

This is an amendment to 18.19.8 NMAC, Sections 7, 8, 9, 10, 11, 13, 16, 19, 20, 21, 24, 25, 26, 28, 29, 30, 36, 39, 40, 52, 57, 58, 62, 63, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 96 and 99, effective 6/1/2022.

Statutory citations were changed throughout the rule to conform to correct legislative style.

18.19.8.7 DEFINITIONS: As used in this rule:

A. “Accumulated traffic” means a build-up of six or more vehicles, other than escort vehicles, or any vehicle being detained for more than ten minutes behind a vehicle or load required to be escorted; provided that, if the escorted vehicle or load is traveling consistently at a speed within five miles per hour of the maximum legal speed for the highway being traveled upon, the term means a build-up of eight or more vehicles, other than escort vehicles, or any vehicle being detained for more than ten minutes;

B. “Applicant” means a person or entity applying for a special permit;

C. “Continuous movement” means movement during all hours, day or night, on any day of the week except on a holiday; provided that “continuous movement” does not include movement during inclement weather, traffic hazards or other occurrences that affect the safe movement of vehicles on a highway;

D. “Counter-flow” means the movement of or obstruction by a vehicle, combination, structure or load upon a roadway designated for traffic flowing in the opposite direction;

E. “Daylight movement” means movement 30 minutes before sunrise until 30 minutes after sunset on any day of the week, except on a holiday; provided that “daylight movement” does not include movement during inclement weather, traffic hazards or other occurrences that affect the safe movement of vehicles on a highway;

F. “DOT” means the department of transportation;

~~[F.]~~ **G. “DPS”** means the department of public safety;

~~[G.]~~ **H. “Height”** means a measurement from the uppermost point of the vehicle, combination of vehicles or load to the roadbed;

~~[H.]~~ **I. “Highway”** or **“street”** means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction;

~~[I.]~~ **J. “Holiday”** means 12:01 am until 11:59 pm on the calendar day of any of the following holidays:

- (1) New year's day;
- (2) Memorial day;
- (3) Independence day;
- (4) Labor day;
- (5) Thanksgiving day;
- (6) Christmas day; and
- (7) any other holiday that may be designated by the ~~[department]~~ DOT;

~~[J.]~~ **K. “Inclement weather”** means a natural occurrence that may create dangerous driving conditions and includes any of the following:

- (1) snow;
- (2) ice;
- (3) fog;
- (4) rain;
- (5) dust;
- (6) a weather condition that limits visibility to less than ~~[one thousand]~~ 1000 feet, or approximately two-tenths of one mile;
- (7) for oversize vehicles, combinations or loads, wind speeds of ~~[twenty-five]~~ 25 miles per hour or more as determined by the National Weather Service, nearest airport, New Mexico port of entry or government controlled weather station; or
- (8) a weather condition that is determined by the ~~[department, the department of transportation]~~ DPS or DOT or a law enforcement official to create a safety hazard;

~~[K.]~~ **L. “Irreducible load”** means a vehicle or load exceeding size or weight limitations that cannot reasonably be reduced to legal limits and that, if separated into multiple or smaller loads or vehicles, would:

- (1) compromise the intended use of the vehicle or load, rendering it unable to perform the function for which it was intended;

- (2) destroy the value of the vehicle or load, making it unusable for its intended purpose; or
- (3) require more than eight work hours to dismantle using appropriate equipment;

[L.] **M.** "Length" means a measurement from the foremost point to the rearmost point of a vehicle, combination of vehicles or load;

[M.] **N.** "Manufactured home" means a movable or portable housing structure that exceeds either a width of eight feet or a length of ~~forty~~ 40 feet, constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation for human occupancy;

[N.] **O.** "Movement" or "move" means the movement of an oversize or overweight vehicle, combination or load on a highway of this state requiring a special permit;

[O.] **P.** "Oversize" or "overweight" means exceeding a maximum dimension or weight specified in Sections 66-7-401 through 66-7-416 NMSA 1978;

[P.] **Q.** "Permittee" means a person or entity that has been issued a special permit to move a specific vehicle, combination or load;

[Q.] **R.** "Route survey" means actual physical measurements conducted by an applicant or an applicant's designee of the width and height of the load or vehicle to be moved compared with actual physical measurements of the width and height of structures and property to be cleared by the load or vehicle throughout the entirety of the proposed route to be traveled;

[R.] **S.** "Special permit" means a written permit issued by the ~~department~~ DOT that authorizes a ~~permittee~~ permittee to move an oversize or overweight vehicle, combination or load on a highway in this state;

[S.] **T.** "Utility service vehicle" means a vehicle used in the furtherance of repairing, maintaining, or operating any structure or other physical facility necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, television cable or community antenna service; and

[T.] **U.** "Width" means a measurement from the extreme outermost point of one side of the vehicle or combination of vehicles or load to the extreme outermost point of the opposite side of the vehicle, combination of vehicles or load.

[18.19.8.7 NMAC - Rp, 18.19.8.7 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.8 SPECIAL PERMIT REQUIRED: Unless specifically exempted by law, a vehicle, combination of vehicles or a load that exceeds a maximum size or weight limitation established by Sections 66-7-401 through 66-7-416 NMSA 1978 shall not move on a public highway or street without a valid special permit issued by the ~~department~~ DOT.

[18.19.8.8 NMAC - Rp, 18.19.8.10 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.9 SPECIAL PERMIT FOR IRREDUCIBLE LOADS - EXCEPTIONS:

A. Except as otherwise provided in this section, a special permit shall be issued only for an irreducible load. An applicant shall demonstrate that the load to be moved cannot reasonably be dismantled, reduced or disassembled. Reductions shall be made whenever possible, even if use of additional vehicles becomes necessary.

