

IMPLEMENTS OF HUSBANDRY HISTORY, RECOMMEND COUNTY OPTIONS, PERMITS, LIGHTING AND MARKING REQUIREMENTS

Bruce G. Stelzner,

Chippewa County Highway Commissioner

NACE-State Director

WCHA-Past President

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Wisconsin Dells

Mark Servi,

Barron County Highway Commissioner

NACE-Past President

WCHA-Past President

Daniel J Fedderly P.E.;P.L.S.

WCHA- Executive Director

Why the Need to Address IOH?

- Equipment increasing in size and weight
- Update statutory definition of IOH
- Need to maintain roads – balancing agriculture's need and town/county responsibility
- Provide safe roads and bridges for all
- Maintain Local Control

Wisconsin Act 377

- IOH Study group Formed with Broad based stakeholder representation
- IOH Study group provided recommendations with input from town hall meetings
- Legislation leadership by Senator Petrowski and Representative Ripp
- SB509 included discussion by numerous agricultural organizations and agencies and local government
- Signed by Governor Walker on April 23, 2014

What actually Changed?

- Definitions for IOH and Ag CMV
- Size and Weight Limits
- Disclosure in Sales
- Lighting and Marking Requirements
- Rules of the Road
- Local Options and No Fee Permits

Implement of Husbandry (IoH)



340.01(24)(a)

1. A self-propelled or towed vehicle manufactured, designed, or reconstructed to be used and that is **exclusively** used in the conduct of agriculture.

Effective- 4-24-14

Category A

- Farm Tractor



Category B

- Self-propelled combine, forage harvester or self-propelled fertilizer or pesticide application equipment but not including manure application equipment;
- towed **tillage, planting, and cultivation** equipment and its towing power unit;
- or another self-propelled vehicle that **directly** engages in harvesting farm products, directly applies fertilizer, spray or seeds but not manure, or distributes feed to livestock.



Category C

A farm wagon, farm trailer, manure trailer, or trailer adapted to be towed by or to tow or pull, another implement of husbandry.



IoH Definition – cont.

- A combination of vehicles in which each vehicle in the combination is an IoH or
- in which an IoH farm wagon, farm trailer, manure trailer is towed by a farm truck, farm truck tractor, or motor truck*.





IoH Definition – cont.

IoH **does not include** any of the following:

1. An agricultural commercial motor vehicle.
2. A vehicle that is a commercial motor vehicle under 49 CFR 390.5*:
 - Has a gross vehicle weight rating or
 - gross combination weight rating, or
 - gross vehicle weight or
 - gross combination weight, of
 - 10,001 pounds or more, whichever is greater



Length

Without permit:

- Single IoH - 60 feet
- Two IoH vehicle combination - 100 feet
- 3 IoH vehicle combination (train)
 - No more than 100 feet with speed restriction of 25 mph or less or 70 feet at speed greater than 25 mph
- “No-Fee Permit” may be available

Effective- 05-24-14



Agricultural Commercial Motor Vehicle (Ag CMV) 340.01 (1o)



Effective- 4-24-14



Agricultural CMV Definition

An Ag CMV is a commercial motor vehicle to which **all** of the following apply:

- a. Substantially designed or equipped, or materially altered from its original construction, for the purpose of agricultural use
- b. Designed and manufactured primarily for highway use
- c. Manufactured to meet federal motor vehicle safety standard certification label requirements 49 CFR 567, after 1970
- d. Used **exclusively** in the conduct of agricultural operations
- e. Is **directly** engaged in harvesting farm products, **directly** applies fertilizer (*manure included here*), spray or seeds to a farm field, or distributes feed to livestock

Is it an Ag CMV?



Ag CMV Dimensions

- Height: 13 feet 6 inches
- Width: 10 feet including all accessories or attachments except:
 - The tires, fenders or fender flares of Ag CMVs spraying pesticides or spreading lime or fertilizer (not manure) may extend up to 12 feet.

