

H B

635

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF ADMINISTRATIVE SERVICES

POUCH M - JUNEAU 99811


May 6, 1982

465-4322

POSITION PAPER - CSHB 635 (TRSP)

The Department of Public Safety is opposed to CSHB 635 (TRSP).

This bill, if enacted, would establish a "special interest" group allowing one group of citizens to move over-sized vehicles on State roadways while others cannot. Additionally, by not establishing any size limitations on these vehicles and allowing these vehicles to travel 30 miles without any authorization, could create potential hindrances to other traffic which would normally be controlled by permit.



William R. Nix
Commissioner

by Sydman

To: Vic
From: Bob
Re: CS HB 635 Husbandry

Date: 5/3/82

CS HB 635, an Act relating to the operation of implements of husbandry upon the Highway, by Fanning deals with permitting for operation of farm equipment on state highways.

Secs. 1 & 2 remove the permit requirement for operation of a "implement of husbandry" on a state highway system.

Sec. 3 says; 1) the DOTPF may require a permit if the vehicle exceeds a certain size (to be determined by regulation) and the vehicle is to be moved more than 30 miles,

2) The owner or operator of an oversize vehicle must display flags or signs, and

3) DOTPF must post appropriate signs along the highways where farm vehicles may be on the road.

Rep. Fanning's office says the permit is an inconvenience, and is not necessary. If a farmer simply wants to cross a highway, he must obtain a permit.

A House Research Agency memo (done for Rep. Fanning) says permits are not required in Idaho, providing there are warning devices on the vehicle, it travels during daylight hours, and doesn't go more than 30 MPH.

Same for Iowa, North Dakota, and Minnesota except Minnesota speed is 50 MPH and can operate at night if they have proper lights.

Oregon requires a permit.

DOTPF does not support the bill and states in the fiscal analysis, "Removing the requirement for pilot cars on any move less than 30 miles would in some cases cause a serious hazard to the traveling public and subject the state to liabilities."

DOTPF states further; "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..."

On the question of liabilities, Ed Hein of Legal Services does not think the bill would subject the state to any liability. Rather, the implication is that the state is not responsible for the operation of agricultural vehicles, if the permitting requirement is done away with.

DOTPF says they may be wrong about the question of liability, but still maintains the bill could cause some safety problems.

DOTPF's fiscal note is \$35,000. This money would be used to install warning sign alongs 500 miles of roadway.

The Dept. of Public Safety also opposes the bill. They maintain it creates a safety hazard. DPS also says it may cause additional liability for the state.



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
Page Two

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.

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

JS

8
535

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. House Bill No. 635
 Title "An Act relating to the operation of implements of husbandry..."
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Department of Public Safety
 Program Category Affected Administration of Justice
 BRU, Program, Or Subprogram(s) Affected Bureau of Vehicle Enforcement
 (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.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
POSITIONS	-0-	-0-	-0-	-0-	-0-	-0-

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						
	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No fiscal impact is anticipated.

IV. DATE January 20, 1982 PREPARED BY Francis C. Allen, AST
 AGENCY Department of Public Safety
 PHONE 269-5691
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

HB 635

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.						
TOTAL		35.0				

FUNDING (Thousands of Dollars)

GENERAL FUND		35.0				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

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.

$$500 \text{ miles} \div 10 \times 2 = 100 \text{ signs} - \text{estimated cost installed per sign} = \$350$$

$$\text{Total cost} = \$35,000$$

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 3/19/82 PREPARED BY Don Lind
 AGENCY DOTPE
 PHONE 465-3900

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