B. The following reducible loads may be issued a special permit:

(1) vehicle or combination of vehicles with a gross weight not exceeding ~~ninety-six thousand~~ 96,000 pounds within ~~twelve~~ 12 miles of a port of entry on the border with Mexico, and within the area described in Section 66-7-413 NMSA 1978 for the port of entry at Santa Teresa, as provided in Section 66-7-413 NMSA 1978;

(2) an over-width vehicle or load used to transport loads of hay, as provided in Section 66-7-413.1 NMSA 1978, for a distance up to ~~fifty~~ 50 miles;

(3) liquid hauling tank vehicle, as provided in Section 66-7-413.4 NMSA 1978;

(4) agricultural products, as provided in Section 66-7-413.7 NMSA 1978;

(5) specialized haul vehicles, as provided in Section 66-7-413.8 NMSA 1978; or

(6) emergency response vehicles, including those loaded with salt, sand, chemicals or a combination and being used for the purpose of spreading the material on highways that are or may become slick or icy.

C. The ~~department~~ DOT may issue special permits for casks designed for the transport of spent nuclear materials and for military vehicles transporting marked military equipment or material.

D. When an integral part of a machine or other equipment is removable, and the load without that part is oversize or overweight, the ~~department~~ DOT may allow that part to be included in the permitted load; provided that the inclusion of the removable part does not increase the dimensions of the load.

[18.19.8.9 NMAC - Rp, 18.19.8.12 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.10 APPLICATION FOR A SPECIAL PERMIT:

- A.** Only a person or entity that owns and operates the transporting vehicle or that operates the transporting vehicle under a lease agreement may apply for a special permit.
- B.** An applicant for a special permit shall be in compliance with and shall ensure that the transporting vehicle and the specific vehicle, combination or load to be moved is in compliance with motor vehicle registration laws, tax laws and regulations and any applicable public regulation commission rules and requirements.
- C.** An applicant for a special permit shall:
- (1) indicate the type of special permit requested;
 - (2) provide contact information for the person or entity requesting the permit;
 - (3) specifically identify the vehicle, combination or load to be moved;
 - (4) provide the width, length and height of the vehicle, combination or load and identify the size and location of any overhangs;
 - (5) provide the gross vehicle weight;
 - (6) provide all axle information requested, including number and spacing of axles, number and type of tires on each axle and the weight on each axle;
 - (7) describe the type of load being moved and the type of vehicle;
 - (8) identify the points of origin and destination;
 - (9) describe the route of travel;
 - (10) indicate whether a route survey has been conducted and provide a copy of the route survey, if requested;
 - (11) indicate whether certified escort vehicle or vehicles will accompany the move, if required;
 - (12) if required, demonstrate that a feasibility study of the proposed movement has been made or that an engineering analysis or investigation of the route to be traveled has been completed;
 - (13) provide proof of insurance coverage in accordance with New Mexico's financial responsibility laws and requirements of the public regulation commission; and
 - (14) provide other information as requested by the [department] DOT.
- D.** An applicant for a special permit shall obtain any required maps, restricted roads, structures or bridges required by the [department] DOT for the move. Required maps and other documents are available by electronic link on the special permit application.

[18.19.8.10 NMAC - Rp, 18.19.8.14 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.11 PROOF OF FINANCIAL RESPONSIBILITY:

- A.** A person applying for a special permit shall submit to the [department] DOT proof of financial responsibility as required by New Mexico law.
- B.** An applicant shall submit a certificate of insurance issued by an insurance carrier authorized to transact business in this state in accordance with public regulation commission requirements. The certificate of insurance shall indicate the following minimum coverage:
- (1) bodily injury liability in the amounts of \$50,000 for each person and \$100,000 for each accident; and
 - (2) property damage liability in the amount of \$25,000 for each accident.
- C.** A certificate of insurance shall identify:
- (1) the vehicle covered by year, make, type, capacity, license number and serial number or indicate that the vehicle is included under an all owned, non-owned and hired vehicle clause;
 - (2) the effective dates of coverage; and
 - (3) the name and address of the insured.
- D.** The [department] DOT may accept other evidence of financial responsibility that shows compliance with the certification, operating authority and insurance requirements of the public regulation commission; provided that the minimum liability coverage required by this section is met.
- E.** An applicant or permittee shall notify the [department] DOT in writing of any material change or cancellation of insurance coverage at least [ten] 10 days prior to the effective date of such change or cancellation. The [department] DOT shall void any outstanding special permits if insurance is canceled and not replaced before the expiration date noted on the special permit.

F. If the required insurance coverage is not on file with the [department] DOT, the special permit application will be held in abeyance until satisfactory proof of coverage is provided.
[18.19.8.11 NMAC - Rp, 18.19.8.52 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.13 CARRIED IN VEHICLE: A special permit shall be carried in the vehicle to which it applies, along with any required surveys, maps or lists of structures, and be presented for inspection to any peace officer, authorized employee of the [department] DOT or the DPS or an escort vehicle driver who is escorting the vehicle. The special permit and any other required document may be carried on an electronic device and presented in electronic form as long as it is legible.
[18.19.8.13 NMAC - Rp, 18.19.8.20 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.16 SURETY BOND MAY BE REQUIRED: If requested by the [department] DOT or by a municipality, an applicant shall execute and deliver [with] to the [department] DOT or municipality a surety bond, cash equivalent or other security satisfactory to the [department] DOT or municipality in an amount sufficient to cover any damages anticipated to road surfaces, bridges, culverts, structures or appurtenances that may be caused by the proposed movement. The amount of the security shall be determined by the [department] DOT or municipality following an analysis of the proposed move and the roadways and structures along its route.
[18.19.8.16 NMAC - Rp, 18.19.8.15 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.19 PRELIMINARY APPROVAL FOR A SPECIAL PERMIT: A person may request from the [department] DOT preliminary approval of a proposed movement of an oversize or overweight vehicle, combination or load. Sufficient data shall be submitted to allow the [department] DOT to evaluate the proposed move. If it is determined that the proposed move is feasible, the mover will be notified that a special permit can be issued upon notification to the [department] DOT and payment of the proper fee. The [department] DOT may retract its preliminary approval if circumstances change.
[18.19.8.19 NMAC - Rp, 18.19.8.51 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.20 ENTRY INTO NEW MEXICO:

