

2011 DRAFTING REQUEST

Bill

Received: 09/14/2011

Received By: agary

Wanted: As time permits

Companion to LRB:

For: Jerry Petrowski (608) 266-1182

By/Representing: Tim Fiocchi

May Contact:

Drafter: agary

Subject: Transportation - motor vehicles
Transportation - traffic laws

Addl. Drafters:

Extra Copies: EVM

Submit via email: YES

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

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

Pre Topic:

No specific pre topic given

Topic:

Farm and field weight permit for six axle vehicle combinations

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 09/21/2011	csicilia 09/23/2011	rschluet 09/23/2011	_____	ggodwin 09/23/2011		S&L
/P2	agary 09/27/2011	csicilia 09/27/2011	jfrantze 09/27/2011	_____	mbarman 09/27/2011		S&L
/1	agary	csicilia	rschluet	_____	mbarman	mbarman	

for Assembly

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/28/2011	09/28/2011	09/28/2011	_____	09/28/2011	09/28/2011	

FE Sent For:

<END>

↳ At Intro.

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/P2	agary 09/27/2011	csicilia 09/27/2011	jfrantze 09/27/2011	_____	mbarman 09/27/2011		

Handwritten signature/initials
9/28/11

Handwritten note:
PAs:
Please
Jacket
/lc
Thx. Aaron

FE Sent For:

<END>

/ js 9/28
11

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1/?	agary	Pl gjs 9/22 11					S&L Vehicle

FE Sent For:

<END>

Gary, Aaron

From: Fiocchi, Tim
Sent: Wednesday, September 14, 2011 2:34 PM
To: Gary, Aaron
Cc: Warren, Mitchell - DOT; Krieser, Steven - DOT; Himebauch, Casey - GOV; Sieg, Tricia
Subject: FW: Drafting Instructions

Attachments: sealedtransport.docx; farmandfield.docx

Hi Aaron,

Attached are the drafting instructions for two bills increasing allowable weights on six axels to 90,000 pounds. As questions arise feel free to contact Mitch directly for technical stuff or both of us for policy issues.

Thanks for all your help,

Tim

From: Warren, Mitchell - DOT [<mailto:Mitchell.Warren@dot.wi.gov>]
Sent: Wednesday, September 14, 2011 12:06 PM
To: Fiocchi, Tim
Cc: Krieser, Steven - DOT
Subject: Drafting Instructions

Tim,

Attached are drafting instructions for two new proposed permits:

- Sealed Transport (aka Sealed Containers)
- Farm and Field (aka raw, unprocessed agriculture)



sealedtransport.d farmandfield.docx
ocx (15 KB) (16 KB)

Please take a moment to review the provisions as there are specific restrictions in area of operation and commodities that you'll want to be aware of.

We believe the instructions to be complete **except for an attachment that our highways division is putting the final touches on**. The attachment will spell out the required amendment to 348.15(3)(c), which is the table that establishes maximum gross weight on specific axle configurations and where 90,000 lbs. on six axles will be added and is necessary for both permits.

We will need 6 months to implement the permits.

-Mitch

Mitchell Warren
Bureau of Vehicle Services

Office: (608) 267-5121

Farm and Field Permit

Policy Goal: Assist agricultural producers in transport of commodities that are authorized for transport in a bordering state at weight that is consistent with the recommendations of the statutorily mandated Truck Size and Weight Study.

Intent: Create a new multiple-trip divisible load permit for transport of certain agricultural commodities to or from a field or farm, allowing operation up to 90,000 lbs. GVW on 6 or more axles conforming to federal bridge formula.

Recommended Changes:

- Create new permit subsection in s. 348.27 (multiple-trip)
 - Cost for 12 mos. of operation is \$300. Prorate for multiple-month permits per s. 348.25(8)
 - Applicant shall use the department's electronic application for permits
 - Operation shall be valid on local, US and state highways (not Interstate), unless restricted under s. 349.15 or special and season weight limitations imposed under s. 348 and 349
 - If route of travel includes town/municipal/county roadways a permission letter must be provided at time of application or renewal [ex. 348.27(9)(a)2]
 - Permit issuance by DOT only
 - Permit valid for transport of eligible commodities to a farm
 - Permit valid for transport of eligible commodities from:
 - field or farm to storage on the grower's owned or leased land
 - field or farm to initial storage at a location not owned or leased by the grower
 - field or farm to initial processing
 - Eligible commodities: fruit, vegetables, grains and distillers grain, live livestock and poultry, feed for livestock and poultry, nutritional supplements for livestock and poultry
 - Commodities not eligible: milk and its by-products, manure/animal waste, and raw forest products as defined in 348.01(bt)
- Amend 348.15(3)(c) to authorize operation at greater than 80,000 lbs. GVW (attachment to be provided)
- Effective date 6 mos. from signing

Notes:

- Current statutory and administrative practice suspends divisible load permits during the spring thaw period.
- Creation of these permits shall be exempt from requirements of s. 13.096. Gross weight and axle weight conformity to federal bridge formula is consistent with the results of the statutorily mandated Wisconsin Truck Size and Weight Study (published June, '09).
- Although this permit currently may not allow operation on the Interstate due to federal weight limits, federal law is currently under review. Include enabling language that would extend operation to the Interstate, such as "operation on interstate highway to the extent allowed by federal regulation".

Gary, Aaron

From: Warren, Mitchell - DOT [Mitchell.Warren@dot.wi.gov]
Sent: Thursday, September 15, 2011 10:07 AM
To: Gary, Aaron
Cc: Fiocchi, Tim
Subject: RE: Drafting Instructions

Aaron,

1. We're in complete agreement. After our highways and permits folks dug in on this some more it became clear we will need a new table in the permit provisions and not in 348.15. We have a new table prepared and are just waiting on some final figures, but I expect to have that to you by noon today.
2. This in an interesting conundrum. We asked for an exemption from that requirement because we feel it's unnecessary, both of these proposals mirror the findings of the DOT Truck Size Weight Study with the weight/axle concept having been vigorously studied. What do you think our options are?

-Mitch

Mitchell Warren
Bureau of Vehicle Services

Office: (608) 267-5121
Mobile: (608) 219-5616
mitchell.warren@dot.wi.gov

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Thursday, September 15, 2011 9:59 AM
To: Warren, Mitchell - DOT
Cc: Fiocchi, Tim - LEGIS
Subject: RE: Drafting Instructions

Hi Mitch,

I'll probably have a few more questions when I start drafting these two bills, but after a quick reading, I wanted to follow up on a couple of issues.

1. I don't understand why we would need to do anything with the table in s. 348.15 (3) (c). That table governs when someone is operating *without a permit*. See s. 348.15 (3) (intro.) To the extent DOT wants to modify something stated in the table (especially if we are just talking about the 90,000 lb. weight limit), that language should be in the permit provision and not in s. 348.15 (3) (c). (See, for example, 90,000 and 98,000 lb. limits specified in s. 348.27 (9m) 1. and 4.) If you agree, I still need some idea of what you want in the permit provision with respect to the 90,000 lb. limit and 6 axles criteria, since this isn't really in the attachment sent to me.
2. This bill probably could not be effective to exempt DOT from s. 13.096 because s. 13.096 creates requirements that are imposed on DOT *before* the bill is enacted. However, that being said, it is my view that s. 13.096 is actually a legislative rule of proceeding that the legislature could choose not to follow, i.e. the legislature could vote on the bill before DOT's weight report is prepared. Since DOT by statute has up to 6 weeks to prepare its report from the time of introduction, it would be theoretically possible for the bill to exempt DOT from the requirement only if the bill passed through committees, both houses, was signed by the governor, and published within 6 weeks of introduction. It is possible

to include a non-stat in the bill that exempts DOT from s. 13.096, but unless the bill moves from introduction through enactment and publication within 6 weeks, this non-stat has no legal effect, and such a non-stat also assumes the legislature will consider s. 13.096 a rule of proceeding and choose to ignore it.

