
CR 03-109

The Wisconsin Department of Transportation proposes an order to TRANS 276.07(6), (8), (16) and (17); and create TRANS 276.07(34o) and (35g), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

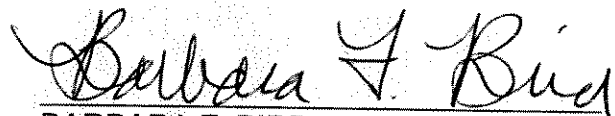
Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



BARBARA F. BIRD
Assistant General Counsel
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
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P. O. Box 7910
Madison, WI 53707-7910
(608) 266-8807

PART 1

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.16(1) and 348.07(4), Stats.

STATUTE INTERPRETED: s. 348.07(4), Stats.

General Summary of Proposed Rule. This proposed rule amends Trans 276.07(6), (8) and (16), and creates Trans 276.07(34o), Wisconsin Administrative Code, to add four segments of highway to the designated highway system established under s. 348.07(4), Stats. The actual highway segments¹ that this proposed rule adds to the designated highway system are:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 25	USH 8 in Barron	STH 48
STH 35	USH 63 at Hager City	USH 10 in Prescott
STH 78	Argyle	Mt. Horeb
CTH "F"	CTH "N"	STH 78 in Blanchardville

The long trucks to which this proposed rule applies are those with 53-foot semitrailers, double bottoms and the vehicles which may legally operate on the federal National Network, but which exceed Wisconsin's regular limits on overall length. Generally, no person may operate any of the following vehicles on Wisconsin's highways without a permit: A single vehicle with an overall length in excess of 40 feet², a combination of vehicles with an overall length in excess of 65 feet, a semitrailer longer than 48 feet, an automobile haulaway longer than 66 feet plus allowed overhangs, or a double bottom. Certain exceptions are provided under s. 348.07(2), Stats., which implements provisions of the federal Surface Transportation Assistance Act in Wisconsin.

The effect of this proposed rule will be to extend the provisions of s. 348.07(2)(f), (fm), (gm) and (gr), and s. 348.08(1)(e), Stats., to the highway segments listed above. As a result, vehicles which may legally operate on the federal National Network in Wisconsin will also be allowed to operate on the newly-designated highways. Specifically, this means there will be no overall length limitation for a tractor-semi-trailer combination, a double bottom or an automobile haulaway on the affected highway segments. There also will be no length limitation for a truck tractor or road tractor when operated in a tractor-semi-trailer combination or as part of a double bottom or an automobile haulaway. Double bottoms will be allowed to operate on the affected highway segments provided neither trailer is longer than 28 feet, 6 inches. Semi-trailers up to 53 feet long may also be

¹ The proposed rule text often achieves these objectives by consolidating individual segments into contiguous segments with new end points. In order to determine the actual highway segment added, it is necessary to compare the combined old designations with the combined new designation.

² 45-foot buses are allowed on the National Network and Interstate system by Federal law. Section 4006(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

operated on these highway segments provided the kingpin to rear axle distance does not exceed 43 feet. This distance is measured from the kingpin to the center of the rear axle or, if the semitrailer has a tandem axle, to a point midway between the first and last axles of the tandem. Otherwise, semitrailers, including semitrailers which are part of an automobile haulaway, are limited to 48 feet in length.

These vehicles and combinations are also allowed to operate on undesignated highways for a distance of 5 miles or less from the designated highway in order to reach fuel, food, maintenance, repair, rest, staging, terminal or vehicle assembly or points of loading or unloading.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district or sewerage district.

Copies of Rule and Contact Person. Copies of this proposed rule are available without cost upon request to the office of the State Traffic Engineer, P. O. Box 7986, Room 501, Madison, Wisconsin, 53707-7986, telephone (608) 266-1273. For questions about this rule making, please call Ashwani Sharma, Traffic Operations Engineer at (608) 266-1273. Alternate formats of the proposed rule will be provided to individuals at their request.

