

Can a town raise the fee it charges to issue overweight truck permits?

The short answer is no; towns may only charge the “administrative” fee for issuing the permit. According to 23 V.S.A. §1400a(d), towns may charge \$5.00 for an individual truck permit, or \$10.00 for a “fleet permit.” Upon payment of \$10.00, “an applicant may obtain a permit to operate all of his or her registered vehicles in that municipality, under the conditions of the permit, for the period of the permit.” If a fleet permit is obtained, individual permits do not have to be carried in each vehicle permitted. 23 V.S.A. §1400a(d).

However, towns *are* authorized to accept “additional compensation commensurate with the extra wear or maintenance required on the highway traveled over or on any bridge by reason of the overweight allowed by any permit approved by them...” 23 V.S.A. §1400a(c). In determining the amount of compensation due, the statute requires that all of the following factors be “considered:”

1. The amount of weight permitted in excess of the normal limit.
2. The configuration and number of axles of the vehicle involved.
3. The number and length of trips the vehicle will be making.
4. The condition of the highway before and after use by the vehicle, and costs associated with any repair.

The statute continues to specify that, “if the agreement for the compensation to be paid is in writing, failure on the part of the applicant to pay the sum or sums agreed upon shall be sufficient cause to withdraw the permit.”

Thus, while towns *cannot* unilaterally raise the fees for overweight permits from the five and ten dollars provided by statute, we believe they *can* develop an overweight permitting process that allows towns to recoup some of the costs incurred by virtue of the overweight permits they issue. Such a process, however, must involve consideration of the four items listed above.

For more information on how to develop such a process, please contact the VLCT Municipal Assistance Center.

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