

Motor Vehicle Division Informational Memo # 21-23
2021 Legislation – Motor carrier fleet permits for presidential disaster declarations

DATE: June 1, 2021

FROM: Kelli Huser, Compliance Officer, MVD

TO: All Motor Vehicle Division staff

SUBJECT

This informational memo explains legislation enacted during the 2021 legislative session which authorizes us to issue motor carrier fleet permits in conjunction with a Presidential Disaster Declaration under the Stafford Act and is most applicable to staff involved in issuing special permits to motor carriers.

SUMMARY

Federal law 23 U.S.C. §127(i) authorizes states to issue special permits for overweight vehicles carrying divisible loads of disaster relief supplies on the interstate system during a presidentially declared national emergency that has been declared a major disaster. House File 382 establishes new Iowa Code section 321E.29B, which will allow a motor carrier to request, and us to issue, a special permit for a fleet of vehicles to travel on the interstate system during a Presidential Disaster Declaration in accordance with federal law.

The legislation is effective July 1, 2021.

LINK TO LEGISLATION

<https://www.legis.iowa.gov/docs/publications/LGE/89/HF382.pdf>

CURRENT

Under current law, we are not authorized to issue one special permit to apply to multiple vehicles operating under the same motor carrier's U.S. DOT number during a Presidential Disaster Declaration. Rather, our only option has been to issue vehicle-specific permits, which can be onerous when a permittee has a large number of vehicles in its fleet.

NEW

As mentioned above, the legislation will now allow us to issue a special permit for a fleet of vehicles to travel on the interstate system during a Presidential Disaster Declaration in accordance with federal law. We will refer to this permit as an emergency interstate fleet permit.

BUSINESS IMPACT

This legislation will allow motor carrier staff who issue overweight permits to issue an emergency interstate permit for a fleet during a Presidential Disaster Declaration. Central office MVD staff will work with Bentley to create the new permit type and any required forms.

QUESTIONS AND ANSWERS

The following questions and answers provide additional information to you and to customers.

WHEN ARE WE AUTHORIZED TO ISSUE AN EMERGENCY INTERSTATE FLEET PERMIT UNDER NEW CODE SECTION 321E.29B?

As required by federal law, a fleet permit under section 321E.29B may only be issued to vehicles carrying divisible loads of disaster relief supplies on the interstate system during a presidentially declared national emergency that has been declared a major disaster under the Stafford Act. These presidential disaster declarations are typically communicated to us through our federal partners. Some examples of past Presidential Disaster Declarations under the Stafford Act have included severe storms in 2018 and 2019, the COVID-19 pandemic in 2020, and the Derecho severe storms in 2020.

HOW DOES THIS EMERGENCY INTERSTATE FLEET PERMIT DIFFER FROM THE EMERGENCY INTERSTATE PERMITS ISSUED DURING COVID-19?

During COVID-19, the DOT issued emergency interstate permits for individual vehicles during a presidentially declared national emergency that was a major disaster under the Stafford Act. This new emergency interstate fleet permit will allow all vehicles operating under the same U.S. DOT number to travel under the same permit, provided all vehicles are carrying divisible loads of disaster relief supplies related to the major disaster. The intent of this legislation was to reduce administrative burden for motor carriers responding to emergencies.

HOW LONG WILL CUSTOMERS BE ABLE TO APPLY FOR EMERGENCY INTERSTATE FLEET PERMITS ONCE A MAJOR DISASTER IS DECLARED UNDER THE STAFFORD ACT?

By federal law, a major disaster declaration only extends 120 days from the date of declaration. At most, we can issue these permits during that 120-day period. However, in the past we have stopped issuing emergency interstate permits before the end date of the declaration. This is because the Governor has traditionally issued a Governor's Proclamation at the same time as the Presidential Disaster Declaration. When the Governor's proclamation expires, we have at the same time stopped issuing the interstate permits to recognize the emergency situation no longer exists in Iowa. Further, once the Governor's proclamation expires, these vehicles will no longer be able to travel on non-interstate primary roads and the usefulness of the interstate permit will decrease with lack of access to non-interstate primary roads at these weights. We will do the same with the emergency interstate fleet permits and expect we will stop issuing the emergency interstate fleet permits at the time the Governor's proclamation expires.