PART 2
TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1) and 348.07(4), Stats., the department of transportation hereby proposes to amend ch. Trans 276, Wisconsin Administrative Code, interpreting s. 348.07(4), Stats., relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways, as follows:

SECTION 1. Trans 276.07(6), (8) and (16) are amended to read:

	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(6)	STH 25	Minnesota Line	USH 8 in Barron <u>STH 48</u>
	STH 26	IH 90 at Janesville	USH 151 S.E. of Waupun
	STH 26	USH 151 N.E. of Waupun	USH 41 S.W. of Oshkosh
	STH 27	USH 18 in Prairie du Chien	STH 171 at Mt. Sterling

	STH 27	USH 14 S.E. of Viroqua	STH 40 in Radisson
	STH 28	STH 33 in Horicon	IH 43 in Sheboygan
	STH 29	USH 10 in Prescott	STH 35 in River Falls
	STH 29	IH 94 W. of Elk Mound	USH 53 at Chippewa Falls
	STH 29	STH 124 S. of Chippewa Falls	USH 41 in Green Bay
	STH 29	USH 141 at Bellevue	STH 42 in Kewaunee
(8)	STH 35	STH 11 N.E. of E. Dubuque	USH 14 at West Avenue in La Crosse
	STH 35	STH 93 at Centerville	USH 63 at Hager City
	STH 35	USH 10 in Prescott	IH 94 E. of Hudson
	STH 35	STH 243 in Osceola	STH 48 in Frederic
	STH 35	STH 70 N. of Siren	IH 535 in Superior
	STH 36	STH 11 at Burlington	USH 45 in Franklin
	STH 37	USH 10 at Mondovi	USH 12 in Eau Claire
	STH 39	USH 151 in Mineral Point	STH 69 in Monticello
	IH 39	IH 90-94 S. of Portage	STH 29 W. of Rothschild
(16)	STH 76	USH 10 W. of Appleton	USH 45 at Greenville
	STH 77	USH 53 in Minong	USH 51 in Hurley
	STH 78	STH 11 in Gratiot	Pecatonica River S. of Wiota
	<u>STH 78</u>	<u>Argyle</u>	<u>Mt. Horeb</u>
	STH 78	USH 14 E. of Mazomanie	USH 12 in Sauk City
	STH 79	USH 12 N.W. of Menomonie	STH 170 at Boyceville

SECTION 2. Trans 276.07(34o) is created to read:

Trans 276.07(34o) LAFAYETTE COUNTY:


CTH "F" CTH "N"

STH 78 in Blanchardville

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 11th day of
December, 2003.


FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation



**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

**PART 3
CLEARINGHOUSE REPORT TO AGENCY**

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 03-109

AN ORDER to amend Trans 276.07 (6), (8), (16) and (17); and create Trans 276.07 (34o) and (35g), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by **DEPARTMENT OF TRANSPORTATION**

10-31-2003 RECEIVED BY LEGISLATIVE COUNCIL.

11-13-2003 REPORT SENT TO AGENCY.

RS:WF

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

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CLEARINGHOUSE RULE 03-109

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]

2. Form, Style and Placement in Administrative Code

In the treatment clause of SECTION 2, the word “amended” should be replaced by the word “created.”

PART 4
CR 03-109

ANALYSIS OF FINAL DRAFT OF TRANS 276

(a) **Need for Amended Rule.** Federal law requires the Department of Transportation to react within 90 days to requests for changes to the long truck route network. Wisconsin state law requires that the Department use the administrative rule process to deal with changes to the long truck route network. Chapter Trans 276 is an existing rule set up for long truck routes. The Department has received requests to add seven highway segments.

