

**51/78/I-39
Status Quo**

Under sec. 348.05 (2) (c), Stats., farm tractors up to twelve feet wide may operate without permit on current 78/51. This same section limits width to 9 feet when operated on a highway which is part of the interstate system. This statutory provision needs to be changed to allow farm tractors up to twelve feet wide to continue to operate legally when the highway becomes I-39.

Current sec. 348.05 (2) (k), Stats., allows for 9 foot wide loads of tie logs, tie slabs and veneer logs, without permit, on all highways except interstate highways. This statutory provision needs to be changed to allow for issuance of permits for 9 foot wide loads of tie logs, tie slabs and veneer logs on the 51/78 portion of I-39. This change is necessary to comply with the permit requirements of the federal law.

Current sec. 348.05 (2)(L), Stats., authorizes 12 foot wide loads of hay bales except on the interstate system. This statutory provision needs to be changed to accomplish the following:

1. Authorize permits for overwidth loads of hay bales, transported by commercial motor vehicles, on all Wisconsin interstates during an Agricultural Emergency as determined pursuant to sec. 348.27 (11) (a), Stats;
2. Maintain current authority to haul overwidth hay bales on farm machinery/implements of husbandry on the 51/78 portion of I-39 without permit; and
3. Maintain the current prohibition on hauling overwidth hay bales by farm machinery/implements of husbandry on the rest of Wisconsin's interstate highways.³

Current sec. 348.05 (3), Stats., authorizes overwidth farm tractors and other farm machinery, not being operated in the performance of work, to be moved, towed or hauled over 78/51/I-39 without a permit, during daylight hours, Monday through Friday (2 p.m.). This provision needs to be changed to accomplish the following:

1. Continue to authorize operations, without permit, for non-commercial motor vehicles on 51/78/I-39, Monday through Friday (2 p.m.), during daylight hours and maintain current permit requirements for weekends;
2. Require a permit anytime an overwidth farm tractor or other farm machinery is being moved or hauled by a commercial motor vehicle on the 51/78 portion of I-39 and all

³ Ibid.

other Wisconsin interstates. Why? Because federal law requires a permit for commercial motor vehicles hauling over width loads on an interstate highway, and sec. 348.05 (3), Stats., already authorizes these vehicles on the interstates, by permit; and

3. Continue to require, as per sec. 348.05 (3), Stats., permits for all commercial/non-commercial motor vehicles on all other interstate highways.

Finally, sec. 348.27, Stats., needs to be amended to include a provision giving DOT the ability to issue single trip, consecutive month, multiple trip and annual permits for vehicles needing permits under sec. 348.05, Stats.

COMMERCIAL VEHICLE SIZE AND WEIGHT UNDER NAFTA

By William Nelli and Rebecca Brady

NAFTA calls for compatibility in standards.

With the signing of the North American Free Trade Agreement (NAFTA), the United States, Canada and Mexico created the largest free-trade area in the world—worth \$269 billion in 1992, according to the U.S. Department of Transportation. In terms of value, 80 percent to 85 percent of U.S. trade with Canada and Mexico is via highway or rail. With the creation of this free trade bloc, the three countries must harmonize land transportation regulations by the year 2000.

Vehicle size and weight will be difficult to harmonize.

While NAFTA and its side agreements address such topics as market access, investment regulations and dispute settlement, many important transportation issues were consigned to subsequent negotiations. The NAFTA parties must coordinate standards for motor carrier and rail operations by the end of 1995. Issues of truck size and weight appear to be the most contentious because of: the variable safety of larger trucks, the fact that truck dimensions and weight limits are subject to both federal and state regulations, the problem of determining equitable user fees for various classes of trucks, the influence of changed size and weight limits on railroads, and the need for increases in public and private investment in trucks and roads.

The United States has the most restrictive weight regulations for trucks and, along with Canada, is the most liberal on truck length. Mexico, on the other hand, allows the heaviest trucks but restricts length. Mexico and several Canadian provinces do not permit the triple trailers allowed in 15, mostly western, states.

Comparison of 1994 Truck Size Regulations (in feet)

Measure	United States	Mexico	Canada
Length			
Straight Truck	Varies by state 35 - 60 ft.	40 ft.	47.8 ft.
Semitrailer	Varies by state 48 - 60	48	Varies by province 68.9 - 82
Truck & Full Trailer	Varies by state 50+	72.2	Varies by province 68.9 - 75.5
Width	8.5	8.5	Varies by province 8.5 - 10
Height	Varies by state 13.5-14	13.6	Varies by province 13.6 - 13.8

Source: NCSL

The U.S. allows the lightest but longest trucks.

