

MAP-21 - Moving Ahead for Progress in the 21st Century

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MAP-21, Section 1511 - Special Permits During Periods of National Emergency Implementation Guidance, Revised



U.S. Department of
Transportation
**Federal Highway
Administration**

Memorandum

Subject: Information: MAP-21, Section 1511 - Special Permits During Periods of National Emergency Implementation Guidance, Revised

Date: June 5, 2013

From: Jeff Lindley
Associate Administrator for Operations

Reply to: HOP
Attn. of:

To: Division Administrators
Directors of Field Services
Director of Technical Services

On July 6, 2012, the President signed into law Public Law 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21). The attached "Special Permits During Periods of National Emergency" implementation guidance memorandum provides policy direction on Special Permits for divisible loads, which may be issued by the States to vehicles and loads that are delivering relief supplies during a Presidentially-declared emergency or major disaster. The following guidance clarifies the ineligible activities section of the original guidance issued on September 24, 2012 and adds Question #8.

If you have any questions, please contact Ms. Crystal Jones (202-366-2976) of the Office of Freight Management and Operations.

Attachment

Special Permits During Periods of National Emergency Implementation Guidance

A. PROGRAM PURPOSE

Section 127 of title 23, U.S.C., establishes weight limitations for vehicles operating on the Interstate System. Those maximum weight limitations are as follows: single axle - 20,000 lbs.; tandem axle - 34,000 lbs.; and gross weight - 80,000 lbs. (or the maximum allowed by Federal Bridge Formula). Section 127 states that the overall gross weight may not exceed 80,000 lbs., including all enforcement tolerances, except for those vehicles and loads which cannot be easily dismantled or divided and which have been issued Special Permits in accordance with applicable State laws. This language establishes the States' authority to issue Special Permits to "non-divisible" loads. Examples of non-divisible loads include: bulldozers, large generators, scrapers, and modular homes.

Section 1511 of MAP-21 extends the States' authority to issue Special Permits to vehicles with divisible loads that are delivering relief supplies during a Presidentially-declared emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act") (42 U.S.C. 5121 et seq.).

B. GOVERNING AUTHORITIES

Notwithstanding any other provision of 23 U.S.C 127, MAP-21 authorizes a State to issue Special Permits during an emergency to overweight vehicles and loads that can easily be dismantled or divided. The following laws are applicable to section 1511:

1. 23 U.S.C. 127 - Vehicle weight limitations - Interstate System.
2. 42 U.S.C. 5121 et seq.

C. GUIDANCE

Special Permits for vehicles and loads that exceed Federal weight limitations are required for lawful operation on the Interstate System.

Prior to October 1, 2012, Special Permits for vehicles and loads operating in excess of Federal weight limitations on the Interstate System were only available for those loads that were not easily dismantled or divided (non-divisible loads). MAP-21 authorizes qualifying vehicles and loads to operate with a Special Permit when transporting a load that can be easily dismantled or divided (divisible loads).

The Federal Highway Administration (FHWA) will establish special permitting requirements for the transportation of divisible loads on the Interstate System during Presidentially-declared national emergencies or major disasters under Section 1511. States' implementation of Section 1511 will be evaluated as part of the States' annual certification of vehicle size and weight enforcement programs required under 23 CFR part 657.

Special Permit Requirements:

States may issue special permits during an emergency to overweight vehicles and loads that can easily be dismantled or divided, if:

- The President has declared an emergency or a major disaster under the Stafford Act;
- The permits are issued in accordance with State law; and
- The permits are issued exclusively to vehicles and loads that are delivering relief supplies.

Special Permits issued under Section 1511 of MAP-21 expire not later than 120 days after the date on which the President declares an emergency or major disaster, whichever declaration occurs first.

Terms and Definition:

For purposes of this section, relief supplies may include, but are not limited to:

- Medicine and medical equipment;
- Food supplies (including feed for livestock);
- Water;
- Materials used to provide or construct temporary housing; and
- Other supplies directly supporting the type of relief needed following a disaster.

The term "delivering" means transporting relief supplies to any destination that is part of the geographical area covered by the emergency or major disaster declaration. A State may issue permits to vehicles destined for a disaster area located in another State.

Ineligible Activities:

Transporting material from a geographical area covered by the emergency or major disaster declaration is not an eligible activity under this provision unless a State demonstrates to FHWA that such transport is necessary to facilitate the delivery of relief supplies to a specific location and for a limited duration.

In addition, Section 1511 requires that the President declare an emergency or a major disaster under the Stafford Act. It does not apply to State emergencies or disasters declared by a State's Governor.

D. QUESTIONS AND ANSWERS

Question 1: Does the State need to wait for a Presidential declaration prior to issuing a Special Permit?

Answer 1: Yes. Before a State can issue a Special Permit under this provision, the President must first declare an emergency or a major disaster under the Stafford Act.

Question 2: Can a Special Permit be issued in anticipation of a Presidential declaration?

Answer 2: No. Loads associated with emergency preparedness, such as constructing levees, may be transported at any time; however, when transported on the Interstate, the load must be within Federal weight limits.

Question 3: How can FHWA, in coordination with the Federal Emergency Management Agency (FEMA), expedite the process of requesting a Presidential declaration?

Answer 3: By expediting the gathering and supplying of damage information resulting from an emergency or major disaster, FHWA can help expedite FEMA's request for a Presidential declaration under Stafford Act.

Question 4: If the emergency extends more than 120 days after the Presidential declaration, can the Special Permits be renewed?

Answer 4: No. Special Permits issued under this provision expire 120 days after the date of the Presidentially-declared emergency or major disaster, whichever declaration occurs first. (23 U.S.C. 127(i)(2)).

Question 5: Are there still maximum weight limits for the Special Permit?

Answer 5: No. Special Permits are issued by the State, at the discretion of the State, in accordance with State law.

Question 6: Is the State still required to use the bridge gross weight formula prior to issuing a Special Permit?

Answer 6: No. Special Permit weights are determined by the States with consideration given to infrastructure issues. Federal axle, gross, and bridge formula weights are not required considerations.

Question 7: Does this provision apply only to the Interstate System, enhanced National Highway System, or National Network?

Answer 7: The issuance of Special Permits to exceed Federal weight limitations applies only to the Interstate System.

Question 8: What type of activities might be considered "facilitating delivery of relief supplies"?

Answer 8: Such activities might include activities that clear roadways, staging areas, or locations for temporary structures immediately after the disaster in order to facilitate the delivery of relief supplies. This could include debris removal, but only to the extent that the divisible overweight load expedites the clearing process, and any permits issued should only be for specific areas or locations and for a limited duration.

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Federal Highway Administration | 1200 New Jersey Avenue, SE | Washington, DC 20590 | 202-366-4000