



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 164**

January 15, 2008 – Offered by Representative FRISKE.

1 **AN ACT** *to amend* 348.175 and 348.27 (9m) (a) 1. of the statutes; and *to affect*
2 2005 Wisconsin Act 167, sections 2, 7 and 13 and 2005 Wisconsin Act 167,
3 section 18; **relating to:** vehicle weight limitations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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 weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local highway authority. One exception allows DOT and local highway authorities to declare certain highways under their jurisdiction as frozen and eligible for increased weight limitations, and to establish increased weight limitations on these highways, for the transportation of certain forest products or of abrasives or salt for highway winter maintenance in excess of generally applicable statutory weight limitations.

2005 Wisconsin Act 167 (Act 167) eliminated, effective January 1, 2011, this frozen road weight limitation exception with respect to vehicles transporting certain forest products. This substitute amendment repeals Act 167's elimination of the frozen road weight limitation exception for forest products, thereby restoring this

exception. The substitute amendment also requires that DOT and local highway authorities, with respect to highways under their respective jurisdictions, make frozen road declarations on the first day that conditions warrant, as determined by DOT and local highway authorities under applicable standards, and that these declarations become effective as of 12:01 a.m. on the second day following the declaration.

Under current law, with limitations, DOT may issue an annual or consecutive month permit for the transportation of raw forest products, fruits, or vegetables under specified circumstances in vehicles exceeding generally applicable statutory weight limitations (a raw forest products, fruits, and vegetables permit). Act 167 eliminated, effective January 1, 2011, the raw forest products, fruits, and vegetables permit, as it applies to raw forest products, in the form in which it existed prior to Act 167. Act 167 created a new version of this permit applicable to raw forest products, which became effective on May 19, 2006. Between May 19, 2006, and January 1, 2011, an applicant may apply for either version of the permit.

This substitute amendment repeals Act 167's elimination of the version of the raw forest products, fruits, and vegetables permit as it existed prior to Act 167, thereby restoring the availability of this version of the permit beyond January 1, 2011. The substitute amendment does not affect the new version of the permit created in Act 167.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 348.175 of the statutes is amended to read:

2 **348.175 Seasonal operation of vehicles hauling peeled or unpeeled**
3 **forest products cut crosswise or abrasives or salt for highway winter**
4 **maintenance.** The transportation of peeled or unpeeled forest products cut
5 crosswise or of abrasives or salt for highway winter maintenance in excess of gross
6 weight limitations under s. 348.15 shall be permitted during the winter months
7 when the highways are so frozen that no damage may result thereto by reason of such
8 transportation. If at any time any person is so transporting such products or
9 abrasives or salt upon a class "A" highway in such frozen condition then that person
10 may likewise use a class "B" highway without other limitation, except that chains
11 and other traction devices are prohibited on class "A" highways but such chains and

1 devices may be used in cases of necessity. ~~The officers or agencies in charge of~~
2 ~~maintenance of highways, upon~~ On the first day that conditions warrant their
3 ~~determination of such frozen condition and freedom of damage to such highways by~~
4 ~~transportation, the officers or agencies in charge of maintenance of highways shall~~
5 ~~declare particular highways, or highways within areas of the state, as eligible for~~
6 ~~increased weight limitations, and each declaration shall be effective as of 12:01 a.m.~~
7 on the 2nd day following the declaration. Such declaration shall include the
8 maximum weight on each axle, combination of axles and the gross weight allowed.
9 Any person transporting any such product over any highway of this state under this
10 section is liable to the maintaining authority for any damage caused to such highway.
11 This section does not apply to the national system of interstate and defense
12 highways, except for that portion of USH 51 between Wausau and STH 78 and that
13 ~~portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon~~
14 ~~their federal designation as I 39~~ between USH 51 and I 90/94.

15 **SECTION 2.** 348.27 (9m) (a) 1. of the statutes is amended to read:

16 348.27 **(9m)** (a) 1. Raw forest products or of fruits or vegetables from field to
17 storage or processing facilities in vehicles or vehicle combinations that exceed the
18 maximum gross weight limitations under s. 348.15 (3) (c) by not more than 10,000
19 pounds. A permit under this subdivision is not valid on highways designated as part
20 of the national system of interstate and defense highways, except on I 39 between
21 STH 29 south of Wausau and the I 90/94 interchange near Portage in Marathon,
22 Portage, Waushara, Marquette and Columbia counties. ~~No permit authorizing the~~
23 ~~transportation of raw forest products issued under this subdivision is valid after~~
24 ~~January 1, 2011.~~

25 **SECTION 3.** 2005 Wisconsin Act 167, sections 2, 7 and 13 are repealed.

