

Bell, Tammi [DOT]

From: Nordholm, Gail [DOT]
Sent: Friday, June 27, 2008 3:31 PM
To: Bell, Tammi [DOT]
Subject: Overweight Loads

TO: County Engineers
Tammi Bell Iowa DOT - Local Systems tammi.bell@dot.iowa.gov

CC: District Local Systems Engineers, Service Bureau,
Office of Local Systems, Shirley Andre, Teresa Baumann,
And Debra Landuyt

FROM: Office of Local Systems

SUBJECT: Overweight Loads

DATE: June 27, 2008

The following link provides a letter and diagrams from the Attorney General's office concerning overweight loads.

http://www.iowadot.gov/local_systems/mailling/2008/july/08_overweight_loads.pdf

If you have questions, **please do not reply to this e-mail.** Instead, please contact the Attorney General's office at phone number 515-239-1521.

Thank you,

Gail Nordholm
Office of Local Systems
515-239-1528
gail.nordholm@dot.iowa.gov

Note: Documents are in Adobe Acrobat's pdf format. If you do not have the Adobe Acrobat Reader software, you can download it free of charge at <http://www.adobe.com/products/acrobat/readstep.html>.

Mailings are available at the Local Systems Weekly Mailing web address http://www.iowadot.gov/local_systems/mailling/main_mailing.htm



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June 27, 2008

County Engineers of Iowa

RE: Overweight loads

Dear County Engineer:

I represent the Iowa Department of Transportation (DOT), and I am writing to you on behalf of the DOT's Motor Vehicle Division. The DOT has been receiving an increasing number of inquiries regarding overweight and one-stop permits related to wind farm transformers. This letter is intended to provide you with information about how the DOT interprets pertinent provisions of the Iowa Code and the Iowa Administrative Rules.

As you know, both counties and the DOT have the authority to issue permits for vehicles of excessive size and weight. Both entities have authority because the Iowa Code provides that "the authority responsible for the maintenance of the system of highways or streets" has the ability to issue "annual, multi-trip, and single trip permits." Iowa Code § 321E.2. Therefore, if the permit-seeking carrier intends to drive only on secondary roads, then the county would be an acceptable "permit issuing authority." See Iowa Code § 306.3(9) (defining "secondary roads"); see also *id.* § 306.4(2) (stating that the county has jurisdiction over secondary roads). However, even though counties have the authority to issue such permits, the counties are bound to follow the same laws as the DOT, that is, the provisions of the Iowa Code and the Iowa Administrative Rules pertaining to vehicles of excessive weight. Iowa Code § 331.301(1) (setting forth the powers and duties of a county and stating that counties may "exercise any power and perform any function" except "as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the general assembly"); *id.* at § 331.301(4) ("An exercise of a county power is not inconsistent with a state law unless it is irreconcilable with the state law."); see also Iowa Const. Art. 3, § 39A (providing the "Counties home rule").

With a few exceptions, Iowa's statutes and rules provide that overweight vehicles cannot be moved on the highways of the state without a permit. See Iowa Admin. R. 761-511.2(2) ("No . . . overweight vehicle . . . or vehicle with load shall be moved on the highways of this state without permit except as provided in Iowa Code section 321.453."); see also Iowa Code § 321.453

(excepting fire apparatus, certain road maintenance equipment, and implements of husbandry). Generally, the Iowa Code allows vehicles to carry only 20,000 pounds per axle. Iowa Code § 321.463(2). This is true even when an overweight permit is obtained. *See id.* § 321.463(3) (“Notwithstanding other provisions of this chapter to the contrary, indivisible loads operating under the permit requirements of sections 321E.7, 321E.8, 321E.9, and 321E.29A shall be allowed a maximum of twenty thousand pounds per axle.”); *id.* § 321E.7(2) (“The gross weight on any one axle of any vehicle . . . traveling under a permit issued in accordance with this chapter shall not exceed the maximum axle load prescribed in section 321.463 . . .”).

A transformer for a wind farm is likely an “indivisible” or “nondivisible” load because separating the transformer into separate loads would compromise the intended use of the transformer, destroy its value, and it would require more than eight work hours to dismantle the transformer. *See* 23 C.F.R. § 658.5 (2007) (defining “nondivisible load”); Iowa Admin. R. 761-511 (using the term “indivisible load” in numerous places and stating that such loads include “construction machinery, mobile homes and factory-built structures”). Because these transformer loads cannot be considered “divisible” loads, the provisions that allow for the movement of overweight vehicles with *divisible* loads in “special or emergency situations” are not applicable. *See* Iowa Code § 321E.29; Iowa Admin. R. 761-511.13(1); *see also* Iowa Admin. R. 761-511.1 (defining “special or emergency situation” as including “[c]ircumstances where the movement is necessary to cooperate with public or private utilities in order to maintain their public services”).

