OVERWEIGHT PERMITS FOR RAW MILK

ILLINOIS LAW
EFFECTIVE JANUARY 1, 2005

Legislation

A new law generally authorizes road jurisdictions to issue permits to haul raw milk on non-designated routes at the higher weights allowed on designated routes. The Illinois General Assembly passed HB4458 in the spring of 2004 and it was signed into law on July 13. Its provisions are effective as of January 1, 2005.

The need for the permit is driven by state and federal regulations that generally require the contents of a milk holding tank to be transported in a single truck load—making the load virtually non-divisible.

Where to Get Permits

As with all permits for operating over-dimension and over-weight vehicles on public roads, the jurisdiction on whose roads the vehicle will be operated alone holds the authority to issue the permit. The jurisdictions and authorities you will need to contact for a permit(s) are:

- Township Roads—Highway Commissioner
- Road District Roads—Highway Commissioner
- County Highways—County Engineer
- City Streets—City Streets Department
- State Highways—Illinois Department of Transportation

This could mean that milk haulers will need two, three or more permits for a single trip.

It is possible for one jurisdiction to authorize another to issue permits on its behalf. That can be especially helpful to milk haulers when arranged among counties and townships.

Eligible Cargos

These permits may be issued only for the hauling of "raw milk."

Permissible Permit Weights

Overweight authorized by this permit may be applied to axles and/or to gross weights. No single axle may exceed 20,000 pounds and no gross weight may exceed 80,000 pounds;

Authorization, Not a Mandate

The law gives state and local highway officials this new authority, but it does not require that they issue permits when requested. Local conditions will be considered before a permit is issued.

Limits on Time and Distance

There are no limits specified for the distance the permit may allow. It generally may be issued on a quarterly or annual basis for limited continuous operation. Terms of locally-issued permits could vary and might include conditional clauses regarding both distance and duration.

Routing and Posting Restrictions

Permits may be issued for trips over any highway except the Interstate system.

Permits often specify a starting point, an ending point and the route that may be taken between the two.

In some cases, a “blanket” permit could be issued for that jurisdiction’s roads, though posted limits will affect what routes may be used. If operating under this form of a permit, be sure to check the routes in advance of the trip to verify there are no posted weight restrictions.

Under any form of the permit, the operator of the vehicle must abide by posted bridge and highway weight limits—both axle and gross.

Road Crossings
If the route specified in the permit crosses a road maintained by a jurisdiction other than the one that issued the permit, a separate permit may be required from that second jurisdiction to make the crossing when operating oversized or overweight vehicles.

License Plate Limitation
The permit does not authorize the vehicle to be operated at weights exceeding its license limit—also known as its "registered weight." Exceeding that weight could result in overweight fines and the requirement to buy a larger license.

Costs
Permit fees are spelled out in the law for state permits and are set at $12.50 quarterly and $50 annually. Typically, local jurisdictions may set their own fees or choose not to charge a fee.

Get it in Writing
Application for the permit is typically required to be in writing, and the permit itself should be issued in writing.

Potential Administrative Problems
It is likely that milk haulers will expect to be granted a permit when they request it, however each case may be considered separately and some requests will be denied.

The majority of township and road district offices are not equipped or staffed to support routine permit issuance. Simply finding the highway commissioner when needed (especially if employed in some other occupation) could make it difficult to get a permit at the time it is needed.

Permitting policies, processes and application forms could vary among jurisdictions. Illinois Farm Bureau® encourages coordination among agencies—especially those within a county.

REFERENCES:

- Illinois Vehicle Code: 625 ILCS 5/15-301(o)
- Illinois Vehicle Code: 625 ILCS 5/15-308
- Illinois Size and Weight Laws booklet: http://www.dot.state.il.us/road/size_weight_bklt.pdf
- IDOT size and weight chart http://www.dot.state.il.us/road/bt753.pdf
- IDOT oversize, overweight permit forms http://www.dot.state.il.us/road/trucks.html

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Illinois Department of Transportation
Oversize Permits Section 217-782-6271

Illinois State Police
Commercial Vehicle Enforcement Section
217-782-6267

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