



TRB Webinar

NCHRP 23-13(05) : Regulatory Relief of Commercial Vehicle Weight Requirements for Emergency Transportation of Critical Commodities



AGENDA



Welcome



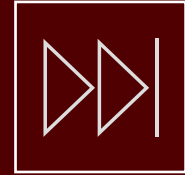
Research
Objectives



Findings,
Challenges &
Opportunities



Deliverables



Implementation
Plan

RESEARCH PANEL & TEAM

Research Panel	Research Team [TTI]
Scott Singer (Chair) [Michigan DOT]	Sushant Sharma (PI)
Lisa Destro [Cambridge Systematics]	David Bierling
Evangelos Kaisar [Florida Atlantic University]	Curtis Morgan
Geno Koehler [Illinois DOT]	Brad Trefz
Jonathan Nicastro [New York DOT]	Jeff Warner
Diana Ramirez-Rios [University at Buffalo]	Michelle Benoit
Thomas Schriber [CALTRANS]	
John Berg [FHWA]	
Trey Wadsworth (SPO) & Mazen Alsharif (SPA) [TRB]	

RESEARCH OBJECTIVES

1. Develop consistent definition of emergencies, emergency commodities (classification/type), and other concepts.
2. Identify successful practices, procedures, and processes for increasing weight limits during emergencies, including coordination and harmonization with neighboring jurisdictions.
3. Develop a decision framework that considers different emergency scenarios that are linked with successful practices, procedures, and processes.
4. Highlight successful communication practices and training opportunities to conduct before emergencies occur.

Information/Data Collection



Survey Introduction.

NCHRP Project: Regulatory Relief of Commercial Vehicle Weight Requirements for Emergency Transportation of Critical Commodities.

Dear Participant,

The Texas A&M Transportation Institute is leading an NCHRP project on regulatory relief of commercial vehicle weight requirements for emergency transportation of critical commodities.

The objectives of the research are to:

- 1) Develop consistent definitions of emergencies, emergency commodities
- 2) Identify successful practices, procedures, and processes for increasing weight limits during emergencies, including coordination and harmonization with neighboring jurisdictions
- 3) Develop a decision framework that considers different emergency scenarios that are linked with successful practices, procedures, and processes
- 4) Highlight successful communication practices and training opportunities to conduct before emergencies occur.

This survey will help state and federal agencies improve how State Departments of Transportation (DOT) coordinate and implement regulatory relief for commercial vehicles weight requirements during emergencies. Project report will not attribute specific information associated with you or your agency without your permission. Your participation is most appreciated.

You have been identified as the appropriate person at your DOT to complete this survey. The survey link that you received is unique to your DOT. If it would be more appropriate for someone else at your DOT to take this survey, please forward the email with the survey link to them or send their name and email address to Sushant Sharma (s-sharma@tti.tamu.edu).

Online Survey

Please complete this survey by **April 7, 2023**. It will take **around 10 minutes of your time**. Questions regarding the project or survey should be directed to the Principal Investigator, Sushant Sharma, at (817) 462-0508 or s-sharma@tti.tamu.edu. Any supporting materials may be sent by email to Sushant or uploaded in lieu of providing URLs. Thank you for participating in this survey!

SURVEY INSTRUCTIONS

1. To begin the survey, click the **forward arrow** at the bottom of this page.
2. To view and print the entire survey for informational purposes, click on this survey link and download and print the document.
3. To submit the survey, click on "Submit" on the last page.

SURVEY TIPS

1. Survey navigation is conducted by selecting the forward and back arrows at the bottom of each page.
2. If you are unable to complete the survey, you can return to the survey at any time by reentering through the survey link.

Q1 - Do you work for state oversize/overweight (OS/OW) permitting office/authority and **are you knowledgeable** about permitting and policies for commercial vehicles during emergencies?

Answered	Yes (%)	No (%)
46	93%	7%

Q2 - Has your **state implemented special permitting** or waivers for commercial vehicles or OW vehicles for a prior major emergency or disaster (including COVID-19)?

Answered	Yes (%)	No (%)
39	90%	10%

Q2.1 – What was the **most-recent state-level emergency** or disaster where this was used?

Q2.2 – Was that action **coordinated with other states** or agencies?

Answered	Yes (%)	No (%)
34	53%	47%

Q3 - Has your state recently initiated changes to its overweight laws, regulations or policies based on prior experiences with emergencies or disasters?

Answered	Yes (%)	No (%)
36	25%	75%

Q4 - Has your state been **impacted** by emergency special permits or waivers for commercial vehicles that were issued in another state?

Answered	Yes (%)	No (%)
42	21%	79%

Q5 - Does your state conduct **outreach or education efforts with the trucking industry** about emergency overweight special permits or waivers?

