

### Bonding

Can require a bond in case of road damage (eg for crane)

- 23 VSA 13(15) § 1400a - <http://legislature.vermont.gov/statutes/section/23/013/01400a>
- 23 VSA 13(15) § 1404 <http://legislature.vermont.gov/statutes/section/23/013/01404>

Could bond for mud season – a good disincentive!