

1999 DRAFTING REQUEST

Bill

Received: 09/28/98

Received By: nilsepe

Wanted: As time permits

Identical to LRB: 99-0286

For: David Brandemuehl (608) 266-1170

By/Representing:

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - traffic laws

Extra Copies: TNF

Topic:

Special hauling rigs; decking permits

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|---------------------|---------------------|----------------------|----------------|--------------------------|--------------------------|-----------------|
| I? | nilsepe 11/17/98 | gilfokm 11/17/98 | | _____ | | | S&L Vehicle |
| /1 | | gilfokm 01/22/99 | ismith 11/18/98 | _____ | lrb-docadmin 11/18/98 | | S&L Vehicle |
| /2 | | | jfrantze 01/26/99 | _____ | lrbdocadmin 01/26/99 | lrb-docadmin 01/26/99 | |

FE Sent For:

03-15-99

<END>

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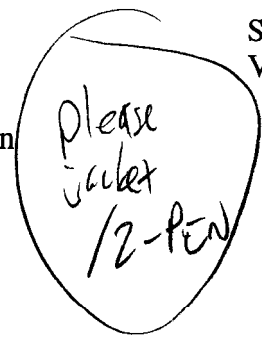
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| /? | nilsepe 11/17/98 | gilfokm 11/17/98 | | _____ | | | S&L Vehicle |
| /1 | | 12-1-22-98 Kmg | ismith 11/18/98 | _____ | lrb_docadmin 11/18/98 |  | |
| FE Sent For: | | | Jb/26 | Jb/kh 1/26 <END> | | | |

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| 1? | nilsepe | 1-11-17 NMF | IS 11/18 | IS/JF 11/18 | | | |

FE Sent For:

<END>





DAVID BRANDEMUEHL

State Representative
49th Assembly District

TO: Paul Nielson, Legislative Reference Bureau

FROM: Sheri Krause, Rep. Brandemuehl's office

A handwritten signature in black ink, appearing to be "SK", written over the "FROM:" line.

DATE: September 28, 1998

RE: Drafting requests

Attached are four proposals for legislation that Rep. Brandemuehl would like drafted. I've provided you with all of the relevant information I was given by the DOT, so if you have any questions or would like a clarification, please feel free to call me or the DOT contact person. Rep. Brandemuehl would also like to reintroduce AB 752 from last session.

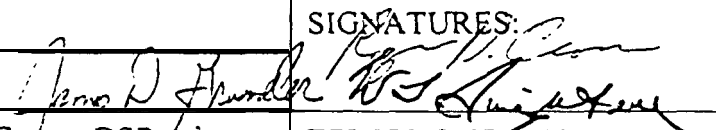
Also, you should be getting (or may have already gotten) some drafting requests from the DOT that relate to: deleting outdated references to liens on titles that date from before 1966; removing the few remaining statutory references to specific dates for expiration of motorcycles/mopeds and farm trucks; deleting the word "retail" in reference to motor vehicle auction dealer penalties; eliminating the requirement, but make optional the purchase of two dealer license plates for motor vehicle salvage pools; and eliminating the requirement that DOT revoke a dealer license for misuse of dealer plates. Rep. Brandemuehl will be introducing these bills on their behalf, so I would appreciate it if you could please send us copies of the drafts.

Thanks for your help Paul! Please let me know if you have any questions or problems.

WISCONSIN DEPARTMENT OF TRANSPORTATION
LEGISLATIVE PROPOSAL FORM
BUDGET / NON-BUDGET

-0384

SHORT TITLE OF ISSUE: Special Hauling Rigs

| | |
|--|--|
| DIVISION(S): Division of Motor Vehicles, Bureau of Vehicle Services; Division of State Patrol; Division of Transportation Infrastructure Development | DIVISION ADMINISTRATORS' SIGNATURES: |
| DATE: May 1, 1997 |  |
| OPB CONTACT PERSON: Lis Gorenstein: DMV: Rollie Couey, DSP | TELEPHONE #: Lis Gorenstein: 266-O 179; Rollie Couey: 264-9524 |
| LEAD DIVISION CONTACT PERSON: Carson Frazier: DMV; Loralee Brumund: DSP; Pete Rusch, DTIP | TELEPHONE #: Carson Frazier: 266-7857; Loralee Brumund: 267-3622; Pete Rusch: 266-0459 |
| OGC CONTACT PERSON: Mike Kemats | TELEPHONE #: 267-9540 |

DEFINE PROBLEM PRECISELY

Vehicle combinations used to transport extremely heavy loads are usually made up of a number of specialized components. The sheer **size** of these vehicle combinations **often** makes them overweight (90,000-120,000 lbs.) even without a load. Some states require that overlength, overweight empty vehicles be divided into components and that one or more components be loaded on the main trailer. This practice is called "decking."