Answered	Yes (%)	No (%)
41	61%	39%

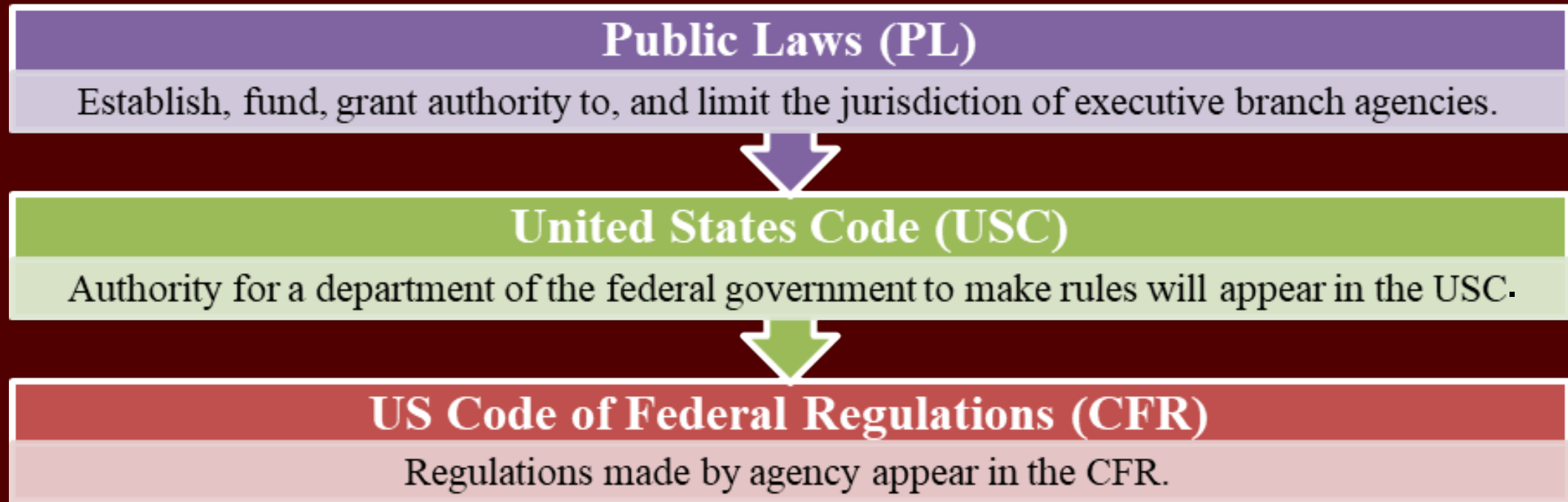
Interviews and Virtual Workshops

	State/Agency	Interview Date	Participants
1	Georgia	04/14/2023	1
2	Florida	04/17/2023	2
3	Illinois	04/18/2023	2
4	Missouri	04/19/2023	1
5	Montana	04/19/2023	1
6	South Dakota	04/21/2023	1
7	FHWA	05/01/2023	1
8	TRANSCOM (DoD)	05/02/2023	1
9	CVSA	05/16/2023	1

	Workshop Date	Participants	Average Attendance Time
1	04/27/2023	26	1 hour 11 minutes
2	05/02/2023	22	1 hour 9 minutes
3	10/05/2023 (Guide)	30	1 hour 30 minutes

Findings, Challenges, & Opportunities

Laws and Regulations



“Administrative codes contain regulations, while statutory code contains laws.”

Inconsistency in Definitions of Permits

Special Permits are Not Waivers

“Waivers for OW vehicles are never allowed. Special permits are granted, which are not waivers”

- OW special permits for divisible and non-divisible loads under 23 USC 127 are “special permits.”
- FMCSR exemptions are “waivers” or “relief” from regulations.
- State or federal declarations may refer to both special permits and FMCSR exemptions in an emergency declaration.

Inconsistency in Definitions of Emergency

- The permitting agency's definition is based on either of these
 - the state Governor's executive order (as per state statute)
 - the President's emergency declaration
 - as stated by state/federal emergency management office
- For permitting offices, involvement in defining emergency/commodities varies.
- No single generic list of emergency commodities, it depends on the nature of the emergency.

Potential Solution: *Develop a generic list of emergency commodities that can be tailored and used by state permitting agencies and used for emergency declarations that affect some specific commodities*

Steps for Developing Emergency Commodity List



Commodity-Specific Emergency

Language specifying specific commodities (grain, fuel, etc.) should appear in both the disaster declaration and on any special permit.



Diverse Commodity Emergency

Truck permit-issuing offices and state emergency management should work with FEMA and other federal agencies to develop lists of affected commodities needed in major, well-known disasters.

List should be included with special permits and provided to Commercial Vehicle Enforcement agencies to ensure compliance.



Types of Commodity Lists (example)

Emergency-Response Commodities Relief Supplies

- Medical supplies and equipment.
- Equipment, supplies, and persons necessary to establish and manage temporary housing or quarantine.
- Highway maintenance materials (such as salt for roadways).
- Construction materials required for emergency repairs.
- Debris or garbage or other waste.

Consumption-Response Commodities

- Supplies and equipment necessary for community safety, sanitation, and prevention of disease or viruses.
- Food, drink, paper products, and other groceries for emergency restocking of distribution centers or stores.
- Food supply chain (including livestock, grain, and hay).
- Immediate precursor raw materials such as paper, plastic, or alcohol used to manufacture essential items.
- Fuel.

Variation in Special Permit Issuance

- Depend on the State Permitting Office's available resources and staffing.
 - For instance, some state permitting offices have in-house permitting systems for emergencies.
 - Some utilize third-party vendor products, some have a customizable template form for emergencies, and a few others have a blanket template.

Potential Solution: *Some state permitting agencies developed applications and processes tailored to issuing special emergency permits (Illinois). These systems provide all necessary information to carriers and enforcement. Other states use blanket permit systems (like those mentioned above).*

Case studies of each may be required to develop models that fit specific state needs, as the state regulatory requirements and enforcement expectations associated with the different models may prevent a single "national model" for emergency permitting.

Different Enforcement Standards

- Commercial vehicle enforcement during emergencies may also depend on available resources. Some states have lenient mechanisms.
- For example,
 - a Governor's disaster declaration is a permit in some states.
 - other states require the carrier to carry a general permit and the current emergency declaration.

Different states have stricter issuance and enforcement requirements where a carrier needs to apply for a special permit in each emergency.

Potential Solution: *The impact of lenient mechanisms on neighboring states and the potential for safety issues require further study before making any recommendations. One model may not serve all states or regions in the United States.*

State implemented policies, procedures, or processes that had greatest impact

“By creating a multi-state standardized approach to divisible overweight loads during a declared emergency it allows shippers to know in advance that during an emergency they can move a load of 88,000 lbs. gross weight across member states confidently.”

