



LCRC
FORM 2

WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 02-079

AN ORDER to amend Trans 276.07 (5) to (7), (21) and (24), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by **DEPARTMENT OF TRANSPORTATION**

06-03-2002 RECEIVED BY LEGISLATIVE COUNCIL.

06-19-2002 REPORT SENT TO AGENCY.

RS:WF

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.16(1) and 348.07(4), Stats.

STATUTE INTERPRETED: s. 348.07(4), Stats.

General Summary of Proposed Rule. This proposed rule amends Trans 276.07(5) to (7), (21) and (24), Wisconsin Administrative Code, to add six segments of highway to the designated highway system established under s. 348.07(4), Stats., and to remove one segment of highway. The actual highway segments¹ that this proposed rule adds to the designated highway system are:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 121	USH 53 in Pigeon Falls	STH 95
STH 164	I-43	STH 36
STH 20	STH 36	I-94
STH 28	STH 57	STH 32
STH 28	STH 32 in Sheboygan Falls	I-43 in Sheboygan
STH 28	USH 45 in Kewaskum	STH 144 S. of Boltonville

The segment proposed to be removed from the designated long truck route network is:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 32	STH 28	STH 23

The long trucks to which this proposed rule applies are those with 53-foot semitrailers, double bottoms and the vehicles which may legally operate on the federal National Network, but which exceed Wisconsin's regular limits on overall length. Generally, no person may operate any of the following vehicles on Wisconsin's highways without a permit: A single vehicle with an overall length in excess of 40 feet², a combination of vehicles with an overall length in excess of 65 feet, a semitrailer longer than 48 feet, an automobile haulaway longer than 66 feet plus allowed overhangs, or a double bottom. Certain exceptions are provided under s. 348.07(2), Stats., which implements provisions of the federal Surface Transportation Assistance Act in Wisconsin.

¹ The proposed rule text often achieves these objectives by consolidating individual segments into contiguous segments with new end points. In order to determine the actual highway segment added, it is necessary to compare the combined old designations with the combined new designation.

² 45-foot buses are allowed on the National Network and Interstate system by Federal law. Section 4006(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

The effect of this proposed rule will be to extend the provisions of s. 348.07(2)(f), (fm), (gm) and (gr), and s. 348.08(1)(e), Stats., to the highway segments listed above. As a result, vehicles which may legally operate on the federal National Network in Wisconsin will also be allowed to operate on the newly-designated highways. Specifically, this means there will be no overall length limitation for a tractor-semitrailer combination, a double bottom or an automobile haulaway on the affected highway segments. There also will be no length limitation for a truck tractor or road tractor when operated in a tractor-semitrailer combination or as part of a double bottom or an automobile haulaway. Double bottoms will be allowed to operate on the affected highway segments provided neither trailer is longer than 28 feet, 6 inches. Semitrailers up to 53 feet long may also be operated on these highway segments provided the kingpin to rear axle distance does not exceed 43 feet. This distance is measured from the kingpin to the center of the rear axle or, if the semitrailer has a tandem axle, to a point midway between the first and last axles of the tandem. Otherwise, semitrailers, including semitrailers which are part of an automobile haulaway, are limited to 48 feet in length.

These vehicles and combinations are also allowed to operate on undesignated highways for a distance of 5 miles or less from the designated highway in order to reach fuel, food, maintenance, repair, rest, staging, terminal or vehicle assembly or points of loading or unloading.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district or sewerage district.

Initial Regulatory Flexibility Analysis. The provisions of this proposed rule adding highway segments to the designated system have no direct adverse effect on small businesses, and may have a favorable effect on those small businesses which are shippers or carriers using the newly-designated routes.

Copies of Rule and Contact Person. Copies of this proposed rule are available without cost upon request to the office of the State Traffic Engineer, P. O. Box 7986, Room 501, Madison, Wisconsin, 53707-7986, telephone (608) 266-1273. For questions about this rule making, please call Ashwani Sharma, Traffic Operations Engineer at (608) 266-1273. Alternate formats of the proposed rule will be provided to individuals at their request.

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1) and 348.07(4), Stats., the department of transportation hereby proposes to amend ch. Trans 276, Wisconsin Administrative Code, interpreting s. 348.07(4), Stats.,

relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways, as follows:

SECTION 1. Trans 276.07(5) to (7), (21) and (24) are amended to read:

	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(5)	STH 20	IH 94 W. of Racine <u>STH 36</u>	STH 31 in Racine
	STH 21	STH 27 in Sparta	USH 41 at Oshkosh
	STH 22	USH 51 at North Leeds	STH 54 S. of Manawa
	STH 22	STH 76 w. of Bear Creek	USH 45 in Clintonville
	STH 22	STH 29 . of Shawano	USH 41 in Oconto
	STH 23	STH 11 E. of Shullsburg	IH 90-94 W. of Lake Delton
	STH 23	USH 51 in Endeavor	Taylor Drive in Sheboygan
(6)	STH 25	Minnesota Line	USH 8 in Barron
	STH 26	IH 90 at Janesville	USH 151 S.E. of Waupun
	STH 26	USH 151 N.E. of Waupun	USH 41 S.W. of Oshkosh
	STH 27	USH 18 in Prairie du Chien	STH 171 at Mt. Sterling
	STH 27	USH 14 S.E. of Viroqua	STH 40 in Radisson
	STH 28	STH 33 in Horicon	USH 45 in Kewaskum
	STH 28	STH 144 S. of Boltonville	STH 57 at Waldo <u>IH 43</u>
	STH 29	USH 10 in Prescott	STH 35 in River Falls
	STH 29	IH 94 W. of Elk Mound	USH 53 at Chippewa Falls
	STH 29	STH 124 S. of Chippewa Falls	USH 41 in Green Bay