Aaron

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

From: Fiocchi, Tim
Sent: Wednesday, September 14, 2011 2:34 PM
To: Gary, Aaron
Cc: Warren, Mitchell - DOT; Krieser, Steven - DOT; Himebauch, Casey - GOV; Sieg, Tricia
Subject: FW: Drafting Instructions

Hi Aaron,

Attached are the drafting instructions for two bills increasing allowable weights on six axels to 90,000 pounds. As questions arise feel free to contact Mitch directly for technical stuff or both of us for policy issues.

Thanks for all your help,

Tim

From: Warren, Mitchell - DOT [<mailto:Mitchell.Warren@dot.wi.gov>]
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Tim,

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- Sealed Transport (aka Sealed Containers)
- Farm and Field (aka raw, unprocessed agriculture)

<< File: sealedtransport.docx >> << File: farmandfield.docx >>

Please take a moment to review the provisions as there are specific restrictions in area of operation and commodities that you'll want to be aware of.

We believe the instructions to be complete **except for an attachment that our highways division is putting the final touches on**. The attachment will spell out the required amendment to 348.15(3)(c), which is the table that establishes maximum gross weight on specific axle configurations and where 90,000 lbs. on six axles will be added and is necessary for both permits.

We will need 6 months to implement the permits.

-Mitch

Gary, Aaron

From: Warren, Mitchell - DOT [Mitchell.Warren@dot.wi.gov]
Sent: Thursday, September 15, 2011 12:17 PM
To: Gary, Aaron
Subject: FW: Modified bridge formula table for permits

Attachments: Modified Bridge Formula Table for Permits 2011 09 14.xlsx

Aaron,

The proposed table is attached and I included our internal e-mail in the event that the context would be beneficial, if not then ignore.

Note that the table will apply to the two new permits only.

-Mitch

Mitchell Warren
Bureau of Vehicle Services

Office: (608) 267-5121
Mobile: (608) 219-5616
mitchell.warren@dot.wi.gov

From: Bernander, Paul - DOT
Sent: Wednesday, September 14, 2011 3:58 PM
To: Vieth, David - DOT; Becker, Scot - DOT; Warren, Mitchell - DOT; Nichols, Kathleen - DOT
Cc: Thiel, Jim - DOT; Lynch, Peter G - DOT
Subject: Modified bridge formula table for permits

At the meeting this pm (Jim Thiel, Dave Vieth, Scot Becker, Paul Bernander Kathleen Nichols), I agreed to draft the table for the allowable weights for 90k GVW on 6+ axles permits. See attached.

Mitch,

1. We would want this to be a table separate from Figure s. 348.15(3)(c), so it wouldn't risk the continued grandfather status of the (3)(c) table by adding to it. In that connection, Kathleen and I propose the drafter consider placing this table in 348.25 (permit area), perhaps, for example, as a new 348.25(12); in order to make it clear it applies to permits, not for other non-permit purposes if it were to be added as a separate table in section 348.15.
2. For the attached table, this is simply a reduced version of the table Dave sent yesterday. I:
 - a. Removed columns, retaining only those columns for length, and for 6, 7, and 8 axle combination vehicles, not straight trucks.
 - i. We concluded we would not include 5 axles over 80k, although the formula would allow some

increased weight at longer legal lengths. We want to emphasize the 6 axles of the Truck Size-Weight Study, and we have do have concerns about the weights over 80k on 5 axles, if I understood Scot correctly.

- ii. We concluded we would not include the 6 axle straight truck column. That column is a grandfathered column and addressing the details for the permit table would require more analysis than we have time for right now. We could add in the future (future leg. Sessions).

- b. Removed data from rows and columns with weights not 80k and less. Those rows relate to legal-weight operation and are therefore unnecessary for a table relating to permits.

All please review and let Mitch know quickly if I've made errors. Thanks!



Modified Bridge
Formula Table ...

Paul

*Paul Bernander, Chief
Motor Carrier Services Section
Wisconsin Division of Motor Vehicles
608-267-4541*

Distances in feet between foremost and rear-most axles of a group	6 consecutive axles of any combination of vehicles having a total of 6 or more axles	7 consecutive axles of a 7-axle vehicle or of any vehicle or combination of vehicles having a total of 7 or more axles	8 consecutive axles of a 8-axle vehicle or of any vehicle or combination of vehicles having a total of 8 or more axles
28			82,000
29			82,500
30			83,000
31			83,500
32			84,500
33			85,000
34			85,500
35		80,500	86,000
36		81,000	86,500
37		81,500	87,000
38		82,000	87,500
39		82,500	88,500
40		83,500	89,000
41		84,000	89,500
42		84,500	90,000
43		85,000	
44	80,500	85,500	
45	81,000	86,000	
46	81,500	87,000	
47	82,000	87,500	
48	83,000	88,000	
49	83,500	88,500	
50	84,000	89,000	
51	84,500	89,500	
52	85,000	90,000	
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56	87,500		
57	88,000		
58	89,000		
59	89,500		
60	90,000		



State of Wisconsin
2011 - 2012 LEGISLATURE

wanted
by 9/23



LRB-2901/P1
ARG:.....

in
9/21

cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

SA

Over Cat

1 AN ACT ...; relating to: annual or consecutive month permits for certain
2 overweight vehicle combinations transporting agricultural commodities.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate on 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, as applicable. With exceptions, a permit may not be issued for transporting oversize loads if the load can be reasonably divided or reduced to comply with statutory limits.

This bill allows DOT to issue overweight permits for vehicle combinations ~~(vehicles)~~ that have six or more axles and that are transporting certain agricultural commodities to a farm or from a field or farm to a storage or initial processing facility. The agricultural commodities that may be transported under the permit include fruit, vegetables, grain, and livestock, but exclude milk and raw forest products. The permit does not authorize the operation of any vehicle combination at a maximum gross weight in excess of 90,000 pounds. If the route over which the agricultural commodities are transported involves highways that are not state trunk highways, the permit application must be accompanied by a written statement of route approval by the officer in charge of maintenance of the local highway. The permit is valid on any highway except: 1) a highway or bridge with a posted weight limit that is less than the vehicle combination's gross weight, or 2) an interstate highway unless operation of the vehicle combination on the interstate highway is allowed under federal law. Permit applications must be made electronically to DOT utilizing

*

;

an electronic process prescribed by DOT. DOT may issue these permits regardless of whether the load being transported is divisible.