Instead, the DOT looks to the statutory and regulatory provisions which allow for single-trip permits for overweight vehicles with indivisible loads. Iowa Code section 321E.9 provides the parameters for single-trip permits of such overweight vehicles. The total gross weight limit under the general provision is 100,000 pounds with a maximum of 20,000 pounds per axle. Iowa Code § 321E.9(1). However, the statute also provides:

Vehicles with indivisible loads exceeding the . . . total gross weight provided in subsection 1, may be moved in special or emergency situations, provided the permitting authority has reviewed the route and has approved the movement of the vehicle and load. . . .

Iowa Code § 321E.9(2). The rules further provide: “For movement under a single-trip permit, the gross weight on any axle shall not exceed 20,000 pounds.” Iowa Admin. R. 761-511.12(4)(a). “If the combined gross weight exceeds 100,000 pounds, a single-trip permit may be issued for the movement *only if* the permit-issuing authority determines that it would not cause undue damage to the road and is in the best interest of the public.” Iowa Admin. R. 761-511.12(4)(b) (emphasis added). Therefore, the permit-issuing authority has some discretion in determining whether to allow a carrier to haul a load that exceeds the 100,000 pound gross-weight limit.

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A plain reading of the statute and rules does not, however, leave room for discretion in whether a carrier can exceed the 20,000 pound-per-axle limitation. Historically, the DOT has issued permits for vehicles with an extremely heavy gross weight when the carrier's trailer has a minimum spread of five feet between the inside tires (axles under the load as you view them from the rear are at least five feet or more apart). *See attached diagrams.* This configuration is usually viewed as a set of dollies on the left and right sides. This results in a 40,000 pound limitation for each cross-section. In other words, when the trailer is capable of "dual lane travel" or can be transformed or extended so that the tires are placed on two lanes of a road, rather than one, then each axle is considered a separate axle for the purpose of determining the axle weight limit.

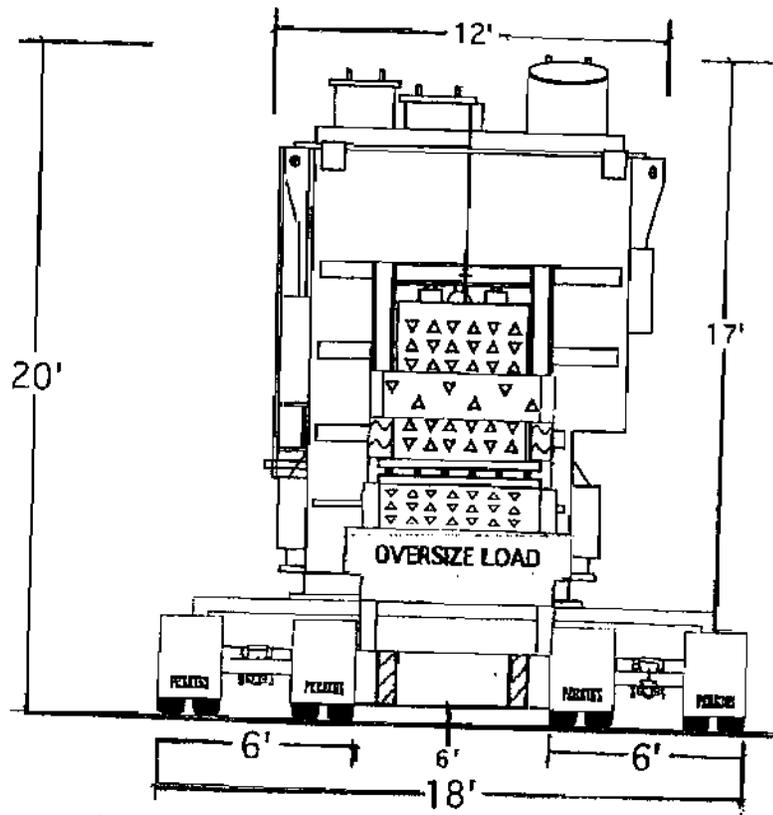
I hope this information is helpful to you.

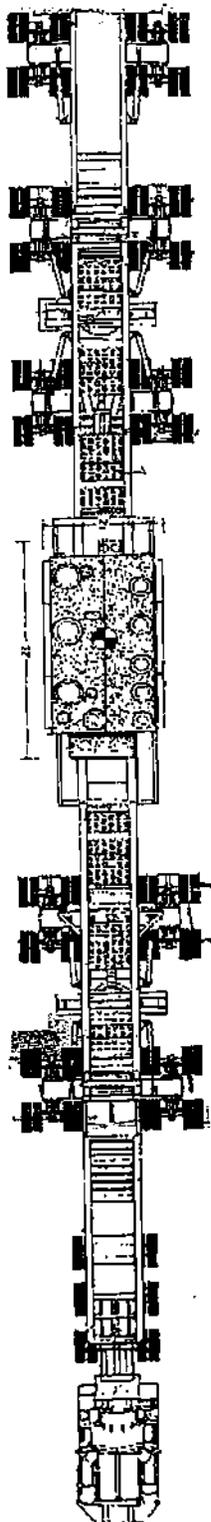
Sincerely,



TERESA K. BAUMANN
Assistant Attorney General

Enclosures





EXTENDED

