

2011 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB248)

Received: 09/02/2011

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:

Permits for transporting overheight loads of hay or straw

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 09/06/2011	csicilia 09/07/2011		_____			
/P1			jfrantze 09/07/2011	_____	lparisi 09/07/2011		
/P2	agary 09/10/2011	csicilia 09/13/2011	phenry 09/13/2011	_____	mbarman 09/13/2011		
/1	agary	wjackson	rschluet	_____	lparisi	lparisi	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/14/2011	09/14/2011	09/14/2011	_____	09/14/2011	09/14/2011	

FE Sent For:

<END>

2011 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB248)

Received: 09/02/2011

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:

Permits for transporting overheight loads of hay or straw

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 09/06/2011	csicilia 09/07/2011		_____			
/P1			jfrantze 09/07/2011	_____	lparisi 09/07/2011		
/P2	agary 09/10/2011	csicilia 09/13/2011	pheny 09/13/2011	_____	mbarman 09/13/2011		

1 WLJ 9/14

9/14/11

FE Sent For:

<END>

2011 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB(LRBx2141/1))

AB248

Received: 09/02/2011

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:

Permits for transporting overheight loads of hay or straw

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 09/06/2011	csicilia 09/07/2011	9/13 ph				
/P1			jfrantze 09/07/2011		lparisi 09/07/2011		

FE Sent For:

P2 9/13
js 11

<END>

2011 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB(LRBx2141/1))

Received: 09/02/2011

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:

Permits for transporting overheight loads of hay or straw

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

P1 js 9/7 11 9/7 Jo ph 9/7

FE Sent For:

<END>

Gary, Aaron

From: Fiocchi, Tim
Sent: Tuesday, September 06, 2011 10:27 AM
To: Gary, Aaron
Cc: Nelson, Scott
Subject: RE: Substitute Amendment for LRB 2141

I'm fine with giving DOT rule making authority to define "urban area" and the application process. They should be annual or consecutive month permits.

Thanks,

Tim

From: Gary, Aaron
Sent: Tuesday, September 06, 2011 10:15 AM
To: Fiocchi, Tim
Cc: Nelson, Scott
Subject: RE: Substitute Amendment for LRB 2141

Tim,

It seems like an urban area will always include a metro area, so I'm planning to just use the term "urban area." The Minnesota statute is not helpful in this respect, so I'll need to make something up. The problem is - how will the hay haulers know what is "urban" and what is not?

One possibility is to use the definition of urban area in s. 84.30 (2) (km) - this term is used for outdoor advertising signs and DOT maintains maps of all urban areas for this purpose. We can just piggyback on that. But are hay haulers really expected to consult these maps?

Another possibility is to use a definition that is partly like the definition of "urban area" in s. 85.063 (1) (b) and 85.20 (1) (k). This definition would read something like the following:

"Urban area" means the area located within the boundaries of a municipality having a population of 50,000 [2,500 ? 15,000?] or more. You could choose the population threshold. It seems to me that this approach would work better than the approach mentioned above.

Or if you want to use Minnesota as a model, you could simply identify counties, possibly the 7 counties of southeast Wisconsin (Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha).

Finally, since it looks like DOT may already be doing rulemaking for this bill, you could just have DOT define urban area by rule and require DOT to notify permit holders of what the urban areas are.

Also, I'm reading your e-mail below to mean that "Superload" would be DOT's electronic/online platform for these permit applications. Since we don't use such proper names in the stats, the stat will just require the applicant to utilize an electronic application process prescribed by DOT.

Let me know how you want 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: Fiocchi, Tim
Sent: Friday, September 02, 2011 10:44 AM
To: Gary, Aaron
Cc: Nelson, Scott
Subject: Substitute Amendment for LRB 2141

Hi Aaron,

After conferring with DOT staff we would like to get a substitute amendment drafted to spell out some additional technical requirements for over-height loads of hay and straw.

The amendment should establish a maximum permissible height of 15 feet for most of Wisconsin and 14'6" in urban and metro areas (see attached MN statute – let us know if that needs to be more clearly defined).

DOT may establish rules regulating the configuration of the loads and how they must be secured for safe travel. Further, permit applicants must apply for trip permits electronically, and to use Superload, the Department's existing self-service extranet routing application.

