

Chapter Trans 259

RAW FOREST PRODUCTS, FRUITS OR VEGETABLES PERMITS

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Trans 259.01 Purpose. The purpose of this chapter is to establish standards and procedures for the issuance of raw forest products, fruits or vegetables permits, pursuant to s. 348.27 (9m), Stats.

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

Trans 259.02 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) "Fruit or vegetable" means the edible part of plants and the inedible part of plants which are commonly harvested and sold with the edible parts.

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

(c) "Permit" means raw forest, fruits or vegetables permits authorized under s. 348.27 (9m), Stats.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (2) (a), r. (2) (d), Register, November, 1997, No. 503, eff. 12-1-97.

Trans 259.03 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. 348.27, 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 district offices.

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

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

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

Trans 259.04 Eligibility. (1) Any vehicle or vehicle and load to be considered as operating under a permit shall satisfy the requirements for a permit under s. 348.25, Stats.

(2) An issuing authority may issue a permit only for an overweight vehicle or an overweight vehicle combination.

(3) A permit may be issued for the transportation of raw forest products as defined in s. 348.01 (2) (bt), Stats. Operation under a permit may include movement from a location where raw forest products have been cut, stored or processed.

(4) A permit may be issued for the transportation of fruits or vegetables from the field to storage or processing facilities.

(5) A permit may be issued for the transportation of bulk potatoes from storage to railroad loading facilities in accordance with s. 348.27 (9m) (a) 2., Stats.

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

(7) 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; am. (3), renum. (5) and (6) to be (6) and (7), cr. (5), Register, November, 1997, No. 503, eff. 12-1-97.

Trans 259.05 Validity. (1) A permit is valid only for the vehicle described in the application and permit.

(2) 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.

(3) An issuing authority may suspend a permit, any of its conditions, due to seasonal highway conditions.

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

(4) Operation under a permit includes the movement of an empty vehicle to and from the place of pickup or delivery of the permitted load.

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

Trans 259.06 Registration requirements. (1) A vehicle or 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 259.07 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, 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.

(3) 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.

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

(5) 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 259.08 Maximum size, weight and loading limitations. (1) The maximum axle, axle combination, and total weight limitations authorized by a permit may not be exceeded.

(2) Wheels on one side of the transporting vehicle may not carry more than 60% of the total gross load.

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

Trans 259.09 Times of operation. Except as otherwise specified in a permit, a vehicle, load, or vehicle and load that is

overweight may operate 24 hours a day, including weekends and holidays.

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

Trans 259.10 Route limitations. A permit is valid on all public highways in the state which are not posted for weight limits, except that a permit is not valid on the national system of interstate and defense highways.

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

Trans 259.11 Transfers. In the event of a breakdown or other circumstance requiring a change of the power unit identified on the permit, transfers to another vehicle, under the control of the permittee, may be made following the completion of a new application and the issuance of a new permit. The words, "This is a transfer from permit # _____," shall be written on the bottom of the application. The original permit shall be sent to the issuing authority with the transfer application.

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

Trans 259.12 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, employes 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 damage which any highway or its appurtenances may sustain by reason of any operation under the permit.

(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:

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	

(7) A permittee shall certify, and may be required to present satisfactory written evidence, that the amount of insurance coverage given in sub. (6), or a bond in a form satisfactory to the issuing authority, will be in effect for the vehicle and load designated in the permit while operating on the public highway, unless this requirement is expressly waived by the issuing authority.

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

Trans 259.13 General conditions and requirements.

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.

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

Trans 259.14 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 employe 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 employe 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.