A. An oversize or overweight vehicle, combination or load shall have a special permit issued by the [department] DOT before entry into this state. Any required escort vehicle shall be certified by the [department] DOT or DPS before entry into this state.

B. If an escort vehicle is not certified before entry, the escort vehicle and the escorted vehicle or load shall stop outside the state. The escort vehicle driver shall turn off or remove all exterior lighting and equipment, remove or cover any signs and remove the amber lights and flags. The escort vehicle shall then drive to the nearest port of entry where the vehicle and equipment can be checked and verified for certification. After the escort vehicle has been certified, it shall drive back, without display of lighting, signs, flags or equipment, to where the escorted load has stopped outside the state. All required lighting, equipment, flags and signs shall then be repositioned on the escort vehicle, and the permitted load and escort vehicle shall enter the state.

C. A special permit may be obtained by submitting an electronic application over the internet at [www.mtdpermits.dps.state.nm.us] <https://permits.dot.state.nm.us>.
[18.19.8.20 NMAC - Rp, 18.19.8.13 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.21 BEFORE COMMENCEMENT OF MOVE - AMENDED SPECIAL PERMIT:

A. Prior to starting the move, a permittee shall:
(1) review the special permit for accuracy of information contained in the special permit;
(2) ensure that any required survey, maps or lists of structures are included with the special permit;
(3) fully understand all the conditions and restrictions contained in the special permit;
(4) know the route to be traveled; and
(5) be aware, as reasonably possible, of any special circumstances that may be encountered along the route.

B. If a permittee finds that the special permit does not cover the entire move or that it is incorrect, the permittee shall contact the [department] DOT and request the necessary changes or amendments to the special permit. The [permittee] permittee shall not commence the move until such changes have been made and a correct or amended special permit has been issued. A special permit that contains incorrect information is void.

C. The [department] DOT may, depending upon circumstances, issue a supplemental special permit or amend an existing special permit to address a situation that did not exist or was not anticipated at the time of issuance of the original special permit. In such cases, additional documentation may be required by the [department] DOT to support the issuance of a supplemental special permit or the amendment of an existing special permit.
[18.19.8.21 NMAC - Rp, 18.19.8.19 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.24 DAYLIGHT MOVEMENT:

A. Unless continuous movement is specifically allowed on a special permit, there shall be no movement thirty minutes after sunset until thirty minutes before sunrise.

B. There shall be no movement during inclement weather or on holidays.

C. The [department] DOT may grant an exception, considering, among other factors:

- (1) the size or weight of the vehicle, combination or load;
- (2) the route to be traveled;
- (3) safety to the motoring public;
- (4) advice of the [department of transportation] DOT and law enforcement officials; and
- (5) any other consequence of allowing the move during those times.

[18.19.8.24 NMAC - Rp, 18.19.8.34 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.25 CONTINUOUS MOVEMENT:

A. A special permit that allows for continuous movement may be issued for a vehicle, combination or load that does not exceed:

- (1) a width of [~~ten~~] 10 feet;
- (2) a height of [~~fourteen~~] 14 feet six inches;
- (3) a length of [~~one hundred twenty~~] 120 feet; or
- (4) a weight of [~~one hundred forty thousand~~] 140,000 pounds.

B. Lighting requirements shall be in accordance with the Code of Federal Regulations, Title 49, Section 393.11, and all lights shall meet a five hundred foot visibility requirement. In addition, for an over-width or over-length vehicle, combination or load, at least one rotating, flashing, strobe or LED amber light at the rear of the vehicle and two rotating, flashing, strobe or LED amber lights on the power unit are required.

C. Continuous movement is allowed only if specifically stated on the special permit and does not include movement on holidays or during inclement weather.

D. Additional conditions and requirements may be imposed by the [department] DOT, including requiring additional equipment or imposing restrictions applicable to specific roads and highways.

[18.19.8.25 NMAC - Rp, 18 19.8.32 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.26 MOVEMENT DURING HEAVY TRAFFIC:

A. Unless otherwise specified in a special permit, movement on weekdays between the hours of 7 a.m. and 9 a.m. and between the hours of 4 p.m. and 6 p.m. is prohibited on:

(1) interstate highways, U.S. highways and state roads within the city limits of Santa Fe and Las Cruces;

(2) Interstate 25 between Santa Fe and Los Lunas and within the city limits of Los Lunas;

(3) U.S. 285 between Santa Fe and Espanola and within the city limits of Espanola; and

(4) Interstate 10 from mile marker 139 to mile marker 145, and Interstate 25 from mile marker 0 to mile marker 9, in the Las Cruces area.

B. Unless otherwise specified in a special permit, movement on weekdays between the hours of 7 a.m. and 9 a.m. and between the hours of 4 p.m. and 7 p.m. is prohibited on interstate highways, U.S. highways and state roads within the city limits of Albuquerque and Rio Rancho.