Give me a call if you have any questions.

Thank you,

Tim

Tim Fiocchi
Clerk, Assembly Transportation Committee
Office of Representative Jerry Petrowski
(608) 266-1182

169.862 PERMIT FOR BALED FARM PRODUCT TO EXCEED HEIGHT OR WIDTH.

Subdivision 1. **Annual permit authority; restrictions.** The commissioner of transportation with respect to highways under the commissioner's jurisdiction, and local authorities with respect to highways under their jurisdiction, may issue an annual permit to enable a vehicle carrying bales of hay, straw, or cornstalks, with a total outside width of the vehicle or the load not exceeding 12 feet, and a total height of the loaded vehicle not exceeding 15 feet, to be operated on public streets and highways. Loaded vehicles operating on interstate highways within the seven-county metropolitan area may not exceed a total height of 14-1/2 feet.

Subd. 2. **Additional restrictions.** Permits issued under this section are governed by the applicable provisions of section 169.86 except as otherwise provided herein and, in addition, carry the following restrictions:

(a) The vehicles may not be operated between sunset and sunrise, when visibility is impaired by weather, fog, or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on Sunday from noon until sunset, or on the days the following holidays are observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(b) The vehicles may not be operated on a trunk highway with a pavement less than 24 feet wide.

(c) A vehicle operated under the permit must be equipped with a retractable or removable mirror on the left side so located that it will reflect to the driver a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle.

(d) A vehicle operated under the permit must display red, orange, or yellow flags, 18 inches square, as markers at the front and rear and on both sides of the load. The load must be securely bound to the transporting vehicle.

(e) Farm vehicles not for hire carrying baled hay, straw, or cornstalks less than 20 miles are exempt from the requirement to obtain a permit. All other requirements of this section apply to vehicles transporting baled hay, straw, or cornstalks.

History: 1979 c 44 s 1; 1983 c 198 s 12; 1983 c 293 s 68; 1985 c 299 s 11; 1986 c 398 art 13 s 13; 1995 c 174 s 2; 1996 c 455 art 3 s 22; 2008 c 287 art 1 s 59; 2009 c 64 s 10; 2010 c 320 art 1 s 8,9



FRIDAY

in 9/6

State of Wisconsin
2011 - 2012 LEGISLATURE

worked by 9/9



0171/P

LRB-2141

ARC:sbb8cjs:md

RMNR

Assembly Substitute Amendment,
TO 2011 ^{Assembly} BILL (LRB-2141/1)

providing an exemption from emergency rule procedures,
and granting rulemaking authority

submitter
SAV

Gov Cat

- 1 AN ACT ~~to amend~~ 348.25 (3), 348.25 (4) (intro.), 348.27 (1) and 348.28 (1); and
- 2 ~~to create~~ 348.27 (16) of the statutes; **relating to:** annual or consecutive month
- 3 permits for vehicles transporting overheight loads of hay or straw.

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 size or 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. The generally applicable height limit on highways is 13.5 feet. (vehicles)

This ~~bill~~ allows DOT to issue annual or consecutive month permits for vehicles or vehicle combinations transporting loads of hay or straw that exceed the statutory height limitation of 13.5 feet. Every such permit issued by DOT must designate the route to be used. If the route 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. DOT may issue these permits regardless of whether the load being transported is divisible.

substitute amendment *

insert ANAL-A

insert ANAL-B

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

348.25 (4) (intro.) Except as provided under s. 348.26 (5), (6), or (7) or 348.27 (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (13), or (15), or (16), permits shall be issued only for the transporting of a single article or vehicle which exceeds statutory size, weight or load limitations and which cannot reasonably be divided or reduced to comply with statutory size, weight or load limitations, except that:

SECTION 3. 348.27 (1) of the statutes is amended to read:

~~348.27 (1) APPLICATIONS. All applications for annual, consecutive month or multiple trip permits for the movement of oversize or overweight vehicles or loads shall be made to the officer or agency designated by this section as having authority~~

insert
2-1

insert
2-18

BILL

1 to issue the particular permit desired for use of the particular highway in question.
 2 All applications under subs. (2) and (4) to ~~(15)~~ (16) shall be made upon forms
 3 prescribed by the department.

