

2007 DRAFTING REQUEST

Bill

Received: 12/13/2007

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Russell Decker (608) 266-2502

By/Representing: Pat Walsh

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - highways  
Transportation - motor vehicles

Extra Copies: BAB

Submit via email: YES

Requester's email: Sen.Decker@legis.wisconsin.gov

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

Pre Topic:

No specific pre topic given

Topic:

Vehicle weight limits and permits for vehicles hauling roofing granules

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 Vehicle
/P1	agary 12/17/2007	bkraft 12/17/2007	nmatzke 12/17/2007	_____	lparisi 12/17/2007		S&L Vehicle
/P2	agary 01/15/2008			_____			
/1		bkraft	jfrantze	_____	lparisi	lparisi	

S&L Vehicle

sent for 03-03-2008

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		01/17/2008	01/17/2008 _____		01/17/2008	01/17/2008	

FE Sent For: "1" @ intro. 1-30-08  
<END>

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<END>

PA's:  
Please  
jacket  
1/1  
thanks  
AGB

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/?	agary	/Pl bjk 12/17	nwn 12/17	nwn 12/17			

FE Sent For:

<END>

12/13/07

Pat Walsh 6-2502

- bill draft

- 348,27 (9)(t)

3M - haul up 70,000 lbs,

of roofing granules b/w two plants

- route would be established by local govt.

- DOT has basic auth. by discretion

Lbjk

→ (Soon)

in 12/17

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ✓

→ (D-Note)

SA ✓  
X-ref ✓

gen. cat.

1 AN ACT ...; relating to: annual or consecutive month permits for overweight  
 2 vehicle combinations transporting granular roofing material, providing an  
 3 exemption from emergency rule procedures, and granting rule-making  
 4 authority.

**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 authority.

This bill allows DOT to issue annual or consecutive month permits for the transportation of granular roofing material in specially configured vehicle combinations that exceed, by not more than 10,000 pounds, the generally applicable statutory gross weight limitations of 80,000 pounds. The permit may not authorize the operation of any vehicle combination at a maximum gross weight in excess of 90,000 pounds and is not valid on highways designated as part of the national system of interstate and defense highways except on a specified portion of I 39. If the roads desired to be used by the permit applicant involve highways other than those within the state trunk highway system, the application must be accompanied by a written statement of route approval by the officer in charge of maintenance of the other highway. DOT must establish by rule configuration requirements for vehicle combinations operating under the permit and these requirements may allow vehicle combinations to exceed statutory length requirements.

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., the Department of Transportation, as required by law, will prepare a report to be printed as an appendix to this bill. ✓

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. 348.25 (4) (intro.) of the statutes is amended to read:

2           ✓ 348.25 (4) (intro.) Except as provided under s. 348.26 (5), (6), or (7) or 348.27  
3 (3m), (9), (9m), (9r), (9t), (9u), (10), (12), or (13), permits shall be issued only for the  
4 transporting of a single article or vehicle which exceeds statutory size, weight or load  
5 limitations and which cannot reasonably be divided or reduced to comply with  
6 statutory size, weight or load limitations, except that:

History: 1973 c. 316, 333, 336; 1975 c. 66; 1977 c. 29 ss. 1488, 1654 (8) (a); 1979 c. 34, 221; 1981 c. 20, 69, 215, 312; 1981 c. 347 s. 80 (2); 1981 c. 391; 1983 a. 78 s. 37; 1985 a. 212; 1987 a. 27; 1989 a. 35, 130; 1991 a. 39, 316; 1993 a. 16; 1995 a. 163, 348; 1999 a. 9, 80; 2001 a. 78; 2003 a. 33; 2005 a. 167.

7           SECTION 2. 348.27 (9u) of the statutes is created to read:

8           ✓ 348.27 (9u) TRANSPORTATION OF CERTAIN ROOFING MATERIAL. (a) The department  
9 may issue annual or consecutive month permits for the transportation of granular  
10 roofing material in specially configured vehicle combinations that exceed the  
11 maximum gross weight limitations under s. 348.15 (3) (c) by not more than 10,000  
12 pounds. A permit issued under this paragraph does not authorize the operation of  
13 any vehicle combination at a maximum gross weight in excess of 90,000 pounds. A  
14 permit under this paragraph is not valid on highways designated as part of the  
15 national system of interstate and defense highways, except on I 39 between STH 29  
16 south of Wausau and the I 90/94 interchange near Portage. If the roads desired to  
17 be used by the applicant involve highways other than those within the state trunk  
18 highway system, the application shall be accompanied by a written statement of  
19 route approval by the officer in charge of maintenance of the other highway.

