



April 7, 2020

Patrick K. McKenna, President
American Association of State Highway
and Transportation Officials
555 12th Street, NW
Washington, DC 20004

Dear President McKenna:

Thank you for your letter regarding the actions of State departments of transportation (State DOT) to support the health and safety of the Nation's citizens and the supply chain during the COVID-19 response.

Specifically, you requested that the Federal Highway Administration (FHWA) exercise administrative authority to allow States to issue "programmatic – rather than individualized – permits" for overweight vehicles and loads that deliver relief supplies using the Interstate System during times of national emergency, pursuant to Section 127(i) of Title 23, United States Code (U.S.C.).

Although Congress has not provided authority allowing States to waive weight restrictions on the Interstate System during national emergencies or major disasters, States may currently provide special permits to vehicles carrying relief supplies in response to the COVID-19 emergency. This requirement does not mandate that permits be limited by vehicle. As such, States could issue permits based on identified routes that can safely handle defined overweight loads in accordance with bridge and tunnel requirements. I understand that some States have taken this approach to respond to the COVID-19 circumstances, identifying configurations, gross vehicle weights, and axle limits and spacings that can safely operate on specific Interstate routes.

In issuing the special permits, States and operators must comply with requirements for truck size and weight (23 U.S.C. § 127 and 23 CFR 658) and bridge and tunnel safety (23 U.S.C. § 144 and 23 CFR Part 650). Such requirements include the following:

- Unless restricted by the language of the permit issued, vehicles are allowed to operate legally within a minimum of 1-road mile from points of access or egress to the Interstate. (23 U.S.C. § 127(b)).
- When issuing the permit, the State must consider the load rating of the bridges and tunnels on which the vehicles will be operating. (23 U.S.C § 144(h) and 23 CFR 650.313). A load rating is an engineering evaluation that determines the safe unrestricted

truck weight capacity for a bridge or tunnel. (23 CFR 650.313(c) and 23 CFR 650.513(g)).

- The permit must comply with State laws and is applicable only to vehicles delivering relief supplies during the 120-day period following the emergency declaration. (23 U.S.C. § 127(i)).

This ability to provide a special permit to all vehicles meeting the criteria above should help streamline the permitting process and reduce the burden on States and the trucking community. For additional information pertaining to improving efficiencies for emergency response, we encourage your members to consult the report of recommendations from the Emergency Route Working Group posted on FHWA's Website at <https://ops.fhwa.dot.gov/fastact/erwg/index.htm>.

In addition, my staff is collaborating with State DOT truck size and weight leaders on a concept to synchronize State permitting for a multi-State special permit for this or future emergency declarations. I continue to receive regular updates regarding this concept and look forward to productive discussions between our organizations.

Thank you and your State DOT executive colleagues for your leadership in managing transportation systems during this emergency while safeguarding all State DOT employees and the communities they serve. If you have any questions regarding this or other matters, please feel free to contact me.

Sincerely,



Nicole R. Nason
Administrator