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1 IN THE HOUSE

BY FANNING,

2 HOUSE BILL NO. 635

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the operation of implements of  
7 husbandry upon the highway."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 28.10.011(1) is amended to read:

10 (1) driven or moved on a highway only for the purpose of  
11 crossing the highway from one private property to another [, INCLUDING  
12 AN IMPLEMENT OF HUSBANDRY AS DEFINED BY REGULATION];

13 \* Sec. 2. AS 28.10.011 is amended by adding a new paragraph to read:

14 (12) an implement of husbandry.

15 \* Sec. 3. AS 28.35 is amended by adding a new section to read:

16 Sec. 28.35.246. OPERATION OF OVERSIZED IMPLEMENTS OF HUSBANDRY.

17 (a) The department may require a special permit to drive or move an  
18 implement of husbandry upon a highway more than ~~20~~<sup>30</sup> miles in a single  
19 movement if the implement exceeds the size limitation for vehicles  
20 established by the Department of Transportation and Public Facilities .

21 (b) The owner or operator of an implement of husbandry that  
22 exceeds the size limitation for vehicles established by the Department  
23 of Transportation and Public Facilities ~~may not~~<sup>shall</sup> be required to display  
24 flags, signs or other warning devices on the implement, ~~or have~~ The  
25 implement ~~preceded~~<sup>preceded</sup> or followed by a pilot vehicle ~~when the implement is~~  
26 driven or moved upon a highway, ~~not more than one mile,~~

27 \* Sec. 4. AS 28.35.260 is amended by adding a new paragraph to read:

28 (19) "implement of husbandry" means a vehicle designed or  
29 adapted and used primarily for agricultural, horticultural or

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livestock-raising operations and only incidentally moved upon the highway.

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REQUESTED AMENDMENT ON

HOUSE BILL NO. 635

Sec. 26.35.246. OPERATION OF OVERSIZED IMPLEMENTS OF HUSBANDRY.

(a) should be changed to read:

The department shall not require a special permit to drive on or move an implement of husbandry upon a highway for less than 30 miles in a single movement, if the implement exceeds size limitations established by the Department of Transportation and Public Facilities.

*Jessie L. Wenegeant*  
Chairman Interim Housing Assoc.  
Legislative Comm.

SR Box 51034

Fbks. AK. 99701.

488-9269.

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livestock-raising operations and only incidentally moved upon the highway.



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y, State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

March 23, 1982

MEMORANDUM

TO: Representative Ken Fanning

FROM: Jonathan Sherwood  
Research Staff

RE: Research Request 82-88  
HB 635 Farm Implement Bill

One of the provisions of the Transportation Committee Substitute for House Bill 635 would permit the operation of implements of husbandry that exceed the State's restriction of vehicle size to travel on the highway for distances of less than thirty miles without obtaining a permit. Gail Thibodeau of your staff requested that we determine what policies other states have regarding the operation of farm implements on highways, and she also requested that we provide information concerning any liability that states might incur as a result of allowing farm implements to travel on the highways. We have contacted highway officials in Idaho, Iowa, Minnesota, North Dakota, and Oregon and obtained information on these states' policies regarding this matter.

All of the states we contacted allow implements of husbandry to travel on the highway without permits in some or most instances. None of the states requires a pilot car for oversized vehicles, and no state posts signs along the highway warning of the possible use of the highway by oversized implements of husbandry. In addition, none of the officials contacted in the five states were aware of any instances where the state had been held liable for accidents resulting from the use of highways by oversized farm implements.

In Idaho, implements of husbandry are allowed to travel on the highway in daylight hours without a permit, provided that a red flag is displayed on the left front of the implement and the orange warning triangle indicating a slow moving vehicle on the back of the implement. Implements of husbandry are not permitted to operate on the highways at speeds greater than 30 miles per hour. Ray Lawer, of the Idaho Highway Permit Section of the Idaho Department of Transportation, was not aware of any instances where Idaho was held liable for accidents involving implements of husbandry on the highway.

Iowa does not require a permit for implements of husbandry to travel on the highway. Implements may not travel at speeds above 30 miles

Representative Fanning  
March 23, 1982  
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per hour and must display an orange slow-moving vehicle triangle. Only daylight operation is permitted on state highways.

In Minnesota, implements of husbandry can travel on the highway for distances of up to 50 miles without a permit, provided they display an orange slow-moving vehicle triangle. Implements are also permitted to operate at night if they have proper lights for night operation. According to Gene Ofstead, legislative liason for the Department of Transportation in Minnesota, the state has never had any problems with liability as a result of accidents involving farm implements on the highway, although such accidents are fairly common.

In North Dakota, farm implements may travel on the highway during daylight hours and must display the orange slow-moving vehicle triangle. No permit or pilot vehicle is required. In North Dakota, the state has sovereign immunity, and therefore cannot be held liable for accidents involving farm implements.

Oregon is the only state we contacted that has separate regulations for the movement of farm implements on the Interstate. In Oregon, a permit is required for an implement of husbandry to travel on the Interstate, but permits are not required for other highways unless the implement exceeds the State's vehicle weight limits. Implements of husbandry are required to display the slow-moving vehicle triangle. Farm implements are not required to have pilot vehicles; however, according to Carla Owens, Asst. Permit Supervisor with the Oregon Department of Transportation, many farmers use pilot vehicles anyway.

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If you have any questions, or if we can be of further assistance, please do not hesitate to contact us.

JS

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. CSHB 635 Re operation of implements of husbandry  
 Title upon the highway.  
 Requested by House Transportation Date 3/17/82

II. FISCAL DETAIL  
 Agency Affected Department of Transportation & Public Facilities  
 Program Category Affected \_\_\_\_\_  
 BRU, Program, Or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		35.0				

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		35.0				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)  
 An estimate of 500 miles of roadway requiring signing was used, with a sign being required each 10 miles, one each side of the road.

500 miles ÷ 10 x 2 = 100 signs - estimated cost installed per sign = \$350  
 Total cost = \$35,000

The desire to remove the need for a separate permit for each move, especially when they are in same area each time is understood. Removing the requirement for pilot cars on any move of less than 30 miles would in some cases cause a serious hazard to the traveling public and subject the state to liabilities. Under this bill, an operator of an implement of husbandry could, without pilot cars, move a vehicle down the road which entirely blocked the traveling surface as well as the shoulders. A vehicle traveling in the opposite direction could round a corner and find the entire roadway blocked.

This fiscal note does not attempt to estimate any costs involved with these risks.

IV. DATE 3/19/87 PREPARED BY RON LIND  
 AGENCY DOTPE

Original: Legislative Finance PHONE 465-3900

cc: Budget and Management  
 Prime Sponsor (First Legislator Named)