In determining to designate the four highway segments identified in Part 1 of this Final Draft Report, the Department has considered the factors of safety, economics, energy savings, industry productivity and competition as required by s. 348.07(4), Stats. The above factors were found to justify the designation of the following highway segments:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 25	USH 8 in Barron	STH 48
STH 35	USH 63 at Hager City	USH 10 in Prescott
STH 78	Argyle	Mt. Horeb
CTH "F"	CTH "N"	STH 78 in Blanchardville

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Madison on December 1, 2003. The Department originally proposed to add seven highway segments to the designated highway system. As a result of opposition registered at the hearing and subsequent withdrawal of the CTH "N" segment by Dearth Livestock, Inc., by letter of December 8, 2003, and the Department's own investigation of the safety of operation of long trucks on the highways originally proposed, the Department has deleted the following three highway segments from the list of highways which were proposed in the Notice of Hearing.

<u>Hwy.</u>	<u>From</u>	<u>To</u>
CTH "E"	STH 35	USH 10
STH 81	STH 78 in Argyle	CTH "N" W. of STH 78
CTH "N"	STH 81 W. of Argyle	CTH "F"

The Department's investigation showed the following summary findings:

"The Department's District 6 office recommends the designation of STH 35 from USH 63 to USH 10 in Prescott. However, it has concerns regarding the intersection of USH 10 and CTH "E." The intersection has limited visibility. The east portion of USH 10 is located on a hillcrest as it approaches the intersection with CTH "E." A crossroad

warning sign is in place for USH 10 westbound traffic. Vehicles stopped on CTH "E" northbound, turning left to go west on USH 10, are entering USH 10 at a slow speed and are a potential conflict for USH 10 westbound vehicles going over the hillcrest, which has limited sight distance. Additional traffic, particularly semi-trailers which would now use CTH "E" if designated as a long truck route, would increase this potential problem. District 6 is currently investigating the crash history at this intersection to determine whether Hazard Elimination Safety (HES) funds could be secured for an improvement."

The Department's District 6 State Patrol agrees with the above findings. "Visibility is definitely limited due to the topography of the area. Not only is the trailer allowed to increase from 48 feet to 53 feet, but the overall combination vehicle length restriction of 65 feet is removed. Therefore, it is conceivable that a combination vehicle length could be 70 or more feet if a 53 foot trailer is combined with a conventional-style tractor with a double sleeper berth. This could pose problems for traffic at an intersection with limited sight distance and tractor-trailer combinations in excess of 70 feet attempting to turn and gain speed to posted limits."

(c) List of Persons who Appeared or Registered at Public Hearing. The following persons appeared/registered at the hearing:

Cathy Stamm, Office Manager, Dearth Livestock, Inc., 509 Mound Street, Blanchardville, WI 53516—spoke in favor of and for information on the rule. Written comments were also received.

Mike Wantala, Executive Director, Lafayette Development Corp., 439 Main Street, Darlington, WI 53530—registered and spoke in favor of the proposed segments.

Thomas Bohnenkamp, Commissioner, Lafayette County Highway Commission, P. O. Box 100, Darlington, WI 53530—spoke both in favor and in opposition parts of the proposed segments.

Cletus E. Bainbridge, Chair, Lafayette Highway Committee, P. O. Box 100, Darlington, WI 53530—spoke in opposition to the proposed CTH "N" segment.

Tom Howells, President, Wisconsin Motor Carriers Association, P. O. Box 44849, Madison, WI 53744-4849—registered in favor of the proposed segments.

David A. Huntley, DOT District #1 Traffic Supervisor, 2101 Wright Street, Madison, WI 53523—spoke for information on the proposed rule.

Written comments were accepted until close of business on December 1, 2003. Written comments were received from the following:

Representative Stephen J. Freese, 51st Assembly District, and Senator Dale W. Schultz, 17th Senate District, P. O. Box 8952, Madison, WI 53708—in favor of the proposed segments.

Everett Muhlhausen, Sheriff, Pierce County Sheriff's Department, P. O. Box 9, 432 West Main Street, Ellsworth, WI 54011—in favor of STH 35 from USH 63 at Hager City to USH 10 in Prescott and CTH "E" from STH 35 to USH 10.

Ross Christopherson, Pierce County Highway Commissioner, 621 Cairns Street, P. O. Box 780 Ellsworth, WI 54011—in favor of the proposed rule.

