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**Title 7--DEPARTMENT OF TRANSPORTATION**  
**Division 10--Missouri Highways and Transportation Commission**  
**Chapter 2--Traffic Regulation**

SECRETARY OF STATE  
ADMINISTRATIVE RULES  
**COPY**

**PROPOSED AMENDMENT**

**7 CSR 10-2.020 Ordering Limitation of Weights on, or Closing of Certain State Roads.** The Missouri Highways and Transportation Commission is amending section (1) and rescinding sections (2) through (3).

*PURPOSE: This amendment removes unnecessary language while retaining the chief engineer's power to close or impose vehicle weight limits on any road in the state highway system for the purpose of the construction or maintenance of such road, or for the safety of the traveling public. Any closure or weight limit shall have a sign posted along the road to alert the traveling public.*

(1) *[The acting chief counsel called the commission's attention to the fact that at various times and places certain state bridges and roadways would be seriously damaged or entirely destroyed if subjected to the full statutory weights of vehicles; that such conditions are often created in only a few hours or minutes, with little or no warning, due to floods, weather conditions, traffic accidents, explosions, etc.; that it is often impossible and almost always impractical (if damage or destruction of the bridge or roadway is to be prevented) to delay limiting use of bridge or roadway until the commission can be convened in formal session to pass a resolution ordering limitation of use in each specific case; and that it has been contended by some that because of Article IV, Section 16, of the Missouri Constitution no order of the commission limiting such use of any state highway can take effect in less than ten (10) days after it has been filed in the office of the secretary of state. It was moved, seconded and unanimously carried that the following resolution be adopted by the State Highways and Transportation Commission of Missouri and filed immediately in the office of the secretary of state] The chief engineer, or his or her designee, may close wholly or in part, or set a maximum vehicle weight limit on, any road within the state highway system as he or she finds necessary for the safety of the traveling public or for the purpose of, or related to, the construction or maintenance of the state roadway system. Any closure or maximum weight limit imposed on any state highway shall be subject to the posting of signs that shall be located along the highway in the chief engineer's sole discretion to give notice to the traveling public.*

*[(2) Whereas the State Highways and Transportation Commission of Missouri has power under section 227.250 RSMo (1986), to close temporarily for the purpose of construction or repair any portion of a state highway to public use and to issue regulations controlling the use of state highways and all properties relating thereto; and, whereas, under sections 304.210, 304.230 and 304.240, RSMo (1986), whenever by reason of thawing of frost or rains or due to new construction the roads are in a soft condition, the maximum weights of motor vehicles may be limited by the State Highways and Transportation Commission of Missouri to such an amount and in such manner as will preserve the road under such conditions; it is made the duty of the sheriff of each county to see that such limitations are enforced; any peace officer or police officer of any county or city is empowered to arrest on sight or upon warrant any person violating the said limitations; and any such violation is made a misdemeanor; and whereas, under section 227.220, RSMo (1986), any person who shall willfully or negligently damage any state highway shall be liable for the amount of such damage, which may be recovered in the*

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*name of the state by the State Highways and Transportation Commission of Missouri; and whereas the destruction or damaging of any state highway bridge or roadway may cause incalculable and irreparable loss and damage to the traveling public, as well as great cost to the state and its taxpayers; and, whereas it is often impossible for the statutory two (2)-days' written notice to be served upon the members and this commission convened to limit weights on or close roads in time to save bridges, pavements and roadways which may from time-to-time be weakened or endangered by flood, weather, explosion, earthquake, accident or other cause.]*

*[(3) Now, therefore, the State Highways and Transportation Commission of Missouri declares its purpose to exercise fully such authority so conferred upon it to preserve the state highways and, in order to effectively carry out said purpose, orders that:*

*(A) The chief engineer of this commission shall hereafter do the following without further orders from the commission and without individual orders for each separate occasion to wit:*

*1. Close, wholly or in part, and during such time as s/he may find necessary, any portion of any state highway to the use of vehicles of such types, sizes, weights, speeds and tires, proceeding in such directions and under such weather conditions, as well as to such other public use, as s/he may find necessary for the purpose of construction or repair of such portion of highway; and*

*2. Whenever by reason of thawing of frost, or rains or due to new construction s/he find the roads are in a soft condition, s/he shall determine to what amount and in what manner the weights of motor vehicles must be limited in order to preserve any portion or all of the state highways under such conditions; and s/he shall give notice of all such limitations by posting notices at convenient and public places along such road, roads or parts thereof where such limitation of weights is found necessary.*

*(B) All such findings and acts of said chief engineer under this order shall for all intents and purposes be the findings and acts of this commission.*

*(C) The commission's chief counsel is authorized to file in this or any other state, prosecute and compromise, such civil suits as s/he may find necessary to obtain any lien and/or recover the amount of any injury which shall be caused to any portion of the state highways by any violation of law or by any negligence.]*

*AUTHORITY: sections 227.250 and 304.210, RSMo 1986. Original rule filed Feb. 17, 1950, effective Feb. 27, 1950. Amended: Filed February 9, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, 105 W. Capitol Avenue, PO Box 270, Jefferson City, MO 65102 or [Pamela.Harlan@modot.mo.gov](mailto:Pamela.Harlan@modot.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*