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

2

INSERT A HERE

3

4

SECTION 1. 348.25 (4) (intro.) of the statutes is amended to read:

5

348.25 (4) (intro.) Except as provided under s. 348.26 (5), (6), or (7) or 348.27

6

(3m), (4m), (9), (9m), (9r), (9t), (10), (12), (13), ~~or (15), or (18)~~, permits shall be issued ✓

7

only for the transporting of a single article or vehicle which exceeds statutory size,

8

weight or load limitations and which cannot reasonably be divided or reduced to

9

comply with statutory size, weight or load limitations, except that:

10

11

INSERT B HERE

12

INSERT C HERE

13

14

SECTION 2. 348.27 (18) of the statutes is created to read:

15

348.27 (18) PERMITS FOR THE TRANSPORTATION OF AGRICULTURAL COMMODITIES IN

16

CERTAIN VEHICLE COMBINATIONS. (a) In this subsection:

17

1. "Agricultural commodity" means any of the following or any combination of

18

the following:

- 1 a. Fruit.
- 2 b. Vegetables.
- 3 c. Grain, including distillers' grain.
- 4 d. Live livestock, as defined in s. 95.51 (1), feed for livestock, or nutritional
- 5 supplements for livestock.

6 2. "Agricultural commodity" does not include milk or milk by-products,
7 manure or animal waste, or raw forest products.

8 (b) Subject to par. (c), the department may issue annual or consecutive month
9 permits for the transportation of agricultural commodities in vehicle combinations
10 that have 6 or more axles and that exceed the maximum gross weight limitations
11 under s. 348.15 (3) (c) if the vehicle combination does not exceed the maximum gross
12 weight limitations under s. 348.29. Notwithstanding s. 348.15 (8), any axle of a
13 vehicle combination that does not impose on the highway at least 8 percent of the
14 gross weight of the vehicle combination may not be counted as an axle for the
15 purposes of this paragraph. A permit issued under this subsection does not authorize
16 the operation of any vehicle combination at a maximum gross weight in excess of
17 90,000 pounds.

18 (c) A permit under this subsection is valid only for the transportation of
19 agricultural commodities to a farm or from a field or farm to a storage facility on the
20 grower's owned or leased land, a facility for initial storage that is not on the grower's
21 owned or leased land, or a facility for initial processing.

22 (d) If the roads desired to be used by an applicant for a permit under this
23 subsection involve highways other than those within the state trunk highway
24 system, the application shall be accompanied by a written statement of route
25 approval by the officer in charge of maintenance of the other highway.

1 (e) A permit under this subsection is not valid on any highway or bridge with
2 a posted weight limitation that is less than the vehicle combination's gross weight.
3 A permit under this subsection is not valid on any interstate highway designated
4 under s. 84.29 (2) [✓] except to the extent allowed by federal law without any loss or
5 reduction of federal aid or other sanction.

6

7 INSERT D HERE

8

9

(END)

D - Note



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERTS

1 AN ACT ~~to amend~~ 348.25 (3), 348.25 (8) (a) 3., 348.25 (8) (b) 3. (intro.), 348.25 (8)
2 (d), 348.26 (1), ~~348.26 (2), 348.27 (1) and 348.28 (1); and to create~~ 348.25 (8) (a)
3 4., 348.25 (8) (b) 4., ~~348.26 (8), 348.27 (17) and 348.29~~ of the statutes; **relating**
4 **to:** permits for overweight vehicle combinations transporting sealed containers
5 or vehicles in international trade.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate on 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, as applicable.

This bill allows DOT to issue overweight permits for vehicle combinations (vehicles) that have six or more axles and that are transporting ~~sealed loads~~. ~~The bill defines a "sealed load" as a container or vehicle, being transported in international trade, in which commodities have been sealed inside with a tamper evident seal.~~ The permit does not authorize the operation of any vehicle combination at a maximum gross weight in excess of 90,000 pounds. The permit is valid on any highway except a highway or bridge with a posted weight limit that is less than the vehicle combination's gross weight. Permit applications must be made electronically to DOT utilizing an electronic process prescribed by DOT.

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:

SECTION 1. 348.25 (3) of the statutes is amended to read:

348.25 (3) The department shall prescribe forms for applications for all single trip permits the granting of which is authorized by s. 348.26 (2) to (7) and for those annual, consecutive month or multiple trip permits the granting of which is authorized by s. 348.27 (2) and (4) to (15). The department shall prescribe an electronic application process for permits the granting of which is authorized by s. 348.26 (8) and 348.27 (17). The department may impose such reasonable conditions prerequisite to the granting of any permit authorized by s. 348.26 or 348.27 and adopt such reasonable rules for the operation of a permittee thereunder as it deems necessary for the safety of travel and protection of the highways. The department may limit use of the highways under any permit issued to specified hours of the day or days of the week. Local officials granting permits may impose such additional reasonable conditions as they deem necessary in view of local conditions.

~~SECTION 2. 348.25 (8) (a) 3. of the statutes is amended to read:~~

~~348.25 (8) (a) 3. For Except as provided in subd. 4., for a vehicle or combination of vehicles, the weight of which exceeds any of the provisions of s. 348.15 (3), 10% of the fee specified in par. (b) 3. for an annual permit for the comparable gross weight, rounded to the nearest whole dollar.~~

~~SECTION 3. 348.25 (8) (a) 4. of the statutes is created to read:~~

~~348.25 (8) (a) 4. For a permit issued under s. 348.26 (8), \$30.~~

SECTION 4. 348.25 (8) (b) 3. (intro.) of the statutes is amended to read:

Insert A

Insert B

Insert B cont'd

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348.25 (8) (b) 3. (intro.) For Except as provided in subd. 4., for a vehicle or combination of vehicles, the weight of which exceeds any of the provisions of s. 348.15 (3):

SECTION 5. 348.25 (8) (b) 4. of the statutes is created to read:

348.25 (8) (b) 4. For a permit issued under s. 348.27 (13), \$300.

SECTION 6. 348.25 (8) (d) of the statutes is amended to read:

348.25 (8) (d) For the purpose of computing the fees under this subsection, if the vehicle or combination of vehicles exceeds weight limitations, no fee in addition to the fee under par. (a) 3. ~~or 4.~~, (b) 3. or 4., or (bm) shall be charged if the vehicle also exceeds length, width or height limitations or any combination thereof.

SECTION 7. 348.26 (1) of the statutes is amended to read:

~~348.26 (1) APPLICATIONS. All applications under subs. (2) to (7) for single trip permits for the movement of oversize or overweight vehicles or loads shall be made upon the form prescribed by the department and shall be made to the officer or agency designated by this section as having authority to issue the particular permit desired for use of the particular highway in question. All applications under sub. (8) shall be made to the department utilizing an electronic process prescribed by the department.~~

SECTION 8. 348.26 (2) of the statutes is amended to read:

~~348.26 (2) PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES OR LOADS. Except as provided in sub. subs. (4) and (8), single trip permits for oversize or overweight vehicles or loads may be issued by the department for use of the state trunk highways and by the officer in charge of maintenance of the highway to be used in the case of other highways. Such local officials also may issue such single trip permits for use of state trunk highways within the county or municipality which they represent.~~

1 Every single trip permit shall designate the route to be used by the permittee.
 2 Whenever the officer or agency issuing such permit deems it necessary to have a
 3 traffic officer escort the vehicle through the municipality or county, a reasonable fee
 4 for such traffic officer's services shall be paid by the permittee. All moneys received
 5 from fees imposed by the department under this subsection shall be deposited in the
 6 general fund and credited to the appropriation account under s. 20.395 (5) (dg).