“No cost and up to 12’6” wide blanket permit or 14’0” wide for single trips and allowed for hauling during holiday periods and at night.”



MEMORANDUM OF UNDERSTANDING

Agreement to Create MAASTO Emergency Divisible Load Management (EDLM)

This Memorandum of Understanding (MOU) is made and entered into by and among the Illinois Department of Transportation, Indiana Department of Transportation, Iowa Department of Transportation, Kansas Department of Transportation, Kentucky Transportation Cabinet, Minnesota Department of Transportation, Michigan Department of Transportation, Missouri Department of Transportation, Ohio Department of Transportation, and the Wisconsin Department of Transportation (hereinafter referred to as “Partners,” or in the singular, “Partner”).

WHEREAS, the Mid America Association of Transportation Officials (“MAASTO”) is the Midwest transportation organization to the America Association of State Highway and Transportation Officials (“AASHTO”), a nonprofit, nonpartisan association representing highway and transportation departments. The goal of MAASTO is to foster the development, operation, and maintenance of an integrated and balanced transportation system that adequately serves the transportation needs of the state Partners.

WHEREAS, freight movement in the MAASTO region’s freight corridors is a critical component of the economy and our everyday lives. Operating 24 hours per day, over six billion dollars’ worth of goods move across MAASTO region’s freight corridors each year. Over seventy percent of the total freight value of all modes is moved by trucks, with a minimum of fifty percent and a high of eighty percent of the freight value carried by trucks. By weight, sixty-six percent of all tonnage is moved on trucks across the MAASTO States.

WHEREAS, the nation’s freight corridors connect our communities, our homes, and our economy. Within three miles of the major freight corridors reside fifty-six percent of all businesses, and sixty-three percent of all employees. These critical corridor connections heighten the importance of uninterrupted freight service.

WHEREAS, the COVID pandemic, extreme flooding and other disasters have demonstrated the critical importance of a robust and resilient freight system to deliver life-saving and sustaining relief supplies. With the urgency of the disaster and related impacts to the logistics sector, the special permitting of larger divisible loads allows for more rapid deployment of critical relief supplies to reach the needed communities.

WHEREAS, in response to this critical need for rapid and full response during a disaster, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (hereinafter referred to the “Stafford Act”), (PL 100-107, signed into law November 23, 1988; amended the Disaster Relief Act, 1974, PL 94-288) allows the President to declare Major Disasters.

Steps for Developing MOUs

1. Identify Champions and Convince Decisionmakers:

Identify champions who are passionate about the permit harmonization.

Seek approvals from the top decision-makers.

2. Scope Definition and Engage Nearby Regional States:

Clearly define the scope of the MOU.

Engage with all nearby regional states to ensure everyone is aligned and in agreement.

3. Determine Maximum Overweight Allowance and Standards:

Decide on a common denominator regarding the maximum overweight allowance and standards and their acceptability.

4. Develop the MOU Document:

Based on the consensus and decisions, draft the MOU document.

Ensure all key points, roles, responsibilities, and terms of understanding are clearly mentioned.

5. Review and Feedback:

Circulate the draft MOU among all the stakeholders for feedback.

Make necessary revisions based on feedback received to ensure clarity and mutual understanding.

Confusion Regarding Types of Roads

The language in Governors' emergency declarations may confuse carriers and authorities.

States combine declarations waiving the FMCSRs (federal-only) and emergency OW special permitting, carriers may presume one or other when a declaration does not apply.

- For example,
 - States do not have the authority to issue special permits for the interstate highway system absent a Presidential Disaster Declaration.
 - Some declarations only affect specific state roads.
 - State may restrict overweight loads to the interstate system and not allow access to state roads for emergency loads transiting the state to another state where the disaster declaration applies.

Potential Solution: *AASHTO and CVSA's engagement with the National Governors Association may allow for the creation of standardized emergency declaration language agreements or sample orders*


Confusion About Restricted Loads and Routes

- Although regular OS/OW carriers understand the restricted load requirements, the carriers operating with OW loads during emergencies may not regularly carry loads and, therefore, may not understand the importance of restricted load requirements.
- State permitting agencies must provide the carriers with written instructions on routing and safety compliance.

Potential Solution: *Developing special permit QR codes with routing and other information carriers and drivers need, especially those not used to operating with overweight loads frequently. The benefit of the QR code is that a digital copy becomes available for commercial vehicle enforcement officers and carriers to use, and enforcement officers can quickly verify the permit and route information and when the state issued the permit.*


Standardized Communication Processes

Route Information



Audible Route Guidance

ProMiles' Permit Guidance application can be downloaded from the Apple App Store or the Google Play Store from your mobile device.



ProMiles Permit Route Guidance

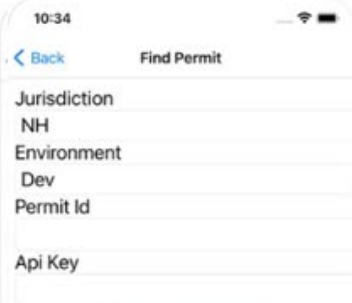
Route Guidance needs some information to get started.

If you have the QR code for a permit, you can select Scan QR Code, below.

Scan QR Code

If you know the permit number, you can select Enter Details, below.