Effective- 05-24-14



Ag CMV Dimensions

Without Permit - Length:

- 45 feet single Ag CMV vehicle (1 vehicle)
- 70 feet for TWO VEHICLE COMBINATION
- 100 feet with speed restriction of 25 mph or less or 70 feet at speed greater than 25 mph for Ag CMV pulling 2 IoH or 2 empty* pressurized tanks or 2 empty* trailers (3 vehicles or train)

No Fee Permit may be available for length

*empty = no more than 20% full



Weight – IoH and Ag CMV

Weights GENERALLY increased by 15% for IoH and Ag CMV over the Federal Bridge Formula (FBF).

- Maximum GVW 92,000 lbs
- Maximum Axle weight 23,000 lbs.
- New IoH/Ag CMV Weight Table reflects necessary number of axles and axle spacing

New IoH/Ag CMV weight allowances DO NOT apply on the Interstate Highway System

Effective- 04-23-14



Weight – Exemptions

Potato harvester

- No axle weight limits on empty potato harvester.
- GVW limit applies at 92,000 lbs.



Weight – Category B Exemptions

Category B IoH

- No axle weight limits
- GVW limit applies at 92,000 lbs.
- No weight limit – axle or GVW – for incidental travel (1/2 mile or less) field to field OR field to farm
- Can disregard Class B Posting (348.16 (2))
- MUST OBEY seasonal or special weight posting or bridge posting (348.17)



State Patrol – Delayed Enforcement

Until January 15, 2015 State Patrol will only issue warnings for violations to:

- IoH Category A – Farm Tractors
- IoH Category B – Self-propelled IoH

Delayed enforcement period does not apply to:

- Violations occurring on Interstate Highway System
- County or local law enforcement
- IoH Category C
- AG CMVs



NEW!

“Wide” IoH

Effective- 11-01-15

Wide IoH = Any IoH exceeding **15 feet** in total width or that extend over the center of the roadway into a lane intended for the opposite direction of travel

Rules of the Road

Wide IoH (15 feet +) with required lighting and marking requirements may:

- Extend over the center of road into the lane intended for travel in opposite direction
- Extend into passing lane on a 3-lane highway
- Extend into another lane intended for travel in the same direction, if it does not impede other vehicles from the rear





No-Fee Permit
Effective January 1, 2015

COUNTY HIGHWAYS

- Built for normal and historic use.
- May have substandard roadway geometrics, pavement section, pavement width, vertical and horizontal issues with sight lines and shoulder restrictions.
- May have bridge or culvert weight restrictions
- May have limited roadway access
- May have seasonal weight restrictions

IOHs/Ag CMV

- WIDTH – No Limitations
- HEIGHT – No Limitations
- WEIGHT – use new weight table that allows for a maximum single axel weight of 23,00 lbs. and a gross vehicle weight of 92,000 lbs.
- LENGTH – Permits
 - Single vehicle over 60 feet
 - 2 vehicle over 100 feet
 - 3 vehicle over 100 feet

COUNTY OPTIONS

ACT 377 – Local Government Options

Below is a summary of options local governments may take to govern IOH and AG CMV operation on their roads. Note: Category B must be given route – but may include conditions for operation. Permits may not be given to exceed limits on posted bridges.

Options	Action	Communication	Permit	Result
A Posting Approach (§349.16)	Post roads limiting weight below 23K/92K/Wt Table	No publication required – but roads must be posted	Must respond to permit applications	Could post notice giving commodities/vehicles exemptions (e.g. milk trucks and Category B). §349.16 (3)
B Total Opt Out §348.27 (19)5.a.	No weight or length limit on any jurisdiction road for IOH or Ag CMVs	Must pass and post/publish ordinance or resolution. Also posted on DOT website.	No permits necessary	IOH or Ag CMVs of any weight or length can run on roads subject to seasonal and special postings
C Partial Opt Out I	Sets weight limit above 23K/92K/Wt Table on all roads under jurisdiction	Must pass and post/publish ordinance or resolution. Also posted on DOT website.	Must respond to permit applications	IOH or Ag CMVs can run up to set limits without permit subject to seasonal and special postings
D Partial Opt Out II §348.27 (19)5.c.	Designates roads for over-weight/over-length IOH and Ag CMVs	Must pass and post/publish ordinance or resolution. Also posted on DOT website.	Must respond to permit applications	IOH or Ag CMVs can run up to set limits on designated roads without permit subject to seasonal and special postings
E Opt In §348.15 (9)1(f)2.a. State highways fall into this category	Pass ordinance requiring Category B and all IOH/Ag CMVs to follow 23K/92K/Wt Table	Must pass and post/publish ordinance or resolution. Also posted on DOT website. State Highway operate like this per 348.15 (9)1(f)3	Must respond to permit applications	IOH and Ag CMVs must apply for permit to exceed 23K/92K/Wt Table
F Abides by Act 377	No special action taken – 23K/92K/Table governs IOH and Ag CMVs – except Category B (no axle limit/ 92K GVW)	No publishing required	Must respond to permit applications	IOH and Ag CMVs must apply for permit to exceed 23K/92K/Wt Table; Category B must apply for permit to exceed 92K GVW

