

## Chapter Trans 262

### BACKHAUL PERMITS

Trans 262.01	Purpose.
Trans 262.02	Definitions.
Trans 262.03	Permit application.
Trans 262.04	Eligibility.
Trans 262.05	Validity.
Trans 262.06	Registration requirements.
Trans 262.07	Driver and operating requirements.

Trans 262.08	Maximum size, weight and loading limitations.
Trans 262.09	Equipment requirements.
Trans 262.10	Times of operation.
Trans 262.11	Power unit change.
Trans 262.12	Insurance and liability conditions.
Trans 262.13	General conditions and requirements.
Trans 262.14	Denial, suspension or revocation of permit.

**Trans 262.01 Purpose.** The purpose of this chapter is to establish standards and procedures for the issuance of backhaul permits, pursuant to s. 348.26 (6), Stats.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 262.02 Definitions. (1)** Unless otherwise stated, the definitions of words and phrases in ss. 340.01 and 348.01 (2), Stats., and s. Trans 250.02 apply to this chapter.

**(2)** As used in this chapter:

(a) "Backhaul" means to transport different loads by the same motor vehicle on the trip to its original destination and on its return trip.

(b) "Issuing authority" means the department of transportation.

(c) "Permit" means a backhaul permit authorized under s. 348.26 (6), Stats.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 262.03 Permit application. (1)** An application for a permit shall be submitted to an issuing authority on a form approved by the department, and in accordance with s. 348.26, Stats.

**(2)** An application for a permit for the use of a state trunk highway shall be made to the department in any of the following ways:

(a) In person, at the department's central or region offices.

(b) By mail, addressed to the department's central office.

(c) By the telephone call in-procedure, described in ch. Trans 275.

(d) By authorized permit service.

**Note:** Permit application procedures are in s. Trans 250.025

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91; correction in (2) (a) made under s. 13.92 (4) (b) 6., Stats., Register February 2013 No. 686.

**Trans 262.04 Eligibility. (1)** An issuing authority may issue a permit for the transportation of a legal size and legal weight load on an oversize vehicle or combination of vehicles, provided that the vehicle or combination of vehicles has a multiple or single trip oversize permit for the transportation of an oversize load in the direction opposite to the backhaul permit and actually transports an oversize load in that direction.

**Note:** Legal sizes are set forth in ch. 348 and s. 349.16, Stats.

**Note:** As an example, if an overwide crawler tractor is transported under permit between a storage area and a job site, then a backhaul permit may be issued for the transportation of an industrial air compressor in the opposite direction.

The overwide crawler must actually be transported. The 2 trips must be part of the same round trip by the permitted vehicle. The transportation of the air compressor may be in either direction, but must be in the direction opposite to that of the movement of the crawler. The transportation of the air compressor may precede or follow in time the transportation of the crawler tractor.

**(2)** A permit may not authorize the operation of more than 2 vehicles in combination.

**(3)** An issuing authority may issue a permit only for a vehicle equipped with pneumatic tires.

**(4)** A permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 262.05 Validity. (1)** A permit is valid only for the vehicle described in the application and permit.

**(2)** A permit is valid only on the route specified in the permit.

**(3)** An issuing authority may suspend a permit, or any of its conditions, because of seasonal highway conditions.

**Note:** Examples of seasonal highway conditions include spring thaw, flooding, and traffic congestion.

**(4)** No condition of a permit may modify any law or regulation limiting loads because of local conditions, including load limits on bridges and highways, seasonal weight restrictions, or load limits imposed because of construction.

**(5)** A permit is not valid during periods when adverse weather or road conditions, such as fog, smoke, heavy rain, snow or ice, or wind velocity, impair the safety of a movement under the permit.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 262.06 Registration requirements. (1)** A vehicle operating under a permit shall be registered as required by Wisconsin statutes, and shall be registered at not less than the permit weight or at the maximum available registration weight, whichever is less.