7 SECTION 9. 348.26 (8) of the statutes is created to read:

8 348.26 (8) PERMITS FOR THE TRANSPORTATION OF SEALED LOADS IN INTERNATIONAL
 9 TRADE. (a) The department may issue single trip permits for the transportation of
 10 a sealed load, as defined in s. 348.27 (17) (a), to applicants eligible for an annual or
 11 consecutive month permit under s. 348.27 (17), subject to the same requirements and
 12 limitations for annual and consecutive month permits described in s. 348.27 (17). A
 13 permit under this subsection may be issued only by the department, regardless of the
 14 highways to be used.

15 (b) A person issued a permit under this subsection shall use the automated
 16 routing system specified in s. 348.25 (11).

17 SECTION 10. 348.27 (1) of the statutes is amended to read:

18 348.27 (1) APPLICATIONS. All applications for annual, consecutive month or
 19 multiple trip permits for the movement of oversize or overweight vehicles or loads
 20 shall be made to the officer or agency designated by this section as having authority
 21 to issue the particular permit desired for use of the particular highway in question.
 22 All applications under subs. (2) and (4) to (15) shall be made upon forms prescribed
 23 by the department. All applications under sub. (18) shall be made utilizing an
 24 electronic process prescribed by the department.

25 ~~SECTION 11. 348.27 (17) of the statutes is created to read:~~

insert C

23

18
~~17~~

1 **348.27 (17)** PERMITS FOR THE TRANSPORTATION OF SEALED LOADS IN INTERNATIONAL
 2 TRADE. (a) In this subsection, "sealed load" means a load consisting of a container
 3 or vehicle, being transported in international trade, in which commodities have been
 4 sealed with a tamper-evident seal affixed at the time of initial loading.
 5 (b) The department may issue annual or consecutive month permits for the
 6 transportation of a sealed load in a vehicle combination that has 6 or more axles and
 7 that exceeds the maximum gross weight limitations under s. 348.15 (3) (c) if the
 8 vehicle combination does not exceed the maximum gross weight limitations under
 9 s. 348.29. Notwithstanding s. 348.15 (8), any axle of a vehicle combination that does
 10 not impose on the highway at least 8 percent of the gross weight of the vehicle
 11 combination may not be counted as an axle for the purposes of this paragraph. A
 12 permit issued under this subsection does not authorize the operation of any vehicle
 13 combination at a maximum gross weight in excess of 90,000 pounds.
 14 (c) A permit under this subsection is not valid on any highway or bridge with
 15 a posted weight limitation that is less than the vehicle combination's gross weight.

16 **SECTION 12.** 348.28 (1) of the statutes is amended to read:

17 348.28 (1) Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10), (12)
 18 to (13), and (15), and ~~(14)~~¹⁸ shall be carried on the vehicle during operations so
 19 permitted.

20 **SECTION 13.** 348.29 of the statutes is created to read:

21 **348.29 Weight limitations for certain permits.** Notwithstanding s. 348.15
 22 (3) (c), for any vehicle combination operating under a permit issued under s. 348.26
 23 (8) or 348.27 ~~(17)~~¹⁸, the gross weight imposed on the highway by any group of 6 or more
 24 consecutive axles of a vehicle or combination of vehicles may not exceed the
 25 maximum gross weights in the following table for each of the respective distances

Insert D

1 between axles and the respective numbers of axles of a group: [See Figure 348.29
 2 following]

3
 4 **Figure 348.29:**

5 Maximum gross weight in pounds on a group of—

Distances in feet between foremost and rearmost axles of a group	6 consecutive axles of any combination of vehicles having a total of 6 or more axles	7 consecutive axles of a 7-axle vehicle or of any vehicle or combination of vehicles having a total of 7 or more axles	8 consecutive axles of a 8-axle vehicle or of any vehicle or combination of vehicles having a total of 8 or more axles
28			82,000
29			82,500
30			83,000
31			83,500
32			84,500
33			85,000
34			85,500
35		80,500	86,000
36		81,000	86,500
37		81,500	87,000
38		82,000	87,500
39		82,500	88,500
40		83,500	89,000
41		84,000	89,500
42		84,500	90,000
43		85,000	
44	80,500	85,500	
45	81,000	86,000	
46	81,500	87,000	
47	82,000	87,500	
48	83,000	88,000	
49	83,500	88,500	
50	84,000	89,000	
51	84,500	89,500	
52	85,000	90,000	
53	86,000		

insert & can't

54	86,500
55	87,000
56	87,500
57	88,000
58	89,000
59	89,500
60	90,000

1

2

SECTION 14. Effective date.

3

(1) This act takes effect on the first day of the 7th month beginning after

4

publication.

5

(END)

msent B cont'd

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

LRB-2901/P1dn

ARG:/.....

gs

- date -

Please review the attached draft carefully to ensure that it is consistent with your intent. Some of the questions raised in the drafter's note to LRB-2900/P1 may also apply to this draft, particularly those relating to the table created in s. 348.29.

I have included a definition of "livestock," which includes poultry. The statutes contain many different definitions of "livestock." Although the term is used without definition in certain parts of chapter 348, I believe that it would be useful to include or reference a definition in this draft to avoid ambiguity.

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.state.wi.us

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

LRB-2901/P1dn
ARG:cjs:rs

September 23, 2011

Please review the attached draft carefully to ensure that it is consistent with your intent. Some of the questions raised in the drafter's note to LRB-2900/P1 may also apply to this draft, particularly those relating to the table created in s. 348.29.

I have included a definition of "livestock," which includes poultry. The statutes contain many different definitions of "livestock." Although the term is used without definition in certain parts of chapter 348, I believe that it would be useful to include or reference a definition in this draft to avoid ambiguity.

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.state.wi.us

Gary, Aaron

From: Warren, Mitchell - DOT [Mitchell.Warren@dot.wi.gov]
Sent: Monday, September 26, 2011 4:55 PM
To: Gary, Aaron
Cc: Fiocchi, Tim; Krieser, Steven - DOT
Subject: RE: Draft on Raw Ag 90K

And a couple of minor things on this one.

Section 7, pg. 4, line 10: add the word "liquid", as in "does not include liquid milk or liquid milk by-products"

Section 7, and where necessary: In spite of our use of the term "commodity" in our instructions, we'd prefer "agricultural commodity" to be "agricultural product" (sorry)

Section 7, pg. 5, lines 5 and 6: Suggest striking the language as we think it is covered under s. 348.17(1).

Section 8: We'd like to have the permit carrying requirement extended to all of s. 348.25, 26 and 27.

Addition: We think we need something like "A permit issued under this subsection may be issued only by the department, regardless of the highways to be used" put in somewhere in s. 348.27.

Drafter's Note questions:

- The table headings for 7 and 8 axles can remain as they are, reflecting single vehicles and vehicle combinations. In fact, we would ask that throughout the new permit that it be updated to reflect both single vehicle and vehicle combinations.
- The definition you selected for livestock is perfect and agree it is necessary to avoid ambiguity

-Mitch

Mitchell Warren
Bureau of Vehicle Services

Office: (608) 267-5121
Mobile: (608) 219-5616
mitchell.warren@dot.wi.gov

From: Fiocchi, Tim [mailto:Tim.Fiocchi@legis.wisconsin.gov]
Sent: Friday, September 23, 2011 2:58 PM
To: Krieser, Steven - DOT; Warren, Mitchell - DOT
Cc: Himebauch, Casey - GOV; Schoenfeldt, Eileen - GOV
Subject: Draft on Raw Ag 90K

Hi guys,

We just received the attached. Please take a look at them and provide any feedback.

