November 15, 2011

Memorandum For: ICPA Executive Committee

From: Gene Guilford

Subject: Connecticut Commercial Vehicle Weight Limits

During the recently completed chapter meetings, specifically in Hartford, a question arose regarding the desirability of being able to either outrightly raise or temporarily raise the weight limits on certain commercial motor vehicles. This memorandum describes the legal and regulatory background of the CMV weight limit issue in Connecticut and the decisions state government made that puts us where we are and describes why we cannot gain waivers to weight limits.

History
The Federal-Aid Highway Act of 1956 limited the total weight of commercial motor vehicles (CMVs) to 73,280. The Federal-Aid Highway Act Amendments of 1974 amended this to establish the bridge formula as law (went into effect in 1975). This formula incorporated the length of the vehicle, between axles, to determine the maximum allowed gross vehicle weight (GVW). The maximum now became 80,000 lbs for a CMV with a length of 51 feet between the outermost axles, with lesser weights allowed for smaller vehicles.

“Grandfathered” Exceptions
Interstate System weight limits in some States may be higher than the limits derived from the Bridge Formula due to “grandfather” rights. When the Interstate System axle and gross weight limits were adopted in 1956, and amended in 1975, states were allowed to keep or “grandfather” weight limits that were higher. Currently only four states have grandfathered rights exceeding 80,000 GVW on the Interstate (note 1 below), and 18 states have limits higher than 80,000 GVW on non-Interstate, State Highways (note 2 below). Many states, on the other hand, have grandfathered lower limits for State Highways; e.g. West Virginia allows a maximum GVW of 73,500 on non-designated state highways, and 65,000 on county roads. These grandfathered states were written into the 1974 statute. Since then states have also granted waivers for various weights and sizes for travel on their state roads. Source: US DOT Truck Size and Weight Study

Connecticut
Connecticut has always abided by the maximum GVW limits set forth in both the 1956 and 1975 laws and did not seek to “grandfather” exceptions to the maximum limits at the time those statutes became law, for either Interstate or State Highways. And in fact, CT bridges have been designed with the 80,000 GVW limit in mind and only one bridge in the state, the Charter Oak Bridge, is designed for a higher weight limit, according to CT DOT. On the positive side, with just a single weight/size system applicable for both Interstate
and State Highways in Connecticut, any truck in compliance has no restrictions on travel anywhere in the state.

**Example**

Consider a fuel oil delivery truck, an International 4400 rated at 33,000 GVW, 22,000 on the rear axle and 11,000 on the front axle with a 2800 gall. tank. If you comply with these manufacturer’s weight ratings, then you would be in compliance with federal and CT law on weight limits – both GVW and axle weight limits – since the manufacturer builds the vehicle with these limits in mind. The question is how many gallons can be carried to comply with these limits. What you need to do is to weigh the truck empty of product (but with just fuel in the side tank and the driver included). Let’s say that leaves you at 15,500 lbs. That means you can load 17,500 lbs of product to stay within the 33,000 GVW for the truck, and at 7 lbs per gallon, that means you can carry 2500 gallons of product. More than that, and you risk being caught overweight at the scales for GVW, axles weight, or both, depending on how your weight is distributed. The same procedure applies for larger, 5 axle, 80,000 GVW tanker trucks. Find out how much the vehicle weighs empty, subtract from 80,000, and that’s how much product can be carried. The amount that can be carried will be less than the actual size in gallons of the tank, when applying these formulas. This has the added benefit of allowing the product to expand a bit if it becomes warm during transportation.

**Applicability**

The national vehicle standards apply on what is known as the National Network of highways, which include the Interstate Highway System and highways formerly classified as Primary System routes, capable of handling larger commercial vehicles (23 CFR 658.9). In Connecticut, the National Network includes designated Interstate Highways (I-95, I-91, etc) plus these designated routes: **CT-2** from Columbus Blvd., Hartford to I-395, Norwich; **CT-8** from I-95, Bridgeport to US 44, Winsted; **CT-9** from I-95, Old Saybrook to I-91, Cromwell; **CT-20** from CT-401, Windsor Locks to I-91, Windsor; and **CT-401** from CT-20, Windsor Locks to Bradley Airport Access Rd (23 CFR 658 Appendix A).

**Waivers**

Off the Interstate Highway System, states may set their own commercial vehicle weight standards. Specifically, “nothing in this regulation shall be construed to prevent any State from applying any weight and size limits to other highways, except when such limits would deny reasonable access to the National Network.” (23 CFR 658.7) Applying different weight limits for state roads is typically done using a waiver process, specific to each state’s general statutes, and such waivers are usually limited in duration. Thus, Connecticut could grant a waiver setting a weight limit greater than 80,000 GVW for travel solely on state roads, noting above that the National Network includes state roads such as Rte 8 from Bridgeport to Winsted, and avoiding all bridges not designed to carry more than 80,000 GVW. Such restrictions, however, would make travel by overweight vehicles very impractical. The restrictions due to bridge weight, however, would not be a factor in consideration of a waiver for lighter, two axle trucks, such as an oil truck used in the example above. The state could grant a waiver for fuel delivery trucks to exceed their 33,000 GVW; however, they may be reluctant to do so if it exceeds the GVW rating of the manufacturer and safety issues come into play (more weight on tires, suspensions, axles than the manufacturer allows).
Penalties for Noncompliance

“A state is subject to loss of its entire National Highway system apportionment if its laws or regulations establish weight limits for commercial vehicles operating on the Interstate Highway System that are either higher or lower than the federal weight standards.” (USDOT FHA).

Note 1: Grandfathered states for Interstate max GVW limits are Hawaii (80,800), Louisiana (83,400 6/7 axle combos), New Mexico (86,400), Wyoming (117,000).

Note 2: Grandfathered states for State roads max GVW limits are AL (84k), AK (90k), CO (85k), HI (88k), ID 105.5k), IL (bridge formula doesn’t apply on designated roads), IN (90 on Toll Rd), KS (85.5k), LA (88k), MI (up to 164k if more than 5 axles), NB (95k), NV (129k), NM (86.4), ND (105.5), OK (90), SD (129), WA (105.5), WY (117)