WILL WE ISSUE EMERGENCY INTERSTATE FLEET PERMITS WITHOUT A GOVERNOR'S PROCLAMATION?

No, we think it will be a rare situation where the President has declared a major disaster under the Stafford Act, but the Governor does not issue a proclamation as well. This is because the Stafford Act only applies to the particular states that have requested a major disaster

declaration. If Iowa requests a major disaster declaration, we expect the Governor will have issued a proclamation at the same time.

HOW WILL CUSTOMERS APPLY FOR EMERGENCY INTERSTATE FLEET PERMITS?

We are in the process of adding a new permit type to IAPS. This permit will only be available for application when the Iowa DOT has made the permit available to customers, after we have received notice of the major disaster declaration under the Stafford Act. The steps to apply for the permit are:

- (1) The motor carrier must have an [IAPS account](#). A motor carrier who does not have an existing IAPS account will need to set up an account.
Note: if the company is only applying for the fleet permit and does not need other types of permits, the motor carrier is not required to input all of its truck information.
- (2) The motor carrier will apply for the permit through IAPS. The motor carrier should note the general requirements of the permit and will check a box acknowledging conditions of the permit. Among those conditions is that the permit may only be used for divisible relief supplies.
- (3) The motor carrier will receive the permit electronically. The permit will be system-issued and therefore should be available within the day.
- (4) The motor carrier may print or electronically save as many copies of the permit as necessary. The motor carrier must input the truck information on the permit to be used in the vehicle and must have the permit available for inspection by law enforcement. However, the motor carrier is not required to input all trucks in the fleet on the same permit.

HOW WILL STAFF BE AFFECTED BY THIS NEW LAW?

The emergency interstate fleet permit will be system-issued, meaning staff will not be manually reviewing these permits. We expect the only impacts for staff will be questions from customers about how this permit works and if the customer may apply for the permit.

WHAT ARE THE DIMENSION AND WEIGHT RESTRICTIONS FOR THE EMERGENCY INTERSTATE FLEET PERMIT?

To benefit our motor carrier customers, the emergency interstate fleet permit dimension and weight restrictions will be identical to the regulatory relief that the Governor traditionally approves via proclamation. The Governor's Proclamations in the past have authorized the following:

- Gross weight on any axle shall not exceed 20,000 pounds
- Maximum of 90,000 pounds total gross weight
- Maximum weight on any single axle shall not exceed the maximum axle weight limit in the non-primary highway maximum gross weight table in Iowa Code 321.463(6)(b) by more than 12.5% and
- Must comply with posted limits on roads and bridges.

The emergency interstate fleet permit will have the same weight restrictions.

WHY IS THE EMERGENCY INTERSTATE FLEET PERMIT ALIGNING WITH THE GOVERNOR’S PROCLAMATION DIMENSIONS AND WEIGHT LIMITS FOR REGULATORY RELIEF?

We are trying to create consistency for our motor carrier customers to travel at the same weights and dimensions on the road systems during emergency situations. Under a Governor’s Proclamation, the motor carrier traditionally receives this regulatory relief to travel on the primary road system, excluding the interstate, without a permit. This permit will allow these carriers to also travel on the interstate at those same weights and dimensions. This should allow more consistent travel for our customers.

WHAT IS THE COST OF THE EMERGENCY INTERSTATE FLEET PERMIT?

To be consistent with Governor’s Proclamation, there is no cost for this fleet permit.

HOW MANY VEHICLES MAY TRAVEL UNDER ONE EMERGENCY INTERSTATE FLEET PERMIT?

There is no maximum limit on how many vehicles may travel under this permit. The permit is limited by the loads being divisible relief supplies related to the major disaster and if the vehicle is operating under the permittee’s DOT number.

There is no minimum limit on how many vehicles may travel under this permit, however the fleet permit is intended for fleets of two or more vehicles. The DOT issues an emergency interstate permit for single vehicles that is more appropriate for a fleet of one. We encourage customers to apply for the emergency interstate permit for single vehicles instead of the fleet permit when they only have one truck.

WHAT IS THE DEFINITION OF “FLEET” FOR PURPOSES OF THE EMERGENCY INTERSTATE FLEET PERMIT?