C. The [department] DOT may restrict movement during heavy traffic in other locations or time periods.

[18.19.8.26 NMAC - N, 2/12/2016; A, 6/1/2022]

18.19.8.28 CERTAIN VIOLATIONS RENDER SPECIAL PERMIT VOID:

A. A special permit is null and void if any of the following violations occur:

(1) commencing a move under a special permit that contains incorrect information, unless amendments to the permit have been issued by the [department] DOT correcting the information;

(2) the movement is made on a highway or street other than those specifically noted on the special permit, unless necessary to detour around construction zones or to avoid obstructions;

(3) movement is made on a highway or street that is closed;

(4) use of a bridge or structure not authorized by the special permit;

(5) size or weight limitations specified in the special permit are exceeded;

(6) improper identification or substitution of a vehicle, combination or load;

(7) the special permit, route survey, bridge map, list of structures or other required document is not in possession of or carried electronically by the driver during the move;

(8) the permittee is not the owner or lessee of the permitted vehicle;

(9) speeds specified in the special permit are not observed;

(10) special provisions contained in the special permit to protect highways and structures are not observed;

(11) the application for the special permit or the special permit contains misrepresentations;

(12) the special permit has been altered, is fraudulent or is used for a fraudulent or unauthorized purpose;

(13) absence or cessation of a required escort vehicle during the movement;

(14) insurance coverage is canceled, expired, insufficient or otherwise does not meet the requirements of law or this rule; or

(15) failure to comply with any condition or restriction specified in the special permit.

B. Violation of a special permit may be cause for suspension or cancellation of all special permit privileges of the permittee. Based on the severity of the violation, the [department] DOT may cancel any or all special permits issued to the permittee for current or future movements and may suspend the permittee's right to apply for special permits in the future.

C. The effect of a void special permit is the same as if no special permit had been issued, and the violator, in addition to any other violations, may be subject to prosecution pursuant to the provisions of Sections 66-7-413, 66-7-413.2 and Section 66-7-416 NMSA 1978. No refund shall be made or credit given for fees paid for a special permit that is rendered void. A special permit issued after a violation does not nullify the violation. [18.19.8.28 NMAC - Rp, 18.19.8.28 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.29 SECURING A NEW SPECIAL PERMIT FOLLOWING A VOIDED SPECIAL PERMIT:
A special permit that is void shall be surrendered, upon demand, to a peace officer or authorized [department] DOT or DPS personnel. A new special permit is required before movement move can be resumed. The issuance of a new special permit will be withheld until all conditions that caused the voiding and seizure of the original permit have been corrected to meet the requirements imposed by the [department] DOT for the move. [18.19.8.29 NMAC - Rp, 18.19.8.30 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.30 ROUTE SURVEY MAY BE REQUIRED:

A. Based on the dimensions of a vehicle, combination or load or the route requested, the [department] DOT may require that a route survey be conducted and submitted to the [department] DOT prior to issuance of a special permit. When a route survey is required, it shall be carried in the permitted vehicle at all times during the move.

B. A route survey is valid for a period of fourteen days but is subject to change by the [department] DOT at any time depending on circumstances, including inclement weather, highway construction, utility work, roadway design, and traffic patterns.

C. The [department] DOT may extend the validity period of a route survey at its discretion for carriers engaged in moving the same dimensions or in moving similar loads where there are no structural clearance issues.

D. A route survey shall be in a written form approved by the [department] DOT. [18.19.8.30 NMAC - N, 2/12/2016; A, 6/1/2022]

18.19.8.36 OVERHEIGHT VEHICLES OR COMBINATIONS:

A. Special permits may be issued for vehicles, combinations or loads in excess of the statutory limit for heights of [fourteen] 14 feet. When the substitution of a different type of trailer would make the vehicle or load [fourteen] 14 or less in height, then the load shall be considered reducible and such substitution shall be made.

B. If a special permit is requested for a height greater than ~~[fourteen]~~ 14 but less than ~~[fifteen]~~ 15 feet six inches, the applicant shall check the desired route for clearance of overhead structures such as traffic signals, wires, utility lines, bridges and overpasses.

C. If a special permit is requested for a height of ~~[fifteen]~~ 15 feet six inches or greater, a route survey is required. The applicant shall check the desired route and conduct a route survey for clearance of overhead structures such as traffic signals, wires, utility lines, bridges and overpasses.

D. Certification in writing from utility companies is required for a vehicle or load that exceeds a height of ~~[eighteen]~~ 18 feet. No person, other than the utility owner, shall move, lift or in any fashion displace an overhead wire.

E. Movements that will not clear highway construction, wires, utility lines, bridges, overpasses or other overhead structures shall be rerouted. Use of off-ramps or frontage roads to clear overhead and other obstacles is permitted, provided overall traffic flow is not adversely affected and traffic safety is not jeopardized.

F. A permittee shall protect all overhead wires, structures and roadside property. Any damage to these or to the roadway, pavement, road guards or shoulders shall be restored at the sole expense of the permittee.

G. The ~~[department]~~ DOT may require a flagman or an escort to check all overhead clearances during a move. Such requirement shall be stated on the special permit.

[18.19.8.36 NMAC - Rp, 18.19.8.45 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.39 SPECIAL PERMIT REQUIRED FOR PROJECTING LOADS:

A. A special permit is required for a projecting load that extends:

(1) more than three feet beyond the foremost part of a vehicle or the foremost part of the front vehicle of a vehicle combination; or

(2) more than seven feet beyond the rearmost part of a vehicle or the rearmost part of the rear vehicle of a vehicle combination.

