

**TRANSPORTATION DEPARTMENT[761]**

**Adopted and Filed**

**Rule making related to annual permits for vehicles transporting  
overweight loads of fluid milk products**

The Transportation Department hereby amends 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 adopted under the authority provided in Iowa Code sections 307.12 and 321E.29B.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.8, 321E.10, 321E.14 and 321E.29B.

*Purpose and Summary*

This rule making updates Chapter 511 to conform the rules with 2021 Iowa Acts, House File 869, sections 1 through 3. This legislation was effective on January 1, 2022.

2021 Iowa Acts, House File 869, established new Iowa Code section 321E.29B, which allows a motor carrier to request, and the Department to issue, an annual permit for a vehicle transporting overweight loads of fluid milk products on the primary roads and primary road extensions in cities, including on the interstate, as long as the vehicle does not exceed a gross weight of 96,000 pounds or the maximum dimensions specified in Iowa Code sections 321.454 through 321.457. Federal law 23 U.S.C. Section 127 authorizes states to issue special permits for overweight vehicles carrying fluid milk products, including on the interstate system. Prior to the enactment of Iowa Code section 321E.29B, the Department was not authorized to issue an annual permit that allowed transportation of overweight loads of fluid milk on the interstate system.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 4, 2022, as **ARC 6311C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Department on June 14, 2022.

*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.

*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).

*Effective Date*

This rule making will become effective on August 17, 2022.

The following rule-making actions are adopted:

ITEM 1. Adopt the following **new** definition of “Fluid milk product” in rule **761—511.1(321E)**:  
“*Fluid milk product*” means the same as defined in Iowa Code section 321E.29B(3).

ITEM 2. Amend subrule 511.2(4), introductory paragraph, as follows:

**511.2(4)** Except as provided in rule ~~761—511.16(321,321E)~~ **761—511.17(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 3. Amend rule 761—511.4(321E), introductory paragraph, 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~~, annual fluid milk products or all-systems permits.

ITEM 4. Amend paragraph **511.4(3)“a”** as follows:

a. Annual, annual oversize/overweight, annual raw forest products, compacted rubbish, annual fluid milk products and all-systems permits shall expire one year from the date of issuance.

ITEM 5. Renumber subrules **511.5(12)** to **511.5(15)** as **511.5(13)** to **511.5(16)**.

ITEM 6. Adopt the following **new** subrule 511.5(12):

**511.5(12) Annual fluid milk products permit.** A fee of \$400 shall be charged for each annual fluid milk products permit issued pursuant to Iowa Code section 321E.29B, payable prior to issuance of the permit.

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, annual fluid milk products 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—511.7(321,321E) 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](http://www.511ia.org) or the department's website for the embargo bridge maps. Annual permits are issued for the following:

**511.7(1)** Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

- a. to c. No change.
- d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).
- e. No change.

**511.7(2)** Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

- a. to c. No change.
- d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).
- e. No change.

**511.7(3)** Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

- a. to c. No change.
- d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).
- e. No change.

**511.7(4)** No change.

**511.7(5)** Truck trailers manufactured or assembled in the state of Iowa provided the following are met:

- a. to c. No change.
- d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).
- e. to g. No change.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10 and 321E.29A.

ITEM 9. Amend paragraph **511.8(1)“d”** as follows:

- d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).

ITEM 10. Amend rule ~~761—511.9(321,321E)~~ as follows:

**761—511.9(321,321E) All-systems permits.** All-systems permits are issued by the motor vehicle division for indivisible vehicles or indivisible loads for travel on the primary road system and specified city streets and county roads 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 motor vehicle division will provide a list of the authorized city streets and county roads. Permit holders shall consult with local officials when traveling on county roads or city streets for bridge embargo, vertical clearance, detour, and road construction information. These permits are issued for the following:

**511.9(1)** Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

- a. to c. No change.
- d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).
- e. No change.

**511.9(2)** Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

- a. to c. No change.
- d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).
- e. No change.

**511.9(3)** Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

- a. to c. No change.
- d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).
- e. No change.

**511.9(4)** No change.

**511.9(5)** Truck trailers manufactured or assembled in the state of Iowa provided the following are met:

a. to c. No change.

d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).

e. to g. No change.

**511.9(6)** and **511.9(7)** No change.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8 and 321E.10.

ITEM 11. Amend paragraph **511.12(1)“d”** as follows:

d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).

ITEM 12. Amend paragraph **511.13(1)“d”** as follows:

d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).

ITEM 13. Amend paragraph **511.14(1)“d”** as follows:

d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).

ITEM 14. Renumber rules ~~761—511.15(321,321E)~~ to ~~761—511.20(321)~~ as ~~761—511.16(321,321E)~~ to ~~761—511.21(321)~~.

ITEM 15. Adopt the following new rule 761—511.15(321,321E):

**761—511.15(321,321E) Annual fluid milk products permits.** Annual permits are issued for indivisible loads of fluid milk products for travel when the weight of the vehicle or load 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, road embargo and bridge embargo for fluid milk products information may be found online at [www.511ia.org](http://www.511ia.org) and the department’s website.

**511.15(1)** The following shall not be exceeded:

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

b. *Length.* Statutory: 75 feet 0 inches overall.

c. *Height.* Statutory: 13 feet 6 inches.

d. *Weight.* See rule ~~761—511.16(321,321E)~~.

e. *Distance.* Movement is allowed for unlimited distance on the primary road system, including the interstate, provided the vehicle is transporting fluid milk products to or from a milk plant, receiving station, or transfer station; routing through the motor vehicle division is not required.

**511.15(2)** Reserved.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10 and 321E.29A

ITEM 16. Amend renumbered rule 761—511.16(321,321E) as follows:

**761—511.16(321,321E) Maximum axle weights and maximum gross weights for vehicles and loads moved under permit.**

**511.16(1)** *Annual and all-systems permits.*

a. No change.

b. See subrule ~~511.15(6)~~ 511.16(7) for exceptions for special mobile equipment.

**511.16(2)** *Annual oversize/overweight permits or annual raw forest products permits.*

a. No change.

b. See subrule ~~511.15(6)~~ 511.16(7) for exceptions for special mobile equipment.

**511.16(3)** *Multitrip permits.*

a. No change.

b. See subrule ~~511.15(6)~~ 511.16(7) for exceptions for special mobile equipment.

**511.16(4)** *Single-trip permits.*

a. to c. No change.

d. See subrule ~~511.15(6)~~ 511.16(7) for exceptions for special mobile equipment.

**511.16(5)** No change.

**511.16(6)** *Annual fluid milk products permits.* For movement under an annual fluid milk products permit, the gross weight on any axle shall not exceed 20,000 pounds with a maximum of 96,000 pounds total gross weight.

~~511.16(6)~~ **511.16(7)** *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.

~~511.16(7)~~ **511.16(8)** *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 17. Amend renumbered subrule 511.17(2) as follows:

**511.17(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—511.15(321,321E)~~ 761—511.16(321,321E).

ITEM 18. Amend renumbered paragraph **511.21(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 ~~511.20(2)~~ 511.21(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 **511.21(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 ~~511.20(1)~~ 511.21(1) if the combinations of vehicles meet the requirements in paragraph ~~511.20(2)“b”~~ 511.21(2)“b”:

(1) to (3) No change.

[Filed 6/14/22, effective 8/17/22]

[Published 7/13/22]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/13/22.