

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State

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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 \_\_\_\_\_

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY.**

**DEPARTMENT** Arkansas Department of Transportation

**BOARD/COMMISSION** Arkansas Highway Commission

**PERSON COMPLETING THIS STATEMENT** Gill Rogers

**TELEPHONE NO.** (501) 569-2108 **EMAIL** gill.rogers@ardot.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

**TITLE OF THIS**

**RULE** Overweight Vehicles Carrying Forestry Equipment

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 Does this proposed, amended, or repealed rule have a financial impact?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 no, please explain:

(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 reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

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**

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

Total \_\_\_\_\_

**Next Fiscal Year**

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

Total \_\_\_\_\_

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

**Current Fiscal Year**

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

Total \_\_\_\_\_

**Next Fiscal Year**

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

Total \_\_\_\_\_

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cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule?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

**Current Fiscal Year**

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

**Next Fiscal Year**

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

6. What is the total estimated cost by fiscal year to a state, county, or 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.

Stricken language would be deleted from and underlined language would be added to the  
Code of Arkansas Rules.

# Proposed Rulemaking

## Title

Promulgated by:  
State Highway Commission

### **Title 27. Transportation**

#### **Chapter V. Arkansas Department of Transportation, State Highway Commission**

#### **Subchapter C. Motor Vehicles**

#### **Part 111. Permit Rules for the Movement of Oversize and Overweight Vehicles on the Arkansas State Highway System**

#### **Subpart 20. Permits for Overweight Vehicles Carrying Forestry Equipment**

##### **27 CAR § 111-2001. Introduction.**

(a) Pursuant to Arkansas Code § 27-35-210(r), the State Highway Commission may issue a permit valid for one (1) year authorizing the movement of a truck tractor and single semitrailer combination with a minimum of five (5) axles hauling forestry equipment that exceeds the maximum gross weight as provided in Arkansas Code § 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.).

(b) A truck tractor and semitrailer 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 this part, except as authorized by law.

##### **27 CAR § 111-2002. Definitions.**

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As used in this subpart:

(1)(A) "Forestry equipment" means nondivisible equipment, implements, accessories, and contrivances used directly and principally in the cutting or removal of timber or other sold wood forest products.

(B) "Forestry equipment" also includes equipment used to construct, maintain, or install infrastructure necessary to and associated with the logging operation; and

(2) "Timber zone" means the following zones by county, as illustrated on Attachment A:

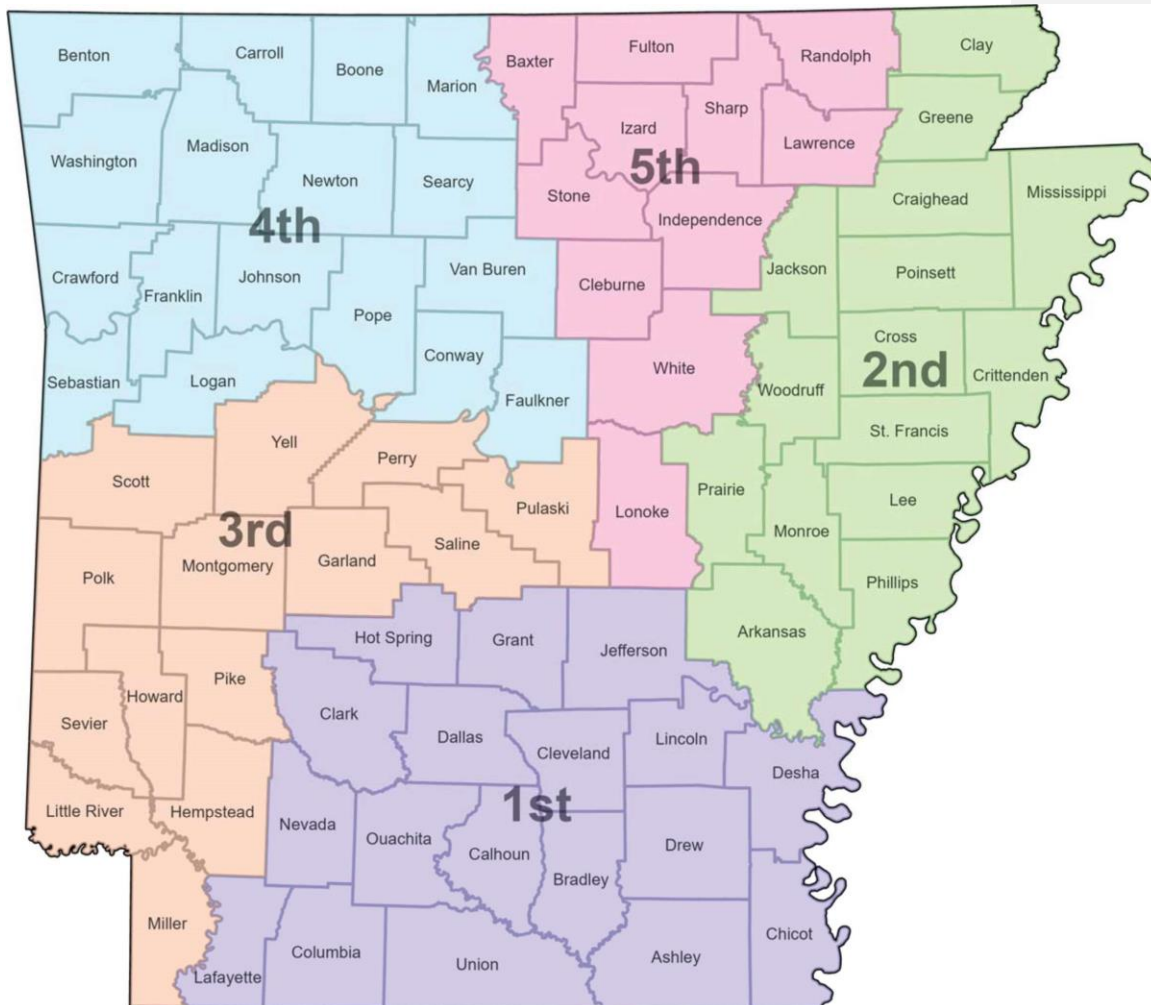
(A) Zone 1: Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Dallas, Desha, Drew, Grant, Hot Spring, Jefferson, Lafayette, Lincoln, Nevada, Ouachita, and Union;

