

LRB or Bill No./Adm. Rule No.  
AB 3 (99-0311/1)  
Amendment No. if Applicable

FISCAL ESTIMATE  
DOA-2048 N(R10/94)

X ORIGINAL       UPDATED  
 CORRECTED     SUPPLEMENTAL

**Subject**

Mudguards on road tractors, truck tractors, trailers, semitrailers, and farm trailers and transporting bulk materials on a highway.

**Fiscal Effect**

State:  No State Fiscal Effect

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

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

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

Decrease Costs

Local:  No local government costs

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

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

5. Types of Local Governmental Units Affected:  
X Towns      X Villages      X Cities  
X Counties     Others \_\_\_\_\_  
 School Districts     WTCS Districts

**Fund Sources Affected**

GPR    FED    PRO    PRS    SEG    SEG-S

**Affected Ch. 20 Appropriations**

**Assumptions Used in Arriving at Fiscal Estimate**

**Current Statutes:**

Current statutes, ss.347.46(2), require mudguards or rear fenders on all privately owned motor trucks and semitrailers drawn by a truck tractor, except motor trucks and semitrailers equipped with dump bodies, which operate on highways for intercity movement. Trucks equipped with dump bodies are not required to have mudguards. Mudguards and rear fenders are required, ss.347.46(2)(a) & (b), to cover tire or multiple tires with a ground clearance of no more than 1/3 of the horizontal distance from the center of the rearmost axle to the fender or mudguard, and must be at least as wide as the tire or multiple tires. Mudguards are not required if the vehicle is so designed and constructed as to cover and protect the rear wheels as prescribed, by means of fenders or other vehicle body construction.

Standards for trailer and semi-trailer equipment, including mudguards and fenders, are administered by TRANS 305.

There are no current statutes that require mudguards for motor trucks equipped as "belly dumps".

Current statutes, ss.348.10(2), require persons operating a vehicle on a highway to ensure that the vehicle is so constructed and loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

**Proposed Legislation:**

AB 3 amends ss.347.46(2) to expand mudguard and fender requirements by:

- 1) Requiring rear fenders or mudguards for any motor truck, road tractor, trailer, farm trailer, semitrailer, or truck tractor
- 2) Providing mudguard or rear fender exemption only for farm trucks equipped with dump bodies
- 3) Requiring rear fenders or mudguards for any vehicle listed above, operated privately or publicly, and not restricted to only intercity movement
- 4) Reducing the ground clearance to no more than 1/5 of the horizontal distance from the center of the rearmost axle to the fender or mudguard

AB 3 creates ss.347.46(2)(d) which requires a motor truck or semitrailer equipped with a dump body that dumps through the floor of the cargo body and is transporting sand, gravel, dirt, rock, or similar material to also be equipped with mudguards that cover the entire width of the vehicle and have a ground clearance of not more than 6 inches when the vehicle is loaded.

AB 3 creates ss.348.10(2)(b) which requires a vehicle loaded with bulk material to have material that is not in containers to be loaded and covered to prevent the material from dropping or sifting from the vehicle.

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**Long-Range Fiscal Implications**

Unknown

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

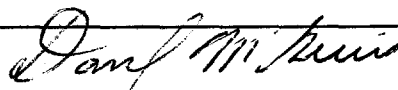
Loralee Brumund / State Patrol / 267-3622 (DOT)

Authorized Signature/Telephone No.

Daniel McGuire / 267-7305

Date

1 / 28 / 99



### Equipment and Operational Costs:

- Mudguard prices are estimated at up to \$160 - \$180 per pair: \$30 - \$50 / pair for flaps, \$30 / pair for brackets, and \$100 / pair for installation.
- Truck fenders that fit over tires are estimated at up to \$500 per pair.
- Tarps prices vary according to their style: electric tarps cost approximately \$1800 per unit  
manual tarps cost approximately \$600 - \$800 per tarp
- Containers range in price from \$25 - \$50 per container.
- New slanted dump beds cost approximately \$8,000 and are replacing older-style dump beds (with a life of 5-15 years) that frequently collect material.
- Some time would be added to vehicle operation for tarp installation, use, and removal, and loading and unloading of containers.

