

NEW TRANSPORTATION LAW SETS HIGHER WEIGHT TOLERANCE FOR FOREST PRODUCTS

One of the success stories from the 2012 short session of the North Carolina General Assembly was the passing of a new truck weight tolerance law, Senate Bill 749 and Session Law 2012-78, that was put into effect in June of 2012. The bill was part of a general bill pertaining to amendments of existing transportation laws that was first addressed in 2011, but failed to gain enough momentum last year. This year the bill became law through the support of several interested parties including the North Carolina Farm Bureau, the North Carolina Association of Professional Loggers and the NCFA.

“We appreciate the efforts that everyone put into making this law a reality, including our members, the co-sponsors organizations, and most importantly, the members of the General Assembly,” stated NCFA Executive Vice President Bob Slocum.

“It is something our members, especially our loggers, have been seeking for a few years. We believe the new tolerance will help our members deliver their products in a more efficient manner without sacrificing any safety elements in the process.”

The law increases the tolerance weight to the vehicle gross weight from 84,000 pounds to 90,000 pounds when transporting materials within 150 miles of the point of origin. In most cases in the forest products industry, this relates to the delivery of logs or chips from the woods to a processing facility.

“The tolerance is important to our membership simply because of the products we transport and where we are pulling the resource from,” stated Slocum. “With logs and chips, their weight can be impacted by weather conditions and may vary from start to finish on any given day. The tolerance provides some flexibility in these situations.”

It is extremely important to note, however, that if a truck is weighed over the tolerance of 90,000 pounds, the tolerance is eliminated and the enforcement penalties will be calculated all the way back from the 80,000 pound mark.

In addition to the increase in the tolerance on gross weight, the new law also increases the tolerance on tandem axles, which is crucial in the forest products industry where load weights may be variable based on where they are positioned on the truck due to the materials being hauled. In the new law, the tolerance on the first axle is increased from 22,000 to 26,000. The tolerance for the second and third axles is increased from 42,000 pounds to 44,000 pounds. The tolerance for the axles only applies to trucks that are in compliance with the proper configurations as set forth in the law.

“This may be the most beneficial piece of this new legislation,” stated Jack Swanner, the NCFA’s Director of Safety and Transportation. “In the past, when one of our members was stopped and weighed by the North Carolina DMV or a State Trooper, the axle weights are where the truck would fail, even though the truck would be under the gross weight. The new axle weights really take the guess work out of the loading process for our members.”

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These changes are reflected within the law under section 12.

(12) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions set out below:

- a. Is transporting any of the following items within 150 miles the point of origination:
 1. Agriculture crop products transported from a farm to a processing plant or market.
 2. Water, fertilizer, pesticides, seeds, fuel, or animal waste transported to or from a farm by a farm vehicle as defined in G.S. 20-37.16(e)(3).
 3. Meats, livestock, or live poultry transported from the farm where they were raised to a processing plant or market.
 4. Forest products originating and transported from a farm or woodlands to market with delay interruption or delay for further packaging or processing after initiating transport.
 5. Wood residuals, including wood chips, sawdust, mulch, or tree bark from any site.
 6. Raw logs to market.
 7. Trees grown as Christmas trees from field, farm, stand, or grove to a processing point.
- b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 13.
- b1. Does not operate on an interstate highway or exceed any posted bridge weight limits during transportation or hauling of agricultural products.
- c. Meets any of the following vehicle configurations:
 1. Does not exceed a single-axle weight of 22,000 pounds, a tandem-axle weight of 42,000 pounds, or a gross weight of 90,000 pounds.
 2. Consists of a five or more axle combination vehicle that does not exceed a single-axle weight of 26,000 pounds, a tandem-axle weight of 44,000 pounds and a gross weight of 90,000 pounds, with a length of at least 48 feet between the center of axle one and the center of the last axle of the vehicle and a minimum of 11 feet between the center of axle one and the center of axle two of the vehicle.
 3. Consists of a two-axle vehicle that does not exceed a gross weight of 37,000 pounds and a single-axle weight of no more than 27,000 pounds, with a length of at least 14 feet between the center of axle one and the center of axle two of the vehicle.

While there are some important changes in this law that impact state roads, the new tolerance is not applied to federal highways where the weight restriction remains at 80,000 pounds. The law does not change any current postings on bridges or other restrictions that may be in place on state roads or highways.

In the past, there have been some issues with the use of light-duty or restricted roads. If a truck is hauling on a restricted road, it is allowed to do so only if it is traveling from the woods to the first market. If the truck is hauling from an area that is an unrestricted road, then the first market provision does not apply.

“We continue to work with members of the NCDMV and other authorities to ensure that we are doing our best as an industry to create a safe environment on the roadways for our members and the general public,” stated Slocum. “If any of our members have a question about this law and how it might impact them, please do not hesitate to call the NCFA office to discuss it with me.”

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