

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State  
John Thurston  
500 Woodlane Street, Suite 026  
Little Rock, Arkansas 72201-1094  
(501) 682-5070  
[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



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Name of Department \_\_\_\_\_

Agency or Division Name \_\_\_\_\_

Other Subdivision or Department, If Applicable \_\_\_\_\_

Previous Agency Name, If Applicable \_\_\_\_\_

Contact Person \_\_\_\_\_

Contact E-mail \_\_\_\_\_

Contact Phone \_\_\_\_\_

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Name of Rule \_\_\_\_\_

Newspaper Name \_\_\_\_\_

Date of Publishing \_\_\_\_\_

Final Date for Public Comment \_\_\_\_\_

Location and Time of Public Meeting \_\_\_\_\_

## NOTICE FOR PUBLIC COMMENT

### ARKANSAS STATE HIGHWAY COMMISSION

Notice is hereby given that the Arkansas State Highway Commission intends to Amend the Permit Rules for the Movement of Oversize And Overweight Vehicles on the State Highway System. The Amendment will be published for a thirty (30) day period for receipt of comments beginning July 31, 2022.

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 Amendment to the Permit Rules for the Movement of Oversize And Overweight Vehicles on the State Highway System for review, you may access them online at <https://www.ardot.gov/divisions/governmental-relations/public-notices/notice-of-proposed-rulemaking-overweight-forestry-equipment-and-overweight-forestry-equipment-rules/> 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 Amendment to the Permit Rules for the Movement of Oversize And Overweight Vehicles on the State Highway System 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 31, 2022, will not be considered. A public hearing for receipt of comments will be held at the ARDOT Offices at 10324 Interstate 30, Little Rock, AR, 72209 on Friday, September 2, at 10:00 AM.

## Arkansas Department of Transportation

# Amendment to the Permit Rules for the Movement of Oversize And Overweight Vehicles on the State Highway System

### Overweight Forestry Equipment

In 2021, the 93<sup>rd</sup> General Assembly of the State of Arkansas enacted Act 451 during the Regular Session which amended the law concerning issuance of permits for certain overweight vehicles. Act 451 authorized the issuance of a new permit valid for one year authorizing the movement of a truck tractor and single semi-trailer combination with five axles hauling forestry equipment that exceeds the maximum gross weight as provided in § 27-35-203, but, do not exceed 20,000 pounds for a single axle, or 46,000 pounds for a tandem axle, and a total gross weight of 104,000 pounds.

Due to the enactment of Act 451, an amendment to the existing *Permit Rules for the Movement of Oversize and Overweight Vehicles on the State Highway System* is needed. The proposed Rule 21 is a new rule which sets forth the requirements for issuance of an annual permit for the movement of overweight forestry equipment.

This change in the law is to provide an alternative to single trip permits or six-day permits for owners and operators of forestry equipment when gross vehicle weight exceeds the allowable limits. The timber industry requested an annual permit be developed, allowing them to move their equipment from one jobsite to the next as conditions and scheduling warranted, as opposed to obtaining a permit for each move. Since single trip and six-day permits are typically requested in advance, the forestry industry found it difficult to obtain permits in a timely manner when deep in the woods where they had limited to no cellular service. In addition, there were times when a permit had been issued, and the equipment would make it to the new location, and it was determined that conditions were such that forestry operations could not be performed. At that point, it would be incumbent on them to obtain yet another permit, creating delays and increasing expense

To establish the annual permits required by Act 451, Department staff met with the bill sponsors as well as representatives of the timber industry on multiple occasions and developed the attached rules. The parties involved in these meetings have identified five “Timber Zones” for the purpose of maximizing movement of the permitted vehicles while minimizing their impact. Under these rules, the permit holder is required to familiarize themselves with weight restricted highways and bridges. Additionally, the permits can be revoked for failing to comply with the terms of the permit.

Upon adoption of this Minute Order, these rules will be promulgated in accordance with State law to implement this change.

# Amendment to the Permit Rules for the Movement of Oversize and Overweight Vehicles on the State Highway System

## **Rule 21 – PERMITS FOR OVERWEIGHT VEHICLES CARRYING FORESTRY EQUIPMENT**

### **A. INTRODUCTION**

Pursuant to Arkansas Code Annotated § 27-35-210(r), the Commission may issue a permit valid for one (1) year authorizing the movement of a truck tractor and single semi-trailer combination with of five (5) axles hauling forestry equipment that exceeds the maximum gross weight as provided in § 27-35-203 but do not exceed (1) twenty thousand pounds (20,000 lbs.) for a single axle, or forty-six thousand pounds (46,000 lbs.) for a tandem axle, and (2) a total gross weight of one hundred four thousand pounds (104,000 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, except as authorized by law.

