

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to emergency interstate fleet permit
and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 511, “Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12 and chapter 321E as amended by 2021 Iowa Acts, House File 382.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 321E as amended by 2021 Iowa Acts, House File 382.

Purpose and Summary

This proposed rule making updates Chapter 511 to conform the rules with 2021 Iowa Acts, House File 382.

House File 382 creates a new emergency interstate fleet permit, which will allow all vehicles operating under the same interstate or intrastate motor carrier number to travel under the same permit, provided all vehicles are carrying divisible loads of disaster relief supplies related to a presidentially declared national emergency that has been declared a major disaster under the federal Stafford Act. Prior to the legislative change, the Department was not authorized to issue one special permit to apply to multiple vehicles operating under the same motor carrier’s interstate or intrastate number. Rather, the Department’s only option was to issue vehicle-specific permits. The intent of the legislation was to reduce administrative burden for motor carriers responding to emergencies.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

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 October 12, 2021. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear oral presentations will be held on October 15, 2021, via conference call at 9 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on October 12, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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 actions are proposed:

ITEM 1. Amend rule **761—511.1(321E)**, definition of "Permit-issuing authority," as follows:

"*Permit-issuing authority*" means the:

1. Department's ~~vehicle and motor carrier services bureau~~ vehicle division for permits for movement on the primary road system.
2. Authority responsible for the maintenance of a nonprimary system of highways or streets for permits for movement on that system. However, the ~~vehicle and motor carrier services bureau~~ vehicle division may issue single-trip permits on primary road extensions in cities in conjunction with movement on the rural primary road system.

ITEM 2. Adopt the following **new** definitions of "Emergency interstate permit" and "Stafford Act" in rule **761—511.1(321E)**:

"*Emergency interstate permit*" means a permit issued under Iowa Code section 321E.29B as enacted by 2021 Iowa Acts, House File 382.

"*Stafford Act*" means the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law No. 93-288, as amended, 42 U.S.C. §5121 et seq.

ITEM 3. Amend rule **761—511.1(321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321E.9, 321E.15, 321E.26, 321E.29, 321E.29B as enacted by 2021 Iowa Acts, House File 382, 321E.30 and 321E.34.

ITEM 4. Amend subrule 511.2(1) as follows:

511.2(1) Applications, forms, instructions and restrictions are available on the department's website at www.iowadot.gov and by mail from the ~~Vehicle and Motor Carrier Services Bureau~~ Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3264; or by facsimile at (515)237-3257.

Permits may be obtained electronically upon making application to the ~~vehicle and motor carrier services bureau~~ vehicle division.

ITEM 5. Amend subrule 511.2(4), introductory paragraph, as follows:

511.2(4) Except as provided in rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E), permits may be issued only for the transporting of a single article which exceeds statutory size or weight limits or both, and which cannot reasonably be divided or reduced to statutory size and weight limits. However, permits may be issued for the transporting of property consisting of more than one article when:

ITEM 6. Amend rule ~~761—511.4(321E)~~ as follows:

761—511.4(321E) Permits. Permits issued shall be in writing or in electronic format and may be either single-trip, multitrip, annual, annual oversize/overweight, annual raw forest products, compacted rubbish, emergency interstate permit or all-systems permits.

511.4(1) and **511.4(2)** No change.

511.4(3) Validity.

a. to c. No change.

d. Emergency interstate permits issued under Iowa Code section 321E.29B as enacted by 2021 Iowa Acts, House File 382, shall be effective for 30 calendar days. However, the permit shall not exceed the expiration of the applicable governor’s proclamation of disaster emergency issued under Iowa Code section 29C.6 in conjunction with the presidential declaration allowing interstate travel under the Stafford Act or the expiration of the declaration of major disaster under the Stafford Act, whichever expires first.

511.4(4) No change.

This rule is intended to implement Iowa Code sections 321E.2 and 321E.3 and section 321E.29B as enacted by 2021 Iowa Acts, House File 382.

