

Implements of Husbandry



Wisconsin
Farm Bureau[®]
FEDERATION

Wisconsin Act 377

- Implements of Husbandry (IOH) legislation was authored by Senator Jerry Petrowski and Representative Keith Ripp.
- It was signed into law by Governor Walker on April 23 as Wisconsin Act 377.
- Generally based upon DOT task force report
- It helps to find a balance between farmers needs and towns/counties responsibility for maintaining roads



Why Legislation was Needed

Increased enforcement

- Enforcement has increased in recent years
- Primarily for weight
- Some enforcement for length and width
- Modified Commercial Motor Vehicles looked like IOH

It was WFBF's priority to have farm machinery operating legally on roadways

Doing nothing was not a preferred option



What changed?

- Definitions for IOH and Ag-CMV
- Size Envelope
- Lighting and Marking
- Permits



Definition of IOH (Part 1)

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

(Categories A, B and C)



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



Definition of IOH (Part 2)

A combination of vehicles in which each vehicle in the vehicle combination is an implement of husbandry or in which an implement of husbandry is towed by a farm truck, farm truck tractor or motor truck



IOH – Vehicle Train



IOH - Farm truck pulling IOH



Size Envelope – IOH and Ag-CMV

- Height
- Length
- Weight
- Width



Height - IOH

No height limitations, but the operator remains responsible for ensuring clearance of all bridges and utility lines that are constructed to the proper height



Length - IOH

Length limits are increased for single, two- and three-vehicle combinations

- Single vehicles can be up to 60 feet
- Two-vehicle combinations can be up to 100 feet
- Three-vehicle combinations can also be up to 100 feet if operated at a speed below 25 mph, or up to 70 feet at a speed greater than 25 mph

➤ *A no-fee permit may be available to exceed limits*



Weight - IOH

Generally increases axle weight and gross vehicle weight (GVW) for IOH and Ag-CMV by 15%, dependent upon the number of axles and axle spacing

- 23,000 lbs. per axle (was 20,000 lbs.)
- 92,000 lbs. GVW (was 80,000 lbs.)

This is not in addition to the annual fall harvest increase of 15% from September 1 to December 31. The fall harvest increase of 15% remains for trucks hauling harvested commodities or manure



Weight - Exemptions

- Tillage, planting and harvesting equipment [Category B] are exempt from axle weight limits, unless a local road authority chooses to apply them to designate routes from farm-to-field or field-to-field.
 - Per axle and GVW limits don't apply to Category B for “incidental movements” between farm and fields that are less than 0.5 miles, and therefore NO permit is required.
- Per axle and GVW limits don't apply to IOH being operated or transported to and/or from an implement dealer for purposes of delivery, repair or servicing within a 75-mile radius.
- Potato harvesters are also exempt from axle weight, but not GVW
- The new weight limitations and no-fee permits do NOT supercede the weight restrictions placed on bridges, “Class B” roadways, and special and seasonal postings, unless specifically allowed under the conditions of the permit.



Weight - Penalties

Overweight violations are computed based on the general statutory weight limits (20,000 lbs. per axle or 80,000 lbs. GVW) not the new weight allowance that is generally 15% higher.

Forfeiture is dependent upon the severity of the violation (\$0.01 to \$0.18 per pound), and frequency of violation(s).

- For example, if you are hauling without a permit at a GVW of 97,000 lbs., you will be fined at 17,000 lbs. overweight, not 5,000 lbs.



Width - IOH

No width limitations for IOH under 15'

Specific lighting and marking requirements for:

- “wide IOH” (greater than 15’) and
- self-propelled IOH 12’ or wider

Lighting provisions DO NOT go into effect until November 1, 2015.



IOH - Self Propelled

For self-propelled IOH 12 feet or wider -

- Must have a yellow or amber 360° rotating strobe or beacon mounted at the highest practical point
- Or have two flashing amber lights visible to both the front and rear at the highest practicable point of the equipment



Width - Definition

A “wide implement of husbandry” is an IOH that exceeds 15 feet in total width, or that partly operates over the center line of the road into any lane intended for travel in the opposite direction



Wide IOH – Manufactured before 1.1.14

While operating on a highway, the following requirements apply -

- Two flashing amber lights visible from the front and back placed 16 inches or less from each side of the vehicle's lateral extremities
- On the back, red retroreflective tape
- On the front, yellow retroreflective tape
- Two red tail lamps (hardwiring not required)
- SMV sign



Wide IOH

HOWEVER:

During daylight hours, lighting and marking is not required if wide IOH has:

- Escort vehicle with hazards activated; and
 - Two orange or red flags at the rear
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- *Again, this only applies for IOH manufactured before 1.1.14*



Wide IOH – Manufactured on or after 1.1.14

For IOH equipment manufactured on or after January 1, 2014, it must be –

- Equipped with all original lighting and marking devices
- In good working order (lighting and marking)
- Visible at times of operation



Wide IOH

For IOH that exceed 22 feet -

- Must meet lighting and marking requirements
- Must be accompanied by an escort vehicle, which can be a pick up truck with flashers on
 - Escort in front on a two- or three-lane highway
 - Escort in rear on a four-lane highway

Escort is not required for incidental movements under 0.5 miles



Definition of Ag-CMV

A commercial motor vehicle to which all of the following apply:

- Substantially designed or equipped, or materially altered from its original construction, for the purpose of agricultural use
- Designed and manufactured primarily for highway use
- Used exclusively in the conduct of agricultural operations
- Directly engages in harvesting farm products, directly applies fertilizer, spray or seeds, or distributes feed to livestock



Ag-CMV



- DOT registration is NOT required for Ag-CMV, but they do need to be self-certified. Self-certification forms should be available on the DOT website starting May 23, 2014.
- Just like regular CMVs, Ag-CMV, need annual safety inspections

Height - Ag-CMV

Height limitation
of 13 feet 6
inches



Length - Ag-CMV

Single vehicles can be up to 45 feet

Two-vehicle combinations can be up to 70 feet

Three-vehicle combinations can be up to 100 feet if operated at a speed below 25 mph, or up to 70 feet at a speed greater than 25 mph

➤ *A no-fee permit may be available to exceed limits*



Weight - Ag-CMV

The new 15% increase in weight limits that apply to IOH also apply to Ag-CMV.