1 (b) The department shall establish by rule configuration requirements for  
2 vehicle combinations under par. (a) and such requirements may permit vehicle  
3 combinations to exceed the length requirements of s. 348.07. ✓

4 **SECTION 3. Nonstatutory provisions.**

5 (1) The department of transportation shall submit in proposed form the rules  
6 required under section 348.27 (9u) (b) of the statutes, as created by this act, to the  
7 legislative council staff under section 227.15 (1) of the statutes no later than the 30th  
8 day after the effective date of this subsection. ✓

9 (2) Using the emergency rules procedure under section 227.24 of the statutes,  
10 the department of transportation shall promulgate the rules required under section  
11 348.27 (9u) (b) of the statutes, as created by this act, for purposes of implementing  
12 this act, for the period before the effective date of the rules submitted under  
13 subsection (1). The department shall promulgate these emergency rules no later

14 than the 30th day after the effective date of this subsection. Notwithstanding section  
15 227.24 (1) (c) and (2) of the statutes, these emergency rules may remain in effect until  
16 July 1, 2009, or the date on which permanent rules take effect, whichever is sooner. ✓  
17 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not  
18 required to provide evidence that promulgating a rule under this subsection as an  
19 emergency rule is necessary for the preservation of the public peace, health, safety,  
20 or welfare and is not required to provide a finding of emergency for a rule  
21 promulgated under this subsection. ✓

22 **SECTION 4. Effective dates.** This act takes effect on the 30th day after  
23 publication, except as follows:

24 (1) SECTION 3 of this act takes effect on the day after publication. ✓

(END) ✓

→ D-note

auto-ref A at line 24

auto-ref B at line 13.

auto-ref B at line 5

auto-ref A at line 4

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

LRB-3648/P1dn

ARG:.....

l bjk

Date

ATTN: Pat Walsh

Please review the attached draft carefully to ensure that it is consistent with your intent. ✓ In drafting this bill, I was not sure that I fully understood how you wanted the details of the bill set forth. Also, I strongly recommend that the bill be reviewed by DOT ✓ to advise of any administrative problems that might result from the way the bill is drafted. ✓

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-3648/P1dn  
ARG:bjk:nwn

December 17, 2007

ATTN: Pat Walsh

Please review the attached draft carefully to ensure that it is consistent with your intent. In drafting this bill, I was not sure that I fully understood how you wanted the details of the bill set forth. Also, I strongly recommend that the bill be reviewed by DOT to advise of any administrative problems that might result from the way the bill is drafted.

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Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.wisconsin.gov](mailto:aaron.gary@legis.wisconsin.gov)

## Gary, Aaron

---

**From:** Walsh, Patrick  
**Sent:** Wednesday, January 02, 2008 3:47 PM  
**To:** Gary, Aaron  
**Subject:** FW: LRB 07-3648/P1

Aaron, below is the response I received from DOT regarding LRB-3648/P1dn. Could you please delete the "except" clause on page 2, lines 15-16. The "heavy" truck route in question doesn't go on I-39.

I contacted 3M to see if they have a more specific definition of granular roofing material. If I get one I'll forward over to you. Thank you.

Patrick Walsh  
Legislative Aide

PS Feel free to talk to Paul Nilsen if you have any questions regarding his comments.

-----Original Message-----

**From:** Nilsen, Paul [mailto:paul.nilsen@dot.state.wi.us]  
**Sent:** Wednesday, January 02, 2008 11:55 AM  
**To:** Walsh, Patrick  
**Subject:** RE: LRB 07-3648/P1 attached as requested

Hi Pat,

Thanks for the chance to look at this. Federal law prohibits us from exceeding federal weight limits of 80,000 pounds on any interstate. See 23 USC 127(a).

The weight limit exception for I39 applies only to weight limit exceptions that were in effect when I39 was first designated; federal law grandfathered Wisconsin's existing weight exceptions. See 23 USC 127 (f):

(f) Operation of Certain Specialized Hauling Vehicles on Certain Wisconsin Highways.--If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between Interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 103(c)(4)(A), the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the 104-mile portion with respect to the operation of any vehicle that could legally operate on the 104-mile portion before the date of the enactment of this subsection.

In past similar bills, feds have threatened to withhold highway funds if we waive the weight limit exceptions for I39; we simply cannot keep creating exceptions. I suggest deleting the 'except' clause on page 2, lines 15-16.

