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CHAPTER 7 – Compliance Program

700 General Information

700.1 Purpose

The Compliance Program has been established to ensure the safety of the traveling public and protect against injury to the road, foundations, surfaces, or structures by enforcing full compliance with all terms and special conditions of the transportation permit issued by the California Department of Transportation (Caltrans). This is accomplished by informing and educating permittees that violate permit terms and/or conditions, and if necessary, suspending permit privileges.

700.2 Authority

The California Vehicle Code (CVC) Division 15, Section 35782, states that “The Department of Transportation or a local authority may issue or withhold the [Transportation] permit at its discretion...” This section also provides the authority to suspend permit privileges by withholding the permit for an established period.

Case law requires that ‘good cause’ must exist in order to exercise this discretionary authority. Departmental action must not be arbitrary or capricious. ‘Good cause’ exists when there is evidence of permit violations. This chapter establishes a uniform and equitable basis for suspending permit privileges.

700.3 Permit Violation Reporting

Evidence of permit violations leading to the suspension of permit privileges is based on written reports filed with the Caltrans’ Transportation Permits, Policies, and Compliance Branch Chief (Chief). These written reports may be submitted by any peace officer, traffic officer, California Highway Patrol (CHP) officer, or any authorized state agent charged with the care and protection of the state highway system.

Submit all written reports of permit violations to:

Chief, Transportation Permits, Policies, and Compliance Branch
California Department of Transportation
P.O. Box 942873, MS #36
Sacramento, CA 94273-0001

700.4 Roles and Responsibilities

The Chief is responsible for overseeing the uniform and equitable enforcement of compliance measures rendered by Caltrans' Transportation Permits, Policies, and Compliance Branch staff (HQ Staff). When an appeal by a permittee is not resolved by the HQ Staff, the Chief serves as the last reviewing body, renders a final decision, and reports those decisions to the HQ Staff.

The HQ Staff is responsible for discussing compliance status with the permittee, serving as the first reviewing body for disputes, confirming permittee categorization, implementing mandatory suspensions of permit privileges, and when required, implementing immediate suspensions. All discussions, findings, and recommended suspensions are reported to the Chief.

HQ Staff is responsible for maintaining a file of permit violations, assigning points for permit violations, issuing compliance status letters to permittees, and revising permittee categories when necessary. When required, HQ Staff implements the Chief's recommended suspensions.

701 Compliance Program Overview

701.1 Summary

Permittees are assigned points or immediate suspensions for each reported permit violation (see Section 704). Mandatory suspensions are imposed when a permittee exceeds an allowable number of points for the latest twelve-month period (see Section 702). The number of allowable points and length of suspension depend on the permittee's category (see Tables 7-1 and 7-2). Immediate suspensions are imposed when an excessive permit violation is reported (see Section 703).

701.2 Point System

Point values differ between violation types and level of severity. There are several types of violations: bridge hit violations, overheight violations, overweight violations, overwidth violations, overlength violations, and violations of special conditions or instructions. In addition, there are three levels of severity: excessive, major, and minor. The violation type, severity, and applicable point value are assigned according to Section 704 of this chapter.

701.3 Permit Value

A permittee’s permit value is determined by totaling the number of all Single-Trip permits and Annual permits obtained in the latest twelve-month period and multiplying each of these numbers by the appropriate assigned value.

Each Single-Trip permit has an assigned value of one, and each Annual permit has an assigned value of one hundred. Therefore, the permit value is given by Equation 7-1:

Equation 7-1: Permit Value

$$(1 \times ST) + (100 \times AN) = \text{Permit Value}$$

where:

1. ST = Number of Single-Trip permits obtained in the latest twelve-month period.
2. AN = Number of Annual permits obtained in the latest twelve-month period.

701.4 Permittee Categorization

Once the permit value is established, the permittee’s category is determined using Table 7-1:

Table 7-1: Permittee Category

Permit Value	Category
1 – 125	A
126 – 500	B
501 – 1,000	C
1,001 – 2,000	D
2,001 – or more	E

Any permittee that believes their permittee category does not fairly represent their permit activity over the latest twelve-month period or wishes to change the value assigned for Annual permits can request re-categorization. The permittee must document the number of Single-Trip and Annual permits obtained in the latest

twelve-month period and/or provide a copy of billing records for completed jobs under their Annual permit and submit this information to HQ Staff.

If the HQ Staff can confirm the documentation, then the HQ Staff will determine the permittee's correct category in accordance with Section 701.3 and Section 701.4 of this chapter. Any future action will be taken in accordance with the newly established permittee category.