Enter Details




10:34 Find Permit

Back

Jurisdiction
NH
Environment
Dev
Permit Id


Api Key

Fetch Permit



10:35 Start Navigation

Find Permit



Navigation provided by New Hampshire department of transportation

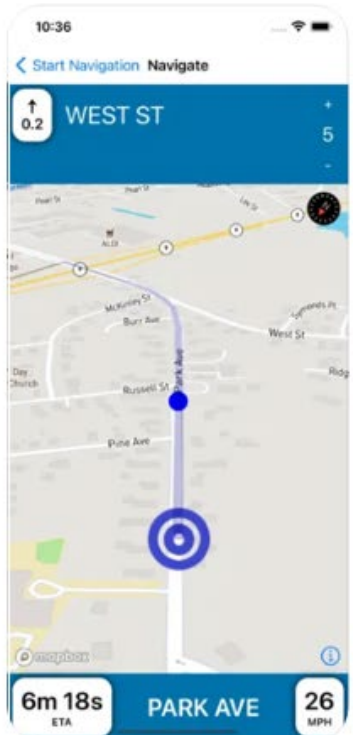
Select Leg

PARK AVE, 0.6mi NW of Swanzey Center - NH-12, 2.9mi SW of Surry

NH-12, 2.9mi SW of Surry - PARK AVE, 0.6mi NW of Swanzey Center

Navigate

Simulate




10:36 Navigate

Start Navigation

WEST ST

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PARK AVE

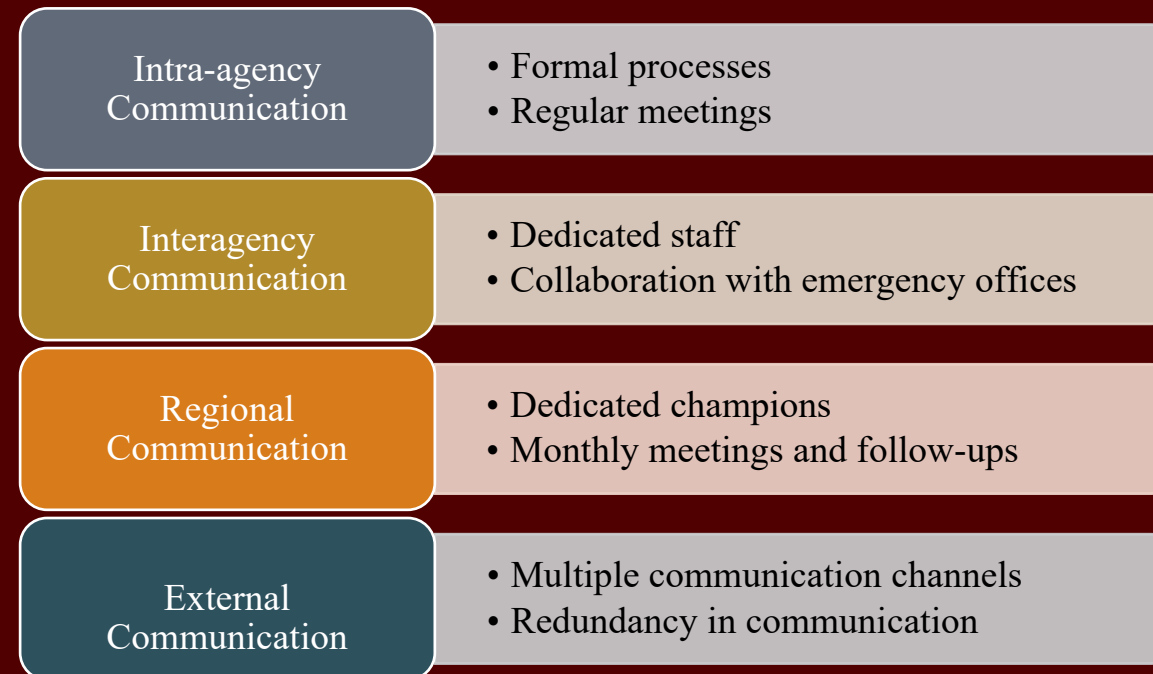
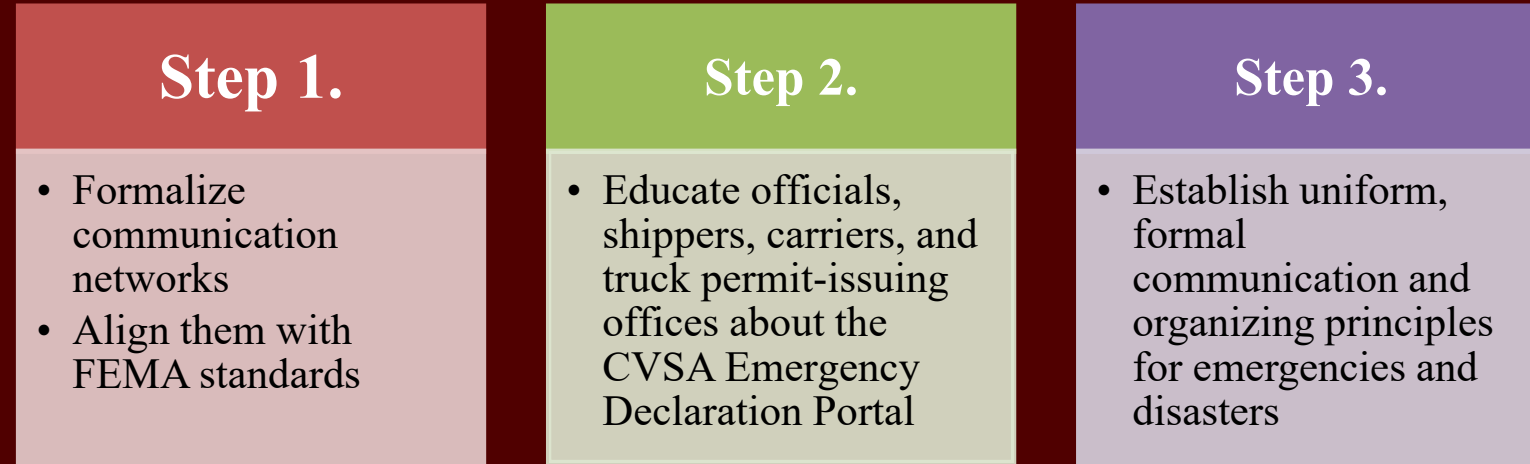
26 MPH

Standardized Communication Processes

- Communication is vital during an emergency, and while informal communication channels offer some efficiencies, they may fail in a crisis.
- Interpersonal relationships form informal communication networks between neighboring states, agencies, and regular OS/OW carriers.
- In an emergency, personnel and carriers may come from many places, including out of state. No experience/connections with OW shipping or the state permitting office.