United States. A typical U.S. heavy-duty commercial vehicle is a five-axle tractor-trailer combination operating under the 80,000-pound federal maximum. "Grandfather" provisions allow states to retain heavier limits along Interstates, generally requiring special overweight permits with certain operating restrictions. Off the Interstate System, states retain the right to establish weight limits at any level. Since states are responsible for enforcement both on and off the Interstate System, however, the same limits generally apply, especially with regard to axle weight distribution.

Mexico. The common Mexican truck is a six-axle combination with a 90,000-pound gross vehicle weight. The maximum gross weight allowed is 141,120 pounds. Weight maximums are scheduled to drop over the next three years with a six-axle combination being limited to 105,840 pounds by November 1996. Since Mexican trucks are generally sturdier (to withstand rougher roads) and therefore heavier than U.S. trucks, harmonizing truck weights could put Mexico at a disadvantage by limiting their trucks to less cargo than U.S. or Canadian competitors. With new regulations passed in February 1994, Mexico has committed to better enforcement of weight restrictions and increased investment in inspections and weigh stations. The Federal Secretariat of Communications and Transports regulates size and weight limits, which federal police enforce.

Mexico allows the heaviest trucks, but is lowering the weight maximum.

Canada. Canada does not have a national highway system like that of the United States. Canadian highway planning and funding, as well as enforcement of size and weight limits, is primarily relegated to provincial governments. Under the 1988 Memo of Understanding (MOU) on Interprovincial Weights and Dimensions, all 10 provinces and both territories established a maximum vehicle gross weight of 137,000 pounds with eight axles on MOU highways. Since each province retains authority to establish size and weight limits on its roads, different restrictions apply in some areas. Canada can be expected to compromise on length requirements in exchange for more liberal weight limits, according to Canada's Federal Department of Transport.

Canada's restrictions vary by province.

The main concern of states in harmonizing vehicle weights is the infrastructure damage caused by heavier trucks—not just from Canada and Mexico, but also from U.S. trucks operating under more liberal limits. While additional axles could lessen the immediate impact of excess weight on pavement, bridges may still need to be reinforced or replaced. Heavier trucks also require longer acceleration and deceleration distances, raising safety concerns, and have poorer fuel economy, which could increase pollution. Travelers may have problems with larger commercial vehicles, which are harder to pass, have larger blind spots and may encroach on the center line while changing lanes or turning. The American Trucking Association reports that its membership is split on whether or not to support higher weight limits.

States are concerned about increased weight limits.

The NAFTA Land Transportation Standards Subcommittee, established under NAFTA Article 913, will help develop more compatible standards for truck, bus and rail operations, and the transportation of hazardous materials between Canada, Mexico and the United States. NCSL will participate in the Working Group on Vehicle Weights and Dimensions and represent state concerns on safety, infrastructure and pollution. Other working group topics include standards for drivers, road signs, railroads and hazardous materials.

NCSL will participate in NAFTA's vehicle dimension negotiations.

Selected References

- U.S. Department of Transportation, Federal Highway Administration. *Assessment of Border Crossings and Transportation Corridors for North American Trade, Report to Congress.* Washington, D.C., 1993.
- U.S. Department of Transportation, Federal Highway Administration. *Factsheets.* Washington, D.C., Nov. 8 - 9, 1993.

Contacts for More Information

Rebecca Brady NCSL—Washington, D.C. (202) 624-8674	Susan Binder Federal Highway Admin. (202) 366-9230 (Land Transportation Standards Subcommittee)	Tom Klimek Federal Highway Admin. (202) 366-2212 (size and weight)
--	--	---



2/4/95

Jeff Thompson -

Greg from Rep OH's office
has talked with you about
Rep Brandemuehl possibly
sponsoring this bill to change
agriculture and energy
emergency transportation.

This LRB 0588/2 includes
all changes needed to allow
particular implements of hus-
bandry ("potato trucks") to operate

Please give me a call
at your convenience, and I can
give you more detail. Thanks

Carson P Frayser

(DMV) 6-7857



DAVID BRANDEMUEHL

State Representative
49th Assembly District

MEMO

DATE: March 6, 1995

TO: All Legislators

FROM: Rep. David Brandemuehl
Rep. Al Ott

RE: LRB 0588, Relating to the operation of overweight vehicles during an energy or agricultural emergency.

We are introducing legislation which will allow the department of transportation to authorize vehicles to exceed certain weight limitations during a declared energy or agricultural emergency.

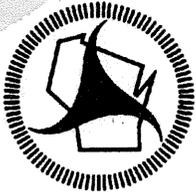
The analysis by the LRB is printed below. If you would like to co-sponsor this bill, please contact Rep. Brandemuehl's office at 6-1170 by Friday, March 17, 1995.