702 Warnings and Mandatory Suspensions

702.1 Warnings

When the total number of points accumulated within the latest twelve-month period is less than the threshold number of points for a mandatory suspension, a warning letter is issued via certified mail. The letter of warning indicates the permittee's category, current point total, and the point level at which a mandatory suspension will be imposed. The letter invites the permittee to contact HQ Staff to discuss compliance status as well as any issues related to the permit violations. A copy of this letter is sent to the party citing the violation for information purposes.

702.2 Mandatory Suspension Defined

A mandatory suspension is defined as the withholding of all or part of a permittee's permit privileges for an established period of time. The required suspension period is determined using Table 7-2:

Table 7-2: Required Suspension Period

Category	1 Week Suspension	2 Week Suspension	3 Week Suspension
A	7 pts.	9 pts.	12 + pts.
B	10 pts.	14 pts.	19 + pts.
C	15 pts.	21 pts.	28 + pts.
D	23 pts.	31 pts.	40 + pts.
E	35 pts.	45 pts.	56 + pts.

A mandatory suspension of permit privileges is imposed by the HQ Staff when the total number of points accumulated within the latest twelve-month period reaches the threshold number for a given permittee category as shown in Table 7-2. The required

mandatory suspension period, upon termination of an immediate suspension, is two weeks in accordance with Section 703.3 of this chapter.

702.3 Mandatory Suspension Notices

If a mandatory suspension is required, a notice of impending suspension is issued via certified mail. The notice of impending suspension states the permittee's category, accumulated points, required suspension period, as well as a deadline to respond to the notification. The letter invites the permittee to contact HQ Staff to discuss compliance status as well as any issues related to the impending suspension.

If the permittee responds to the notice of impending suspension, an additional notice will be sent to the permittee stating the findings and decisions rendered by the HQ Staff as well as any applicable suspension dates.

If the permittee fails to respond to the notice, the suspension will be imposed immediately, and the additional notice will be sent to the permittee stating their failure to respond.

702.4 Termination of Mandatory Suspension

Mandatory suspensions will terminate when the established period has expired. Upon completion of a suspension, points accumulated by the permittee for the twelve-month period prior to suspension will be set to zero. All records of the violations leading to the suspension will remain on file.

702.5 Penalty for Subsequent Mandatory Suspensions

If the permittee accumulates enough points to require another mandatory suspension within the same twelve-month period, the number of weeks required for that suspension will be increased by one week.

703 Immediate Suspensions

703.1 Immediate Suspension Defined

An immediate suspension is defined as the immediate and indefinite withholding of all or part of a permittee's permit privileges. HQ Staff implements immediate suspensions for any excessive permit violation listed in Section 704 of this chapter.

703.2 Immediate Suspension Notice

The HQ Staff notifies the permittee of the immediate suspension via telephone and may request to meet with the hauler to discuss the violation(s).

The HQ Staff will send a notice of immediate suspension to the hauler via certified mail. The letter will include, but is not limited to, the following information:

- A description of the excessive violation(s) that occurred, and the terms of the immediate suspension.
- Name of hauler, date, time, and location of the permit violation(s).
- A statement requiring a written explanation of the incident in which the following information must be provided by the hauler and sent to the HQ Staff:
 1. A description of the circumstances that led to the violation.
 2. A list of actions that will be taken to prevent further incidents of this nature.
- An invitation to meet with the HQ Staff (at the option of the Chief).
- A warning of increasingly severe action if subsequent suspensions occur.

703.3 Termination of Immediate Suspension

Immediate suspensions will terminate when the Chief determines that the permittee has: adequately explained the circumstances that led to the violation, answered all of Caltrans' questions related to the incident, and taken steps to prevent similar incidents from happening in the future. All discussions and findings are reported to the Chief as well as to the HQ Staff.

Upon completion of the immediate suspension, the HQ Staff will notify the hauler via telephone and schedule a mandatory two-week suspension. This suspension will be scheduled within six months of the date of the incident. In addition, the HQ Staff will send a notice of reinstatement for the immediate suspension to the hauler via certified mail.

704 Permit Violations

704.1 Bridge Hit Violation

A. Excessive

If the hauler commits any non-permitted action(s) leading to a collision with a state highway appurtenance, then the hauler's permit privileges will be immediately suspended. Furthermore, a two-week mandatory suspension of permit privileges will be implemented in accordance with Section 703 of this chapter.

704.2 Overheight Violation

A. Excessive

If not authorized on the face of the permit and the actual height of the vehicle and/or load exceeds seventeen feet (17'-0"), then the hauler's permit privileges will be immediately suspended.

