

STRUCTURAL BUILDING COMPONENTS MAGAZINE

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David (and his friends) Versus Goliath

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In 1997, a bill that was intended to simplify the California Vehicle Code (CVC) and eliminate duplication inadvertently repealed Section 35780.5.

CVC Section 35780, Permits for Variances

35780. (a) The Department of Transportation or local authorities, with respect to highways under their respective jurisdictions, may, at their discretion upon application and if good cause appears, issue a special permit authorizing the applicant:

(1) To operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum specified in this code.

(2) To use corrugations on the periphery of the movable tracks on a traction engine or tractor, the propulsive power of which is not exerted through wheels resting upon the roadway but by means of a flexible band or chain.

(3) Under emergency conditions, to operate or move a type of vehicle otherwise prohibited hereunder, upon any highway under the jurisdiction of the party granting the permit and for the maintenance of which the party is responsible.

(4) To operate or move a vehicle or combination of vehicles transporting loads composed of logs only for the purpose of crossing a highway from one private property to another without complying with any or all of the equipment requirements of Division 12 (commencing with Section 24000) and Division 13 (commencing with Section 29000). These crossings shall be as near to a right angle to the roadway as is practical and shall not include any travel parallel to the roadway. The Department of Transportation shall determine standards and conditions upon which permits shall be issued and any permit not in compliance with those standards and conditions shall be invalid, except that a permit may contain more restrictive conditions if the issuing authority deems it appropriate.

(b) Under conditions prescribed by the Department of Transportation or the local authority, the Department of Transportation or local authority may accept applications made by, and issue permits directly to, an applicant or permit service by any of the following processes:

(1) In writing.

(2) By an authorized facsimile process.

(3) Through an authorized computer and modem connection.

Original CVC Section 35780.5, which was repealed by SB 507 in 1997:

35780.5. (a) The Department of Transportation or local authorities, with respect to highways under their respective jurisdictions, may, upon application, issue a special permit authorizing the applicant to operate or move a vehicle carrying a load, lying in the horizontal position, of trusses as defined in Section 657*, one-piece roof, floor, or wall units, or flat or formed metal products, of first manufacture, that are used as single width components in the manufacture of a finished product, that exceeds the maximum width specified by this code, if

the load does not exceed 12 feet in width and the permittee complies with the regulations of the Department of Transportation or local authorities, as the case may be, governing the transportation of extra-legal loads.

(b) Under conditions prescribed by the Department of Transportation or the local authority, the Department of Transportation or local authority may accept applications made, and issue permits directly to an applicant or permit service, by any of the following processes:

- (1) In writing.
- (2) By an authorized facsimile process.
- (3) Through an authorized computer and modem connection.

***For reference, here is CVC Section 657 referenced above:**

657. A "truss" is an assemblage of beams, bars, or rods typically arranged in a triangle or combination of triangles to form a rigid framework and used as a structural support in buildings.

Conflicting CVC Statute 320.5, Extralegal Load:

320.5. An "extralegal load" is a single unit or an assembled item which, due to its design, cannot be reasonably reduced or dismantled in size or weight so that it can be legally transported as a load without a permit as required by Section 35780. This section does not apply to loads on passenger cars.