Janet Olson, Executive Director, Pierce County Economic Development Corporation, 410 South Third Street, UWRF-RDI, River Falls, WI 54022—in favor of the proposed rule.

Diane House/Randy Hendrickson/Tom Geistfeld, Prescott City Council—faxed their comments in favor of the proposed rule.

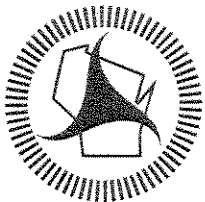
William Schroeder, Vice-Chair, Pierce County Board of Supervisors, and business owner in the Hager City area, W7605 State Road 35, Hager City, WI 54014—in favor of the proposed rule.

Representative Mary Hubler, State Capitol, P. O. Box 8952, Madison, WI 53708—in favor of STH 25 from USH 8 to STH 48.

Chuck Nelson, Manager, Indianhead Holsteins, Ltd., 1659 10^{1/2} Street, Barron, WI 54812—in favor of STH 25 from USH 8 to STH 48.

(d) **Response to Legislative Council Recommendations**. The Legislative Council report contained only one recommendation which was incorporated into the proposed rule.

(e) **Final Regulatory Flexibility Analysis**. The provisions of this proposed rule adding highway segments to the designated system have no direct adverse effect on small businesses, and may have a favorable effect on those small businesses which are shippers or carriers using the newly-designated routes.



Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle
Governor

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Secretary

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The Honorable Alan Lasee
President, Wisconsin State Senate
Room 220 South, State Capitol
Madison, Wisconsin 53707

December 12, 2003

The Honorable John Gard
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 276**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 03-109

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **03-109**, relating to **allowing the operation of double bottoms and certain other vehicles on certain specified highways**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson/Senator Joseph Leibham/Representative Glenn Grothman/
Ashwani Sharma

Lindstedt, Daniel

From: Lindstedt, Daniel
Sent: Tuesday, December 23, 2003 3:52 PM
To: Kedzie, Neal; Leibham, Joseph; Meyer, Mark; Sen.Breske; Sen.Breske; Sen.Kanavas; Sen.Kedzie; Sen.Leibham; Sen.Meyer
Cc: Lindstedt, Daniel; Meinholz, Susan; Natzke, Ryan; Phillips, Matt; Piliouras, Elizabeth; Prange, Katy; Shepherd, Jeremy; Smith, Heather; Lovell, David; Salm, Don; Boardman, Kristina; Flynn, John; Lawrence, Minette; Marschman, Kathy; Rep.Ainsworth; Rep.Petrowski; Rep.Townsend
Subject: Senate Committee on Transportation and Information Infrastructure: Receipt of Rule 03-109

PLEASE OPEN THE ATTACHED WORD DOCUMENT TO REVIEW THE NOTICE FOR RECEIPT OF: CLEARINGHOUSE RULE 03-109 (CR 03-109).

HARD COPIES WILL NOT BE DISTRIBUTED.



CR 03-109 notice
DKL, 12.23.03...

Daniel Lindstedt

Clerk, Senate Committee on Transportation and Information Infrastructure

Office of State Senator Joe Leibham

State Capitol, Room 409 South
Madison, WI 53707-7882

(608) 266-2056 (o)

(608) 282-3549 (f)

www.legis.state.wi.us/senate/sen09/news/index.htm

MEMORANDUM

DATE: Tuesday, December 23, 2003

TO: Honorable Members of the Senate Committee on Transportation and Information Infrastructure

FROM: Senator Joe Leibham, Chair
Senate Committee on Transportation and Information Infrastructure

RE: Receipt of Clearinghouse Rule

The following Clearinghouse Rule has been referred to the Senate Committee on Transportation and Infrastructure:

Clearinghouse Rule 03-109 (CR 03-109) relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

THE DEADLINE FOR ACTION ON THIS RULE IS: Friday, January 16, 2004.

Attached is a copy of CR 03-109 in .pdf format. CR 03-109 is also available on the State of Wisconsin Legislative homepage. Hard copies are available from the Committee Clerk, upon request.

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