Thanks,

Tim

Gary, Aaron

From: Warren, Mitchell - DOT [Mitchell.Warren@dot.wi.gov]
Sent: Tuesday, September 27, 2011 10:47 AM
To: Gary, Aaron
Cc: Fiocchi, Tim; Krieser, Steven - DOT
Subject: RE: Sealed Container Draft

Thanks Aaron, the difference is acknowledged. You can continue to leave s. 348.27(17)(c) out.

-Mitch

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Tuesday, September 27, 2011 10:37 AM
To: Warren, Mitchell - DOT
Cc: Fiocchi, Tim - LEGIS; Krieser, Steven - DOT
Subject: RE: Sealed Container Draft

Thanks. The redraft is finished, but I want to double check one thing that just occurred to me.

On the second comment below re section 11, there is a slight difference between s. 348.17 (1) and the language in created s. 348.27 (17) (c) in the draft. The draft flatly prohibits these permits from allowing vehicles to exceed posted weight limits. Section 348.17 (1) prohibits vehicles with a permit from exceeding posted weight limits *unless* authorized in the permit. As far as I can tell, theoretically, DOT could authorize the exceeding of posted weight limits in these permits so long as the vehicles did not exceed 90,000 lbs. So there is a slight difference. I have removed created s. 348.27 (17) (c) from the draft and I assume that is what DOT still wants. But please let me know if you think it should stay in - the language there is pretty common in some of the other annual permit provisions.

Thanks. Aaron

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

From: Warren, Mitchell - DOT [mailto:Mitchell.Warren@dot.wi.gov]
Sent: Tuesday, September 27, 2011 10:24 AM
To: Gary, Aaron
Cc: Fiocchi, Tim; Krieser, Steven - DOT
Subject: RE: Sealed Container Draft

Hi Aaron. I concur with your assessment, please ignore the "addition" part.

We had the same comment in the Farm and Field Permit draft, please ignore that as well.

Thanks.

-Mitch

Mitchell Warren
Bureau of Vehicle Services

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Mobile: (608) 219-5616
mitchell.warren@dot.wi.gov

From: Gary, Aaron [<mailto:Aaron.Gary@legis.wisconsin.gov>]
Sent: Tuesday, September 27, 2011 10:09 AM
To: Warren, Mitchell - DOT
Cc: Fiocchi, Tim - LEGIS; Krieser, Steven - DOT
Subject: RE: Sealed Container Draft

Hi Mitch,

I made all of these changes except that the one question I had was the "addition" below. For single trip permits, the general provision for that statutory section is s. 348.26 (2), which states in part, "Except as provided in sub. (4), single trip permits for oversize or overweight vehicles or loads may be issued by the department for use of the state trunk highways and by the officer in charge of maintenance of the highway to be used in the case of other highways. Such local officials also may issue such single trip permits for use of state trunk highways within the county or municipality which they represent." There is no similar provision for annual and consecutive month permits. In contrast, s. 348.27 (2) states, "Except as otherwise restricted in this section, annual and consecutive month permits for oversize or overweight vehicles or loads may be issued by the department, regardless of the highways involved." The newly created s. 348.27 (17) authorizes only the department to issue the permit; it does not authorize local authorities to do so. I believe there is a reason to put the language "A permit issued under this subsection may be issued only by the department, regardless of the highways to be used" in s. 348.26 but I don't believe it is needed in s. 348.27. If you still want this language added in created s. 348.27 (17), I can do that, but I believe it is surplussage.

Let me know how you want me to proceed.

Thanks. Aaron

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

From: Warren, Mitchell - DOT [<mailto:Mitchell.Warren@dot.wi.gov>]
Sent: Monday, September 26, 2011 4:44 PM
To: Gary, Aaron
Cc: Fiocchi, Tim; Krieser, Steven - DOT
Subject: RE: Sealed Container Draft
Importance: High

Hi Aaron, a few minor things on this one. As always thank you for the excellent draft.

Section 11, suggest the following

In this subsection, "sealed load" means a load consisting of a container or vehicle, being transported in international trade, in which ~~commodities have~~ has been sealed with a tamper-evident seal affixed at the time of initial loading.

Gary, Aaron

From: Fiocchi, Tim
Sent: Monday, September 26, 2011 2:36 PM
To: Gary, Aaron; Warren, Mitchell - DOT
Subject: RE: Drafting Instructions - 13.096

That works for me. The study (<http://www.topslab.wisc.edu/workgroups/wtsws.html>) is titled Wisconsin Truck Size and Weight Study and the final report is dated June 15, 2009. Unless Mitch has some other more specific title I think that should do.

Thanks!

From: Gary, Aaron
Sent: Monday, September 26, 2011 2:14 PM
To: Warren, Mitchell - DOT; Fiocchi, Tim
Subject: RE: Drafting Instructions - 13.096

Mitch and Tim,

Here is proposed language for the analysis and a non-statutory provision for LRB-2900 and LRB-2901. This analysis will replace the boilerplate language at the bottom of p. 1 of -2900 (and in -2901 also). Does this work for you? Is the name of the study correct? This draft should use the exact name of the study (and date if you want). Thanks.

Analysis

Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limitations, DOT must prepare a report, containing specified information, relating to the bill within six weeks after the bill is introduced and before any vote is taken on the bill. This bill directs DOT not to prepare such a report on this bill because DOT recently completed a Truck Size Weight Study that contained the same or similar information that would be contained in a report on this bill.

Non-stat

(1) Exception to review by the department of transportation. Notwithstanding section 13.096 (2) of the statutes, the department of transportation shall not prepare a report on this bill under section 13.096 (2) and (3) of the statutes because the department recently completed a Truck Size Weight Study that contained the same or similar information that would be contained in a report on this bill under section 13.096 (2) and (3) of the statutes.

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

9/26 H/c w/ Tim
wants non-stat re 13.096 -
refer to DOT study

Gary, Aaron

From: Warren, Mitchell - DOT [Mitchell.Warren@dot.wi.gov]
Sent: Monday, September 26, 2011 4:30 PM
To: Fiocchi, Tim; Gary, Aaron
Subject: RE: Drafting Instructions - 13.096

Works for us too, and the title and date Tim provided are what we'd suggest.

-Mitch

Mitchell Warren
Bureau of Vehicle Services

Office: (608) 267-5121
Mobile: (608) 219-5616
mitchell.warren@dot.wi.gov

From: Fiocchi, Tim [mailto:Tim.Fiocchi@legis.wisconsin.gov]
Sent: Monday, September 26, 2011 2:36 PM
To: Gary, Aaron - LEGIS; Warren, Mitchell - DOT
Subject: RE: Drafting Instructions - 13.096

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Sent: Monday, September 26, 2011 2:14 PM
To: Warren, Mitchell - DOT; Fiocchi, Tim
Subject: RE: Drafting Instructions - 13.096

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Analysis

Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limitations, DOT must prepare a report, containing specified information, relating to the bill within six weeks after the bill is introduced and before any vote is taken on the bill. This bill directs DOT not to prepare such a report on this bill because DOT recently completed a Truck Size Weight Study that contained the same or similar information that would be contained in a report on this bill.