4 **SECTION 4.** 348.27 (16) of the statutes is created to read:

5 348.27 **(16)** TRANSPORTATION OF HAY OR STRAW. (a) The department may issue
 6 annual or consecutive month permits for the transportation of loads of hay or straw
 7 on a vehicle or combination of vehicles that exceeds the height limitations under s.
 8 348.06. Every permit issued under this subsection shall designate the route to be
 9 used by the permittee.

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

14 **SECTION 5.** 348.28 (1) of the statutes is amended to read:

15 348.28 **(1)** Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10), (12)
 16 to (13), and ~~(15), and (16)~~ shall be carried on the vehicle during operations so
 17 permitted.

18 **SECTION 6. Effective date.**

19 (1) ~~This act takes effect on the first day of the 3rd month beginning after~~
 20 ~~publication.~~

21 (END)

Insert
3-13

Insert
3-17

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0171/P1ins
ARG:.....

1 **INSERT ANAL-A:**

(no P) but do not exceed 14.5 feet if the vehicle is being operated on a highway in an urban area or 15 feet if the vehicle is being operated on any other highway. ✓

2 **INSERT ANAL-B:**

(no P) Permit applications must be made electronically to DOT utilizing an electronic process prescribed by DOT. DOT must promulgate rules defining "urban area" for purposes of these permits and may promulgate rules regulating the configuration of the loads carried under these permits and how these loads are to be secured for safe travel. ✓

3 **INSERT 2-1:**

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

5 348.25 (3) The department shall prescribe forms for applications for all single
6 trip permits the granting of which is authorized by s. 348.26 and for those annual,
7 consecutive month or multiple trip permits the granting of which is authorized by
8 s. 348.27 (2) and (4) to (15). The department shall prescribe an electronic application
9 process for permits the granting of which is authorized by s. 348.27 (16). The
10 department may impose such reasonable conditions prerequisite to the granting of
11 any permit authorized by s. 348.26 or 348.27 and adopt such reasonable rules for the
12 operation of a permittee thereunder as it deems necessary for the safety of travel and
13 protection of the highways. The department may limit use of the highways under
14 any permit issued to specified hours of the day or days of the week. Local officials
15 granting permits may impose such additional reasonable conditions as they deem
16 necessary in view of local conditions.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

INSERT 2-18:

SECTION 2. 348.27 (1) of the statutes is amended to read:

348.27 (1) APPLICATIONS. All applications for annual, consecutive month or multiple trip permits for the movement of oversize or overweight vehicles or loads 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 subs. (2) and (4) to (15) shall be made upon forms prescribed by the department. All applications under sub. (16) shall be made utilizing an electronic process prescribed by the department.

History: 1973 c. 157, 316; 1973 c. 333 s. 190m; 1973 c. 336; 1975 c. 25, 285; 1977 c. 29 ss. 1488m, 1654 (8) (a); 1977 c. 30 s. 5; 1977 c. 191, 197, 272, 273, 418; 1979 c. 34, 315, 326; 1981 c. 20, 69, 163, 215, 391; 1983 a. 78 ss. 32 to 35, 37; 1983 a. 529; 1985 a. 29 s. 3202 (3); 1985 a. 202, 212; 1987 a. 27; 1989 a. 31, 35, 130, 305; 1991 a. 258; 1993 a. 62, 439; 1995 a. 113, 163, 227, 347, 348; 1997 a. 27, 35, 237; 1999 a. 85; 2001 a. 16; 2003 a. 210, 241; 2005 a. 119, 167, 250; 2007 a. 11, 16, 171; 2009 a. 28, 222, 229; 2011 a. 20, 32.

INSERT 3-13:

(c) A permit under this subsection does not authorize the operation of any vehicle or vehicle combination having an overall height in excess of 14 feet 6 inches if the vehicle or vehicle combination is being operated on a highway in an urban area or 15 feet if the vehicle or vehicle combination is being operated on any other highway. The department shall, by rule, define "urban area" for purposes of this paragraph and shall provide, with each permit issued under this subsection, information to the permit holder as to the meaning of this term.