**(2)** All other operational permits required by the department or other agencies having jurisdiction shall be obtained.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91; correction in (2) made under s. 13.93 (2m) (b) 6., Stats., Register, August, 1996, No. 488.

**Trans 262.07 Driver and operating requirements.**

**(1)** The driver of a vehicle operating under a permit shall carry the permit in the vehicle to which [it] applies and shall have the permit available for inspection by any police officer, representative of the issuing authority, or person in charge of the maintenance of the highway being used.

**(2)** The driver of a vehicle operating under a permit shall carry proof that transportation of an oversize or overweight load has been made to the origin of the backhaul movement or will be made from the destination of the backhaul movement. This proof may be a freight bill, a bill of lading, or similar document, or a signed order from the employer ordering the driver to transport a specific oversize load between specified locations.

**(3)** The driver of a vehicle operating under a permit shall, whenever reasonable and practicable, maintain a distance of not less than 1,000 feet between the vehicle with the permit and any vehicle the driver is following, unless actually engaged in overtaking and passing another vehicle.

**(4)** The driver of a vehicle operating under a permit shall allow traffic approaching or overtaking the permitted vehicle to pass, where it is safe to do so.

(5) Unless a lower speed is specified in the permit, a vehicle operating under a permit may be operated at the posted speed limit.

(6) The right wheels of the towed unit may not leave the roadway, except to allow traffic to pass.

**Note:** A "roadway" does not include paved or unpaved shoulders, s. 340.01 (54), Stats.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 262.08 Maximum size, weight and loading limitations.** (1) A load transported under a permit may not be overweight.

(2) A load transported under a permit may not be oversize.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 262.09 Equipment requirements.** (1) **FLAGS.**

(a) When a vehicle or trailer is overlength, a single flag shall be fastened at each of the rear corners of the trailer.

(b) When a vehicle or trailer is overwidth, a flag shall be fastened at the left and right extremities of both the front and rear of the vehicle or trailer, whichever is wider.

(c) Each flag shall be solid red or orange in color, and not less than 18 inches square.

(d) In order to wave freely, flags shall be securely fastened by at least one corner or securely mounted on a staff.

(2) **SIGNS.** (a) When a vehicle or trailer is more than 10 feet wide or is overlength, 2 warning signs shall be displayed. One sign shall be fastened at the front of the power unit and the other at either the rear of the towed unit or at the rear of the load.

(b) Each sign shall state, in black letters on a yellow background, "OVERSIZE LOAD," and may not be less than 7 feet long and 18 inches high. The letters of the sign may not be less than 10 inches high with a brush stroke of not less than 1.4 inches.

(c) The sign message may not be displayed when the vehicle is not operating under the permit.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 262.10 Times of operation.** (1) Except as otherwise specified in a permit, no vehicle or vehicle combination operating under a permit that is equal to or less than 12 feet in width, 13½ feet in height, or 100 feet in length, may operate:

(a) Between 4:00 p.m. and 11:00 p.m. on Sunday.

(b) Between 4:00 p.m. and 11:00 p.m. on Friday between the 4th Friday in May and Labor Day.

(c) Between 4:00 p.m. and 11:00 p.m. on any holiday, or, when Independence Day falls on Sunday, on the following Monday.

(d) Between 4:00 p.m. and 11:00 p.m. on the day before any holiday, except that this restriction does not apply to Independence Day when it falls on a Sunday.

(2) In addition to the conditions provided in sub. (1), no vehicle or vehicle combination operating under a permit that exceeds 12 feet in width, 13½ feet in height, or 100 feet in length, may operate:

(a) During the hours of darkness.

(b) During the period beginning at 12:00 noon on the day preceding and continuing until sunrise on the day following every Sunday and holiday.

(3) In addition to the conditions provided in subs. (1) and (2), no oversize vehicle or vehicle combination may operate on any part of the Milwaukee county expressway system constructed pursuant to s. 59.84, Stats.:

(a) Between 6:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 6:00 p.m. on Monday through Thursday.