Non-stat

(1) Exception to review by the department of transportation. Notwithstanding section 13.096 (2) of the statutes, the department of transportation shall not prepare a report on this bill under section 13.096 (2) and (3) of the statutes because the department recently completed a Truck Size Weight Study that contained the same or similar information that would be contained in a report on this bill under section 13.096 (2) and (3) of the statutes.



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Wisconsin Truck Size and Weight Study

Project Deliverables and Other Project Information

Name	File	Size	Date Posted
Final Report		15.8 MB	07/15/2009
Executive Summary		3.78 MB	07/15/2009
Study Overview Presentation		1.79 MB	07/15/2009
Interim Final Report Submitted to Legislature		4.74 MB	12/31/2008
Calendar of Events		83 KB	10/17/2008
Scope of Services		584 KB	10/17/2008

Upcoming Events

Upcoming Events	Date	Place
WisDOT Freight Issues Committee (Internal) Meeting	06/11/2009	WisDOT

Freight Issues Committee

Name	File	Size	Date Posted
02/12/2009 Freight Issues Committee Meeting 1			
Public Report		3.85MB	03/09/2009
Internal Review Materials			03/09/2009
04/09/2009 Freight Issues Committee Meeting 2			
Agenda		27 KB	04/15/2009
Meeting Presentation		1.12 MB	04/15/2009
DTIM wind presentation		93 KB	04/15/2009
System LOS Status		29 KB	04/15/2009
AWEA Briefing		46 KB	04/15/2009

Trucking Issues Group (TIG)

Name	File	Size	Date Posted
08/05/2008 WisDOT Trucking Issues Group Meeting 1			
Meeting Agenda		61 KB	08/26/2008
Meeting Minutes		102 KB	08/26/2008
Handouts		45 KB	08/26/2008
Mississippi Valley Freight Coalition Projects Schedule		154 KB	08/26/2008
Mississippi Valley Freight Coalition Phase I and II Projects		102 KB	08/26/2008
Final Presentation		1.97 MB	08/26/2008
09/09/2008 WisDOT Trucking Issues Group Meeting 2			
Meeting Agenda		19 KB	09/11/2008
Schedule		13 KB	09/11/2008
Outreach Plan		531 KB	09/11/2008
Minnesota Truck Size and Weight Law Changes		47 KB	09/11/2008
Minnesota Truck Size and Weight Recommendations		35 KB	09/11/2008
Final Presentation		2.62 MB	09/11/2008
10/07/2008 WisDOT Trucking Issues Group Meeting 3			
Meeting Agenda		8 KB	10/17/2008
Meeting Minutes		96 KB	10/17/2008
Final Presentation		2.88 MB	10/17/2008
11/04/2008 WisDOT Trucking Issues Group Meeting 4			
Meeting Agenda		8 KB	11/06/2008
Meeting Minutes		67 KB	12/31/2008
Final Presentation		2.2 MB	12/31/2008
12/16/2008 WisDOT Trucking Issues Group Meeting 5			
Meeting Agenda		8 KB	12/31/2008
Meeting Minutes		75 KB	12/31/2008
Final Presentation		1.74MB	12/31/2008

Truck Size and Weight Study Advisory Group

Name	File	Size	Date Posted
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Wisconsin TRUCK SIZE AND WEIGHT STUDY



June 15, 2009

prepared for

Wisconsin Department of Transportation

prepared by

Cambridge Systematics, Inc.

with

National Center for Freight and Infrastructure
Research and Education (CFIRE) at the
University of Wisconsin-Madison

and

Harry Cohen

Woodrooffe Dynamics, LLC

Stetenfeld Associates, LLC

Earth Tech/AECOM

Prime Focus, LLC

TranSmart Technologies, Inc.

Abrazo Multicultural Marketing & Communication

Wisconsin Traffic Operations and Safety Laboratory (TOPS)
at the University of Wisconsin-Madison





State of Wisconsin
2011 - 2012 LEGISLATURE

TODAY
if possible



LRB-2901/11 PZ
ARG:cjs:rs

in 9/27

stays (RMR)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

st ✓

Gen Cat

1 AN ACT to amend 348.25 (3), 348.25 (4) (intro.), 348.25 (8) (b) 3. (intro.), 348.25
 2 (8) (d), 348.27 (1) and 348.28 (1); and to create 348.25 (8) (b) 4., 348.27 (18) and
 3 348.29 of the statutes; relating to: annual or consecutive month permits for
 4 certain overweight ^{(vehicles or} vehicle combinations transporting agricultural
 5 ^{products} commodities.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate on 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, as applicable. With exceptions, a permit may not be issued for transporting oversize loads if the load can be reasonably divided or reduced to comply with statutory limits.

This bill allows DOT to issue overweight permits for ^{vehicles or} vehicle combinations that have six or more axles and that are transporting certain agricultural ~~commodities~~ ^{product} to a farm or from a field or farm to a storage or initial processing facility. The agricultural ~~commodities~~ ^{products} that may be transported under the permit include fruit, vegetables, grain, and livestock, but exclude milk and raw forest products. The permit does not authorize the operation of any vehicle ~~combination~~ at a maximum gross weight in excess of 90,000 pounds. If the route over which the agricultural ~~commodities~~ are transported involves highways that are not state trunk highways, the permit application must be accompanied by a written statement of route

products
X
X

(vehicles)
product

approval by the officer in charge of maintenance of the local highway. The permit is valid on ~~any highway except: 1) a highway or bridge with a posted weight limit that is less than the vehicle combination's gross weight, or 2) an interstate highway~~ unless operation of the vehicle combination on the interstate highway is allowed under federal law. Permit applications must be made electronically to DOT utilizing an electronic process prescribed by DOT. DOT may issue these permits regardless of whether the load being transported is divisible.

not
insert ANA

~~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 (3) of the statutes is amended to read:

2 348.25 (3) The department shall prescribe forms for applications for all single
3 trip permits the granting of which is authorized by s. 348.26 and for those annual,
4 consecutive month or multiple trip permits the granting of which is authorized by
5 s. 348.27 (2) and (4) to (15). The department shall prescribe an electronic application
6 process for permits the granting of which is authorized by s. 348.27 (18). The
7 department may impose such reasonable conditions prerequisite to the granting of
8 any permit authorized by s. 348.26 or 348.27 and adopt such reasonable rules for the
9 operation of a permittee thereunder as it deems necessary for the safety of travel and
10 protection of the highways. The department may limit use of the highways under
11 any permit issued to specified hours of the day or days of the week. Local officials
12 granting permits may impose such additional reasonable conditions as they deem
13 necessary in view of local conditions.

14 SECTION 2. 348.25 (4) (intro.) of the statutes is amended to read:

1 348.25 (4) (intro.) Except as provided under s. 348.26 (5), (6), or (7) or 348.27
2 (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (13), ~~or (15), or (18)~~, permits shall be issued
3 only for the transporting of a single article or vehicle which exceeds statutory size,
4 weight or load limitations and which cannot reasonably be divided or reduced to
5 comply with statutory size, weight or load limitations, except that:

6 **SECTION 3.** 348.25 (8) (b) 3. (intro.) of the statutes is amended to read:

7 348.25 (8) (b) 3. (intro.) ~~For~~ Except as provided in subd. 4., for a vehicle or
8 combination of vehicles, the weight of which exceeds any of the provisions of s. 348.15
9 (3):

10 **SECTION 4.** 348.25 (8) (b) 4. of the statutes is created to read:

11 348.25 (8) (b) 4. For a permit issued under s. 348.27 (18), \$300.

