

## FREQUENTLY ASKED QUESTIONS: Posting and Bonding of Municipal Roads

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The authority to restrict the weight limit of certain vehicles is regulated by Pennsylvania law (Title 75, Section 4902a) and accompanying regulations (Title 67, Chapters 189 and 190) of the Pennsylvania Consolidated Statutes Title 75: Vehicles (Vehicle Code).

While not every situation encountered when operating a weight-restricted vehicle on a public road can be covered, some common questions arise around compliance with the regulations. Along the way,

PennDOT, the Pennsylvania State Police, motor carrier enforcement, and LTAP staff have helped to provide guidance on these questions.

The following questions have been frequently asked and answered during LTAP training courses and technical assistance requests.

**Q: Our roads were posted in the past for a 10-ton weight-limit restriction, but we have no record of any studies being conducted. What do you suggest we do?**

**A:** To ensure the weight restrictions are enforceable, you must have documentation establishing the restrictions. Contact your PennDOT Municipal Services

representative to see if any records of the study exist. Otherwise, you will need to have an engineering and traffic study done to verify the weight restrictions.

**Q: We have taken videos and photos of loaded vehicles that appear to be over the posted weight limit using our roads. What can we do with this information?**

**A:** If you can identify the users, you should contact them and tell them that they are violating your postings and must obtain a permit to use the road. You may also share these documents with law enforcement agencies to show how overweight vehicles are using the road and violating your postings. If the vehicle has a USDOT number, it can be used to identify the motor carrier or business.

**Q: How far can an over-posted-weight vehicle be required to travel to a weigh scale?**

**A:** A police officer or qualified PennDOT employee may require that a vehicle or combination be driven to the nearest stationary scales if the scales are within two miles, according to Title 75, Section 4981, "Weighing and measurement of vehicles."

**Q: May local police be used to weigh vehicles?**

**A:** Yes, but they must have successfully passed the state's training in the use of weighing equipment, as required by Vehicle Code (Title 75 P.C. 4981 (a)) and have obtained the proper certification. The Pennsylvania State Police Motor Carrier Enforcement Division can provide further details on the training.

**Q: If a contractor doing work on a road in an adjacent municipality must travel over a posted road in our municipality, may we require that the contractor obtain a bond?**

**A:** The contractor would be exempt under the definition of local traffic. Section 189.2 exempts vehicles and combinations of governmental agencies and utilities or their contractors engaged in construction or maintenance on a posted highway or in a location that can be reached only via a posted highway. The exemption may be revoked if the posting authority (i.e., the municipality) concludes that the use of the equipment has caused damage to the roadway. However, you may want to discuss your concerns with the contractor.



**Q: What happens when a hauler that is exempt from the permitting requirements and is considered local traffic causes damage to our roads? May the exemption be lifted?**

**A:** Yes. Section 189.3(a) of the regulations states, “Over-posted-weight local traffic may exceed posted weight limits unless the posting authority determines that an over-posted-weight vehicle or vehicles being driven to or from a particular destination or destinations are likely to damage the highway.”

**Q: If an operator of a tractor trailer takes his load home to depart the next day from his residence, is this considered local traffic?**

**A:** Not necessarily. Residency on a posted highway does not fall under the definition of local traffic in Section 189.2. The convenience of taking the vehicle home is not considered an exemption for weight limits. In such cases, it is important to determine if this activity is going to cause damage to the highway.

**Q: Are over-posted-weight agricultural vehicles automatically exempt from permitting requirements on weight-restricted roads?**

**A:** No, agricultural vehicles are not automatically exempt. Vehicle registration and vehicle permitting requirements are not related to weight restrictions. A vehicle that is exempt from registration may still need a permit to travel on a weight-restricted road. To require agricultural equipment to get a permit, the posting authority must conclude that the use of the equipment is likely to cause damage to the road.

**Q: Are over-posted-weight logger vehicles exempt from permitting requirements on restricted roads?**

**A:** Partially. The logger is not exempt where it is timbering, but it is exempt on roads leading to the sawmill. This exemption applies only to traffic traveling to and from a permanent forest product mill located on or reachable only through posted highways.

Under Act 89 of 2013, local traffic status does not apply to traffic to and from sites where minerals, natural gas, and natural resources are developed, harvested, or extracted. However, traffic to and from a permanent forest product mill and a permanent coal reprocessing or preparation plant are considered local traffic and are therefore exempt.

**Q: A timber hauler told us that we must use a letter of local determination (LoLD) if it is hauling fewer than 700 loads per year. Is this true?**

**A:** No. These letters were established under Act 89 for PennDOT’s use and do not apply to municipalities unless a special ordinance is adopted. In fact, municipalities are discouraged from using LoLDs. For more information, refer to PennDOT’s Publication 23, Chapter 15.

**Q: Vehicles hauling sap from a maple sugaring operation use one of our gravel roads posted with weight restrictions. In the spring, we must place anti-skid on the road more frequently to help the trucks make it up the hill. Is this considered excess maintenance under the posting and bonding regulations?**

**A:** Excess maintenance is defined in Title 67, Section 189.2, as “Maintenance or restoration or both (but not betterment) of a posted highway in excess of normal maintenance, caused by the use of over-posted-weight vehicles.” Based on this definition, you would have to determine if the lack of traction is due to the vehicle being overweight for the road.

### **A Final Note:**

Keep in mind that the purpose of placing weight restrictions on roads is not to finance road upgrades. However, financial responsibilities for repairs beyond routine maintenance belong to the over-posted-weight hauler. A posting and bonding program allows the industry to operate and prosper without burdening the municipality or the taxpayers.

While most issues that arise about posting and bonding regulations can be answered, some questions fall into a gray area that requires further interpretation. As always, when in doubt, consult with your PennDOT Municipal Services representative and/or your PennDOT district’s Posting and Bonding coordinator.

For further information, please refer to PennDOT Publication 221, *Posting and Bonding of Local Roads*; PennDOT Publication 23, *Maintenance Manual*, Chapter 15, “Weight Restrictions on Highways (Posted Highways);” and LTAP Technical Sheet 195, “How to Post and Bond a Municipal Road.”

### **Disclaimer:**

*The information contained in this tech sheet attempts to provide answers to some of the gray areas surrounding the posting and bonding of roads. The interpretations presented here are for general-use purposes. Legal issues involving posting and bonding should be reviewed by your solicitor.*