ITEM 7. Amend paragraph **511.6(1)“a”** as follows:

a. Public liability insurance in the amounts of \$100,000 bodily injury each person, \$200,000 bodily injury each occurrence, and \$50,000 property damage with an expiration date to cover the tenure of the annual, annual oversize/overweight, annual raw forest products, all-systems, multitrip, emergency interstate or single-trip permit shall be required. In lieu of filing with the permit-issuing authority, a copy of the current certificate of public liability insurance in these amounts shall be carried in the vehicle for which the permit has been issued. Proof of liability insurance may be either in writing or in electronic format.

ITEM 8. Amend rule **761—511.6(321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 321E.13 and section 321E.29B as enacted by 2021 Iowa Acts, House File 382.

ITEM 9. Amend rule ~~761—511.7(321,321E)~~, introductory paragraph, as follows:

761—511.7(321,321E) Annual permits. Annual permits are issued for indivisible vehicles or indivisible loads for travel when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour and road embargo information may be found online at www.511ia.org or the department’s website for the embargo bridge maps. Annual permits are issued for the following:

ITEM 10. Strike “vehicle and motor carrier services bureau” wherever it appears in rules **761—511.7(321,321E)** and **761—511.9(321,321E)** and insert “motor vehicle division” in lieu thereof.

ITEM 11. Strike “See rule 761—511.14(321,321E)” wherever it appears in rules **761—511.7(321,321E)**, **761—511.8(321,321E)**, **761—511.9(321,321E)**, **761—511.12(321,321E)** and **761—511.13(321,321E)** and insert “See rule 761—511.15(321,321E)” in lieu thereof.

ITEM 12. Amend paragraph **511.8(1)“e”** as follows:

e. Routing. The owner or operator shall select a route using a vertical clearance map, bridge embargo map, pavement restrictions map, and construction and travel restrictions map provided by the department. Route, detour and road embargo information may be found online at www.511ia.org or the department’s website for the embargo bridge maps.

ITEM 13. Renumber rules **761—511.14(321,321E)** to **761—511.19(321)** as **761—511.15(321,321E)** to **761—511.20(321)**.

ITEM 14. Adopt the following **new** rule 761—511.14(29C,321,321E):

761—511.14(29C,321,321E) Emergency interstate permit. Emergency interstate permits are issued for vehicles transporting divisible loads of relief supplies when the weight exceeds statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour, and road embargo information may be found online at www.511ia.org or the department’s website for the embargo bridge maps. The owner or operator must contact the appropriate local authority for route approval to determine if additional permits are necessary for county roads or city streets. Emergency interstate permits are issued for the following:

511.14(1) Vehicles with divisible loads of relief supplies, which may exceed the weight limits established under Iowa Code section 321.463 on the interstate highway system, provided the following are not exceeded:

a. Width. Statutory: 8 feet 6 inches including appurtenances.

b. Length. Limited to the maximum dimensions in Iowa Code section 321.457.

c. Height. Statutory: 13 feet 6 inches.

d. Weight. See rule 761—511.15(321,321E).

e. Distance. Movement is allowed for unlimited distance on the interstate for 30 days not to exceed the expiration of the applicable governor’s proclamation issued in conjunction with the applicable declaration under the Stafford Act, or expiration of the applicable declaration under the Stafford Act, whichever expires sooner. In the event that more than one proclamation issued under Iowa Code section 29C.6 is in effect, only the proclamation issued in conjunction with the same event that caused the major disaster declaration under the Stafford Act shall govern the expiration date. Separate permits may be required for roads other than the interstate unless the governor, under the authority in Iowa Code section 29C.6, suspends applicable permitting provisions under proclamation for the same event.

511.14(2) Reserved.

This rule is intended to implement Iowa Code sections 29C.6, 321.457, and 321.463 and section 321E.29B as enacted by 2021 Iowa Acts, House File 382.

ITEM 15. Amend renumbered rule 761—511.15(321,321E) as follows:

761—511.15(321,321E) Maximum axle weights and maximum gross weights for vehicles and loads moved under permit.

