

2007 DRAFTING REQUEST

Bill

Received: 09/08/2006

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Donald Friske (608) 266-7694

By/Representing: Tim Gary (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: BAB

Submit via email: YES

Requester's email: Rep.Friske@legis.wisconsin.gov

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Vehicle weight limits; frozen road declarations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	agary 09/21/2006	kfollett 10/11/2006	rschluet 10/12/2006	_____	lparisi 10/12/2006		S&L
/1	agary 02/09/2007	kfollett 02/09/2007	nmatzke 02/09/2007	_____	mbarman 02/09/2007	mbarman 02/16/2007	

FE Sent For: 1@ intro.
3-9-2007

2007 DRAFTING REQUEST

Bill

Received: **09/08/2006**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Donald Friske (608) 266-7694**

By/Representing: **Tim Gary (aide)**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **BAB**

Submit via email: **YES**

Requester's email: **Rep.Friske@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Vehicle weight limits; frozen road declarations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	agary 09/21/2006	kfollett 10/11/2006	rschluet 10/12/2006	_____	lparisi 10/12/2006		S&L
/1	agary 02/09/2007	kfollett 02/09/2007	nmatzke 02/09/2007	_____	mbarman 02/09/2007		

FE Sent For:

2007 DRAFTING REQUEST

Bill

Received: **09/08/2006**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Donald Friske (608) 266-7694**

By/Representing: **Tim Gary (aide)**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **BAB**

Submit via email: **YES**

Requester's email: **Rep.Friske@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Vehicle weight limits; frozen road declarations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	agary 09/21/2006	kfollett 10/11/2006	rschluet 10/12/2006	_____	lparisi 10/12/2006		

FE Sent For:

*11/9/06
2/9*

*nvn
2/9*

*nwn
2/9*

<END>

2007 DRAFTING REQUEST

Bill

Received: **09/08/2006**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Donald Friske (608) 266-7694**

By/Representing: **Tim Gary (aide)**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **BAB**

Submit via email: **YES**

Requester's email: **Rep.Friske@legis.state.wi.us**

Carbon copy (CC:) to: **aaron.gary@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Vehicle weight limits; frozen road declarations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	agary						
----	-------	--	--	--	--	--	--

1 P11g-f
10/12
10/26

FE Sent For:

<END>

Gary, Aaron

From: Kraft, Becky
Sent: Wednesday, September 06, 2006 2:22 PM
To: Gary, Aaron; Hurley, Peggy
Subject: FW:

From: Gary, Tim
Sent: Wednesday, September 06, 2006 2:20 PM
To: LRB.Legal
Subject:

Rep. Friske respectfully requests LRB draft legislation (at its earliest convenience) for the upcoming session that will accomplish the following goal:

- Repeal the expiration of the frozen road provision of highway weight limits in 2005Act 167
- Provide that all frozen road declarations be made the same day conditions warrant implementation.
- All declarations shall become effective at 12:00 AM the day following the declaration.

If you have any questions, please feel free to email or call me.

Tim Gary
Research Assistant to
Representative Donald R Friske
266-7694

LPS:
Fix request
sheet pls.

10/17

in 9/21

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Gen

1 AN ACT ...; relating to: vehicle weight limitations.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local highway authority. One exception allows DOT and local highway authorities to declare certain highways under their jurisdiction as frozen and eligible for increased weight limitations, and to establish increased weight limitations on these highways, for the transportation of certain forest products or of abrasives or salt for highway winter maintenance in excess of generally applicable statutory weight limitations.

2005 Wisconsin Act 167 (Act 167) eliminated, effective January 1, 2011, this frozen road weight limitation exception with respect to vehicles transporting certain forest products. This bill repeals Act 167's elimination of the frozen road weight limitation exception for forest products, thereby restoring this exception. The bill also requires that DOT and local highway authorities, with respect to highways under their respective jurisdictions, make frozen road declarations on the first day that conditions warrant, as determined by DOT and local highway authorities under applicable standards, and that these declarations become effective as of 12:01 a.m. on the next day.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 348.175 of the statutes is amended to read:

2 **348.175 Seasonal operation of vehicles hauling peeled or unpeeled**
3 **forest products cut crosswise or abrasives or salt for highway winter**
4 **maintenance.** The transportation of peeled or unpeeled forest products cut
5 crosswise or of abrasives or salt for highway winter maintenance in excess of gross
6 weight limitations under s. 348.15 shall be permitted during the winter months
7 when the highways are so frozen that no damage may result thereto by reason of such
8 transportation. If at any time any person is so transporting such products or
9 abrasives or salt upon a class “A” highway in such frozen condition then that person
10 may likewise use a class “B” highway without other limitation, except that chains
11 and other traction devices are prohibited on class “A” highways but such chains and
12 devices may be used in cases of necessity. ~~The officers or agencies in charge of~~
13 ~~maintenance of highways, upon~~ On the first day that conditions warrant their
14 determination of such frozen condition and freedom of damage to such highways by
15 transportation, the officers or agencies in charge of maintenance of highways shall
16 declare particular highways, or highways within areas of the state, as eligible for
17 increased weight limitations, and each declaration shall be effective as of 12:01 a.m.
18 on the next day following the declaration. Such declaration shall include the
19 maximum weight on each axle, combination of axles and the gross weight allowed.
20 Any person transporting any such product over any highway of this state under this
21 section is liable to the maintaining authority for any damage caused to such highway.