12 **SECTION 5.** 348.25 (8) (d) of the statutes is amended to read:

13 348.25 (8) (d) For the purpose of computing the fees under this subsection, if
14 the vehicle or combination of vehicles exceeds weight limitations, no fee in addition
15 to the fee under par. (a) 3., (b) 3. or 4., or (bm) shall be charged if the vehicle also
16 exceeds length, width or height limitations or any combination thereof.

17 **SECTION 6.** 348.27 (1) of the statutes is amended to read:

18 348.27 (1) APPLICATIONS. All applications for annual, consecutive month or
19 multiple trip permits for the movement of oversize or overweight vehicles or loads
20 shall be made to the officer or agency designated by this section as having authority
21 to issue the particular permit desired for use of the particular highway in question.
22 All applications under subs. (2) and (4) to (15) shall be made upon forms prescribed
23 by the department. All applications under sub. (18) shall be made utilizing an
24 electronic process prescribed by the department.

25 **SECTION 7.** 348.27 (18) of the statutes is created to read:

348.27 (18) PERMITS FOR THE TRANSPORTATION OF AGRICULTURAL ~~COMMODITIES~~ ^{PRODUCTS}

CERTAIN VEHICLE COMBINATIONS. (a) In this subsection:

1. "Agricultural ~~commodity~~ ^{product}" means any of the following or any combination of the following:

a. Fruit.

b. Vegetables.

c. Grain, including distillers' grain.

d. Live livestock, as defined in s. 95.51 (1), feed for livestock, or nutritional supplements for livestock.

2. "Agricultural ~~commodity~~ ^{product}" does not include ^{liquid} milk or milk by-products, manure or animal waste, or raw forest products.

(b) Subject to par. (c), the department may issue annual or consecutive month permits for the transportation of agricultural ~~commodities~~ ^{products} in ^{vehicles or} vehicle combinations that have 6 or more axles and that exceed the maximum gross weight limitations under s. 348.15 (3) (c) if the ^{vehicle or} vehicle combination does not exceed the maximum gross weight limitations under s. 348.29. Notwithstanding s. 348.15 (8), any axle of a ^{vehicle or} vehicle combination that does not impose on the highway at least 8 percent of the gross weight of the ^{vehicle or} vehicle combination may not be counted as an axle for the purposes of this paragraph. A permit issued under this subsection does not authorize the operation of any ^{vehicle or} vehicle combination at a maximum gross weight in excess of 90,000 pounds.

(c) A permit under this subsection is valid only for the transportation of agricultural ~~commodities~~ ^{products} to a farm or from a field or farm to a storage facility on the grower's owned or leased land, a facility for initial storage that is not on the grower's owned or leased land, or a facility for initial processing.

1 (d) If the roads desired to be used by an applicant for a permit under this
2 subsection involve highways other than those within the state trunk highway
3 system, the application shall be accompanied by a written statement of route
4 approval by the officer in charge of maintenance of the other highway.

5 (e) A permit under this subsection is not valid on any highway or bridge with
6 a posted weight limitation that is less than the vehicle combination's gross weight.

7 A permit under this subsection is not valid on any interstate highway designated
8 under s. 84.29 (2) except to the extent allowed by federal law without any loss or
9 reduction of federal aid or other sanction.

10 SECTION 8. 348.28 (1) of the statutes is amended to read:

11 348.28 (1) Permits issued under ss. 348.25, 348.26 and 348.27 ~~(1) to (10), (12)~~
12 ~~to (13), and (15) and (18)~~ shall be carried on the vehicle during operations so
13 permitted.

14 SECTION 9. 348.29 of the statutes is created to read:

15 **348.29 Weight limitations for certain permits.** Notwithstanding s. 348.15
16 (3) (c), for any ^{vehicle or} vehicle combination operating under a permit issued under s. 348.27
17 (18), the gross weight imposed on the highway by any group of 6 or more consecutive
18 axles of a vehicle or combination of vehicles may not exceed the maximum gross
19 weights in the following table for each of the respective distances between axles and
20 the respective numbers of axles of a group: [See Figure 348.29 following]

21 _____
22 **Figure 348.29:**

1

Maximum gross weight in pounds on a group of—

Distances in feet between foremost and rearmost axles of a group	6 consecutive axles of any combination of vehicles having a total of 6 or more axles	7 consecutive axles of a 7-axle vehicle or of any vehicle or combination of vehicles having a total of 7 or more axles	8 consecutive axles of a 8-axle vehicle or of any vehicle or combination of vehicles having a total of 8 or more axles
28			82,000
29			82,500
30			83,000
31			83,500
32			84,500
33			85,000
34			85,500
35		80,500	86,000
36		81,000	86,500
37		81,500	87,000
38		82,000	87,500
39		82,500	88,500
40		83,500	89,000
41		84,000	89,500
42		84,500	90,000
43		85,000	
44	80,500	85,500	
45	81,000	86,000	
46	81,500	87,000	
47	82,000	87,500	
48	83,000	88,000	
49	83,500	88,500	
50	84,000	89,000	
51	84,500	89,500	
52	85,000	90,000	
53	86,000		
54	86,500		
55	87,000		
56	87,500		
57	88,000		
58	89,000		

59	89,500
60	90,000

1

2

SECTION 10. Effective date.

3

(1) This act takes effect on the first day of the 7th month beginning after

4

publication.

5

(END)

insert 7-1

1

2

INSERT ANAL:

The bill further specifies that, as with all other vehicle size or weight permits, if DOT issues an agricultural emergency permit or farm machinery permit, the permit must be carried on the vehicle during operation.

Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limitations, DOT must prepare a report, containing specified information, relating to the bill within six weeks after the bill is introduced and before any vote is taken on the bill. This bill directs DOT not to prepare such a report on this bill because DOT recently completed the Wisconsin Truck Size and Weight Study that contained the same or similar information that would be contained in a report on this bill.

3

4

5

INSERT 7-1:

6

SECTION 1. Nonstatutory provisions.

7

(1) EXCEPTION TO REVIEW BY THE DEPARTMENT OF TRANSPORTATION.

8

Notwithstanding section 13.096 (2) of the statutes, the department of transportation

9

shall not prepare a report on this bill under section 13.096 (2) and (3) of the statutes

10

because the department recently completed the Wisconsin Truck Size and Weight

11

Study, with a final report dated June 15, 2009, that contained the same or similar

12

information that would be contained in a report on this bill under section 13.096 (2)

13

and (3) of the statutes.

14



State of Wisconsin
2011 - 2012 LEGISLATURE

Now



LRB-2901/P2 /
ARG:cjs:jf

m 9/28

9/28 Per Tim - want // ASAP

LMA

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Stays

Gov Cat

No changes

1 AN ACT to amend 348.25 (3), 348.25 (4) (intro.), 348.25 (8) (b) 3. (intro.), 348.25
2 (8) (d), 348.27 (1) and 348.28 (1); and to create 348.25 (8) (b) 4., 348.27 (18) and
3 348.29 of the statutes; relating to: annual or consecutive month permits for
4 certain overweight vehicles or vehicle combinations transporting agricultural
5 products.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate on 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, as applicable. With exceptions, a permit may not be issued for transporting oversize loads if the load can be reasonably divided or reduced to comply with statutory limits.