B. This section applies even if the overall length of the vehicle, combination or load would not require a special permit for movement.

C. A projecting load or overhang shall not cause excessive axle weight that would diminish the effectiveness of the steering axle or axles and shall not constitute a hazard.

D. When the substitution of an articulated vehicle for a single vehicle would make the load a smaller dimension, then the load shall be considered reducible and such substitution shall be made.

E. The ~~[department]~~ DOT may require an escort as a condition of issuing a special permit for movements with a projecting load.

[18.19.8.39 NMAC - Rp, 18.19.8.47 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.40 ENGINEERING ANALYSIS FOR VEHICLES OR LOADS IN EXCESS OF ONE HUNDRED SEVENTY THOUSAND POUNDS:

A. An application for a special permit for a vehicle, combination or load with a gross weight in excess of ~~[one hundred seventy thousand]~~ 170,000 pounds shall be forwarded to the ~~[department]~~ DOT of transportation for approval.

B. No special permit shall be issued for a vehicle, combination or load with a gross weight in excess of ~~[one hundred seventy thousand]~~ 170,000 pounds unless an engineering analysis has been conducted for the proposed route and the move has been approved by the ~~[department of transportation]~~ DOT.

C. An engineering analysis shall determine if the roads on the proposed route, including any bridges, culverts, overpasses and other structures, are adequate and capable of handling the overweight movement. The analysis may require specific restrictions to be imposed on the movement, such as requiring the overweight vehicle, combination or load to significantly reduce its speed at certain structures, requiring a different route or requiring other maneuvers.

D. Data required from the applicant for an engineering analysis includes:

(1) tire sizes;

(2) axle loads;

(3) axle spacings;

(4) desired route to be traveled;

(5) clearance documents if movement is overheight or overwide; and

(6) any additional information requested by the ~~[department or the department of transportation]~~ DOT.

E. Unless an applicant submits an engineering analysis of the route to be traveled that is satisfactory to the [department of transportation] DOT, the [department of transportation] DOT shall perform its own analysis. The [department of transportation] DOT may assess a fee for the cost of performing the analysis and such a fee shall be charged to the applicant as an added cost to the permit fee.

F. Once an engineering analysis has been conducted and the movement approved [by the department of transportation], the [department] DOT may issue a special permit upon payment of the proper fee. [18.19.8.40 NMAC - Rp, 18.19.8.48 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.52 WRECKER SERVICE - MULTIPLE-TRIP SPECIAL PERMIT:

A. A multiple-trip special permit may be issued to a wrecker service, commensurate with the class of service authorized. A commercial motor carrier that operates wreckers for towing its own vehicles may also apply for this multiple-trip special permit.

B. A multiple-trip special permit for a wrecker service authorizes continuous movement and movement on holidays and during inclement weather on an emergency basis. The multiple-trip special permit may exclude movement over certain highways or structures.

C. The maximum width allowed when towing vehicles under a multi-trip special permit is [~~twelve~~] 12 feet, including towing on a dolly. This limit includes the width of the towed vehicle plus all load binders or other equipment required to tie or hold the unit together.

D. The maximum height allowed when towing vehicles under a multi-trip special permit is [~~fourteen~~] 14 feet. If damage to the wrecked or disabled vehicle causes protruding pieces that cannot be reasonably removed before towing, a height up to [~~fifteen~~] 15 feet is allowed.

E. A disabled or wrecked vehicle that exceeds the maximum width or height provided in this section shall not be moved under a multiple-trip special permit. A single-trip special permit shall be obtained for the movement. The [department] DOT may require an escort as a condition of the single-trip special permit.

F. In addition to any other restrictions, the following apply to a wrecker service operating under a multiple-trip special permit:

- (1) the towing of one motor vehicle and one trailer in combination is allowed;
- (2) a second trailer of a three-unit combination may be towed in combination to the nearest point of safety where it shall be disconnected from the combination being towed;
- (3) movement during inclement weather is restricted to movement from the site of disablement or crash to the nearest point of safety;
- (4) when towing a single vehicle or combination of vehicles, the driver shall comply with all safety regulations with respect to both the equipment and the driver;
- (5) when towing a single vehicle or a combination of vehicles, the wrecker vehicle and the towed vehicle or combination shall be properly flagged and equipped with oversize load signs and any other required warning devices;
- (6) unless the towed vehicle or combination has been issued a valid oversize or overweight special permit, the combined weight of the wrecker and the towed vehicle or combination shall not exceed the weight of the wrecker plus [~~eighty-six thousand four hundred~~] 86,400 pounds and the overall length shall not exceed [~~one hundred twenty five~~] 125 feet.
- (7) if the towed vehicle or combination has been issued a valid oversize or overweight special permit and the combined length of the vehicle or combination plus the length of the wrecker exceeds [~~one hundred twenty five~~] 125 feet or the combined weight of the towed vehicle or combination and the wrecker exceeds the weight of the wrecker plus [~~eighty-six thousand four hundred~~] 86,400 pounds, the vehicle or combination may be towed only to the nearest point of safety. Towing such a vehicle or combination beyond the nearest point of safety requires a single-trip special permit to be issued based on the combined length and weight of the wrecker and the towed vehicle or combination.

