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## **Price Adjustment for Load Limit Violations - Understanding and complying with the Special Provision/Governing Specifications**

Some misunderstanding and confusion have arisen regarding the proper application of the above referenced Special Provision for Specification Section 109.20 dated November 9, 2005, regarding Load Limit Violations.

The information supplied relative to truck axle configuration and the maximum allowable gross weights for each are clearly defined on page 1 of the Provision. Also, the documentation required to be evident on weigh tickets accompanying each load of material from a commercial source is clearly defined on page 2, whether that source of material would or would not normally have truck scales.

Please note the following from the chart on page 1:

- 1) WV and US Routes have different maximum allowable gross weights than those specified for the Interstate System.
- 2) The Maximum Allowable Gross Weights for the Interstate System are established by the Code of Federal Regulations (23 CFR 658.17) and the **Weight Enforcement Section of the WV Public Service Commission** is responsible for the enforcement of these Federal Provisions, **not** the WV Division of Highways.
- 3) The Maximum Allowable Gross Weights on WV and US Routes other than Interstates are established by the WVDOH Standard Specifications and the Code of the State of West Virginia. Enforcement of these regulations **is** the responsibility of the WV Division of Highways and its employees.

The misapplication of this provision is apparently taking place when project/District personnel attempt to enforce these regulations for the entire haul distance from the source of the material to the jobsite. The result is frequent improper DOH enforcement of Federal Regulations that the Public Service Commission is responsible for and unfair or unreasonable load limit violation assessments contrary to the intent of the Special Provision.

In order to clarify this matter, the following guidelines are to be observed:

- 1) The routes/roadways within the project limits established in the plans/proposal are to be regarded as the only routes for which the DOH is responsible for assessing load limit violations.

2) If the project under construction is located on an Interstate, the **Interstate System Weight Limits will apply** and the project level personnel should assess penalties for overweight trucks accordingly, regardless of the fact that the WV and other US Route limits are higher. How the load of material arrived at the jobsite and which routes the

driver of the truck took to get to the project limits are not pertinent. Pay attention to the project limits!

3) If the project under construction is located on a US route other than an Interstate or on a WV Route, **the “WV and US Routes” weight limits will apply**. Again, project level personnel should pay attention to the route designations within the project limits and assess accordingly. Once more, how the load of material arrived at the jobsite and which routes the driver of the truck took to get to the project limits are not pertinent.

**These guidelines are to be effective beginning with projects let August 7, 2007 and from that date forward.**

If further clarification is required, please contact this Division at any time. Also, please ensure that this information is disseminated to your project level supervisors and other personnel.

Your adherence to and compliance with these guidelines is appreciated.