A fleet is defined as all vehicles being operated under a commercial motor carrier’s intrastate or interstate motor carrier number (commonly referred to as a U.S. DOT number).

WHAT IF THE CARRIER OPERATES UNDER MULTIPLE DOT NUMBERS?

We are aware some carriers operate under multiple DOT numbers for different areas of their businesses. Under the new law, the permit only applies to vehicles operating under a specific DOT number. We encourage customers to apply for a permit under each of the DOT numbers to make sure that all vehicles that may be used during the emergency are covered.

MAY A LEASED VEHICLE TRAVEL UNDER THE EMERGENCY INTERSTATE FLEET PERMIT?

Yes, but only if the vehicle is leased-on to the fleet and therefore operating under the permittee’s DOT number. If the vehicle is operating under a different DOT number, the vehicle may not operate under the emergency interstate fleet permit. The vehicle’s owner should apply for a fleet permit or a single-truck emergency interstate permit, whichever is applicable, under the separate DOT number.

MAY A LEASED VEHICLE TRAVEL UNDER THE EMERGENCY INTERSTATE FLEET PERMIT IF IT IS OPERATING UNDER A SEPARATE DOT NUMBER, BUT HAS THE LEASE AGREEMENT AND THE PERMIT UNDER THE LESSOR'S DOT NUMBER?

No. The new law is clear that the emergency interstate fleet permit only applies to vehicles operating under the same DOT number.

DO NONDIVISIBLE LOADS, LIKE CONSTRUCTION EQUIPMENT, QUALIFY FOR THIS EMERGENCY INTERSTATE FLEET PERMIT?

No, nondivisible loads do not qualify for this emergency interstate fleet permit. Under the law, only divisible relief supplies qualify for this permit because nondivisible loads are already authorized to operate on the interstate system with a permit whereas divisible loads generally are not authorized.

Nondivisible loads also traditionally receive other regulatory relief during Governor proclamation when applicable, including waiver of fees when the movement is related to responding to or recovering from the disaster. Under previous proclamations, the DOT has issued single trip permits at no cost for these indivisible loads that would allow interstate travel.

DO OVERSIZE DIVISIBLE LOADS QUALIFY FOR THIS EMERGENCY INTERSTATE FLEET PERMIT?

No, the permit is limited to overweight divisible loads. However, the Governor's proclamations for certain disasters has included regulatory relief for oversize divisible loads.

WHAT IS THE DEFINITION OF "RELIEF SUPPLIES" FOR PURPOSES OF THE EMERGENCY INTERSTATE FLEET PERMIT?

Every disaster will have different needs. We expect the Stafford Act and the related Governor's Proclamation to explain what items qualify as relief supplies for the particular disaster. This information will come to you through memo for each disaster.

WHAT IF THE DEFINITION OF RELIEF SUPPLIES UNDER THE STAFFORD ACT IS DIFFERENT FROM THE DEFINITION UNDER A RELATED GOVERNOR'S PROCLAMATION?

We expect this situation will be rare. However, the emergency interstate fleet permits are issued under the Stafford Act. Therefore, if there is any inconsistency, the Stafford Act definition will control. We will work diligently with the Governor's Office to address any inconsistencies that may come up.

WHAT IF THE DEFINITION OF RELIEF SUPPLIES DIFFERS BETWEEN IOWA AND A BORDER STATE?

We expect this situation will be rare. But if a neighboring state is also issuing interstate permits under the Stafford Act, the interstate travel will cover the same types of relief supplies because both states will be relying on the Stafford Act. For non-interstate travel, we recommend customers reach out to other states and confirm their routes are allowed on those particular roads under the emergency.

WHAT ARE THE PENALTIES TO A CARRIER IF THE CARRIER MISUSES THE EMERGENCY INTERSTATE FLEET PERMIT?

Carriers who misuse a permit may be subject to fines under Iowa Code chapters 321 and 321E. We defer to Motor Vehicle Enforcement on appropriate citations and further roadside enforcement action if a carrier misuses the permit. Further, motor carriers should be aware that misuse of the permit may be good cause for MVD to change, suspend, or revoke any issued permit, or deny future permits.