### **B. APPLICATION INFORMATION**

1. All permits issued pursuant to this Rule shall be considered Annual Permits.
2. Any application for an Annual Permit pursuant to this Rule shall be for a specific Timber Zone as identified in (E)(2). At the time of the initial application an additional contiguous Zone may be requested and will be permitted in accordance with section (C)(2).
3. A permit application shall include identifying information for a specific power unit, and for up to five identified trailers, provided the number of axles and axle spacings remain the same when towing the various trailers. Examples of identifying information includes, but is not limited to, vehicle identification numbers or serial numbers.

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

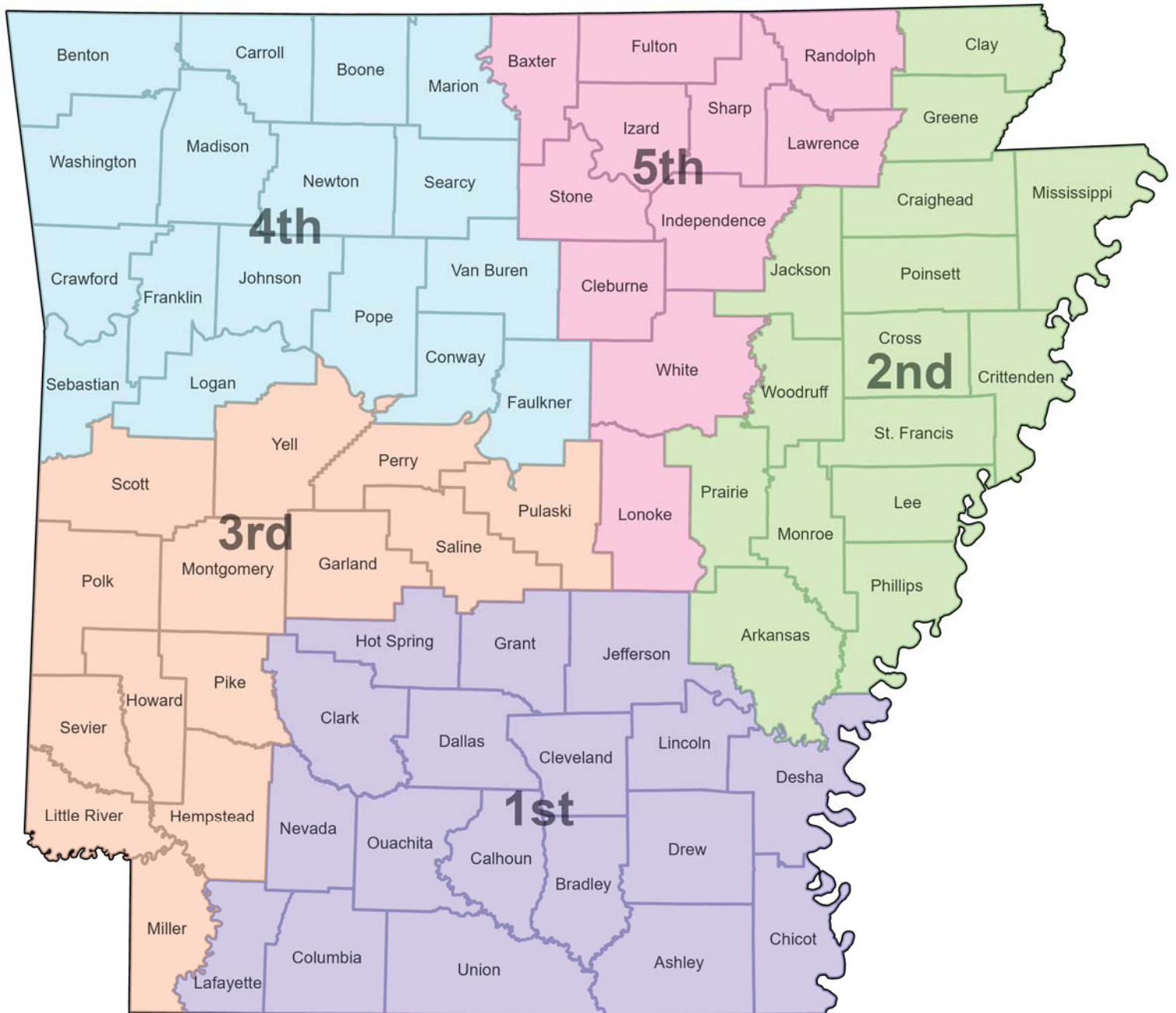
1. No bond is required.
2. The fee for a permit to move overweight forestry equipment in a single Zone under Rule 21 shall be two hundred and fifty dollars (\$250.00). An additional contiguous Zone may be permitted for an additional one hundred and twenty-five dollars (\$125.00) when requested in the initial permit application.

