

H.472

Introduced by Representatives Shand of Weathersfield and Sweaney of  
Windsor

Referred to Committee on

Date:

Subject: Motor vehicles; size and weight limits for bridges and highways;  
escorts; state or municipality responsibility for costs

Statement of purpose: This bill proposes to require the state or a municipality  
(depending on which is responsible for maintenance of a bridge on the state  
highway system or a class 1, 2, 3, or 4 town highway) to bear the cost of an  
escort required for crossing a bridge if, due to lack of maintenance, the weight  
class limit for that bridge is lowered such that an escort is required as a  
condition of obtaining an overweight permit.

An act relating to state or municipality responsibility for escort costs across  
distressed bridges

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 23 V.S.A. § 1396(d) is added to read:

(d) If, pursuant to this section, a bridge on the state highway system or a  
class 1, 2, 3, or 4 town highway is varied from the weight limit specified in  
section 1392 of this title, and lack of ordinary and reasonable maintenance was

1 a significantly contributing cause to the downgrade, the state or the  
2 municipality responsible for maintaining that bridge shall bear the cost of any  
3 escort that the commissioner of motor vehicles or the municipality deems to be  
4 a necessary condition to issue an overweight permit sought by a qualified  
5 operator under section 1400 or 1400a of this title. Before the cost burden of an  
6 escort may be shifted as provided in this subsection, a qualified operator  
7 required to use an escort as a condition to an overweight permit to cross a  
8 bridge downgraded under this section shall apply to the transportation board  
9 for a determination regarding the cause of the bridge downgrade, provided the  
10 transportation board has made no prior determination regarding the same  
11 bridge pursuant to this subsection. Within 45 days of the application, the  
12 transportation board shall take evidence or testimony and issue a decision  
13 determining whether lack of ordinary and reasonable maintenance significantly  
14 contributed to the variation of the subject bridge from the weight limit  
15 specified in section 1392 of this title. A decision issued by the transportation  
16 board regarding the cause of a bridge downgrade shall be binding upon and  
17 determine the rights under this subsection of any operator regarding the same  
18 bridge. The agency of transportation may adopt rules to implement this  
19 subsection.