1 This section does not apply to the national system of interstate and defense
 2 highways, except for that portion of USH 51 between Wausau and STH 78 and that
 3 portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon
 4 their federal designation as I 39 between USH 51 and I 90/94.

NOTE: NOTE: This section is amended eff. 1-1-11 by 2005 Wis. Act 167 to read: NOTE:

348.175 Seasonal operation of vehicles hauling abrasives or salt for highway winter maintenance. The transportation of abrasives or salt for highway winter maintenance in excess of gross weight limitations under s. 348.15 shall be permitted during the winter months when the highways are so frozen that no damage may result thereto by reason of such transportation. If at any time any person is so transporting such abrasives or salt upon a class "A" highway in such frozen condition then that person may likewise use a class "B" highway without other limitation, except that chains and other traction devices are prohibited on class "A" highways but such chains and devices may be used in cases of necessity. The officers or agencies in charge of maintenance of highways, upon determination of such frozen condition and freedom of damage to such highways by transportation shall declare particular highways, or highways within areas of the state as eligible for increased weight limitations. Such declaration shall include the maximum weight on each axle, combination of axles and the gross weight allowed. Any person transporting any such abrasives or salt over any highway of this state under this section is liable to the maintaining authority for any damage caused to such highway. This section does not apply to the national system of interstate and defense highways, except for that portion of I 39 between USH 51 and I 90/94.

History: 1983 a. 531; 1991 a. 316; 1995 a. 113; 2005 a. 167.

SECTION 2. 2005 Wisconsin Act 167, sections 2 and 7 are repealed.

SECTION 3. 2005 Wisconsin Act 167, section 18 (1) is amended to read:

[2005 Wisconsin Act 167] Section 18 (1) The treatment of sections 348.175 and section 348.27 (9m) (a) 1. (by SECTION 13) of the statutes and the amendment of section 348.21 (3g) (intro.) of the statutes take effect on January 1, 2011.

SECTION 4. Effective date.

(1) This act takes effect on the first day of the 2nd month beginning after publication.

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0166/P1dn

ARG: *kgf*

Date

ATTN: Tim Gary

Please review the attached draft carefully to ensure that it is consistent with your intent.

Regarding the second bullet of the instructions, the requirement in the bill that the frozen road declaration must be made on the first day that conditions warrant may create complications in the early part of the cold season. For example, there may be a few very cold days in November, then warmer days and thawing until mid-December, then longer-term frozen roads. I assume this bill would require DOT or the local highway authority to make the frozen road declaration in November, then to lift it when warmer days follow, then to issue new frozen road declarations later. The process may require DOT and local highway authorities to make and lift multiple frozen road declarations in the early part of the cold season. I recommend discussing this issue with DOT or local highway authorities to determine if the bill's provisions are administratively feasible.

Regarding the third bullet of the instructions, am I correct that you want these frozen road declarations to become effective on the next day (rather than the day after the next day)?

I have included a short delayed effective date. Is this okay?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0166/P1dn
ARG:kjfrs

October 12, 2006

ATTN: Tim Gary

Please review the attached draft carefully to ensure that it is consistent with your intent.

Regarding the second bullet of the instructions, the requirement in the bill that the frozen road declaration must be made on the first day that conditions warrant may create complications in the early part of the cold season. For example, there may be a few very cold days in November, then warmer days and thawing until mid-December, then longer-term frozen roads. I assume this bill would require DOT or the local highway authority to make the frozen road declaration in November, then to lift it when warmer days follow, then to issue new frozen road declarations later. The process may require DOT and local highway authorities to make and lift multiple frozen road declarations in the early part of the cold season. I recommend discussing this issue with DOT or local highway authorities to determine if the bill's provisions are administratively feasible.

Regarding the third bullet of the instructions, am I correct that you want these frozen road declarations to become effective on the next day (rather than the day after the next day)?

I have included a short delayed effective date. Is this okay?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

Gary, Aaron

From: Gary, Aaron
Sent: Friday, February 09, 2007 9:49 AM
To: Gary, Tim
Subject: RE: Draft review: LRB 07-0166/P1 Topic: Vehicle weight limits; frozen road declarations

Hi Tim,
Please see my two responses below. I'll get this into editing today. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Gary, Tim
Sent: Thursday, February 08, 2007 4:13 PM
To: Gary, Aaron
Subject: RE: Draft review: LRB 07-0166/P1 Topic: Vehicle weight limits; frozen road declarations

Aaron,

Re: your drafters notes:

Regarding the third bullet of the instructions, am I correct that you want these frozen road declarations to become effective on the next day (rather than the day after the next day)?

