

Agricultural equipment and vehicles - FAQ

1. What is Act 377?

Act 377 is the law that resulted from Senate Bill 509 and an Assembly amendment. It made changes in the way agricultural vehicles and equipment operate on state, county and local roads. The following questions and answers clarify the statutory changes that resulted.

IoH

1. What is an implement of husbandry (IoH)?

Act 377 updated and consolidated the Wisconsin statutory definition of IoH into one (s.340.01 (24)(a)). All implements of husbandry continue to be exempt from registration under the new law.

The new definition of IoH is:

A self-propelled or towed vehicle manufactured, designed, or reconstructed to be used and that is exclusively used in the conduct of agriculture. An implement of husbandry may also include any of the following:

- A farm tractor (referred to as Category A)
- A self-propelled combine; a self-propelled forage harvester; 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 (referred to as Category B)
- A farm wagon, farm trailer, manure trailer, or trailer adapted to be towed by or to tow or pull, another implement of husbandry (referred to as Category C)

2. Does the status of an IoH change if it is pulled by a truck?

An implement of husbandry pulled by a farm truck, motor truck, or a truck tractor, or an Ag CMV, is still an IoH. (s.340.01 (24)(a) 2.)

3. If a farm tractor is pulling planting, tillage or cultivation equipment, is it considered a Category B IoH?

Yes, a farm tractor towing tillage, planting, and cultivation equipment meets the Category B definition and as a result, it may be exempt from the axle weight limits. Please note that you may require a permit to operate over the 23,000 pound axle limit on some local roads. A permit is required to operate any IoH over the 23,000 pound axle limit on state highways.

4. Are there any new height requirements required for IoH in Act 377?

No, the IoH operator remains responsible for ensuring safe clearance of any overhead obstructions, like bridges and electrical wiring.

5. What are the new length requirements for IoH included in Act 377?

Under this act, IoH of the following lengths may operate on roads without a permit:

- An IoH (single vehicle) not exceeding 60 feet in length.
- An IoH (two-vehicle combination) not exceeding 100 feet in length.
- An IoH (three-vehicle combination or train or a truck-drawn agricultural train) driven at a speed of 25 mph or less not exceeding 100 feet in length. An IoH three-vehicle train driven at a speed over 25 mph not exceeding 70 feet in length.

6. Are IoH with tracks allowed on Wisconsin roads? (Added 7-24-14)

In general, Wisconsin law does not allow tracked vehicles on the highway. This ban does not apply to implements of husbandry, including tractors and self-propelled farm equipment. This exception was created in 1957 as part of a significant rewrite of traffic laws.

Wisconsin law makes any person liable for up to three times the cost of repair if the person damages a highway. This law applies to implements of husbandry as well as other vehicle types.

Wide IoH

1. What are the new width requirements for IoH included in this Act?

Act 377 does not place any limitations on width for IoH operated on a highway. It did create new lighting and marking requirements for 'wide' IoH to improve road safety for all (See the Lighting and Marking section). These new requirements go into effect November 1, 2015.

During the day, an IoH operator of a 'wide' implement of husbandry has the option to use an escort vehicle instead of the lighting and marking requirements. An over-width implement used at night must always adhere to the lighting and marking requirements.

An escort vehicle with hazard lights activated is required to operate an IoH exceeding 22 feet in total width. The bill also specifies that on a two-lane road, the escort vehicle must travel in front of the IoH; for roads with two or more lanes in one direction, the escort vehicle must travel in back of the IoH.

2. The new law does not place a width limitation on an IoH being operated on the roadway. In addition to the "wide implement of husbandry" equipment operating standards, are there other applicable operating statutes?

Although Act 377 authorizes operation to the left of the centerline, the provision still requires IoH to follow other laws governing the meeting, passing, and overtaking of vehicles encountered on the road.