### Vehicles:

- In 1998, there were over 278,000 trucks, tractors, trailers, semitrailers, farm trailers, heavy farm trucks, APO power units, and APO trailers registered in Wisconsin. It is not possible to estimate the number of these registered vehicles that currently do not have mudguards or fenders.
- The number of trailers of a gross weight under 3000# that are not required to be registered in Wisconsin, but would not be covered under AB 3, is impossible to estimate.
- WisDOT-owned trucks and trailers are currently equipped with mudguards or fenders as required by current statutes
- Vehicles used to transport bulk material during for highway maintenance or construction purposes are exempt from coverings/tarps requirements.

### Conclusions:

- Requirements mandated under AB 3 would be applicable to both privately and publicly owned vehicles if AB 3 were enacted into law and would not permit exemptions for existing vehicles (i.e. no "grandfathering" of vehicles).
- Of the over 278,000 currently registered trucks, tractors, trailers, semitrailers, farm trailers, heavy farm trucks, APO power units, and APO trailers, it is not possible to estimate the number of vehicles that do not have mudguards or fenders as required under AB 3. However, those vehicles not having existing equipment would be required to purchase and install mudguards or fenders to meet statutory requirements.
- It is not possible to estimate the number of vehicles that do not have tarps or use containers to carry products, as required under AB 3. However, those vehicles not having tarps or using containers, would be required to purchase tarps or containers to meet statutory requirements.
- For vehicle that do have mudguards that do not meet the proposed reduction of clearance from 1/3 to 1/5 of the horizontal distance, operators would either have to modify their equipment to meet the requirements or purchase different mudguards or fenders to meet the statutory requirements.
- Because WisDOT vehicles currently do have mudguards and fenders as proposed under AB 3, there would be no additional cost to WisDOT to bring its vehicles into compliance with AB 3 if it were enacted into law.
- However, because WisDOT and other public and private entities have opportunity to contract with operators of vehicles who may be required to equip their vehicles with mudguards, fenders, and/or tarps to comply with AB 3 if it were enacted into law, costs associated with equipment purchase and installation, as well as the time required for operators to perform replacement / removal of mudguards, fenders, tarps and/or containers during vehicle use, may be passed on to related contracts.
- Revision to TRANS 305 to reflect changes pursuant to AB 3 would be absorbed in routine TRANS review and reprinting.
- Enforcement of AB 3 if enacted, would increase the amount of time law enforcement officers would spend on violations due to the increase in the types of vehicles required to have mudguards, fenders, tarps, and/or containers. The enforcement duties undertaken along Wisconsin roads would require additional time for officers observing the equipment violations and resultant traffic stops, which would be absorbed into overall enforcement duties and work time. Training on the new equipment requirements would be absorbed into routine training activities.
- Additional work would be required for WisDOT to submit a new state commercial motor vehicle safety law to the federal government for a preemption determination, if AB 3 were enacted into law however, these efforts would be absorbed into routine administrative duties.

# FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect  
DOA-2047 (R10/94)

ORIGINAL     UPDATED  
 CORRECTED      
SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
AB 3.

Amendment No.

Subject  
Mudguards on road tractors, truck tractors, trailers, semitrailers, and farm trailers and transporting bulk material in a highway

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

**II. Annualized Costs:**

**A. State Costs by Category**

State Operations - Salaries and Fringes

(FTE Position Changes)

State Operations - Other Costs

Local Assistance

Aids to Individuals or Organizations

TOTAL State Costs by Category

**B. State Costs by Source of Funds**

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 fee, etc.)

GPR Taxes

GPR Earned

FED

PRO/PRS

SEG/SEG-S

TOTAL State Revenues

Annualized Fiscal impact on State funds from:

Increased Costs

Decreased Costs

\$

\$

( FTE)

(- FTE)

\$ unknown

\$ - none

Increased Costs

Decreased Costs

\$

\$

Increased Rev.

Decreased Rev.

\$

\$

\$ none

\$ - none

**NET ANNUALIZED FISCAL IMPACT**

STATE

LOCAL

NET CHANGE IN COSTS

\$ unknown

\$ unknown

NET CHANGE IN REVENUES

\$ none

\$ none

Agency/Prepared by: (Name & Phone No.)  
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Authorized Signature/Telephone No.  
Daniel McGuire / 267-7305

Date  
1/28/99

*Daniel McGuire*