

2011 DRAFTING REQUEST

Bill

Received: **08/22/2011**

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:

Pole and pipe permits for oversize vehicles

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 08/22/2011	jdyer 08/22/2011		_____			State
/1			phenry 08/22/2011	_____	lparisi 08/22/2011	mbarman 09/08/2011	

FE Sent For:

<END>

↳ At Intro.

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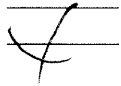
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/?	agary	1/8/22 jld	ph				

FE Sent For:

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Gary, Aaron

From: Fiocchi, Tim
Sent: Friday, August 12, 2011 2:46 PM
To: Gary, Aaron
Subject: Freight Drafting Instructions
Attachments: DRAFT5v3.docx; Singlev1.docx; WI PandPdraft5 (2).docx

Pole and Pipe Permit Change

Purpose of Permit: Authorizes utilities, public service corporations and pipeline companies to transport poles and pipe to respond to loss of infrastructure or to replace existing infrastructure at any time without approval for individual trips. Also authorizes transport of peeled or unpeeled pole length at 10 feet longer than legal vehicle length.

Policy Goal: Rationalizing vehicle size and weight regulation by eliminating an oversize/overweight permit when a permit does not advance safe operation; similar transport in nearby states does not require a permit and/or permit no longer supports the original business purpose..

Reason for Change: 1) Transport of the same loads, for similar purposes, is authorized by statute in Minnesota without requirement of an oversize permit. 2) The permit statute was created as s. 85.53 in 1929 and remains largely unchanged. Current s.348.27(5) and its companion administrative law, Chapter Trans 257 "Pole and Pipe Transportation Permits" are obsolete, e.g., overlength or overweight transport of peeled and unpeeled forest products are now authorized by other permits. 3) This permit is not issued to a specified vehicle thus provides no information to law enforcement as to vehicle or load limits.

Intent: Elimination of the oversize permit for transportation of utility poles, pipe, girders, forest product pole-lengths and "similar materials", per s.348.27(5) and creation of a statutory allowance to transport of utility poles, pipe, girders and "similar materials" at specified maximum vehicle lengths, without requirement of an oversize vehicle permit.

Background:

- Authorized loads are poles, pipe, girders, and "similar materials"; peeled or unpeeled pole-length forest products to be used in the business of the hauler, and empty rigs used for hauling of same.
- Current statute authorizes vehicles to be over-length but does not establish maximum single or combination vehicle length. Current statute allows peeled or unpeeled pole-length forest products to exceed legal vehicle length by 10 feet; though operation is limited to class "A" highway.
- Issuing authority is WisDOT only – like most multiple trip permits in statute, local governments may not issue. Per Trans 257.04, Eligibility - (2) An issuing authority may issue a permit only to: (a) Public service corporations, (b) Pipeline companies or operators., (c) Municipal utilities, (d) Public utility cooperatives. Further, sub-section (3) says "An issuing authority may not issue a permit to a contractor, or to the owner of a vehicle under lease, to any of the business entities listed in sub. (2)."
- Very few permits are issued each year, approximately 50 to 65. Because the permits are not issued to a specified vehicle, the purchaser is authorized to photocopy the original permit and carry it in all of the company vehicles. The annual fee is \$60.

Minnesota Law:

- No permit required for similar purpose of transport:
 - Allowable commodities: poles for telephone, electric light & power; pilings, pole-length pulpwood.
 - No overall length limit. Front overhang limited to 6'; no rear overhang limit. (WI limits to 3' front overhang – in separate statute.)

Recommended Changes to Wisconsin Law:

- **Repeal s.348.27(5)**
- **Create a new statutory authority-**
 - **for over-length transport of poles, pipe, girders and other similar materials,**
 - By public service corporations, pipeline companies, pipeline operators, municipal utilities and public utility cooperatives.
 - New statute should authorize contract motor carriers as well as transport by vehicles in the fleets of utilities, power companies, etc.
- **Establish a maximum overall length of 60' for single vehicles and 120' for 2-vehicle combinations.**
These lengths would allow current business usage.
- **Exclude the raw forest products pole-length language in new statutory authority.** Language is obsolete; it pre-dated the creation of specific permits for over-dimensional and overweight transport of raw forest products, the eligible applicants do not transport this product, and retaining the product would only potentially add confusion.
- **Repeal Chapter Trans 257 – Pole and Pipe Transportation Permit.**



State of Wisconsin
2011 - 2012 LEGISLATURE

in
8/22



LRB-2011/P1
ARG/wlj/ph

2701

KEEP

TODAY

RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

4

Regen

1 AN ACT *to repeal* 348.27 (5) (title); and *to renumber and amend* 348.27 (5) of
2 the statutes; **relating to:** the maximum permissible length of vehicles carrying
3 poles, pipe, girders, and similar materials on highways.

Analysis by the Legislative Reference Bureau

Under current law, no person may operate on a highway any single vehicle with an overall length in excess of 40 feet or any combination of two vehicles with an overall length in excess of 65 feet, unless an exception applies or the person has a permit to exceed these lengths. Subject to certain restrictions, the Department of Transportation (DOT) may issue an annual or consecutive month permit to pipeline companies or operators or public service corporations for transportation of poles, pipe, girders, and similar materials and to companies and individuals hauling peeled or unpeeled pole-length forest products used in its business (pole and pipe permit).

This bill eliminates the issuance by DOT of pole and pipe permits and authorizes the operation of certain overlength vehicles without a permit. The bill allows a person to operate, without a permit, a single vehicle with an overall length not exceeding 60 feet, and a two-vehicle combination with an overall length not exceeding 120 feet, if the vehicle or vehicle combination is used by a pipeline company or operator, public service corporation, municipal utility, or public utility cooperative (collectively a "utility"), or by a motor carrier operating under contract with a utility, for transportation of poles, pipe, girders, and similar materials.

For further information see the *state* 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.** 348.27 (5) (title) of the statutes is repealed.

2 **SECTION 2.** 348.27 (5) of the statutes is renumbered 348.07 (2) (k) and amended
3 to read:

4 348.07 (2) (k) ~~Except as further provided in this subsection, the department~~
5 ~~may issue an annual or consecutive month permit to Sixty feet for a single vehicle,~~
6 ~~and 120 feet for a 2-vehicle combination, used by a pipeline companies or operators~~
7 ~~or company or operator, public service corporations corporation, municipal utility, or~~
8 ~~public utility cooperative, or by a motor carrier operating under contract with a~~
9 ~~pipeline company or operator, public service corporation, municipal utility, or public~~
10 ~~utility cooperative, for transportation of poles, pipe, girders and similar materials~~
11 ~~and to companies and individuals hauling peeled or unpeeled pole-length forest~~
12 ~~products used in its business. Such permits issued to companies and individuals~~
13 ~~hauling peeled or unpeeled pole-length forest products shall limit the length of~~
14 ~~vehicle and load to a maximum of 10 feet in excess of the limitations in s. 348.07 (1)~~
15 ~~and shall be valid only on a class "A" highway as defined in s. 348.15 (1). Permits~~
16 ~~issued to companies or individuals hauling pole-length forest products may not~~
17 ~~exempt such companies or individuals from the maximum limitations on vehicle load~~
18 ~~imposed by this chapter.~~

19 **SECTION 3. Initial applicability.**

Barman, Mike

From: Fiocchi, Tim
Sent: Thursday, September 08, 2011 1:30 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-2701/1 Topic: Pole and pipe permits for oversize vehicles

Please Jacket LRB 11-2701/1 for the ASSEMBLY.