Minnesota and Illinois do not have statutory or administrative law specific to this practice. Illinois issues a standard single trip permit with the load specified as "special hauling rig in **transit**". Minnesota requires carriers to "deck" and has, by policy, defined **the** components of a specialized rig as non-divisible and issues a standard single trip permit. Both states issue these permits for routes including interstate highway. Law enforcement in those states have accepted these permits. This is not an issue in Michigan, since Michigan legal weights **generally** accommodate decking.

Wisconsin statute requires that if an overweight load is "divisible", it must be divided and hauled so that it is no longer overweight. 'Carriers have been issued single trip permits to "**deck**" only one component part of an empty special hauling rig if the empty rig was overweight.

In the past seven years only one single trip permit was issued for decking of two components to shorten an **extraordinarily** long empty overweight vehicle coming from Minnesota going to Illinois. **Unfortunately**, the company to which it was issued took the issuance as a blank check and began to "deck" other loads **under** their multiple trip permit. The company was cited by DSP for doing so.

The **inconsistency** in interstate regulations as they apply to "decking" **means** that carriers traveling **from** Wisconsin to Minnesota must operate "stretched out" to the border, stop to disassemble their equipment, and load the empty rig **components** before entering Minnesota.

Allowing a rig to "deck" unused components does **not** change a vehicle's "**gross weight**"; **however**, it generally causes the vehicle to be slightly overweight in **terms** of "**axle weight**" (decking increases the load placed on each **axle**) -- this may contribute somewhat to highway damage. **On the other hand**, **extremely** long rigs (as Wisconsin **currently** requires) are less

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than when they are anchored to the roadway by a load, thus presenting a safety hazard.

PROPOSED SOLUTION

Create a single trip overweight permit which would allow carriers to transport an overweight load if that load consists solely of the decked components of a special hauling rig if the special hauling rig is in transit to the site where the load-necessitating the special hauling rig will be loaded or on the return trip following delivery of the load and is engaged in a movement for which a single trip permit has issued by Wisconsin, Illinois, Iowa, or Minnesota. This permit might be added to the "backhaul permit" provision. Maximum permissible gross and axle weights should be the same as those of standard single trip permits.

The fees for permits issued under this provision should be made consistent with other permits of the same type.

LEGISLATIVE BACKGROUND

No prior legislative history. WMCA and the Road Builders Association may have potential concerns about the legislation, as they might perceive this as an attempt to make specialized equipment from other states more competitive with Wisconsin equipment.

SECTION 1. 348.01(bx) of the statutes is created to read:
348.01(bx) "Specialized hauling rig" means an unladen nondivisible overweight, overlength, or overwidth combination of vehicles designed to transport exceptionally heavy cargo, exceeding 100 feet in length.

SECTION 2. Same as section 1 in LRB draft 4377/P1.

SECTION 3. 348.26(7) of the statutes is created to read:
348.2617) SPECIALIZED HAULINGRIG PERMITS. The department and those local officials who are authorized to issue permits pursuant to sub. (2) may issue single trip overweight, overlength and overwidth permits for the operation of a specialized hauling rig, whose cargo-bearing component units are loaded or stacked on one or more ~~of~~ the vehicle's cargo-bearing component units. The maximum length for a specialized hauling rig permit is 120 feet in total length. .A permit issued under this subsection is valid only while in transit to the site where the **cargo** to be transported by the **special** hauling rig will be loaded, or from the site where the cargo transported by the specialized hauling rig was delivered. Every permit issued under this subsection shall designate the route to be used by the permittee. A specialized hauling rig is a nondivisible vehicle as described in 23 CFR section 658.5.

DRAFT

8/5/98

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-0384/1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

creating a permit authorizing the operation upon a highway of a specialized hauling rig that exceeds statutory size and weight limits.

1

you cut
AN ACT *relating to the budget*; relating to: ~~the budget~~

Analysis by the Legislative Reference Bureau

TRANSPORTATION
DRIVERS AND MOTOR VEHICLES

Current law limits the size and weight of motor vehicles that may be lawfully operated upon a highway. A vehicle may exceed these size and weight limits if the department of transportation (DOT) or the local highway official has issued the vehicle a permit authorizing the operation and specifying the route and conditions of the operation. This bill authorizes DOT and local highway officials to issue a single trip permit for the operation of vehicles that are stacked on top of one another if the vehicles are cargo-bearing components of a vehicle that is used to transport exceptionally heavy and indivisible cargo and if separating the cargo-bearing component vehicles into separate vehicles is overly time-consuming or renders the combined vehicle unfit for its intended use.

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., the department of transportation, as required by law, will prepare a report to be printed as an appendix to this bill.

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

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

Nilsen, Paul

From: Krause, Sheri
Sent: Thursday, January 21, 1999 9:15 AM
To: Nilsen, Paul
Subject: RE: LRB drafts

You're right. I'm sorry, I somehow misplaced it. There were two changes requested by DOT. Page 2, line 10 replace the word "indivisible" with the word "nondivisible". Apparently, it's the word that the feds use and WisDOT wants to mirror their language. Also, page 2, line 15, after the word "oversize", insert "but not overheight". With those changes it should be ready for jacketing.

Thanks!