Potential Solution: *In addition to publicizing and educating emergency management officials, carriers, and state permitting offices on the efficacy of the CVSA emergency declaration portal and the importance of timely submissions to that system, state emergency management agencies, state departments of transportation, and state permitting offices should establish uniform, formal communication, and organizing principles.*

Standardized Communication Processes



Definition of Divisible and Non-divisible loads

- The state issues special permits during emergencies with a clear understanding of divisible and non-divisible loads
- Divisible and non-divisible loads may not be as clear to non-traditional carriers applying for special permits.
- Shippers and carriers may not be aware of state-specific permitting requirements when the shippers or those requesting the shipments come from other states or organizations unfamiliar with special permitting.

Potential Solution: *AASHTO is already developing clear examples for divisible and non-divisible loads. The research project can incorporate AASHTO's findings.*

Definition of Divisible and Non-divisible loads

During an emergency response, load supplies can include:

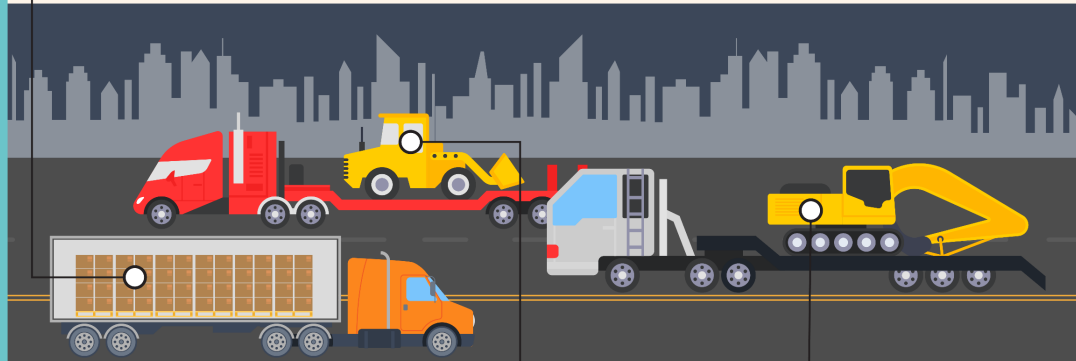


Divisible Load or Vehicle

Divisible load is hauled trucking freight or cargo which can be separated into smaller units and legal weight for the configuration in the traveled jurisdiction.

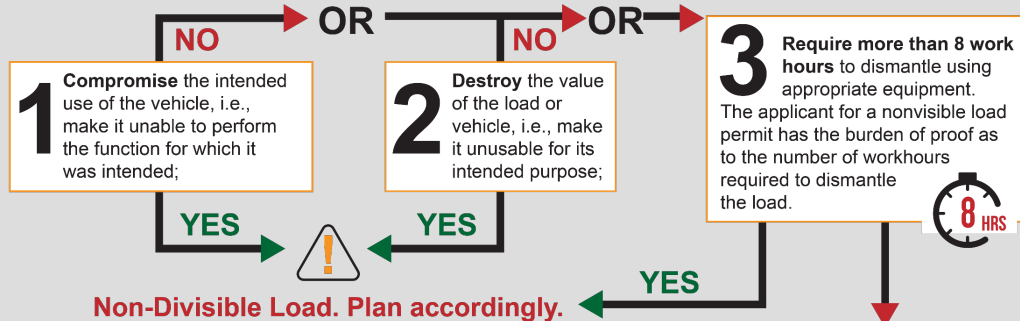
Divisible loads can/may be multi-piece trucking freight or cargo that have been loaded in a way that increases one, or more, of the trucking configuration dimensions (height, width, length) or weight exceeding legal thresholds dependent on the jurisdiction.

Examples of divisible loads include medical supplies, building materials, food and drink, paper products, food supply chain (including livestock), and debris.



Non-Divisible Load or Vehicle

Any load or vehicle exceeding applicable length or weight limits which, if separated into smaller loads or vehicles, would:



Examples of non-divisible loads include cranes, wind turbines, some construction equipment and components, emergency response vehicles, and military vehicles.

