



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

APR 12 2018

1200 New Jersey Ave., SE  
Washington, D.C. 20590

In Reply Refer To:  
HOP

Mr. Steven Todd  
Vice President  
Specialized Carriers & Rigging Association  
5870 Trinity Centre Parkway, Suite 200  
Centerville, VA 20120

Dear Mr. Todd:

Thank you for your letter dated March 13, 2018, to Acting Administrator Brandye Hendrickson, regarding the Specialized Carriers & Rigging Association (SC&RA) request for guidance and clarification on the Federal definition of a “nondivisible load” and the transportation of transformers containing fluid. Your letter was forwarded to the Federal Highway Administration (FHWA) Office of Operations, and I am responding on behalf of the agency.

In your letter you requested that FHWA provide clarifying guidance on the definition of “nondivisible” as it pertains to all loads, and the transportation of transformers containing fluid. In your letter, you reference the inquiry letter from the Commercial Vehicle Safety Alliance (CVSA) dated December 12, 2017 to FHWA and pose the same question regarding the transport of transformers containing fluid. The FHWA responded to the CVSA letter in separate correspondence and provides the pertinent points of our response in this letter.

As you are aware, the Federal definition of “nondivisible” is promulgated in 23 CFR 658.5 and specifies:

*Nondivisible* means any load or vehicle exceeding applicable length or weight limits which, if separated into smaller loads or vehicles, would:

- (i) Compromise the intended use of the vehicle, *i.e.*, make it unable to perform the function for which it was intended;
- (ii) Destroy the value of the load or vehicle, *i.e.*, make it unusable for its intended purpose; or
- (iii) Require more than 8 workhours to dismantle using appropriate equipment.

As you correctly assert, the word, “or” at the end of (ii) means that a load that meets any one or more of the three definitions shall be considered nondivisible. States are required to use the Federal definition only when considering whether to issue a nondivisible load permit allowing an overweight vehicle or load to operate on the Interstate System and roads providing reasonable access to and from the Interstate. The determination of whether a transformer containing fluid is a nondivisible load is a decision for the States to make.

FHWA’s understanding is that transformers are not usually carrying fluid when moved by owners (e.g. power companies) and similarly, when transformers are new, they are generally transported to the site without fluid. Nevertheless, if an entity requesting to transport an overweight transformer containing fluid presents evidence or information to a State authority

demonstrating a vehicle or load meets one of the nondivisible criteria described above, the State may issue a special permit.

When the final rule establishing the definition of nondivisible was issued in 1994, it was anticipated that because of the complexity, there would be inconsistencies and disagreements between State permitting officials, enforcement officers, motor carriers, and shippers. In light of this potential, the Federal definition provides States latitude in implementing the definition. Unless there are indications of non-enforcement or abuse, FHWA does not intervene in decisions related to the issuance of permits for specific vehicles or loads.

FHWA shares your concern about the inconsistent practices related to the issuance of special permits for nondivisible loads. However, because we do not have specific information and data for every conceivable vehicle or load, States will continue current permitting practices and FHWA will not issue new guidance on this subject. FHWA is willing to participate in efforts with SC&RA, CVSA, States, manufactures, shippers, motor carriers and other stakeholders to identify and implement best practices in this area.

If you have additional questions regarding this issue, please contact Caitlin Hughes, Director of the Office of Freight Management and Operations at [caitlin.hughes@dot.gov](mailto:caitlin.hughes@dot.gov) or 202-493-0457.

Sincerely,



Martin C. Knopp  
Associate Administrator for Operations