1 (d) The department may promulgate rules regulating the configuration of the
2 loads carried under permits issued under this subsection and how these loads are to
3 be secured for safe travel. ✓

4
5 **INSERT 3-17:**

6 **SECTION 3. Nonstatutory provisions.**

7 (1) The department of transportation shall submit in proposed form the rules
8 required under section 348.27 (16) (c) of the statutes, as created by this act, to the
9 legislative council staff under section 227.15 (1) of the statutes no later than the first
10 day of the 3rd month beginning after the effective date of this subsection. ✓

11 (2) Using the procedure under section 227.24 of the statutes, the department
12 of transportation shall promulgate rules required under section 348.27 (16) (c) of the
13 statutes, as created by this act, for the period before the effective date of the
14 permanent rules promulgated under section 348.27 (16) (c) of the statutes, as created
15 by this act, but not to exceed the period authorized under section 227.24 (1) (c) of the
16 statutes, subject to extension under section 227.24 (2) of the statutes.
17 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department
18 is not required to provide evidence that promulgating a rule under this subsection
19 as an emergency rule is necessary for the preservation of public peace, health, safety,
20 or welfare and is not required to provide a finding of an emergency for a rule
21 promulgated under this subsection.

22 **SECTION 4. Effective dates.** This act takes effect on the first day of the 3rd
23 month beginning after publication, except as follows:

24 (1) The treatment of SECTION ~~3~~ (1) and (2) of this act take effect on the day after
25 publication.

create a.r. [B]
create a.r. [A]

create a.r. [C]

use a.r. [A]
use a.r. [B]
use a.r. [C]

Gary, Aaron

From: Gary, Aaron
Sent: Saturday, September 10, 2011 12:01 PM
To: Fiocchi, Tim
Cc: Nelson, Scott; Woebke, Matt
Subject: RE: Sub Amendment Draft for Hay and Straw

Hi Tim,

I made changes 1 and 3 but not 2, for the reason you discuss. I assume that DOT will prescribe the electronic application and routing system as the process. There is no good reason to be more specific in the statute, and there is a good reason not to - if DOT changes its computer system in 5 years, you don't want to have to do a bill to update the statute. I did however mention the electronic application and routing system in the analysis.

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: Friday, September 09, 2011 1:53 PM
To: Gary, Aaron
Cc: Nelson, Scott; Woebke, Matt
Subject: FW: Sub Amendment Draft for Hay and Straw

Hi Aaron,

I received the below from the department. I'm fine with the suggested changes but I know we had talked about being overly specific in the statutes regarding the use of specific technology so if you think what's currently in the draft regarding their second suggestion is better I'm fine leaving it as is.

Give me a call with any questions – otherwise have a good weekend.

Thanks,

Tim

From: McGinn, Reed - DOT [mailto:Reed.McGinn@dot.wi.gov]
Sent: Friday, September 09, 2011 1:37 PM
To: Fiocchi, Tim
Cc: Lynch, Peter G - DOT; Vieth, David - DOT; Warren, Mitchell - DOT; Bernander, Paul - DOT; Nichols, Kathleen - DOT
Subject: FW: Sub Amendment Draft for Hay and Straw

Hi Tim, I reviewed the draft with our Permits supervisor Kathleen Nichols. There are a couple of areas where modifications would help us out.

- 1) In "Section 2...." Page 1, Line 16 – add "(3)" This would correct a technical deficiency that we

9/10/2011

have been thinking about doing for some years. Addition of "(3)" would make it clear, in statute, that the "General Permit"(GP), 348.27(3) may authorize transport of divisible loads. The related administrative code Trans 230 allows divisible loads – and we thought that was good enough not to press anyone for a statutory change, as long as the "GP" was rarely issued. However, in the last few years, especially in the past 12 months, the "GP" has been the remedy for a number of transport conundrums, so the technical correction has become more important.

- 2) In "Section 3..." Page 2, Lines 10 and 11 – modify to say "... the electronic application and routing system..."
- 3) In "Section 4..." Page 2, Lines 16 and 17 – delete all language after "...348.06."
 - a. If both of these changes are incorporated:
 - i. Applicant will have a more useful and flexible permit
 1. Once applicant has a hay/straw permit, s/he can input varied origins and destinations and the routing system will generate a route cleared for load height and free of closures. There is no charge for this check. NOTE: If a local road is needed to complete the route, the applicant could enter the local approval into a comment window.