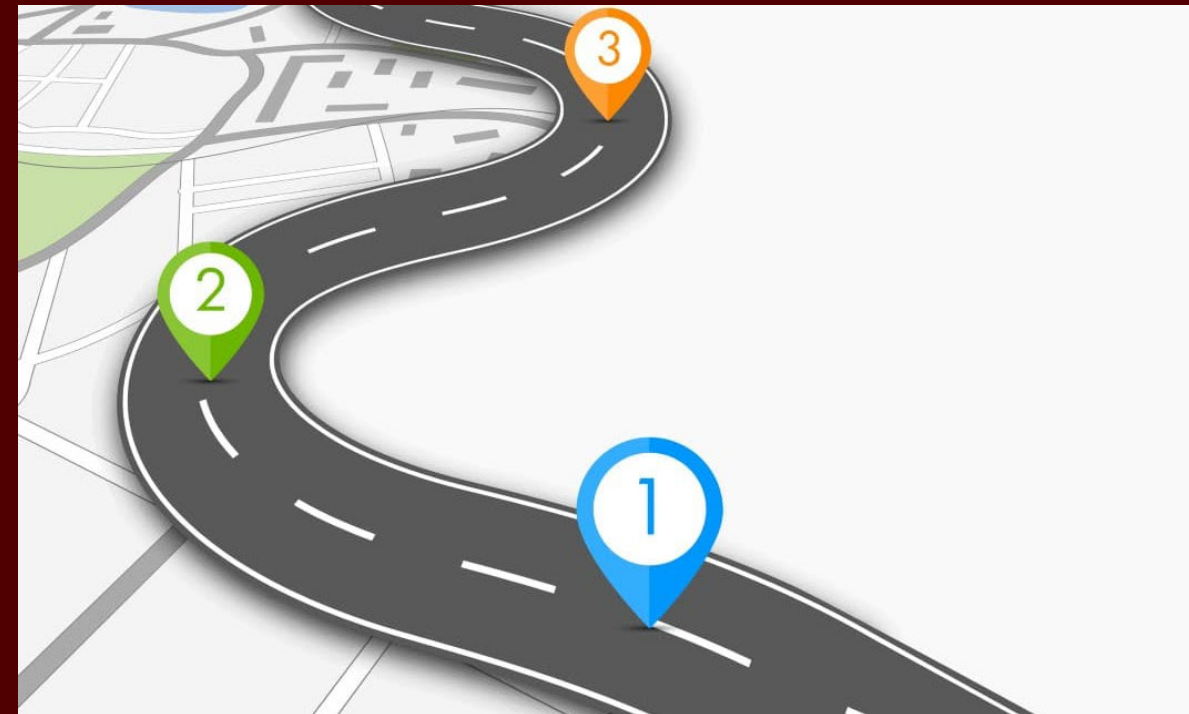
Confusion about Safety Regulations

- There is confusion regarding special permits and FMCSR waivers for carriers and truck drivers.
- State permitting agencies seemed clear that safety regulations do not change irrespective of weight requirements during an emergency.

Potential Solution: *Recommend developing training and informational fliers and worksheets for the trucking industry.*

Roadmap for Success

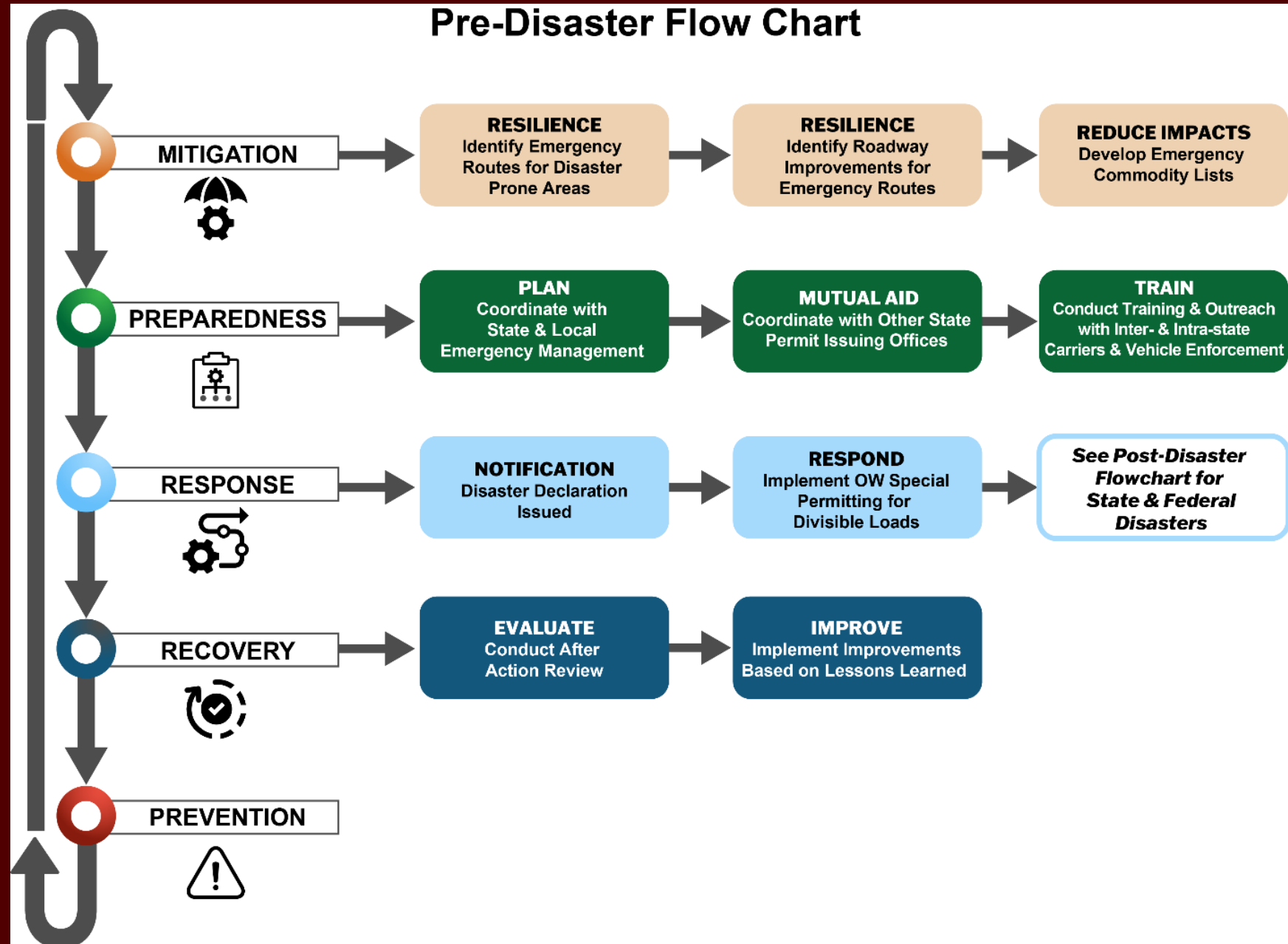
1. Define Consistent Frameworks
2. Identify Promising Practices for Emergency CMV Weight Exemptions
3. Identify Successful Way