G. This section does not authorize trespass on private property.

H. The provisions of this section apply to all classes of wreckers and wrecker services.

I. As used in this section:

- (1) "movement on an emergency basis" means the towing from a highway or right-of-way of a wrecked or disabled vehicle that cannot be moved under its own power, when such movement is necessary for the safety and convenience of the public, or when directed by a police officer. Unless other laws or regulations provide otherwise, "movement on an emergency basis" includes the movement of the vehicle from the site of the crash or disablement to the vehicle owner's premises, a repair facility or a storage facility operated by the wrecker service; and

(2) "nearest point of safety" is the closest area where the vehicle or combination can be temporarily parked clear of any motor vehicle traffic and at least [thirty] 30 feet from the outer edge of the nearest traffic lane of any road or highway at the closest point. Private land shall not be used as the nearest point of safety without permission of the owner.

[18.19.8.52 NMAC - Rp, 18.19.8.49 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.57 OTHER MULTIPLE-TRIP SPECIAL PERMITS: A multiple-trip special permit may be issued for:

- A. a liquid hauling tank vehicle as provided in Section 66-7-413.4 NMSA 1978;
- B. an agricultural product transport vehicle as provided in Section 66-7-413.7 NMSA 1978; or
- C. other vehicles, combinations or loads as determined by the [department] DOT.

[18.19.8.57 NMAC - N, 2/12/2016; A, 6/1/2022]

18.19.8.58 SPECIAL PERMITS IN CASES OF EMERGENCY:

A. In clear cases of emergency and when it is not possible to follow normal procedures for obtaining a special permit, a special permit may be issued outside of business hours.

B. During business hours, normal procedures shall be followed. If an emergency arises outside of business hours, an applicant for a special permit shall access the [department's] DOT's website and follow instructions for obtaining the special permit.

C. As used in this section, "business hours" means Monday through Friday from 8:00 a.m. to 5 p.m.

[18.19.8.58 NMAC - Rp, 18.19.8.38 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.62 MOVEMENT OF A HOUSE, BUILDING OR SIMILAR STRUCTURE:

A. A special permit is required for movement of a house, building or similar structure that exceeds statutory size or weight limitations. Movement of such a structure with a width in excess of [thirty] 30 feet shall be approved by the [department] DOT.

B. Porches or protruding sections are considered reducible and shall be removed to reduce the dimensions of the structure. Loose boards, bricks and similar items shall also be removed for safety.

C. A house, building or similar structure shall be moved in the following manner:

(1) mounted on house-moving dollies equipped with pneumatic tires and towed by a truck or truck tractor;

(2) loaded on a truck, semi-trailer or trailer and transported under the same requirements as the movement of oversize or overweight vehicles and loads; or

(3) by other means approved by the [department] DOT.

D. A house, building or similar structure shall not be:

(1) pulled or towed by a farm tractor; or

(2) mounted on skids.

E. Vehicles used in moving a house, building or similar structure shall conform to all safety standards prescribed by law. Dollies and tires shall be in good condition and a sufficient number shall be used to carry the weight of the structure. A truck or tractor shall be in good condition and shall have the capacity and power to control the movement of the building or structure.

[18.19.8.62 NMAC - Rp, 18.19.8.50 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.63 MOVEMENT OF MANUFACTURED HOME - TAX RELEASE REQUIRED:

A. An applicant for a special permit to move a manufactured home shall provide the [department] DOT with a tax release document from the appropriate county assessor or treasurer if the origin of the movement of the home is in a county of this state. The tax release document shall contain:

(1) a full description of the manufactured home, including name of the manufacturer, model, license number and identification number;

(2) a description of the exact location where the manufactured home is being moved from, including street address, city and county;

(3) a description of the exact location where the manufactured home is being moved to, including street address, city and county;

(4) the name of the registered owner of the manufactured home;

(5) a statement by the county assessor, treasurer or an authorized delegate that all applicable property taxes have been paid or there is no liability for the current and previous years;

- (6) the date the release was issued; and
- (7) the signature of the assessor, treasurer or an authorized delegate of the assessor or

treasurer.

B. The provisions of this section do not apply if the movement of the manufactured home originates from the lot or business location of a manufactured home dealer and the home was part of the dealer's inventory prior to the sale.

C. The provisions of this section apply to movement of a manufactured home from a non-dealer owner to a manufactured home dealer.

[18.19.8.63 NMAC - Rp, 18.19.8.200 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.80 ESCORTS - PURPOSE AND REQUIREMENT:

A. The purpose of an escort vehicle is to enhance the safety of moving an oversize vehicle or load over the highways, to reduce delays and inconveniences to the normal flow of traffic and to alert the motoring public to the presence or approach of an oversize vehicle or load.

B. The [department] DOT, after evaluating the dimensions of a vehicle, combination or load and the route to be traveled, may require that one or more escort vehicles accompany the movement or part of the movement or may require that police escorts accompany the movement.

[18.19.8.80 NMAC - Rp, 18.19.8.100 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.81 ESCORT REQUIRED FOR CERTAIN OVERWIDTH VEHICLES: Escort vehicles are required for the movement of all widths at or exceeding [fourteen] 14 feet, and may be required for widths less than [fourteen] 14 feet depending on the routes to be traveled and in accordance with established widths for certain highways identified in the escort vehicle map developed and maintained by the [department of transportation] DOT. The escort vehicle map is available by electronic link on the special permit application.

[18.19.8.81 NMAC - Rp, 18.19.8.108 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.82 ESCORT REQUIRED FOR CERTAIN OVERLENGTH VEHICLES:

A. Escort vehicles are required for the movement of a vehicle, combination or load that exceeds [ninety] 110 feet and one inch in length.

B. One escort vehicle will be required for each vehicle, combination or load which is greater than 110 feet and one inch in length but is equal to or less than 120 feet and one inch in length. Two escorts will be required for each vehicle, combination or load which is greater than 120 feet and one inch in length.