B. Major

If the actual height of the vehicle and/or load exceeds the permitted height by more than three inches (3"), then the hauler will receive six (6) permit violation points.

C. Minor

If the actual height of the vehicle and/or load does not exceed the permitted height by more than three inches (3"), then the hauler will receive three (3) permit violation points.

704.3 Overwidth Violation

A. Excessive

If not authorized on the face of the permit and the actual width of the vehicle and/or load exceeds sixteen feet (16'-0") on a yellow route or fifteen feet (15'-0") on all other routes, then the hauler's permit privileges will be immediately suspended.

B. Major

If the actual width of the vehicle and/or load exceeds the permitted width and the actual width would have required changes to pilot car or CHP escort requirements,

changes to the permitted route, or changes in operational hours, then the hauler will receive six (6) permit violation points.

C. Minor

If the actual width of the vehicle and/or load exceeds the permitted width and the actual width would not have required changes to pilot car or CHP escort requirements, changes to the permitted route, or changes in operational hours, then the hauler will receive one (1) permit violation point for each foot or fraction of a foot in excess of the permitted width.

704.4 Overlength Violation

A. Excessive

If not authorized on the face of the permit and the actual length of the vehicle and/or load exceeds one-hundred-thirty-five feet (135'-0"), then the hauler's permit privileges will be immediately suspended.

B. Major

If the actual length of the vehicle and/or load exceeds the permitted length and the actual length would have required changes to pilot car or CHP escort requirements, changes to the permitted route, or changes in operational hours, then the hauler will receive six (6) permit violation points.

C. Minor

If the actual length of the vehicle and/or load exceeds the permitted length and the actual length would not have required changes to pilot car or CHP escort requirements, changes to the permitted route, or changes in operational hours, then the hauler will receive one (1) permit violation point for each foot or fraction of a foot in excess of the permitted length.

704.5 Overweight Violation

A. Excessive

If the actual weight of the vehicle and load exceeds the permitted weight by more than ten thousand pounds (10,000 lbs.), then the hauler's permit privileges will be immediately suspended.

B. Major

If the actual weight of the vehicle and load exceeds the permitted weight by more than six thousand pounds (6,000 lbs.), but less than ten thousand pounds (10,000 lbs.), then the hauler will receive six (6) permit violation points. The hauler will receive two (2) additional permit violation points for each one thousand pounds (1,000 lbs.) or fraction thereof over six thousand pounds (6,000 lbs.). The maximum number of permit violation points for this type of violation is fourteen (14).

C. Minor

If the actual weight of the vehicle and load exceeds the permitted weight and the excess is less than or equal to six thousand pounds (6,000 lbs.), then the hauler will receive one (1) permit violation point for each one thousand pounds (1,000 lbs.) or fraction thereof in excess of the permitted weight. The maximum number of permit violation points for this type of violation is six (6).

704.6 Violation of Special Conditions or Instructions

A. Excessive

If the hauler purposefully disregards the specific orders of any peace officer, traffic officer, CHP officer, or any authorized state agent charged with the care and protection of the state highway system, then the hauler's permit privileges will be immediately suspended.

B. Major

The hauler will receive six (6) permit violation points if:

1. The vehicle is traveling without a permit.
2. The vehicle is traveling off of the permitted route.
3. The permit is willfully falsified, altered, or obtained under false pretenses.
4. The hauler uses the permit before or after the times and dates indicated on the face of the permit.
5. The hauler travels during restricted hours such as curfew hours, nights, holidays, or weekends as specified on the face of the permit.

6. The hauler fails to provide the necessary pilot cars as required by the permit.
7. The vehicle or load is other than that described on the face of the permit.
8. The hauler travels during inclement weather as described in the accompaniment titled “Transportation Permit Conditions.”

C. Minor

1. If the load can be reduced or dismantled within the meaning of Section 320.5 of the California Vehicle Code, then the hauler will receive three (3) permit violation points.
2. If the hauler fails to provide the required warning signs and flags as specified in the accompaniment titled “Transportation Permit Conditions,” then the hauler will receive three (3) permit violation points.
3. If not authorized on the face of the permit and the hauler moves vehicles and/or loads in convoy, then each hauler involved in the convoy will receive three (3) permit violation points each.
4. If the hauler fails to comply with any of the other special conditions outlined on the face of the permit or its accompaniments, then the hauler will receive three (3) permit violation points.
5. If the hauler fails to obtain or present the required permit accompaniments, then the hauler will receive one (1) permit violation point for each missing accompaniment.