Thanks,

Reed McGinn

**Legislative Liaison
Division of Motor Vehicles
Wisconsin Department of Transportation
608-266-7857**

From: Fiocchi, Tim [mailto:Tim.Fiocchi@legis.wisconsin.gov]
Sent: Thursday, September 08, 2011 10:14 AM
To: Nichols, Kathleen - DOT
Cc: Lynch, Peter G - DOT; McGinn, Reed - DOT
Subject: RE: Sub Amendment Draft for Hay and Straw

Yes –this would be a substitute amendment that we would introduce prior to a hearing that would completely replace the original language in the bill. Let me know if there are any issues with the way we've drafted it. Otherwise I'll move forward with this. I'm looking at a hearing on the 20th and a committee vote the 27th.

Thanks,

Tim

From: Nichols, Kathleen - DOT [mailto:Kathleen.Nichols@dot.wi.gov]
Sent: Thursday, September 08, 2011 10:01 AM
To: Fiocchi, Tim
Cc: Lynch, Peter G - DOT; McGinn, Reed - DOT
Subject: RE: Sub Amendment Draft for Hay and Straw

Tim,

Does the "Preliminary Draft – Not Ready For Introduction ASSE MBL Y SUBSTITUT E AMENDMENT, TO 2011 ASSEMBLY BILL (LRB)-2141/1), which you emailed yesterday evening, supersede Assembly Bill 248?

9/10/2011

From: Fiocchi, Tim [mailto:Tim.Fiocchi@legis.wisconsin.gov]
Sent: Wednesday, September 07, 2011 5:14 PM
To: Nichols, Kathleen - DOT; Lynch, Peter G - DOT
Subject: Sub Amendment Draft for Hay and Straw

Good evening,

Attached is a preliminary draft – let me know if you see any issues with it. We will likely hold a hearing on the bill on the 20th.

Thanks for your help,

Tim

Tim Fiocchi

Clerk, Assembly Transportation Committee

Office of Representative Jerry Petrowski

(608) 266-1182

<<11s0171P1.pdf>>



in
9/10



LRBs0171/MPZ

ARG:cjs:jf

wanted
by 9/14

slays

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2011 ASSEMBLY BILL (LRB-2141/1)

SAW

Gen Cat

1 AN ACT *to amend* 348.25 (3), 348.25 (4) (intro.), 348.27 (1) and 348.28 (1); and
2 *to create* 348.27 (16) of the statutes; **relating to:** annual or consecutive month
3 permits for vehicles transporting overheight loads of hay or straw, providing an
4 exemption from emergency rule procedures, and granting rule-making
5 authority.

and other vehicles

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 size or 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. The generally applicable height limit on highways is 13.5 feet.

This substitute amendment allows DOT to issue annual or consecutive month permits for vehicles or vehicle combinations (vehicles) transporting loads of hay or straw that exceed the statutory height limitation of 13.5 feet but do not exceed 14.5

* * * feet if the vehicle is being operated on a highway in an urban area or 15 feet if the vehicle is being operated on any other highway. ~~Every such permit issued by DOT must designate the route to be used.~~ If the route 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. DOT may issue these permits regardless of whether the load being transported is divisible. Permit applications must be made electronically to DOT utilizing an electronic process prescribed by DOT. DOT must promulgate rules defining "urban area" for purposes of these permits and may promulgate rules regulating the configuration of the loads carried under these permits and how these loads are to be secured for safe travel.

shant ANAL

, such as its electronic application and routing system

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 (16). 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:

15 348.25 (4) (intro.) Except as provided under s. 348.26 (5), (6), or (7) or 348.27 (3),
 16 (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (13), ~~or (15), or (16)~~, permits shall be issued

(3) ^

1 only for the transporting of a single article or vehicle which exceeds statutory size,
2 weight or load limitations and which cannot reasonably be divided or reduced to
3 comply with statutory size, weight or load limitations, except that:

4 **SECTION 3.** 348.27 (1) of the statutes is amended to read:

5 348.27 (1) APPLICATIONS. All applications for annual, consecutive month or
6 multiple trip permits for the movement of oversize or overweight vehicles or loads
7 shall be made to the officer or agency designated by this section as having authority
8 to issue the particular permit desired for use of the particular highway in question.
9 All applications under subs. (2) and (4) to (15) shall be made upon forms prescribed
10 by the department. All applications under sub. (16) shall be made utilizing an
11 electronic process prescribed by the department.