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

1. 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, if applicable;
2. When planning routes from site to site, permittees should consult [idrivearkansas.com](http://idrivearkansas.com), and travel only upon routes without weight restrictions for either roads or bridges. Specifically:
  - a. No travel on weight restricted bridges;
  - b. No travel on weight restricted highways except as provided in subsection (d);
  - c. It is the responsibility of each permit holder to check [idrivearkansas.com](http://idrivearkansas.com) before traveling to identify weight restricted roads and bridges; and
  - 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.

#### **E. DEFINITIONS**

1. “Forestry Equipment” means non-divisible equipment, implements, accessories, and contrivances used directly and principally in the cutting or removal of timber or other sold wood forest products. Forestry Equipment also includes equipment used to construct, maintain, or install infrastructure necessary to and associated with the logging operation.
2. “Timber Zone” means the following zones by county, as illustrated on Attachment “A”:
  - a. Zone 1 - Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Dallas, Desha, Drew, Grant, Hot Spring, Jefferson, Lafayette, Lincoln, Nevada, Ouachita, and Union.
  - b. Zone 2 - Arkansas, Clay, Craighead, Crittenden, Cross, Greene, Jackson, Lee, Mississippi, Monroe, Phillips, Poinsett, Prairie, St. Francis, and Woodruff.
  - c. Zone 3 - Garland, Hempstead, Howard, Little River, Miller, Montgomery, Perry, Pike, Polk, Pulaski, Saline, Scott, Sevier, and Yell.
  - d. Zone 4 - Benton, Boone, Carroll, Crawford, Conway, Faulkner, Franklin, Johnson, Logan, Maddison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, and Washington.
  - e. Zone 5 - Baxter, Cleburne, Fulton, Independence, Izard, Lawrence, Lonoke, Randolph, Sharp, Stone, and White.



## Overweight Forestry Equipment Timber Zones Attachment "A"

**QUESTIONNAIRE**  
**FOR FILING PROPOSED RULES WITH THE**  
**ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY \_\_\_\_\_  
DIVISION \_\_\_\_\_  
DIVISION DIRECTOR \_\_\_\_\_  
CONTACT PERSON \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
PHONE NO. \_\_\_\_\_ FAX NO. \_\_\_\_\_ E-MAIL \_\_\_\_\_  
NAME OF PRESENTER AT COMMITTEE MEETING \_\_\_\_\_  
PRESENTER E-MAIL \_\_\_\_\_

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this
- D. Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5th Floor  
Little Rock, AR 72201

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1. What is the short title of this rule?

2. What is the subject of the proposed rule?

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No

If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?

Yes No

If yes, what is the effective date of the emergency rule? \_\_\_\_\_

When does the emergency rule expire? \_\_\_\_\_

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No

**5. Is this a new rule? Yes No If yes, please provide a brief summary explaining the rule.**

**Does this repeal an existing rule? Yes No If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.**

**Is this an amendment to an existing rule? Yes No If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled “mark-up.”**

**6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.**

**7. What is the purpose of this proposed rule? Why is it necessary?**



8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

9. Will a public hearing be held on this proposed rule? Yes No If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

\_\_\_\_\_

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

\_\_\_\_\_

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. \_\_\_\_\_

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). \_\_\_\_\_

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

DEPARTMENT \_\_\_\_\_  
DIVISION \_\_\_\_\_  
PERSON COMPLETING THIS STATEMENT \_\_\_\_\_  
TELEPHONE NO. \_\_\_\_\_ FAX NO. \_\_\_\_\_ EMAIL: \_\_\_\_\_

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

### **SHORT TITLE OF THIS RULE**

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;
- b) The reason for adoption of the more costly rule;
- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

Total \_\_\_\_\_

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

Total \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ \_\_\_\_\_

\$ \_\_\_\_\_

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ \_\_\_\_\_

\$ \_\_\_\_\_

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?
- Yes      No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

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