OPTION 'E' RECOMMENDED

- *Option E* "Opt in" Option for Category B Units
- This option does require an ordinance to be adopted by the County and a copy provided to DOT.
- *Option E* means that your County is requiring Category (type) B IOHs to comply with the 23,000 lbs. per axle limit.
- Act 377 allows Category (type) B IOHs to exceed the per axle limit of 23,000 lbs. unless the local jurisdiction "opts in" under this option for applying the limit on Category B IOHs.
- All other categories remain subject to the 23,000 lbs. and total gross weight as established in the new IOH/Ag CMV table.
- *Option E* allows your County to exercise the most local control over their highways as to the weight limits. It may require more "no-fee permits" than any other option, because the weight limits on Category B are the lowest.
- Also remember that under Act 377 Category (type) B self-propelled units must be given an alternate route if the requested route can not be approved.

Sample Ordinance

- **Option E Opt-In for Category B--IOHs Pursuant to Sec. 348.15 (9)(f)2.a. to follow the Table of Statutory Weight Limits under Sec. 348.15 (3)(g)**
- **Effect of this Option E:** Adoption of this ordinance pursuant to Sec. 348.15 (9)(f)2.a. of Wis. Statutes (as provided by 2013 Wis. Act 377) means that the governing body of a municipality or county imposes on all highways or specified highways under its jurisdiction, the maximum single axle limits and maximum gross vehicle weight limits as established in Sec. 348.15 (3) (g) for all Category B implements of husbandry as defined in Sec. 340.01 (24) (a)1. b. (see Act 377). Sec. 348.15 (9) (f)1. provides that unless a municipality opts in by adopting a resolution or ordinance, there is no weight limit per wheel, axle, or group of axles, on Category B implements of husbandry as defined in Sec. 340.01 (24)(a)1.b. However, the maximum gross vehicle weight of 92,000 pounds applies to these described vehicles. All implements of husbandry are required to comply with seasonal and special postings and any postings on highway bridges or culverts under Sec.349.16 of Wis. Statutes.

Sample Ordinance con't

- *Ordinance to Opt-In for Category B—IOWs to Comply with the Table of Statutory Weight Limits under Sec. 348.15 (3)(g)*

Ordinance # _____

Whereas, 2013 Wis. Act 377 under Sec. 348.15 (9) (f) 1. provides that there is no weight limitation per wheel, axle, or group of axles for Category B implements of husbandry as defined in Sec. 340.01 (24) (a)1.b., but does apply gross vehicle weight limitations to these vehicles, and

Whereas, Wis. Stat. § 348.15(9)(f)1. authorizes the municipality or county to require compliance with axle weight limitations established under Sec. 348.15 (3)(g) for Category B implements of husbandry defined in Sec. 340.01(24)(a)1.b. on all highways under its jurisdiction ,

Now, therefore, BE IT HEREBY ORDAINED by the County Highway Committee of _____ County, that pursuant to Sec. 348.15 (9) (f) of Wis. Statutes, all implements of husbandry (including Category B implements of husbandry) defined in Sec. 340.01 (24) (a) 1.b. may not exceed the weight limits imposed by Chapter 348.15 (3) (g) of Wis. Statutes.