-----Original Message-----

From: **Nilsen, Paul**
Sent: Wednesday, January 20, 1999 4:09 PM
To: Krause, Sheri
Subject: RE: LRB drafts

Actually, 99-0384 was completed in November for DOT and was sent out to you in December. Here's a copy: << File: 99-03841 .pdf >>

Paul E. Nilsen
Legislative Attorney
State of Wisconsin
(608) 261-6926

redraft

-----Original Message-----

From: Krause, Sheri
Sent: Wednesday, January 20, 1999 4:03 PM
To: Nilsen, Paul
Subject: RE: LRB drafts

I just got 99-0288/1 and I'm assuming 99-0384/1 will be here shortly. Other than the commercial driving schools draft, I think that's it (at least for now!) Thanks for your help!

-----Original Message-----

From: **Nilsen, Paul**
Sent: Wednesday, January 20, 1999 3:24 PM
To: Krause, Sheri
Subject: RE: LRB drafts

The only undrafted request I have from your office is commercial driving schools, LRB-0386. This is one of my older requests and will be one of the first things I do if I ever get caught up with budget drafting, although I cannot give you a firm time when you can expect to see a draft. I do not know what other requests DOT has made (on its own behalf) that Representative Brandemuehl has agreed to sponsor. Please let me know if you need other drafts. I have received the following drafts from your office, and have completed all but one:

- 99-0288/1 vehicle liens
- 99-0383/1 single state registration
- 99-0384/1 hauling rigs
- 99-0385/3 commercial drivers licenses
- 99-0386/? commercial driving schools
- 99-0561/1 registration expiration dates
- 99-0562/1 auction dealer licenses
- 99-1 648/1 IFTA and IRP appeals

Paul E. Nilsen
Legislative Attorney
State of Wisconsin

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(608) 261-6926

-----Original Message-----

From: Krause, Sheri
Sent: Wednesday, January 20, 1999 3:07 PM
To: Nilsen, Paul
Subject: LRB drafts

I received LRB 1648, the redraft of 1997 AB 752, but I hadn't heard from you about the other drafts. They aren't critical, but I do need to have some idea of when you think you could get them to me. Thanks!

Sheri

Rep. Brandemuehl's office



1999 BILL

1 *Ken Cat.*
 AN ACT to amend 348.25 (4) (intro.); and to create 348.26 (7) of the statutes;
 2 **relating** to: creating a permit authorizing the operation upon a highway of a
 3 specialized hauling rig that exceeds statutory size and weight limits.

Analysis by the Legislative Reference Bureau

Current law limits the size and weight of motor vehicles that may be lawfully operated upon a highway. A vehicle may exceed these size and weight limits if the department of transportation (DOT) or the local highway official has issued the vehicle a permit authorizing the operation and specifying the route and conditions of the operation. This bill authorizes DOT and local highway officials to issue a single trip permit for the operation of vehicles that are stacked on top of one another if the vehicles are cargo-bearing components of a vehicle that is used to transport exceptionally heavy and indivisible cargo ~~and~~ if separating the cargo-bearing component vehicles into separate vehicles is overly time-consuming or renders the combined vehicle unfit for its intended use. *and if the vehicle is not overly long or tall*

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., the department of transportation, as required by law, will prepare a report to be printed as an appendix to this bill.

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

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

height 248.06

BILL

SECTION 1. 348.25 (4) (intro.) of the statutes is amended to read:

348.25 (4) (intro.) Except as provided under s. 348.26 (5) ~~or~~, (6) or (7) or 348.27 (3m), (9), (9m), (9r), (9t), (10), (12) or (13), permits shall be issued only for the transporting of a single article or vehicle which exceeds statutory size, weight or load limitations and which cannot reasonably be divided or reduced to comply with statutory size, weight or load limitations, except that:

SECTION 2. 348.26 (7) of the statutes is created to read:

348.26 (7) SPECIALIZED HAULING RIG PERMITS. (a) In this subsection, "specialized hauling rig" means a vehicle, or combination of vehicles, [✓] that exceeds 100 feet in length and that is designed to transport ~~in~~ ^{nondivisible} cargo that is exceptionally heavy.

A "specialized hauling rig" is a nondivisible vehicle within the meaning of 23 CFR **658.5.**

(b) The department and those local officials who are authorized to issue permits under sub., (2) may issue single trip permits for the operation of overweight or oversized ^{specialized hauling rigs} whose unladen cargo-bearing ~~& mponent~~ units are loaded or stacked on one or more of the specialized hauling rig's cargo-bearing component units.' A permit issued under this paragraph is valid only while the specialized hauling rig is in transit to the site where the cargo to be transported will be loaded onto the specialized hauling rig, and while in transit from the site where the specialized hauling rig delivered its cargo. Every permit issued under this paragraph shall designate the route to be used by the permittee. No permit issued under this paragraph may authorize the operation of a specialized hauling rig that exceeds 120 feet in length. ^{or that exceeds the height limitations under s. 348.06}

(END)

[Handwritten notes and signatures at the bottom of the page]