

## **Load and Speed Restrictions on Construction Vehicles**

Section 00150.60 defines load and speed limitations for construction vehicles and equipment that are operating within the project limits. Those limitations apply to those segments of the roadway that are being constructed or reconstructed under the project.

All public law states that overweight loads are not allowed on public roadways. When the Contractor is operating construction vehicles and equipment outside of the project limits, or is operating on a segment of roadway within the project limits that will not be reconstructed during that project, the Contractor must comply with all legal load and speed restrictions.

When the Contractor's vehicles must comply with legal load restrictions, those vehicles must not exceed the legal load limits unless allowed to do so by permit. The Contractor must have a procedure to assure that overweight loads are not hauled over roadways or that the overweight load is reduced before it enters the roadway. That process will generally include a procedure where a portion of the load is removed to reduce the load to legal limit or below.

When the procedure to reduce the loads involves wasting of material, the Project Manager must assure that the wasted material is not included within the amounts to be paid under the contract.

The Project Manager should take proactive action, including:

- Reinforce the requirement about overweight loads at the pre-construction conference and before the operations to haul materials over public roadways
- Do some check of the Weigh Memos to determine that loads are legal

If the Contractor and its weigher are allowing overweight loads to travel over roadways, the Project Manager must take appropriate action to stop that and to assure that overweight loads are not allowed on roadways. This action may include placing an ODOT weigher at the scale, at Contractor expense, to assure that only legal loads are allowed.

The Project Manager may need to suspend the Contractor's operations until the Contractor implements positive measures to prevent overloads.

If an overweight load does reach the project site and the material is incorporated into the project, ODOT must pay for the full amount of the load that was incorporated.

Do not send an overweight load back to the material source to be legalized. Since the overweight load has already done some damage to the roadway, do not compound the damage by sending it back as an overweight load.

Representatives from ODOT's Field Motor Carrier Services Unit can be of great assistance in determining legal loads and in helping to enforce the law. ODOT has the right to have representatives from that unit on site to weigh vehicles if overweight is suspected. The Contractor does not have the right to order those representatives off the site if they are enforcing the law.

The Contractor generally can haul non-legal loads over portions of the project that are outside of the roadway area or that will be reconstructed. The kicker to this is whether the roadway must still carry public traffic until it is reconstructed. In those situations, the Contractor is responsible for maintaining that portion of the roadway where it will be hauling non-legal loads or it should be utilizing only legal loads over the roadway that is still to be used for public traffic.

In summary, take the appropriate action to prevent non-legal loads on public roadways. ORS 818.440 states in part that it is a violation of statute for any person to knowingly and willfully procure, aid, or abet in allowing non-legal loads.