Sample Ordinance con't

Further, BE IT HEREBY ORDAINED that to exceed the length and/or weight limitations on highways under this jurisdiction a no-fee permit may be applied for from the municipal jurisdiction.

Further, BE IT HEREBY ORDAINED that pursuant to Sec. 348.27 (19)(b) 4m.a. in the event an application for a no-fee permit is made for a Category B implement of husbandry as defined in Sec. 340.01 (24)(a)1.b., the municipal jurisdiction or county is required to provide an approved alternate route, which may include highways that are not under this jurisdiction if prior approval has been given by the jurisdiction over the alternate routes not under this entity's jurisdiction for operation of Category B implements of husbandry as defined in Sec. 340.01 (24) (a) 1. b.

Sample Ordinance con't

Further, BE IT HEREBY ORDAINED that this ordinance shall be in effect for the calendar year of 201__.

{Option for length of time of effect... Further, BE IT HEREBY ORDAINED that this ordinance shall remain in effect until rescinded by further action of the Committee.}

Further, BE IT HEREBY ORDAINED that a copy of this ordinance shall be provided to the Wisconsin Department of Transportation to be posted on the state DOT website.

Adopted by the County Highway Committee, etc.....

- **Note for this ordinance to be effective in any calendar year, it must be adopted on or before January 15 of that calendar year or in a prior year.**
- This ordinance shall also be forwarded to the Wisconsin Department of Transportation via email to AgVehicles@dot.wi.gov for posting on a state website.

PERMITS – FAQ's

- **How much will an IoH/Ag CMV permit cost?**

It is a no-fee permit. The bill specifically prohibits municipalities and counties from charging a fee for the IoH/Ag CMV permit. It also prohibits them from charging a fee for any study, investigation, or other review in connection with an application for the no-fee permit.

- **When do the new no-fee permits go into effect?**

While the new no-fee IoH/Ag CMV permit is now available, applications are not required to be made on the universal no-fee permit application form until January 1, 2015. Operators who have an IoH or Ag-CMV which exceeds the new weight and length limits are encouraged to contact their local road authority to discuss operation. A permit is required to operate on state highways over the new length and axle and gross vehicle weight limits

PERMITS – FAQ's

- **How will the no-fee permit application work for IoH and Ag CMV outside the size and weight envelope?**

The Department of Transportation has a no-fee permit application available on their website, along with a list of the points of contact for local government offices.

The application must list all of the oversized implements the applicant wishes to operate, and include a listing or map of roadways the applicant plans to use for the year. Remember, the no-fee permit is only required for equipment outside the length and weight limits.

<http://www.dot.state.wi.us/business/ag/index.htm>

PERMITS – FAQ's

Why is Gross Vehicle Weight limit alone not sufficient? Why does the permit require axle weight and spacing?

Roads and bridges have to be designed, built and maintained to carry heavy axle loads. The heavier the axle loads, the greater the investment needed to build necessary roads and bridges.

Generally, structures that are subjected to stresses as a result of bending due to heavy loads benefit from loads being distributed over larger areas that reduce the tendency for bending. Axle spacing, the spreading out of loads, is as important as axle weight in bridge design. A bridge is similar to thin ice on a pond. Walking on the ice concentrates a person's weight on the small area covered by the individual's feet, and the ice may break. Lying down, however, spreads the same weight over a much larger area, and the ice is less likely to break.

PERMITS – FAQ's

- **What is the timeline for the permit process?**
 After maintaining authority receives the permit application, they have three weeks to respond with approval or denial, or the application is presumed approved. If the maintaining authority has not responded within six weeks, the application is considered approved for that calendar year.
- **What if I get a new piece of equipment during the year?**
 If the applicant needs to amend his application, the maintaining authority has five days to respond with approval or denial, or the amendment is presumed approved. If the maintaining authority has not responded to the amendment within ten days, the amendment is permanently approved for that calendar year.
- **How long is the permit good for?**
 The no-fee permit is valid for at least one year, but can be renewed annually after the first year of submission for subsequent calendar years. Towns and Counties can choose to make the permit last for longer than a year. The permit issued by the State for operation on state roads automatically renews annually until DOT revokes the permit or the applicant amends it.