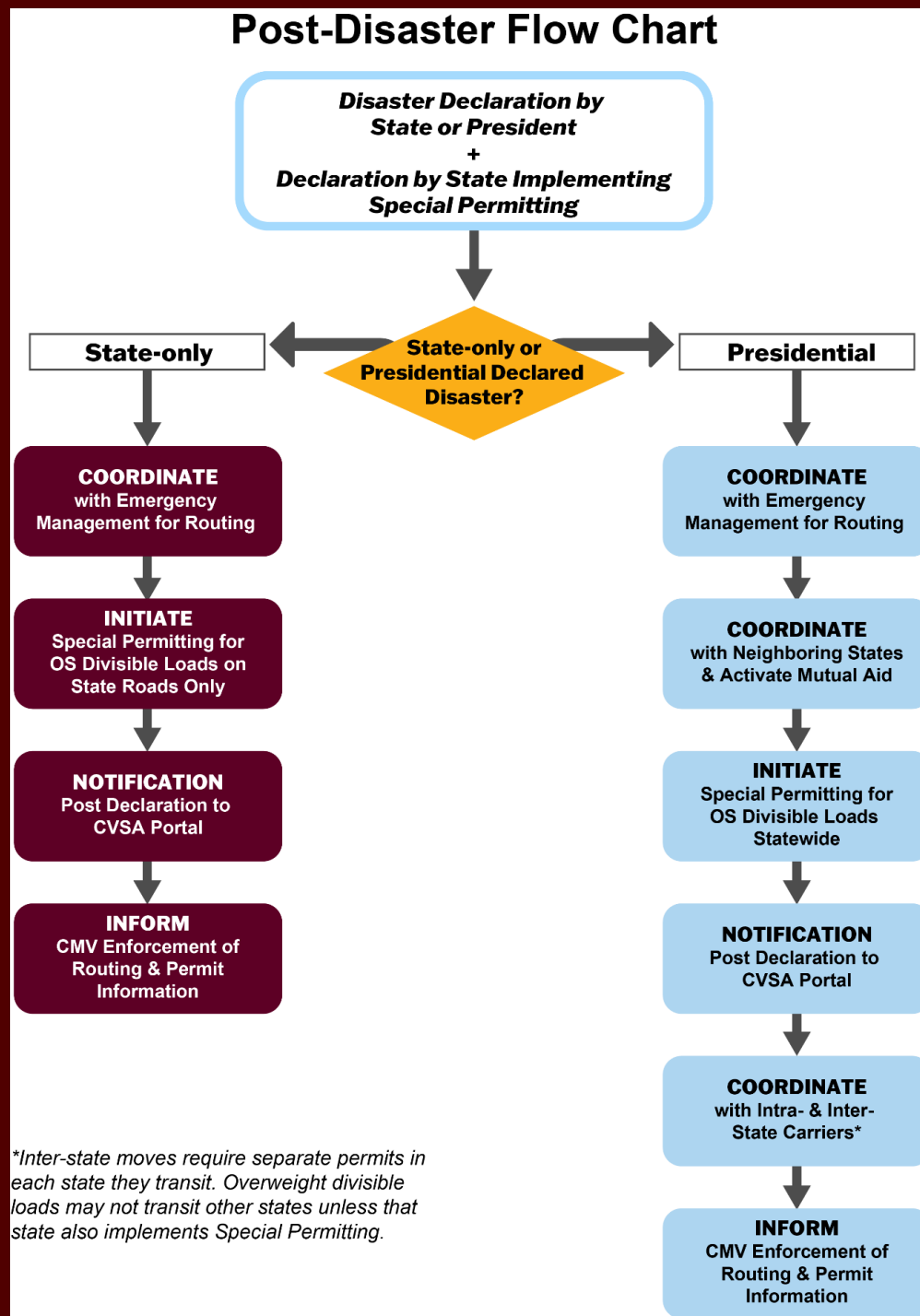
Emergency Management Cycle



Pre-Disaster Flowchart

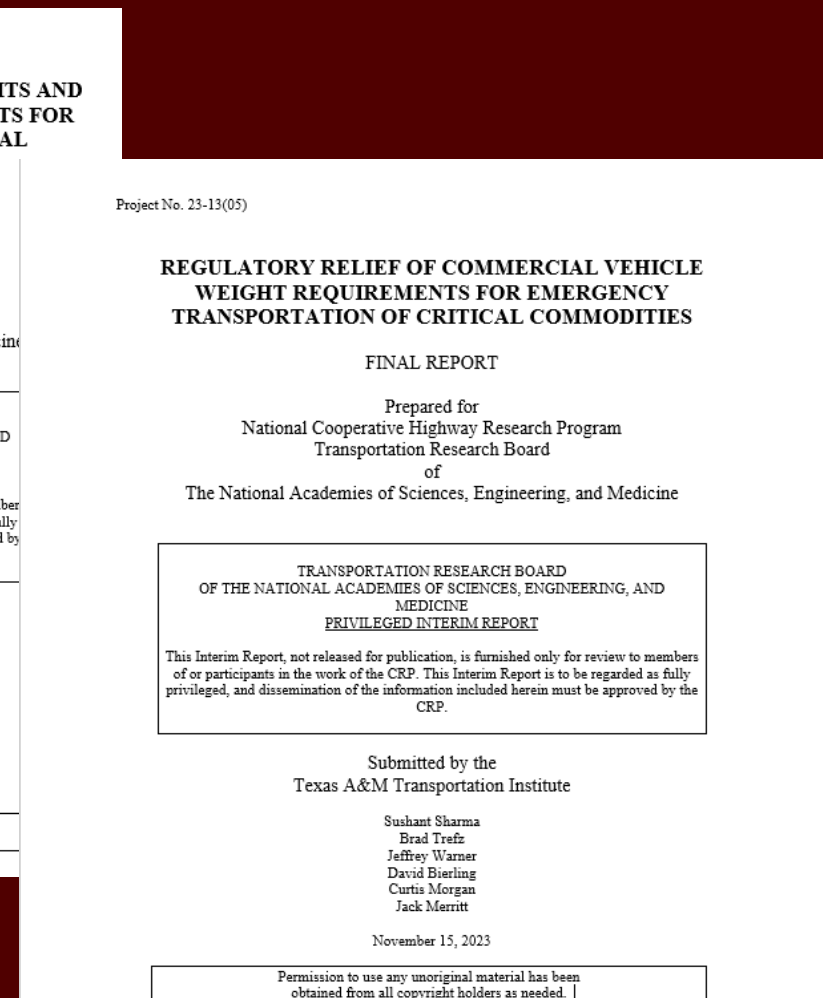
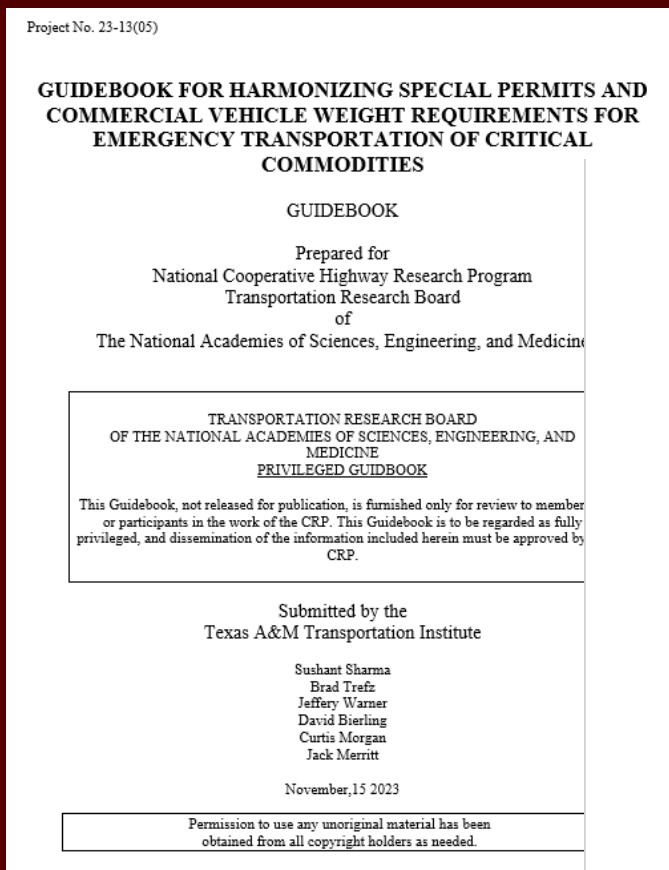


Post-Disaster Flow Chart



Deliverables

- Guide
- Final Report
- Implementation Plan



Guide

Part I—Introduction to Special Permitting for Overweight Divisible Loads in Disasters and Emergencies

- Chapter 1 introduces the Guide, its organization and purpose.
- Chapter 2 discusses emergencies and explains what constitutes an emergency and disaster declaration with explanation of rules and regulations.

Part II—Preparing for Emergency Overweight Special Permitting

- Chapter 3 introduces the steps involved in emergency preparedness and the role of state permitting offices within each phase of the emergency management cycle.
- Chapter 4—This chapter focuses steps decisionmakers and state permitting offices can take before an emergency or disaster declaration for effective harmonization and coordination.
- Chapter 5 —This chapter discusses best practices during and after an emergency that weaves in the findings of the case studies or interviews with stakeholders.

Part III—Tools and Resources

- Chapter 6 covers tools and other resources for implementation.

Final Report

- **Chapter 1—Introduction.**
- **Chapter 2—Literature Review.** Summarizes findings from the literature review (Task 2)
- **Chapter 3—State of Practice.** Details outcome of interviews conducted in Task 3.
- **Chapter 4—Final Deliverables.** Summarizes the approach toward developing the final deliverables based on the Task 4 and Task 5
- **References.** The reference list includes all cited studies, the laws, regulations, and codes.
- **Appendix A—** contains a summary of state disaster and emergency authorities.
- **Appendix B—** online survey and follow-up phone interview questions.
- **Appendix C—** summarizes responses to each survey question.



THANKS!

s-sharma@tamu.edu



NCHRP Project 23-13(05)

The National Cooperative Highway Research Program (NCHRP) is sponsored by the individual state departments of transportation of the American Association of State Highway and Transportation Officials. NCHRP is administered by the Transportation Research Board (TRB), part of the National Academies of Sciences, Engineering, and Medicine, under a cooperative agreement with the Federal Highway Administration (FHWA). Any opinions and conclusions expressed or implied in resulting research products are those of the individuals and organizations who performed the research and are not necessarily those of TRB; the National Academies of Sciences, Engineering, and Medicine; the FHWA; or NCHRP sponsors.

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