Analysis by the Legislative Reference Bureau

Under current law, the department of transportation (DOT) may issue permits allowing a vehicle or combination of vehicles to exceed certain weight limitations during a declared energy or agricultural transportation emergency.

This bill eliminates the permit process but allows DOT to authorize such overweight vehicles during a declared energy or agricultural emergency. The authorization does not apply on the national system of interstate and defense highways.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.



Wisconsin Department of Transportation

DIVISION OF MOTOR VEHICLES
Bureau of Vehicle Services
4802 Sheboygan Avenue
P. O. Box 7909
Madison, WI 53707-7909

Telephone (608) 266-2235
FAX (608) 267-6974

TO: Jeff Thompson
c/o Rep. Brandemuehl
317 N. Capitol

FROM: Carson P. Frazier *CF*
Senior Policy Analyst
Bureau of Vehicle Services

6-7857
fax # 7-6974

DATE: June 26, 1995

RE: Wording change to LRB 0588/2,
Energy and agricultural emergency transportation

Jeff, I had mentioned to you a few weeks ago that we'll need to get a wording change to LRB 0588/2 if the exemption for I-39 passes in the budget.

I've attached a copy of the wording that's in the budget drafts. This is the same wording that we'll need in the energy/agricultural emergency bill. This exempts overweight movement on USH 51 and STH 78 that will be designated as I-39.

I know you're busy with the budget now, but I just wanted to be sure this gets to you before Rep. Brandemuehl circulates the LRB draft for sponsors. Please call me if you have any questions.

1 **SECTION 6416vf.** 348.05 (2) (k) 1. of the statutes is created to read:

2 348.05 (2) (k) 1. In this paragraph, "fender line" has the meaning given in s.
3 348.09 (1).

4 **SECTION 6416vi.** 348.15 (3) (bg), (br), (bv) and (e) of the statutes are amended
5 to read:

6 348.15 (3) (bg) In the case of a vehicle or combination of vehicles transporting
7 exclusively milk from the point of production to the primary market and the return
8 of dairy supplies and dairy products from such primary market to the farm, the gross
9 weight imposed on the highway by the wheels of any one axle may not exceed 21,000
10 pounds or, for 2 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more
11 consecutive axles more than 9 feet apart, a weight of 2,000 pounds more than is
12 shown in par. (c), but not to exceed 80,000 pounds. This paragraph does not apply
13 to the national system of interstate and defense highways, except for that portion of
14 USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51
15 and the I 90/94 interchange near Portage upon their federal designation as I 39.

16 (br) In the case of a vehicle or combination of vehicles transporting exclusively
17 peeled or unpeeled forest products cut crosswise or in the case of a vehicle or combina-
18 tion of vehicles transporting exclusively scrap metal, the gross weight imposed on the
19 highway by the wheels of any one axle may not exceed 21,500 pounds or, for 2 axles
20 8 or less feet apart, 37,000 pounds or, for groups of 3 or more consecutive axles more
21 than 9 feet apart, a weight of 4,000 pounds more than is shown in par. (c), but not to
22 exceed 80,000 pounds. This paragraph does not apply to the national system of inter-
23 state and defense highways, except for that portion of USH 51 between Wausau and
24 STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near
25 Portage upon their federal designation as I 39.

DATE: March 12, 1996

BACKGROUND

Under current law, the Department of Transportation (DOT) may grant individuals permits which exempt their vehicles from certain size, weight, and load restrictions. For example, the DOT may issue overweight permits to vehicles during agricultural transportation emergencies, as determined by the secretary of the Department of Agriculture, Trade, and Consumer Protection (DATCP) or energy emergencies, as determined by the governor.

Current law also prevents farm tractors with a width greater than 9 feet from operating on any highway which is part of the national interstate system. Farm tractors with widths greater than 12 feet may not operate on any other state highway. During daylight hours, farm tractors greater than 12 feet in width and other farm machinery with widths greater than 8 feet 6 inches may be towed, moved, or hauled on any highway within the state which is not part of the national interstate system without a permit.

U.S. Highway 51 and State Trunk Highway 78 between Wausau and Portage will be designated as I-39, part of the national interstate system. The federal government has notified the state that current weight and size exemptions for certain vehicle operation on USH 51 and STH 78 will be permissible after the federal designation, due to the lack of equal parallel routes for such traffic.