I really do want it drafted to, effectively, be the day after the next day (Saturdays and Sundays included)

Tim, on p. 2, line 18, I will change "on the next day following" to "on the 2nd day following".

I have included a short delayed effective date. Is this okay?

Yes, that's okay.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Rep. Friske would like to ensure this bill does not trigger the review by DOT under section 13.096(2) of the state statutes.

Tim, I don't believe the draft establishes an exception to vehicle weight limits, within the meaning of s. 13.096 (2), so I did not include at the end of the analysis a directive to DOT to prepare a report under s. 13.096. So you're good on this issue.

Please make it a /1 with the correction to the "day after the next day" and (if necessary) an exemption from 13.096 (2)

From: Parisi, Lori

Sent: Thursday, October 12, 2006 9:27 AM

To: Rep.Friske

Subject: Draft review: LRB 07-0166/P1 Topic: Vehicle weight limits; frozen road declarations

Following is the PDF version of draft LRB 07-0166/P1 and drafter's note.

soon

in
2/9

LMA

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Rezen

1 AN ACT *to amend* 348.175 of the statutes; and *to affect* 2005 Wisconsin Act 167,
 2 sections 2 and 7 and 2005 Wisconsin Act 167, section 18 (1); **relating to:** vehicle
 3 weight limitations.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local highway authority. One exception allows DOT and local highway authorities to declare certain highways under their jurisdiction as frozen and eligible for increased weight limitations, and to establish increased weight limitations on these highways, for the transportation of certain forest products or of abrasives or salt for highway winter maintenance in excess of generally applicable statutory weight limitations.

2005 Wisconsin Act 167 (Act 167) eliminated, effective January 1, 2011, this frozen road weight limitation exception with respect to vehicles transporting certain forest products. This bill repeals Act 167's elimination of the frozen road weight limitation exception for forest products, thereby restoring this exception. The bill also requires that DOT and local highway authorities, with respect to highways under their respective jurisdictions, make frozen road declarations on the first day that conditions warrant, as determined by DOT and local highway authorities under applicable standards, and that these declarations become effective as of 12:01 a.m. on the next day.

> second ~~next~~ day following the declaration

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 348.175 of the statutes is amended to read:

2 **348.175 Seasonal operation of vehicles hauling peeled or unpeeled**
3 **forest products cut crosswise or abrasives or salt for highway winter**
4 **maintenance.** The transportation of peeled or unpeeled forest products cut
5 crosswise or of abrasives or salt for highway winter maintenance in excess of gross
6 weight limitations under s. 348.15 shall be permitted during the winter months
7 when the highways are so frozen that no damage may result thereto by reason of such
8 transportation. If at any time any person is so transporting such products or
9 abrasives or salt upon a class "A" highway in such frozen condition then that person
10 may likewise use a class "B" highway without other limitation, except that chains
11 and other traction devices are prohibited on class "A" highways but such chains and
12 devices may be used in cases of necessity. ~~The officers or agencies in charge of~~
13 ~~maintenance of highways, upon~~ On the first day that conditions warrant their
14 determination of such frozen condition and freedom of damage to such highways by
15 transportation, the officers or agencies in charge of maintenance of highways shall
16 declare particular highways, or highways within areas of the state, as eligible for
17 increased weight limitations, and each declaration shall be effective as of 12:01 a.m.
18 on the ^{2nd} ~~next~~ day following the declaration. Such declaration shall include the
19 maximum weight on each axle, combination of axles and the gross weight allowed.
20 Any person transporting any such product over any highway of this state under this
21 section is liable to the maintaining authority for any damage caused to such highway.

1 This section does not apply to the national system of interstate and defense
2 highways, except for that portion of ~~USH 51 between Wausau and STH 78 and that~~
3 ~~portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon~~
4 ~~their federal designation as I 39~~ between USH 51 and I 90/94.

5 **SECTION 2.** 2005 Wisconsin Act 167, sections 2 and 7 are repealed.

6 **SECTION 3.** 2005 Wisconsin Act 167, section 18 (1) is amended to read:

7 [2005 Wisconsin Act 167] Section 18 (1) The treatment of ~~sections 348.175 and~~
8 section 348.27 (9m) (a) 1. (by SECTION 13) of the statutes ~~and the amendment of~~
9 ~~section 348.21 (3g) (intro.) of the statutes take~~ takes effect on January 1, 2011.

10 **SECTION 4. Effective date.**

11 (1) This act takes effect on the first day of the 2nd month beginning after
12 publication.

13 (END)

Barman, Mike

From: Gary, Tim
Sent: Friday, February 16, 2007 10:54 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-0166/1 Topic: Vehicle weight limits; frozen road declarations

Please Jacket LRB 07-0166/1 for the ASSEMBLY.