However, Category B IOH have the exemption from axle weight limits. This exemption does NOT exist for Ag-CMV.

Per axle and GVW limits don't apply to Ag-CMV being operated or transported to and/or from an implement dealer for purposes of delivery, repair or servicing within a 75-mile radius.



Width - Ag-CMV

Width limit is 10 feet, including attachments or accessories.

However, Ag-CMV's operated for the purpose of spraying pesticides or spreading lime or fertilizer and having extending tires, fenders or fender flares can go up to 12 feet in total width.



Permit Applications

Depending upon the action a municipality or county may take, any IOH that exceeds length and/or weight limits may be required to obtain a no-fee permit.

- Permit forms can be found on the DOT website
- Information provided by the applicant on the form must be kept confidential by local officials
- Any denial cannot be arbitrary and must be submitted in writing
- For Category B equipment - if the only basis for denial is the applicant's preferred map or list of highways, must be given alternate route



Submitting Application

Upon receipt of application for permit

- The road maintaining authority shall review and respond to the application within three weeks.
- If an applicant does not receive a written response to the original application within three weeks, the permit is presumed granted until, or unless, they receive a denial. (The maintaining authority has three more weeks to issue this denial).
- However, if the maintaining authority fails to approve or deny the application within six weeks of receipt, the application is approved.



Submitting Amended Application

Upon receipt of amendment to permit

- The applicant may apply for an amendment to their operating permit at any time using the same form, and upon its receipt a response must be provided to the amendment within five days.
- If an applicant does not receive a written response for an amendment within five days, the amendment is presumed granted until, or unless, they receive a denial. (The maintaining authority has five more days to issue the denial).
- However, if the maintaining authority fails to approve or deny the amendment within ten days of receipt, the amendment is approved.



Farmers need to know...

- Until permit is actually granted, operators/farmers should always have a “time stamped” copy of submitted application on the IOH.
- It is incumbent upon you to communicate with your local officials to make this transition process for the “no-fee permit” easier for both you and them. Communication and education are important.
- If you think you’ll need a permit, apply for it earlier in the year. You can always try to amend it later if needed.
- A municipality or county may issue a no-fee permit that is valid for more than one year.



Farmers need to know...

- Ordinances and resolutions adopted by municipalities or counties to address permitting will be effective starting January 15, 2015.
- Ordinances and resolutions are valid for at least one year – can't change rules in the middle of the game.
- The year 2014 will really be an opportunity for everyone to talk to each other on the implementation of WI Act 377



Permitting Options

Municipalities and Counties can do any of the following:

- Elect not to adopt a resolution or ordinance
- Opt In
- Partial Opt Out
- Total Opt Out
- Special and Seasonal Postings



Option - No Action Taken

Action	Permit	Conditions
92K/23K weight table applies to IOH and Ag-CMV's Exception: Category B only needs to meet 92K GVW	Farmers with Category B over 92K GVW must apply for permit All other IOH or Ag-CMV exceeding weight table must also apply for permit	Category B under 92K GVW do <u>NOT</u> need a permit

Option - Opt In

Action	Permit	Conditions
Local gov't adopts ordinance or resolution requiring Category B to follow 92K/23K weight table	Farmers with IOH or Ag-CMV's exceeding weight table must apply for permit	For Category B - if the only basis for denial is the farmer's preferred map or list of highways, must be given alternate route

Option - Partial Opt Out

Action	Permit	Conditions
Local gov't adopts ordinance or resolution to designate any or all roads for increase in weight and/or length limitations that exceed established 92K/23K weight table for IOH and Ag-CMV	Farmers with IOH or Ag-CMV exceeding weight and/or length limits set by local gov't must apply for permit	Subject to limitations established in local gov't ordinance or resolution Example(s): Tractors could be exempt from axle weights; or GVW could be set at 100K; or Ag-CMV could be exempt from axle weights and GVW.

Option - Total Opt Out

Action	Permit	Condition
Local gov't adopts ordinance or resolution <u>negating</u> the requirement that all IOH or Ag-CMV follow 92K/23K weight table	Farmers do <u>NOT</u> need permits. The adopted ordinance or resolution <u>IS</u> the permit.	IOH and Ag-CMVs of any weight or length can run on local roads (state trunk highways DO NOT apply) but subject to special and seasonal postings

Option - Special/Seasonal Postings

Action	Permit	Conditions
Local gov't can post roads with limitations below the 92K/23K weight table	Local gov'ts <u>may</u> issue permits expressly authorizing use of posted roads	Local gov't could give commodity or other vehicles exemption Example – milk trucks, Category B, etc.

Miscellaneous Provisions

- Repeals ability for motorists to pass Ag-CMV and IOH on the solid yellow line if traveling at less than half the posted speed limit
- Clarifies that it is legal for farm trucks to pull IOH



Key Points

- **Need county Farm Bureaus to talk to town and county highway officials in their counties about how each local governmental unit is going to respond to the IOH legislation.**
- **Need to respect local authority for maintaining roads**
- **Dialogue needs to be ongoing**



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For more information, please go to:

www.wfbf.com/legislative/IOH