SUMMARY OF ASSEMBLY BILL 960 (as amended)

Refer to DOT
~~Assembly Bill 960 removes the requirement that the DOT must issue a permit to overweight vehicles during agricultural emergencies or energy emergencies. In addition, the bill allows farm tractors up to 12 feet in width to operate without a permit on I-39 from Wausau to Portage. The bill also allows the towing, moving, and hauling of farm tractors over 12 feet in width and other farm machinery with widths over 8 feet 6 inches in the same area on I-39. During an agricultural emergency or energy emergency, overweight vehicles operating on parts of the national interstate system, except for the above stated portions of I-39, must have a permit. The DOT may also issue permits for the operation of farm tractors over 12 feet in width, other farm machinery greater than 8 feet 6 inches in width, and, during agricultural emergencies, vehicles transporting hay bales or Christmas trees exceeding 8 feet 6 inches but not greater than 12 feet for operation on any highway which is part of the national interstate system.~~

AMENDMENTS

Assembly Amendment 1 (committee) limits the maximum width for permitted vehicles transporting hay bales or Christmas trees during an agricultural emergency to 12 feet. [passed, 14-0-1, Rep. Otte absent.]

FISCAL EFFECT

A DOT fiscal estimate notes that AB 960 will have no fiscal impact on the Department.

PROS

- (1) According to the DOT, AB 960 maintains movement of overwidth vehicles currently allowed on sections of USH 51 and STH 78 after the highway is designated I-39.
- (2) By eliminating the permitting of certain oversized and overwidth vehicles, AB 960 is removing what will be bureaucratic red-tape during an agricultural or energy emergency.

CONS

- (1) Over-sized vehicles, on any roads, may be considered a traffic hazard.

SUPPORT

Rep. Brandemuehl, author; Joe Maassen, DOT; Christie Truly; Byron Knight, Wisconsin Public Television.

OPPOSITION

No one registered or testified in opposition to AB 960.

LEGISLATIVE HISTORY

Assembly Bill 960 was introduced and referred to the Assembly Committee on Highways and Transportation on February 26, 1996. On February 22, 1996, a public hearing was held. On February 29, 1996, an executive session was held, and AB 960, as amended, was recommended for passage on a 14-0-1 vote. (Rep. Otte absent)

CONTACT: John Liethen, ARC

1995 Session

LRB or Bill No./Adm. Rule No.

LRB 0588/4 AB96D

Amendment No. if Applicable

- ORIGINAL
- UPDATED
- CORRECTED
- SUPPLEMENTAL

FISCAL ESTIMATE

DOA-2048 (R10/92)

Subject permitting the operation of certain vehicles or combinations of vehicles exceeding weight or width limitations

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

Decrease Costs

Local: No local government costs

- 1. Increase Costs
 - Permissive Mandatory
- 2. Decrease Costs
 - Permissive Mandatory

- 3. Increase Revenues
 - Permissive Mandatory
- 4. Decrease Revenues
 - Permissive Mandatory

- 5. Types of Local Governmental Units Affected:
 - Towns Villages Cities
 - Counties Others
 - School Districts VTAE Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

This bill eliminates the permitting process for vehicles carrying overweight loads during declared energy or agricultural emergencies. The bill also makes several changes to overwidth provisions, to maintain on one segment of USH 51, upon its designation as I-39, overwidth movement currently allowed.

DOT will experience a small decrease in workload resulting from elimination of the permit process for agricultural and energy emergency movement. DOT will also experience a small increase in workload resulting from overwidth provisions. Thus, no net fiscal impact on DOT operations or the Transportation Fund will result from this proposal.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

Carson P. Frazier, 266-7857
Department of Transportation

Authorized Signature/Telephone No.

Jane A. Greshinski
266-2233

Date

02/19/96

FISCAL ESTIMATE WORKSHEET

1995 SESSION

Detailed Estimate of Annual Fiscal Effect
DOA-2047(R10/92)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
LRB 0588/4

Amendment No.

Subject

permitting the operation of certain vehicles or combinations of vehicles exceeding weight or width limitations.

I. One-time Costs or Revenue Fluctuations for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:

A. State Costs by Category

	Annualized Fiscal Impact on State funds from:	
	Increased Costs	Decreased Costs
State Operations-Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations-Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$	\$ -

B. State Costs by Source of Funds

	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED	\$	\$ -
PRO/PRS	\$	\$ -
SEG/SEG-S	\$	\$ -

III. State Revenues-

Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fees, etc.)

	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$	\$ -

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$	\$
NET CHANGE IN REVENUES	\$	\$

Agency/Prepared by: (Name & Phone No.)
Department of Transportation
Carson P. Frazier, 266-7857

Authorized Signature/Telephone No.
266-2233

Date
02/19/96

Jane A. Gzabinski