511.15(1) *Annual and all-systems permits.*

a. No change.

b. See subrule ~~511.14(5)~~ **511.15(6)** for exceptions for special mobile equipment.

511.15(2) *Annual oversize/overweight permits or annual raw forest products permits.*

a. No change.

b. See subrule ~~511.14(5)~~ 511.15(6) for exceptions for special mobile equipment.

511.15(3) *Multitrip permits.*

a. No change.

b. See subrule ~~511.14(5)~~ 511.15(6) for exceptions for special mobile equipment.

511.15(4) *Single-trip permits.*

a. to c. No change.

d. See subrule ~~511.14(5)~~ 511.15(6) for exceptions for special mobile equipment.

511.15(5) *Emergency interstate permits.*

a. For movement under this permit, the gross weight on any axle shall not exceed 20,000 pounds with a maximum of 90,000 pounds total gross weight.

b. The maximum weight on any single axle shall not exceed by more than 12.5 percent the maximum axle weight limit in the nonprimary highway maximum gross weight table in Iowa Code section 321.463(6) “b” and must comply with posted limits on roads and bridges.

~~511.15(5)~~ **511.15(6) *Special mobile equipment.*** Special mobile equipment may have a gross weight of 36,000 pounds on any single axle equipped with minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 80,000 pounds for movement under an annual or all-systems permit and 126,000 pounds for movement under a single-trip, multitrip or annual oversize/overweight permit.

For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.

~~511.15(6)~~ **511.15(7) *Permitted tandem axle weights.***

a. to c. No change.

This rule is intended to implement Iowa Code sections 321.463, 321E.7, 321E.8, 321E.9, 321E.9A, 321E.26, 321E.29B as enacted by 2021 Iowa Acts, House File 382, and 321E.32.

ITEM 16. Amend renumbered subrule 511.16(2) as follows:

511.16(2) At the discretion of the permit-issuing authority, the combined gross weight may exceed the statutory weight, but the axle weights shall be subject to rule ~~761—511.14(321,321E)~~ 761—511.15(321,321E).

ITEM 17. Amend renumbered rule ~~761—511.19(321,321E)~~ as follows:

761—511.19(321,321E) Permit violations. Permit violations are to be reported to the permit-issuing authority by the arresting officer and the permit holder. If a permit holder is found to have willfully violated permit provisions, the ~~vehicle and motor carrier services bureau~~ vehicle division may, after notice and hearing, suspend, modify or revoke the permit privileges of the permit holder consistent with Iowa Code section 321E.20. If the permit that is suspended, modified, or revoked is an emergency interstate permit that is issued for a fleet operating under the permit holder’s interstate or intrastate motor carrier number, the department may issue emergency interstate permits to individual vehicles operating under the interstate or intrastate motor carrier number.

This rule is intended to implement Iowa Code sections 321.492, 321E.16, and 321E.20 and section 321E.29B as enacted by 2021 Iowa Acts, House File 382.

ITEM 18. Amend renumbered paragraph **511.20(1)“c”** as follows:

c. The department shall exercise due regard for the safety of the traveling public and the protection of the highway surfaces and structures when establishing an economic export corridor. Factors to be considered include ability of the proposed economic export corridor to safely accommodate combinations of vehicles described in subrule ~~511.19(2)~~ 511.20(2), taking into account physical configurations and restrictions and traffic demands and capacity, as well as connection to markets that will benefit from the established economic export corridor.

ITEM 19. Amend renumbered paragraph **511.20(2)“a”** as follows:

a. In addition to combinations of vehicles lawful for operation on roads or road segments not designated as an economic export corridor, the following combinations of vehicles may be operated on an economic export corridor designated under subrule ~~511.19(1)~~ 511.20(1) if the combinations of vehicles meet the requirements in paragraph ~~511.19(2)“b”~~ 511.20(2)“b”:

(1) to (3) No change.