- An operator of an IoH is still required to give at least one-half of the main traveled portion of the road when meeting another driver on a two-lane road.
- An IoH shall not be driven left of the centerline upon any grade or curve or when their view is obstructed for such a distance as to create a hazard, which includes a no-passing zone.
- Operation of an IoH typically is traveled at low speeds. There is no change to the statute typically referred to as "impeding traffic". The operator of any vehicle must yield to other traffic when operating below a speed considered to be normal and reasonable based on the conditions present.

Ag CMV

1. What is an Ag CMV?

Act 377 created a new vehicle category called an Agricultural Commercial Motor Vehicle (Ag CMV) (340.01 (1o)) which also is exempt from registration. An Ag CMV is 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
- Manufactured to meet federal motor vehicle safety standard certification label requirements 49 CFR 567, after 1970
- Used exclusively in the conduct of agricultural operations
- Directly engaged in harvesting farm products, directly applies fertilizer (including manure), spray or seeds to a farm field, or distributes feed to livestock

2. Is a "semi-tractor / semitrailer combination" or "motor truck / trailer" combination considered an Ag CMV?

An Ag CMV must meet the vehicle definition of "Commercial motor vehicle" (340.01(8)) and "Agricultural commercial motor vehicle" (340.01 (1o)) in order to meet the definition of Ag CMV. Since a semitrailer or trailer lacks motive power and cannot move unless towed by a power unit, that power unit itself does not need to meet the Ag CMV definition (340.01 (1o)(a)), which requires that the vehicle is substantially designed or equipped, or materially altered from its original construction, for the purpose of agricultural use. If the trailer or semitrailer is substantially designed or equipped, or materially altered from its original construction, for the purpose of agricultural use and both vehicles in the combination meet the remaining provisions of the Ag CMV definition, the vehicle combination can be considered an Ag CMV.

3. Are there any new height requirements for Ag CMVs in Act 377?

No, Ag CMVs are still subject to the height restriction for regular CMVs under current law, which is 13'6".

4. What are the new length limits for Ag CMV?

Under Act 377 an Ag CMV needs a permit if it exceeds these limits:

- An Ag CMV (single vehicle) may not exceed 45 feet in length.

- Standard limits for an Ag CMV (two-vehicle combination) is 70 feet in length. There are some instances in which an Ag CMV combination vehicle may be 75 feet in length. You are advised to contact the permit unit to discuss your options.
- An Ag CMV (three-vehicle combination or train or a truck-drawn agricultural train) driven at a speed of 25 miles or less may not exceed 100 feet in length. An Ag CMV three-vehicle train driven at a speed over 25 miles per hour, may not exceed 70 feet in length.

5. What are the new width requirements for Ag CMV?

An Ag-CMV is limited to 10 feet in width including all accessories or attachments. The tires, fenders or fender flares of Ag CMVs spraying pesticides or spreading lime or fertilizer (not manure) may extend up to 12 feet.

IoH/Ag CMV Weight Limits

1. What are the new weight requirements for IoH and Ag CMVs in Act 377?

Act 377 increased the weight limit (effective 4-24-2014) for all IoH and Ag-CMV's 15% higher than the federal bridge formula. This equates to a maximum single axle weight of 23,000 pounds and maximum gross vehicle weight (GVW) of 92,000 pounds, dependent on axle number and spacing as presented in the new IoH/Ag CMV Maximum Weight Limits table (s. 348.15 3g).

2. What about posted roads and bridges?

- Category B IoH can disregard Class B postings of roads (s. 348.16 (2))
- All IoH, including Category B MUST OBEY seasonal or special weight posting or bridge posting (348.17)

3. Are there any other exemptions from the weight limits?

There are exemptions for certain types of vehicles and certain types of roads:

- Category B IoH (see definition above) must adhere to the 92,000 pound GVW, but may be exempt from axle weight limits. Category B is also exempt from the new weight and size limitations for crossing a roadway or incidental travel from farm to field or field to field ½ mile or less.
- Empty potato harvesters are exempt from axle weight limits, but are subject to the 92,000 pound GVW. Potato harvesters are required to have one or more escort vehicles with hazard lights on if traveling more than 1/2 mile.