This bill allows DOT to issue overweight permits for vehicles or vehicle combinations (vehicles) that have six or more axles and that are transporting certain agricultural products to a farm or from a field or farm to a storage or initial processing facility. The agricultural products that may be transported under the permit include fruit, vegetables, grain, and livestock, but exclude milk and raw forest products. The permit does not authorize the operation of any vehicle at a maximum gross weight in excess of 90,000 pounds. If the route over which the agricultural products are transported involves highways that are not state trunk highways, the permit application must be accompanied by a written statement of route approval by the

officer in charge of maintenance of the local highway. The permit is not valid on an interstate highway unless operation of the vehicle on the interstate highway is allowed under federal law. Permit applications must be made electronically to DOT utilizing an electronic process prescribed by DOT. DOT may issue these permits regardless of whether the load being transported is divisible.

The bill further specifies that, as with all other vehicle size or weight permits, if DOT issues an agricultural emergency permit or farm machinery permit, the permit must be carried on the vehicle during operation.

Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limitations, DOT must prepare a report, containing specified information, relating to the bill within six weeks after the bill is introduced and before any vote is taken on the bill. This bill directs DOT not to prepare such a report on this bill because DOT recently completed the Wisconsin Truck Size and Weight Study that contained the same or similar information that would be contained in a report on 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 (3) of the statutes is amended to read:

2 **348.25 (3)** The department shall prescribe forms for applications for all single
3 trip permits the granting of which is authorized by s. 348.26 and for those annual,
4 consecutive month or multiple trip permits the granting of which is authorized by
5 s. 348.27 (2) and (4) to (15). The department shall prescribe an electronic application
6 process for permits the granting of which is authorized by s. 348.27 (18). The
7 department may impose such reasonable conditions prerequisite to the granting of
8 any permit authorized by s. 348.26 or 348.27 and adopt such reasonable rules for the
9 operation of a permittee thereunder as it deems necessary for the safety of travel and
10 protection of the highways. The department may limit use of the highways under
11 any permit issued to specified hours of the day or days of the week. Local officials
12 granting permits may impose such additional reasonable conditions as they deem
13 necessary in view of local conditions.

1 **SECTION 2.** 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), (4m), (9), (9m), (9r), (9t), (10), (12), (13), ~~or (15), or (18)~~, permits shall be issued
4 only for the transporting of a single article or vehicle which exceeds statutory size,
5 weight or load limitations and which cannot reasonably be divided or reduced to
6 comply with statutory size, weight or load limitations, except that:

7 **SECTION 3.** 348.25 (8) (b) 3. (intro.) of the statutes is amended to read:

8 348.25 (8) (b) 3. (intro.) ~~For~~ Except as provided in subd. 4., for a vehicle or
9 combination of vehicles, the weight of which exceeds any of the provisions of s. 348.15
10 (3):

11 **SECTION 4.** 348.25 (8) (b) 4. of the statutes is created to read:

12 348.25 (8) (b) 4. For a permit issued under s. 348.27 (18), \$300.

13 **SECTION 5.** 348.25 (8) (d) of the statutes is amended to read:

14 348.25 (8) (d) For the purpose of computing the fees under this subsection, if
15 the vehicle or combination of vehicles exceeds weight limitations, no fee in addition
16 to the fee under par. (a) 3., (b) 3. or 4., or (bm) shall be charged if the vehicle also
17 exceeds length, width or height limitations or any combination thereof.

18 **SECTION 6.** 348.27 (1) of the statutes is amended to read:

19 348.27 (1) APPLICATIONS. All applications for annual, consecutive month or
20 multiple trip permits for the movement of oversize or overweight vehicles or loads
21 shall be made to the officer or agency designated by this section as having authority
22 to issue the particular permit desired for use of the particular highway in question.
23 All applications under subs. (2) and (4) to (15) shall be made upon forms prescribed
24 by the department. All applications under sub. (18) shall be made utilizing an
25 electronic process prescribed by the department.

1 **SECTION 7.** 348.27 (18) of the statutes is created to read:

2 **348.27 (18) PERMITS FOR THE TRANSPORTATION OF CERTAIN AGRICULTURAL**
3 **PRODUCTS.** (a) In this subsection:

4 1. "Agricultural product" means any of the following or any combination of the
5 following:

6 a. Fruit.

7 b. Vegetables.

8 c. Grain, including distillers' grain.

9 d. Live livestock, as defined in s. 95.51 (1), feed for livestock, or nutritional
10 supplements for livestock.

11 2. "Agricultural product" does not include liquid milk or liquid milk
12 by-products, manure or animal waste, or raw forest products.

13 (b) Subject to par. (c), the department may issue annual or consecutive month
14 permits for the transportation of agricultural products in vehicles or vehicle
15 combinations that have 6 or more axles and that exceed the maximum gross weight
16 limitations under s. 348.15 (3) (c) if the vehicle or vehicle combination does not exceed
17 the maximum gross weight limitations under s. 348.29. Notwithstanding s. 348.15
18 (8), any axle of a vehicle or vehicle combination that does not impose on the highway
19 at least 8 percent of the gross weight of the vehicle or vehicle combination may not
20 be counted as an axle for the purposes of this paragraph. A permit issued under this
21 subsection does not authorize the operation of any vehicle or vehicle combination at
22 a maximum gross weight in excess of 90,000 pounds.

23 (c) A permit under this subsection is valid only for the transportation of
24 agricultural products to a farm or from a field or farm to a storage facility on the

1 grower's owned or leased land, a facility for initial storage that is not on the grower's
2 owned or leased land, or a facility for initial processing.

3 (d) If the roads desired to be used by an applicant for a permit under this
4 subsection involve highways other than those within the state trunk highway
5 system, the application shall be accompanied by a written statement of route
6 approval by the officer in charge of maintenance of the other highway.

7 (e) A permit under this subsection is not valid on any interstate highway
8 designated under s. 84.29 (2) except to the extent allowed by federal law without any
9 loss or reduction of federal aid or other sanction.

10 **SECTION 8.** 348.28 (1) of the statutes is amended to read:

11 348.28 (1) Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10), (12)
12 to (13), and (15) shall be carried on the vehicle during operations so permitted.

13 **SECTION 9.** 348.29 of the statutes is created to read:

14 **348.29 Weight limitations for certain permits.** Notwithstanding s. 348.15
15 (3) (c), for any vehicle or vehicle combination operating under a permit issued under
16 s. 348.27 (18), the gross weight imposed on the highway by any group of 6 or more
17 consecutive axles of a vehicle or combination of vehicles may not exceed the
18 maximum gross weights in the following table for each of the respective distances
19 between axles and the respective numbers of axles of a group: [See Figure 348.29
20 following]

21
22

Figure 348.29:

1

Maximum gross weight in pounds on a group of—

Distances in feet between foremost and rearmost axles of a group	6 consecutive axles of any combination of vehicles having a total of 6 or more axles	7 consecutive axles of a 7-axle vehicle or of any vehicle or combination of vehicles having a total of 7 or more axles	8 consecutive axles of a 8-axle vehicle or of any vehicle or combination of vehicles having a total of 8 or more axles
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57	88,000		
58	89,000		