C. The movement of such a vehicle, combination or load may be restricted to certain highways as designated on the special permit. [Determination] If so restricted, determination of the required number of escort vehicles shall be made by the [department] DOT based on the route to be traveled and other relevant considerations.

[18.19.8.82 NMAC - Rp, 18.19.8.109 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.83 ESCORT REQUIRED FOR CERTAIN OVERHEIGHT VEHICLES: An escort vehicle or a person other than the driver of the permitted vehicle may be required to accompany the movement of a vehicle, combination or load that exceeds a height of [sixteen] 16 feet. The escort or additional person shall make immediate height clearance verifications at each overhead clearance prior to the over-height vehicle moving through the clearance. The requirement for an additional escort or person will be stated on the special permit.

[18.19.8.83 NMAC - Rp, 18.19.8.110 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.84 POLICE ESCORTS:

A. In the discretion of the [department] DOT, police escorts may be required for movement of structures or loads with a width of [twenty] 20 feet or more. The [department] DOT may also require police escorts for movement on certain roads or for movement that, in the judgment of the [department] DOT, may adversely affect traffic, create undue hazards, require counter-flow or in any manner jeopardize the safety of the motoring public.

B. An applicant for a special permit that requires a police escort shall cooperate with the [department] DOT on the timing of the move and be prepared for special conditions or other factors that may delay the move.

C. The [department] DOT may coordinate police escorts for the move and may charge a fee for the coordination and provision of police escorts. In certain circumstances, the applicant may be required to coordinate with municipal police for escort services.

D. If a route requiring a police escort moves through a municipality, the applicant shall obtain permission from and make arrangements with the municipality for the move, including obtaining any required permit. A special permit shall not be issued until the [department] DOT is assured that the applicant has made satisfactory arrangements with the municipality.

E. If a move is entirely within a municipality, a permittee may use a police escort provided by the municipality. However, a special permit shall not be issued until the [department] DOT is assured that the applicant has arranged with local police for assistance.

[18.19.8.84 NMAC - Rp, 18.19.8.102 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.85 PERMITTEE TO PROVIDE CERTIFIED ESCORT VEHICLES: Unless a police escort is required, a permittee shall furnish New Mexico certified escort vehicles as required by the [department] DOT and specified on the face of the special permit. An escort vehicle map is available by electronic link on the special permit application.

[18.19.8.85 NMAC - Rp, 18.19.8.100 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.86 ESCORT VEHICLE CERTIFICATION: Only a vehicle certified by the [department] DOT or the DPS may operate as an escort vehicle. The vehicle and all required equipment shall be inspected by the [department] DOT or the DPS. Upon a satisfactory inspection, an escort vehicle certification will be issued for that vehicle for a period of one year or until insurance coverage expires, whichever occurs first. An escort vehicle shall undergo inspection on an annual basis.

[18.19.8.86 NMAC - Rp, 18.19.8.103 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.87 ESCORT VEHICLE REQUIREMENTS:

A. The wheelbase of an escort vehicle shall be at least [~~one hundred~~] 100 inches. Unless otherwise approved by the [department] DOT upon written application, an escort vehicle shall not exceed a [~~ton and one-half capacity~~] capacity of one and one-half tons as rated by the manufacturer.

B. An escort vehicle shall be registered in accordance with New Mexico's motor vehicle laws and insured in accordance with New Mexico's financial responsibility laws; provided that minimum coverage shall be:

- (1) bodily injury liability in the amounts of \$50,000 for each person and \$100,000 for each accident; and

- (2) property damage liability in the amount of \$25,000 for each accident.

C. An escort vehicle shall comply with all requirements imposed by the public regulation commission for escort vehicles.

D. An escort vehicle operated by an escort vehicle service company shall display the name, city, and state of the company on both sides of the vehicle. This information may be displayed using removable, magnetic signs.

E. An escort vehicle shall not display any sign, insignia, device or emblem that is similar in size, shape or color to any police insignia or badge.

F. An [the] escort vehicle shall not tow a vehicle or trailer and shall not be loaded in a manner that obstructs the driver's vision in any direction.

[18.19.8.87 NMAC - Rp, 18.19.8.103 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.88 ESCORT VEHICLE EQUIPMENT:

A. An escort vehicle shall have two rotating, flashing, strobe or LED amber lights on top of the vehicle at the vehicle width or at a width not to exceed eight feet. The amber lights shall be of sufficient intensity to be visible at a distance of at least [~~five hundred~~] 500 feet in normal sunlight.

B. An escort vehicle shall display a bright yellow sign at least five feet wide by [~~twelve~~] 12 inches high with black lettering reading "OVERSIZE LOAD". The letters shall be at least one inch thick by [~~ten~~] 10 inches high.

C. An escort vehicle shall be equipped with two red or florescent orange flags when escorting a load. The flags shall be square or rectangular and no less than [~~twelve~~] 12 inches on any one side.

D. The required flags and sign shall be mounted on the front bumper of a front escort vehicle, on the rear bumper of a rear escort vehicle, or on the roof of the front or rear escort vehicle, whichever position provides the greatest visibility for the motoring public.

E. An escort vehicle and the escorted oversize vehicle shall be equipped with two-way radios for direct communication between the two vehicles at all times.

F. An escort vehicle shall be equipped with at least one fire extinguisher of minimum size, with a capacity of two and one-half pounds carbon dioxide or dry chemical type, or an extinguisher of another type having equivalent or better extinguishing capacities. Extinguishers shall be mounted so as to be readily accessible for use.

G. An escort vehicle shall have on board at all times the safety equipment specified in Section 66-3-849 NMSA 1978 relating to flares and other warning devices.