If that stretch of I39 is critical for you, I suggest contacting FHWA in Madison for their opinion.

Also, I'm not sure what 'granular roofing material' is. We could define it by rule, but if you know what it is I suggest adding it to the statute.

Google found only a patent that suggests it might be, "highly insulative materials such as borosilicates as a mid-layer or internal layer within conventional roofing shingles" but that might describe numerous bulk goods like sand/gravel....

Apart from that, it looks good from a technical standpoint. Again, I cannot comment on the policy, which is decided by the Secretary's office.

---

Paul E. Nilsen  
Assistant General Counsel  
Wisconsin Department of Transportation  
Paul.Nilsen@dot.state.wi.us  
(608) 261-0126

> -----Original Message-----

> **From:** Walsh, Patrick [mailto:Patrick.Walsh@legis.wisconsin.gov]  
> **Sent:** Tuesday, December 18, 2007 10:16 AM  
> **To:** Nilsen, Paul - DOT  
> **Subject:** FW: LRB 07-3648/P1 attached as requested

>  
> Paul, would you mind taking a look at this bill draft? Please feel  
> free to make any suggestions you feel would make the bill better.

>  
> Thank you.

>  
> Patrick Walsh  
> Legislative Aide  
> State Senator Russ Decker

>  
> \_\_\_\_\_  
> From: Parisi, Lori  
> Sent: Tuesday, December 18, 2007 10:14 AM  
> To: Walsh, Patrick  
> Subject: LRB 07-3648/P1 attached as requested

>  
> << File: 07-3648/P1 >>

>  
> Lori Parisi  
> Program Assistant  
> State of WI Legislative Reference Bureau  
> 1 East Main Suite 200  
> Madison, WI., 53703  
> Phone (608)266-3561 Fax (608)264-6948  
>

## Gary, Aaron

---

**From:** Walsh, Patrick  
**Sent:** Monday, January 14, 2008 12:23 PM  
**To:** Gary, Aaron  
**Subject:** RE: LRB 07-3648/P1

Aaron, I haven't heard back from 3M in regards to a better definition for granular roofing material. Could you please make the change suggested by DOT and then send over the stripes. We don't have too much time left in the session so I think we need to get it introduced. If the definition becomes a problem we'll have to fix it in committee or on the floor. Thank you very much.

Patrick Walsh  
Legislative Aide  
State Senator Russ Decker

-----Original Message-----

**From:** Gary, Aaron  
**Sent:** Thursday, January 03, 2008 1:15 PM  
**To:** Walsh, Patrick  
**Subject:** RE: LRB 07-3648/P1

Hi Pat,

Do you want me to do a /P2 while you're waiting for more info. to define granular roofing material, or do you want me to just hold off until I hear further from you?  
Thanks. Aaron

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

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State of Wisconsin  
2007 - 2008 LEGISLATURE

→ (soon)  
in 1/15 stay (MRC)  
LRB-3648/01  
ARG:bjk:rnw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 Bill

SA ✓

regen. cat.

1 AN ACT to amend 348.25 (4) (intro.); and to create 348.27 (9u) of the statutes;  
2 relating to: annual or consecutive month permits for overweight vehicle  
3 combinations transporting granular roofing material, providing an exemption  
4 from emergency rule procedures, and granting rule-making authority.

**Analysis by the Legislative Reference Bureau**

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3 (3m), (9), (9m), (9r), (9t), (9u), (10), (12), or (13), permits shall be issued only for the  
4 transporting of a single article or vehicle which exceeds statutory size, weight or load  
5 limitations and which cannot reasonably be divided or reduced to comply with  
6 statutory size, weight or load limitations, except that:

7           ✓  
**SECTION 2.** 348.27 (9u) of the statutes is created to read:

8           348.27 (9u) TRANSPORTATION OF CERTAIN ROOFING MATERIAL. (a) The department  
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14 than the 30th day after the effective date of this subsection. Notwithstanding section  
15 227.24 (1) (c) and (2) of the statutes, these emergency rules may remain in effect until  
16 July 1, 2009, or the date on which permanent rules take effect, whichever is sooner.  
17 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not  
18 required to provide evidence that promulgating a rule under this subsection as an  
19 emergency rule is necessary for the preservation of the public peace, health, safety,  
20 or welfare and is not required to provide a finding of emergency for a rule  
21 promulgated under this subsection.

22 **SECTION 4. Effective dates.** This act takes effect on the 30th day after  
23 publication, except as follows:

24 (1) SECTION 3 of this act takes effect on the day after publication.

25 (END)