(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, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, and Washington; and

(E) Zone 5: Baxter, Cleburne, Fulton, Independence, Izard, Lawrence, Lonoke, Randolph, Sharp, Stone, and White.



### Overweight Forestry Equipment Timber Zones

#### Attachment "A"

#### 27 CAR § 111-2003. Application information.

(a) All permits issued pursuant to this subpart shall be considered annual permits.

(b)(1) Any application for an annual permit pursuant to this subpart shall be for a specific timber zone as identified in 27 CAR § 111-2002(2).

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(2) At the time of the initial application, an additional contiguous zone may be requested and will be permitted in accordance with 27 CAR § 111-2004(b).

(c)(1) A permit application shall include identifying information for a specific power unit or trailer, ~~and for up to five (5) identified trailers~~, provided the number of axles and axle spacings remain the same ~~when towing the various trailers~~.

(2) Examples of identifying information include, but are not limited to, vehicle identification numbers or serial numbers.

**27 CAR § 111-2004. Bond/fee information.**

(a) No bond is required.

(b)(1) The fee for a permit to move overweight forestry equipment in a single zone under this subpart shall be two hundred fifty dollars (\$250).

(2) An additional contiguous zone may be permitted for an additional one hundred twenty-five dollars (\$125) when requested in the initial permit application.

**27 CAR § 111-2005. Additional permit information.**

(a) During operation of the permitted vehicle on state highways pursuant to this subpart, each driver is required to be twenty-one (21) years of age, and to maintain within the permitted vehicle their current United States Department of Transportation Medical Examiner's Certificate, if applicable.

(b)(1) When planning routes from site to site, permittees should consult [drivearkansas.com](http://drivearkansas.com), and travel only upon routes without weight restrictions for either roads or bridges.

(2) Specifically:

(A) No travel on weight-restricted bridges;

(B) No travel on weight-restricted highways except as provided in subdivision (b)(2)(D) of this section;

(C) It is the responsibility of each permit holder to check [drivearkansas.com](http://drivearkansas.com) before traveling to identify weight-restricted roads and bridges; and

(D) Permitted vehicles that have an origin or final destination on a weight-

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restricted highway may travel on those weight-restricted highways on their origin or final destination for loads within the permit limits.

## **Appendix A. Appendices**

### **Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/226/27CARpt.111Appendix.pdf>

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

### **RULE 21 – OVERWEIGHT VEHICLES CARRYING 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 (1) year authorizing the movement of a truck tractor and single semi-trailer combination with 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.).

Pursuant to Act 451 an amendment to the existing *Permit Rules for the Movement of Oversize and Overweight Vehicles on the State Highway System*, adopting new Rule 21, was approved by the Arkansas Highway Commission on July 27, 2022. After promulgation that rule became effective on November 1, 2022.

The current rule provides that a permit application shall identify a specific power unit and up to five identified trailers. We were asked by stakeholders to amend that to identify “a specific power unit or trailer”. After review by the Arkansas Highway Police, it was determined that the amendment was warranted, and the Arkansas Department of Transportation is requesting adoption of the proposed amendment.

## NOTICE OF PROPOSED RULE-MAKING

### ARKANSAS STATE HIGHWAY COMMISSION

Notice is hereby given that the Arkansas State Highway Commission intends to amend its Rules for Overweight Vehicles Carrying Forestry Equipment and that the thirty (30) day Notice period for receipt of comments begins this 9th day of February 2025.

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://bit.ly/3CcGuwA> 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 March 15, 2025, may not be considered.