

## NOTICE OF PROPOSED RULE-MAKING

### ARKANSAS STATE HIGHWAY COMMISSION

Notice is hereby given that the Arkansas State Highway Commission intends to implement Rules for Permits for Overweight Vehicles Carrying Agronomic or Horticultural Products and that the thirty (30) day Notice period for receipt of comments begins the 15<sup>th</sup> day of July.

All interested persons will be given an opportunity to provide comments on the issues related to the above-stated matter. To obtain a copy of the proposed rules, you may access them online at <http://www.ardot.gov/ovca> or contact Gill Rogers at 501.569.2108 or by email at [Gill.Rogers@ardot.gov](mailto:Gill.Rogers@ardot.gov).

Any written comments on the proposed rules may be submitted to Mr. Rogers via email or regular mail at ARDOT, Attn: Gill Rogers, P.O. Box 2261, Little Rock, Arkansas 72203-2261. Comments received after the expiration of the thirty (30) day comment period on August 13, 2018 will not be considered. A public hearing will be held at the Arkansas Department of Transportation on August 16, 2018 at 10:00 a.m. at 10324 Interstate 30, Little Rock, AR 72209.

## Permit Rules for the Movement of Oversize and Overweight Vehicles On the State Highway System

### **Rule 19 – PERMITS FOR OVERWEIGHT VEHICLES CARRYING AGRONOMIC OR HORTICULTURAL PRODUCTS**

#### **A. INTRODUCTION**

Pursuant to Arkansas Code Annotated § 27-35-210(q), the Commission may issue a permit valid for one (1) year authorizing the movement of a truck tractor and semi-trailer combination with a minimum of five (5) axles hauling agronomic or horticultural crops in their natural state that exceed the maximum gross weight as provided in § 27-35-203 but do not exceed a total gross weight of one hundred thousand pounds (100,000 lbs.). A truck tractor and semi-trailer combination issued such a permit shall not exceed the height, length, or width restrictions set out in Chapter 35 of Title 27 of the Arkansas Code, or as set out in these rules.

#### **B. APPLICATION INFORMATION**

1. All permits issued pursuant to this Rule shall be considered Annual Route Permits. Each permit may apply for up to **five (5)** different routes.
2. Any application for an Annual Route Permit pursuant to this Rule shall be accompanied by a specific point of origin and destination for each route.
3. In addition to the Application Information Required in Rule 2 B, each request for an annual permit shall be accompanied by proof of a North American Standard Level I Inspection with no critical violations noted for the specific power unit and all towed units to be permitted.

#### **C. BOND/FEE INFORMATION**

1. No bond is required.
2. The fee for a permit to move overweight agronomic and horticultural products under Rule 19 shall be one thousand dollars (\$1000.00).

#### **D. ADDITIONAL PERMIT INFORMATION**

1. During operation of the permitted vehicle on state highways pursuant to this Rule, each vehicle/trailer combination is required to carry proof of a North American Standard Level I Inspection;
2. During operation of the permitted vehicle on state highways pursuant to this Rule, each driver is required to be 21 years of age, and to maintain within the permitted vehicle their current DOT Medical Certification;

3. Upon application for an Annual Route Permit under this Rule as set out in 19(B), a permit technician will review the origin and destination information provided, and attempt to identify the shortest route from the origin to the destination within the following parameters:

a. ABSOLUTELY NO TRAVEL ON THE DWIGHT D. EISENHOWER SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS;

b. No travel on weight restricted bridges;

c. No travel on weight restricted highways except as provided in subsection (d);

d. Permitted vehicles that have an origin or final destination on a weight restricted highway may travel on those weight restricted highways on their origin or final destination for loads within the permit limits.

4. A permit may be issued for a combined tractor/trailer, or a tractor with up to **five (5)** identified trailers, provided the number of axles and axle spacings remain the same when towing the various trailers.

#### **E. DEFINITIONS**

1. “Agronomic crops” means the species in each of the following plant groupings belonging to the domain of agronomy: cereal or grain crops; grain legumes or pulses and oilseed crops for food, feed or industrial use; pasture and forage crops; fiber crops; sugar crops; and starchy root and tuber crops.

2. “Horticultural crops” means vegetable crops, fruit crops and edible nuts, other ornamental crops, and nursery crops. In addition, the aromatic crops and the medicinal crops are included.

3. “Natural state” means unfinished or unprocessed agronomic or horticultural crops originating in Arkansas from the first point of severance to a point in the state at which they first undergo any finishing, processing, preparation for processing, conversion, or transformation.

4. Agricultural and horticultural crops do not include timber or forestry products in any form.