(b) Between 6:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 11:00 p.m. on Friday and Sunday.

(3a) Subsection (3) does not apply to U.S. highway 45 between West Florist Avenue and West Hampton Avenue or to

interstate highway 94 between the Waukesha county line and 108th street.

(4) An issuing authority may issue a permit for times other than those specified in subs. (1), (2), or (3), under extraordinary circumstances when, in the opinion of the issuing authority, public health and welfare is better served, and may impose additional conditions to promote the safe operation of the vehicle and load.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (3) (intro.), cr. (3a), Register, July, 1991, No. 427, eff. 8-1-91; correction in (3) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register March 2012 No. 675.

**Trans 262.11 Power unit change.** In the event of a breakdown or unavailability of the power unit listed on the application and permit, another power unit may be substituted, provided that the make and vehicle identification number, or license number and state, of the substitute power unit are written on the permit. The issuing authority shall be advised by telephone prior to operating the substitute power unit with the permitted load. Changes in the terms of the permit other than the identification of the power unit require a written request and a written amendment to the permit authorizing the change. The driver of a vehicle operating under a permit shall have the amended permit in his or her possession prior to the movement of the load.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 262.12 Insurance and liability conditions.**

(1) In applying for and accepting a permit, a permittee agrees to:

(a) Pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.

(b) Hold the state, its subdivisions, officers, employees and agents harmless from any claim which may arise from operation over public highways under the permit.

(2) Whether or not insurance, bond, or deposit as set forth in sub. (7) is required, the permittee shall be liable for all damages which any highway or its appurtenances may sustain by reason of any operation under the permit.

**Note:** There is no Trans 262.12 (7).

(3) An issuing authority may waive insurance requirements for permits issued to government.

(4) Where a certificate of insurance is required, no insurer may cancel the certificate of insurance without providing the issuing authority 10 days advance written notice of the cancellation.

(5) An issuing authority may require a permittee to provide more bodily injury damage liability coverage than is set forth in sub. (6).

(6) The following insurance amounts are required:

(a) When the permitted vehicle or vehicle combination does not exceed 12 feet in width, 13½ feet in height, or 100 feet in length and is not overweight:

Bodily injury liability—each person . . . . .	\$150,000	or	\$750,000
Bodily injury liability—each accident . . . . .	\$450,000	combined single	
Property damage liability—each accident . . . . .	\$300,000	limit	

(b) When the permitted vehicle or vehicle combination exceeds the size limitations in par. (a):

Bodily injury liability—each person . . . . .	\$200,000	or	\$1,000,000
Bodily injury liability—each accident . . . . .	\$600,000	combined single	
Property damage liability—each accident . . . . .	\$400,000	limit	

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 262.13 General conditions and requirements.**

(1) A permittee shall comply with all applicable statutes, ordinances, rules and policies of any state agency or subdivision of the state, unless they are modified by the conditions of the permit.

(2) When a vehicle operating under a permit is overheight, the permittee shall give prior notice to the owners of overhead wires, cables, or other facilities which may be affected.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 262.14 Denial, suspension or revocation of permit. (1)** An issuing authority may deny, suspend, or revoke a permit for good cause, pursuant to s. 348.25 (7), Stats. Grounds for the denial, suspension, or revocation of a permit include:

- (a) Violation of any condition of a permit.
- (b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.
- (c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.
- (d) Making a material misstatement in an application for a permit.

- (e) Unauthorized alteration of a permit.
- (f) Refusal or failure, without just cause, to produce required records.
- (g) Payment of an application fee with a worthless check.
- (h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

**(2)** A permittee shall immediately return a suspended or revoked permit to the issuing authority, after receiving notice from the issuing authority of the suspension or revocation of the permit.

**Note:** If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the division of hearings and appeals, pursuant to s. 348.25 (9), Stats.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.