12 **SECTION 4.** 348.27 (16) of the statutes is created to read:

13 348.27 (16) TRANSPORTATION OF HAY OR STRAW. (a) The department may issue
14 annual or consecutive month permits for the transportation of loads of hay or straw
15 on a vehicle or combination of vehicles that exceeds the height limitations under s.
16 348.06. Every permit issued under this subsection shall designate the route to be
17 used by the permittee.

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

22 (c) A permit under this subsection does not authorize the operation of any
23 vehicle or vehicle combination having an overall height in excess of 14 feet 6 inches
24 if the vehicle or vehicle combination is being operated on a highway in an urban area
25 or 15 feet if the vehicle or vehicle combination is being operated on any other

1 highway. The department shall, by rule, define “urban area” for purposes of this
2 paragraph and shall provide, with each permit issued under this subsection,
3 information to the permit holder as to the meaning of this term.

4 (d) The department may promulgate rules regulating the configuration of the
5 loads carried under permits issued under this subsection and how these loads are to
6 be secured for safe travel.

7 **SECTION 5.** 348.28 (1) of the statutes is amended to read:

8 348.28 (1) Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10), (12)
9 to (13), ~~and (15), and (16)~~ shall be carried on the vehicle during operations so
10 permitted.

11 **SECTION 6. Nonstatutory provisions.**

12 (1) The department of transportation shall submit in proposed form the rules
13 required under section 348.27 (16) (c) of the statutes, as created by this act, to the
14 legislative council staff under section 227.15 (1) of the statutes no later than the first
15 day of the 3rd month beginning after the effective date of this subsection.

16 (2) Using the procedure under section 227.24 of the statutes, the department
17 of transportation shall promulgate rules required under section 348.27 (16) (c) of the
18 statutes, as created by this act, for the period before the effective date of the
19 permanent rules promulgated under section 348.27 (16) (c) of the statutes, as created
20 by this act, but not to exceed the period authorized under section 227.24 (1) (c) of the
21 statutes, subject to extension under section 227.24 (2) of the statutes.
22 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department
23 is not required to provide evidence that promulgating a rule under this subsection
24 as an emergency rule is necessary for the preservation of public peace, health, safety,

1 or welfare and is not required to provide a finding of an emergency for a rule
2 promulgated under this subsection.

3 **SECTION 7. Effective dates.** This act takes effect on the first day of the 3rd
4 month beginning after publication, except as follows:

5 (1) The treatment of SECTION 6 (1) and (2) of this act take effect on the day after
6 publication.

7 (END)

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0171/P2ins
ARG:.....

INSERT ANAL:

Under current law, DOT or a local authority may, for good cause and under certain circumstances, issue a permit (general permit) authorizing the transportation of loads exceeding otherwise applicable size or weight limitations. This substitute amendment specifies that a general permit may be issued regardless of whether the load being transported is divisible.

Gary, Aaron

From: Fiocchi, Tim
Sent: Wednesday, September 14, 2011 12:23 PM
To: Gary, Aaron
Subject: FW: Draft review: LRB 11s0171/P2 Topic: Permits for transporting overheight loads of hay or straw
Attachments: LRBs0171_P2

Hi Aaron – this is good to go. When you have time send me the /1 and stripes.

Thanks

From: Barman, Mike
Sent: Tuesday, September 13, 2011 1:55 PM
To: Rep.Petrowski
Subject: Draft review: LRB 11s0171/P2 Topic: Permits for transporting overheight loads of hay or straw

Following is the PDF version of draft LRB 11s0171/P2.



TODAY



LRBs0171/1

ARG:cjs:ph

in

9/14

stays

KMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2011 ASSEMBLY BILL 248

No changes
(/PZ done just yesterday)

Regen

1 AN ACT *to amend* 348.25 (3), 348.25 (4) (intro.), 348.27 (1) and 348.28 (1); and
2 *to create* 348.27 (16) of the statutes; **relating to:** annual or consecutive month
3 permits for vehicles transporting overheight loads of hay or straw and other
4 vehicles, providing an exemption from emergency rule procedures, and
5 granting rule-making 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 size or 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. The generally applicable height limit on highways is 13.5 feet.

