

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Proposing rule making related to a statewide standard for permitting certain implements of husbandry and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 181, “Statewide Standard for Permitting Certain Implements of Husbandry,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.463(4).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321.463(4) as amended by 2019 Iowa Acts, Senate File 555, section 1.

*Purpose and Summary*

This proposed rule making implements the change made to Iowa Code section 321.463(4) within 2019 Iowa Acts, Senate File 555, section 1. The proposed amendment allows a local authority to issue a special permit letting a self-propelled implement of husbandry used exclusively for the application of organic or inorganic plant food materials, agricultural limestone or agricultural chemicals to operate over a bridge within the local authority’s jurisdiction with a weight in excess of weight limitations established by the local authority but within the weight limitations imposed by Iowa Code chapter 321. Before issuing a special permit, the local authority must evaluate the affected bridge according to the American Association of State Highway and Transportation Officials Manual for Bridge Evaluation. The proposed amendment also makes a correction to the name of the Bridges and Structures Bureau.

*Fiscal Impact*

The Department is unable to determine the fiscal impact of allowing a local authority to issue a special permit granting operation over a bridge within its jurisdiction of a self-propelled implement of husbandry used exclusively for the application of organic or inorganic plant food materials, agricultural limestone or agricultural chemicals with excess weight. Special permits cost \$35 for single trip and \$200 for multitrip. Unladen self-propelled implements of husbandry typically do not exceed legal axle loads. Fully laden self-propelled implements of husbandry are estimated to have axle loads that will not permit them to cross many bridges. It is difficult to estimate how many operators will apply for a special permit to operate these self-propelled implements of husbandry partially laden.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

This rule does not provide for waivers because issuance of permits is at the discretion of local authorities.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests

to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 4, 2020. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Strategic Communications and Policy Bureau  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

### *Public Hearing*

If requested, a public hearing to hear requested oral presentations will be held via conference call. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 4, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

August 6, 2020  
10 a.m.

Department of Transportation  
800 Lincoln Way  
Ames, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend rule 761—181.1(321) as follows:

#### **761—181.1(321) Statewide standard.**

##### **181.1(1) Special permits.**

*a.* A local authority may issue a special permit, based on this rule, allowing the operation over a bridge within its jurisdiction of a fence-line feeder, grain cart, tank wagon or tracked implement of husbandry with a weight in excess of the weights allowed under Iowa Code chapter 321.

*b.* A local authority may issue a special permit, based on this rule, allowing the operation over a bridge within its jurisdiction of a self-propelled implement of husbandry used exclusively for the application of organic or inorganic plant food materials, agricultural limestone or agricultural chemicals with a weight in excess of weight limitations established by the local authority by ordinance or resolution but within the weight limitations imposed by Iowa Code chapter 321.

**181.1(2)** A local authority shall evaluate a bridge according to section 6 of the American Association of State Highway and Transportation Officials (AASHTO) Manual for Bridge Evaluation (MBE), Third Edition (2018). The operating level shall be used for the evaluation of the bridge with only one fence-line feeder, grain cart, tank wagon, self-propelled implement of husbandry as fully described in paragraph 181.1(1) "b," or tracked implement of husbandry on the bridge at a time. The live load to be used in the

analysis for permit decisions should be the actual vehicle crossing the bridge, together with a dynamic load allowance in accordance with section 6A.4.4.3 or 6A.4.5.5 of the AASHTO MBE, Third Edition (2018).

**181.1(3)** No change.

**181.1(4)** The AASHTO ~~publications~~ publication may be ordered from the website [www.transportation.org](http://www.transportation.org). ~~They~~ The publication may be inspected at the department's ~~office~~ of bridges and structures bureau.

This rule is intended to implement Iowa Code sections 321.1, 321.463(4) and 321.471.