PERMITS – FAQ's

- **What if the maintaining authority denies the routes included in my no-fee permit application?**
 Any denial must be provided in writing and give a reasonable structurally based explanation as to why the road or section of road cannot be used. If the application is made for a Category B IoH, the denial must include an approved alternative highway route or map of highways for operation.
 Further, if the person or governmental maintaining authority responsible denies the application, the applicant will have the ability to appeal the decision through an administrative review process to that person's governmental unit. For example, if the town chairman denies the application, the applicant would appeal the denial to the town board. At the county level, the applicant would appeal to the county highway committee.
 Applicants also have the option of bypassing the administrative review process and directly filing an action in circuit court challenging the adverse decision.
- **If my IoH or Ag CMV doesn't meet the axle requirements but does meet the overall weight requirements, am I still required to submit the no-fee permit application?**
 It depends. A permit is required to operate over the 23,000 pound axle limit on state highways. Counties have several options in applying this new law.

No Fee Permit

- **Implements of Husbandry (IoH) and Agricultural Commercial Vehicles (Ag CMV) Permit**

2013 [Wisconsin Act 377](#) created a free permit for IoH and Ag CMV exceeding the new weight and length limits. The permits must be obtained from the maintaining authority (municipality, town, county, state) of the roads to be operated upon. WisDOT created the application which will be used by all maintaining road authorities that require a permit to operate over the new weight and length limits.

- <http://www.wisconsin.gov/forms/docs/mv2578lg.doc>

LIGHTING & MARKINGS

- **What are the new lighting and marking requirements under this bill?**

This bill creates new lighting and marking requirements for implements of husbandry operated on the highway that exceed 15 feet in total width or that extend over the center of the roadway into a lane intended for the opposite direction of travel (wide implements of husbandry).

A person may not operate on a highway a wide implement of husbandry unless it is equipped with all of the following:

- At least two amber flashing warning lamps, visible from both the front and rear marking the width of the vehicle.

- At least two strips of red retro-reflective conspicuity material, visible to the rear.

- At least two strips of yellow retro-reflective conspicuity material, visible to the front.

- At least two red tail lamps.

- A wide implement of husbandry must also display an SMV emblem.

LIGHTING & MARKING con't

- **Are there other lighting requirements for IoH?**

Under the bill, a person may not operate on a highway any self-propelled implement of husbandry that exceeds 12 feet in total width, unless it is equipped with a yellow or amber rotating strobe or beacon light mounted at the highest practicable point, or two flashing amber lights visible to the front and rear, and the light or lights are activated.

An implement of husbandry may not be operated on a highway unless it is equipped with all lighting and marking devices with which the implement of husbandry was originally equipped by the manufacturer and all such lighting and marking devices are in good working order and visible at the time of operation.

LIGHTING & MARKING con't

- **A self-propelled IOH greater than 12 feet must either have a 360 degree beacon or two flashing amber lights visible from both the front and rear. However, during daylight hours lighting and marking are not required if a wide IOH has an escort vehicle with hazards activated and two orange or red flags at the rear. Does this exemption from lighting and marking requirements also apply to the 360-degree beacon or two flashing amber lights?**

The exemption in 347.24(3)(bm) only applies to wide IoH (in excess of 15 feet) and all the special marking and lighting requirements needed in 347.24(3)(b). The 360 degree beacon light, 347.25(2g), is required on all self-propelled IoH in excess of 12. The exemption only pertains to the added lighting requirements of the wide IoH.

LIGHTING & MARKING con't

- When do the lighting and marking requirement go into effect?

The lighting requirements for IoH exceeding 15 feet in width take effect November 1, 2015.

QUESTIONS ?

Daniel Fedderly, WCHA Executive Director

hwype@wwt.net

Mark Servi, Barron County Highway Commissioner

mark.servi@co.barron.wi.us

Bruce Stelzner, Chippewa Co. Highway Commissioner

bstelzner@co.chippewa.wi.us