H. An escort vehicle shall have on board all the equipment required for flagmen, as provided in 18.19.8.99 NMAC.

I. An escort vehicle shall be equipped with two outside rear view mirrors, one on the driver side and one on passenger side of the vehicle.

J. An escort vehicle shall carry at all times the escort vehicle map developed and maintained by the [department of transportation] DOT.

[18.19.8.88 NMAC - Rp, 18.19.8.103 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.89 INSPECTION UPON DEMAND: An escort vehicle is subject to inspection by a peace officer or authorized [department] DPS personnel at any time. The escort vehicle certification, escort vehicle map, required equipment, documentation of vehicle registration and insurance and any documents required by the public regulation commission shall be made available for inspection on demand.

[18.19.8.89 NMAC - Rp, 18.19.8.103 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.90 ESCORT VEHICLE DRIVER REQUIREMENTS:

A. A driver of an escort vehicle shall be at least eighteen years of age and licensed in accordance with the licensing requirements for escort vehicle drivers in the jurisdiction where the driver resides.

B. At all times during a move, an escort vehicle driver shall carry a current driver's license, the escort vehicle certification issued by the [department] DOT or the DPS, an escort vehicle map and any document required by the public regulation commission.

C. Escort vehicle drivers do not have police powers and shall not issue citations, attempt arrest or operate the escort vehicle as an emergency vehicle.

D. While performing escort vehicle services, an escort driver shall not:

(1) wear a uniform of a color or design similar to uniforms worn by law enforcement officers; or

(2) display any badge, shield or emblem of a type similar to police badges or emblems.

E. A person employed by the [department] DPS shall not act as a driver of a private escort vehicle.

[18.19.8.90 NMAC - Rp, 18.19.8.104 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.96 CESSATION OF ESCORT SERVICES:

A. When an escort operation is completed, the escort driver shall turn off all exterior escort equipment lights, remove or cover the oversize load sign and remove the amber lights and flags. Failure to comply with this requirement shall render the escort vehicle certification void, and the escort vehicle driver shall immediately surrender the escort vehicle certification to a police officer or authorized [department] DPS or DOT personnel upon request.

B. If an escort driver determines that the escorted oversize vehicle driver is not, or will not, comply with a provision of the special permit or is otherwise operating in a manner that creates a hazardous or dangerous situation, the escort driver shall notify the oversize vehicle or load driver of the escort driver's intent to cease providing escort services.

C. If, for any reason, an escort vehicle driver ceases to provide escort services before the move is completed:

(1) movement of the escorted vehicle shall stop;

(2) the escort driver shall immediately notify the [department] DPS or DOT; and

(3) the special permit is rendered void.

[18.19.8.96 NMAC - Rp, 18.19.8.105 NMAC, 2/12/2016; A, 6/1/2022]

18.19.8.99 FLAGMEN:

A. Flagmen are required on all loads [twenty] 20 feet wide or wider or whenever otherwise required by the special permit. Flagmen shall not be used in lieu of an escort vehicle. A dismounted driver of an escort vehicle shall serve as a flagman as necessary during the movement of an escorted oversize vehicle or load.

B. A flagman shall be at least eighteen years of age and an employee or agent of the permittee or an escort vehicle service.

C. A flagman shall wear an orange or red safety jacket and an orange or red hard hat or bump cap. A flagman shall be equipped with a paddle sign.

D. A paddle sign shall be constructed of rigid durable material and consist of a handle at least eight inches long attached to an octagon sign the shape of a standard street stop sign. Each of the eight sides of the octagon sign shall be at least [~~fourteen~~] 14 inches, point to point. One side of the sign shall have a red background with white letters, one and one-half inches thick, reading "STOP". The other side shall have a yellow or orange background with black letters, one and one half inches thick, reading "CAUTION". The handle shall be affixed to the sign in such a manner that the word on the sign is displayed to motorists when the sign is held up to view.

E. A flagman shall use a paddle sign to direct traffic at all locations where traffic may be obstructed, or when necessary to infringe on the oppositely-bound traffic lane because of breakdown, pulling onto or off the pavement, or avoiding obstacles in the path of movement.

F. A flagman shall use a paddle sign to warn traffic of an approaching oversize vehicle at danger points, such as narrow bridges or sharp corners, where the oversize vehicle will travel.

G. Flagmen shall position themselves far enough in advance of a problem area so that approaching traffic is allowed sufficient distance to reduce speed and come to a stop. Depending upon approach speed and physical conditions at the site, a distance of [~~two hundred~~] 200 to [~~three hundred~~] 300 feet is usually adequate. In urban areas, a shorter distance may be appropriate.

H. Flagmen shall face traffic on the edge of the shoulder of the road just outside of the traffic lane and shall always stand where they are visible by approaching motorists.

I. When warning or stopping traffic, the paddle sign shall be kept in a horizontal position in the path of the vehicle. The free arm shall be raised with the palm of the hand toward approaching traffic.

J. To slow traffic, but not stop it, the flagman shall extend the paddle sign into the traffic lane. The paddle sign shall be lowered before traffic is completely stopped.

K. The paddle sign shall not be used to signal traffic to move ahead. When signaling traffic to move ahead, a flagman shall lower the paddle sign behind his body and signal with the free hand, using a sweeping motion in the direction traffic is to move.

L. The paddle sign shall not [~~to~~] be waved. Signals from a flagman shall be clear and distinct.

M. If time permits and when possible, a flagman shall inform motorists of the reason for the delay.
[18.19.8.99 NMAC - Rp, 18.19.8.113 NMAC, 2/12/2016; A, 6/1/2022]