This substitute amendment allows DOT to issue annual or consecutive month permits for vehicles or vehicle combinations (vehicles) transporting loads of hay or straw that exceed the statutory height limitation of 13.5 feet but do not exceed 14.5

feet if the vehicle is being operated on a highway in an urban area or 15 feet if the vehicle is being operated on any other highway. If the route 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. DOT may issue these permits regardless of whether the load being transported is divisible. Permit applications must be made electronically to DOT utilizing an electronic process prescribed by DOT, such as its electronic application and routing system. DOT must promulgate rules defining "urban area" for purposes of these permits and may promulgate rules regulating the configuration of the loads carried under these permits and how these loads are to be secured for safe travel.

Under current law, DOT or a local authority may, for good cause and under certain circumstances, issue a permit (general permit) authorizing the transportation of loads exceeding otherwise applicable size or weight limitations. This substitute amendment specifies that a general permit may be issued regardless of whether the load being transported is divisible.

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 (16). 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 ~~(3), (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (13), or (15), or (16)~~, permits shall be
3 issued only for the transporting of a single article or vehicle which exceeds statutory
4 size, weight or load limitations and which cannot reasonably be divided or reduced
5 to comply with statutory size, weight or load limitations, except that:

6 **SECTION 3.** 348.27 (1) of the statutes is amended to read:

7 348.27 (1) APPLICATIONS. All applications for annual, consecutive month or
8 multiple trip permits for the movement of oversize or overweight vehicles or loads
9 shall be made to the officer or agency designated by this section as having authority
10 to issue the particular permit desired for use of the particular highway in question.
11 All applications under subs. (2) and (4) to (15) shall be made upon forms prescribed
12 by the department. All applications under sub. (16) shall be made utilizing an
13 electronic process prescribed by the department.

14 **SECTION 4.** 348.27 (16) of the statutes is created to read:

15 348.27 (16) TRANSPORTATION OF HAY OR STRAW. (a) The department may issue
16 annual or consecutive month permits for the transportation of loads of hay or straw
17 on a vehicle or combination of vehicles that exceeds the height limitations under s.
18 348.06.

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

23 (c) A permit under this subsection does not authorize the operation of any
24 vehicle or vehicle combination having an overall height in excess of 14 feet 6 inches
25 if the vehicle or vehicle combination is being operated on a highway in an urban area

1 or 15 feet if the vehicle or vehicle combination is being operated on any other
2 highway. The department shall, by rule, define “urban area” for purposes of this
3 paragraph and shall provide, with each permit issued under this subsection,
4 information to the permit holder as to the meaning of this term.

5 (d) The department may promulgate rules regulating the configuration of the
6 loads carried under permits issued under this subsection and how these loads are to
7 be secured for safe travel.

8 **SECTION 5.** 348.28 (1) of the statutes is amended to read:

9 348.28 (1) Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10), (12)
10 to (13), ~~and (15), and (16)~~ shall be carried on the vehicle during operations so
11 permitted.

12 **SECTION 6. Nonstatutory provisions.**

13 (1) The department of transportation shall submit in proposed form the rules
14 required under section 348.27 (16) (c) of the statutes, as created by this act, to the
15 legislative council staff under section 227.15 (1) of the statutes no later than the first
16 day of the 3rd month beginning after the effective date of this subsection.

17 (2) Using the procedure under section 227.24 of the statutes, the department
18 of transportation shall promulgate rules required under section 348.27 (16) (c) of the
19 statutes, as created by this act, for the period before the effective date of the
20 permanent rules promulgated under section 348.27 (16) (c) of the statutes, as created
21 by this act, but not to exceed the period authorized under section 227.24 (1) (c) of the
22 statutes, subject to extension under section 227.24 (2) of the statutes.
23 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department
24 is not required to provide evidence that promulgating a rule under this subsection
25 as an emergency rule is necessary for the preservation of public peace, health, safety,

1 or welfare and is not required to provide a finding of an emergency for a rule
2 promulgated under this subsection.

3 **SECTION 7. Effective dates.** This act takes effect on the first day of the 3rd
4 month beginning after publication, except as follows:

5 (1) The treatment of SECTION 6 (1) and (2) of this act take effect on the day after
6 publication.

7 (END)