4. Do the new IoH/Ag CMV weight limits apply to Interstate highways?

The new weight limits are not allowed on Interstate highways.

5. Do the new IoH/Ag CMV weight limits apply to state highways?

The state requires a permit to operate any IoH or Ag CMV on a state highway with an axle weight over 23,000 pounds or a gross vehicle weight of 92,000 pounds.

State Roads

1. Do the new IoH/Ag CMV weight limits apply to state highways?

For state highways, a state permit is required for any IoH with an axle weight over 23,000 pounds or a gross vehicle weight of 92,000 pounds – including Category B IoH.

Local Governments

1. Does Act 377 take away local control?

No, towns, counties, and the state maintain their respective authorities to issue permits and post roads and bridges as they have under prior law. Local governments have a range of choices to implement the new laws and the Act created a uniform no-fee permit application.

2. Are local governments required to participate in the no-fee permitting process?

Maintaining authorities have several options under this Act. Communities who do not wish to issue any permits may pass an ordinance or resolution granting IoH and Ag CMVs unlimited weight and length operation within their jurisdiction. There are no limits for height and width for IoH.

All other maintaining authorities are required to participate in the permitting process. Local governments may choose to:

- Operate under Act 377 which allows all IoH and Ag CMVs to operate without a permit according to the IoH/Ag CMV weight table and gives Category B IoH an exemption from the axle weight limit of 23,000 pounds
- Post roads
- Pass an ordinance or resolution to:
 - Set a higher weight limit than in the IoH/Ag CMV Weight Table for all roads in their jurisdiction
 - Designate some roads for overweight IoH or Ag CMV travel
 - Require all IoH (including Category B) or Ag CMV to follow the IoH/Ag CMV Maximum Weight Table Limits for GVW and axle weight

Ordinances or resolutions must be passed by January 15, of each calendar year.

It is important to note that, all IoH and Ag CMV operation is still subject to seasonal or special postings for roads and structures.

3. Can a local government give a permit to operate over the weight limit of a posted bridge?

No, all IoH, including Category B MUST OBEY seasonal or special weight posting or bridge posting.

Permits

1. 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.

2. 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.

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

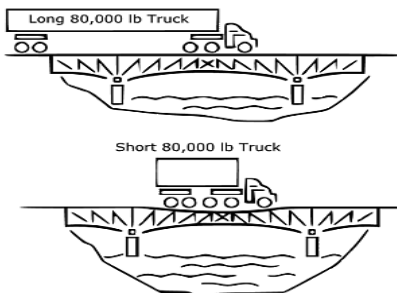
The Department of Transportation has a no-fee permit application available on their website, along with a list of the points of contact for local government offices.

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.

4. 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 analogous 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. As seen in the illustration above, the weight of the longer vehicle is spread out, while the shorter vehicle has all of the weight concentrated on a small area.

Whether it is a single axle, group of axles, or complete vehicle, we must determine the resulting stress in the bridge that is required to support the loads from that vehicle.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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. Towns and counties have several options in applying this new law. Please check with your local road authority.

Enforcement

1. What timeline should applicants and municipalities expect for the implementation of these new regulations?

State Patrol will only issue warning for oversize, over-weight Category A and Category B IoH until January 15, 2015 to allow for an educational period. The delayed enforcement period does not apply to:

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

IoH Category C (IoH combinations) or Ag CMVs are not under the delayed enforcement and may be issued citations if found to be overloaded.

2. What are the penalties for violating the weight limits set by this law?

- Fines default to 80,000 pounds
- Operators must return their vehicles to legal weight to proceed

Lighting and Marking

1. 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.

2. 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.

3. 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.

4. 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.