	STH 29	USH 141 at Bellevue	STH 42 in Kewaunee
(7)	STH 30	USH 151 in Madison	IH 90-94 E. of Madison
	STH 31	Illinois Line	STH 20 in Racine
	STH 32	IH 43 in River Hills	IH 43 E. of Grafton
	STH 32	IH 43 N. of Port Washington	<u>STH 28 S. of Shegoygan Falls</u>
	<u>STH 32</u>	<u>STH 23 N. of Sheboygan Falls</u>	STH 57 in De Pere
	STH 32	USH 41 N. of De Pere	STH 64 S. of Mountain
(21)	STH 121	STH 93 in Independence	USH 53 in Pigeon Falls
			<u>STH 95 W. of Alma Center</u>
	STH 124	USH 53 N. of Eau Claire	STH 64 E. of Bloomer
	STH 128	STH 29 in Spring Valley	STH 170 in Glenwood City
	STH 129	USH 61 S.E. of Lancaster	USH 61 N.E. of Lancaster
(24)	STH 150	STH 110 at Winchester	USH 41 at Neenah
	USH 151	IA Line at Dubuque, IA	S. Park St. in Madison
	USH 151	IH 90-94 in Madison	USH 41 in Fond du Lac
	USH 151	STH 23 in Fond du Lac	USH 10 at Manitowoc
	USH 158	IH 94 W. of Kenosha	STH 31 in Kenosha
	STH 156	STH 22 in Clintonville	STH 29 in Shawano County
	STH 164	STH 43 N. of Big Bend <u>36</u>	USH 18 E. of Waukesha
	STH 164	IH 94 N. of Waukesha	STH 190 E. of Pewaukee
	STH 164	CTH VV in Sussex	CTH Q W. of Colgate
	STH 165	IH 94 W. of Kenosha	STH 31 in Kenosha

STH 170	STH 128 in Glenwood City	STH 79 in Boyceville
STH 172	USH 41 in Ashwaubenon	IH 43 S.E. of Green Bay
STH 173	STH 21 W. of Wyeville	STH 73 in Nekoosa
STH 175	STH 67 in Lomira	CTH P S. of Theresa
STH 178	CTH S N. of Chippewa Falls	Jim Falls

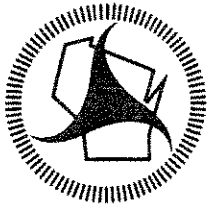
(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 31 day of May, 2002.



THOMAS E. CARLSEN, P.E.
Acting Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum
Governor

Thomas E. Carlsen, P.E.
Acting Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P.O. Box 7910
Madison, WI 53707-7910

Telephone: 608-266-8810
FAX: 608-267-6734
E-mail: ogc.exec@dot.state.wi.us

May 1, 2002

Mr. Gary L. Poulson, Deputy Revisor
Revisor of Statutes Bureau
131 West Wilson Street
Suite 800
Madison, Wisconsin 53703

RE: STATEMENT OF SCOPE OF PROPOSED RULEMAKING, TRANS 276

Dear Mr. Poulson:

Enclosed is the Statement of Scope for the proposed amendment of ch. Trans 276. Please publish the Scope Statement in accordance with § 227.135(3), Stats., in the Administrative Register.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

Enclosures

cc: David Schmiedicke/DOA State Budget Director
Senator Judy Robson, Co-Chair/JCRAR
Representative Glenn Grothman, Co-Chair/JCRAR
Alice Morehouse
Mike Goetzman
Ashwani Sharma

STATEMENT OF SCOPE

DESCRIPTION OF THE OBJECTIVE OF THE RULE:

This proposal will amend ch. Trans 276, which establishes a network of highways on which long combination vehicles may operate, by adding 5 highway segments to the network and removing 1 segment. The actual segments being proposed to add to the network are:

STH 121 from USH 53 in Pigeon Falls to STH 95
STH 164 from I-43 to STH 36
STH 20 from STH 36 to I-94
STH 28 from STH 57 to STH 32
STH 28 from STH 32 in Sheboygan Falls to I-43 in Sheboygan

The segment proposed to be removed from the designated long truck route network is:

STH 32 from STH 28 to STH 23

DESCRIPTION OF EXISTING POLICIES RELEVANT TO THE RULE AND OF NEW POLICIES PROPOSED TO BE INCLUDED IN THE RULE AND AN ANALYSIS OF POLICY ALTERNATIVES:

Federal law requires the Department of Transportation to react within 90 days to requests for changes to the long truck route network. Wisconsin state law requires that the Department use the administrative rule process to deal with changes to the long truck route network. Chapter Trans 276 is an existing rule set up for long truck routes. The Department has received a requests from Best Express, LLC in Osseo, Carol's Permit Service, Inc., in Big Bend, Kreilkamp Trucking, Inc., and the City of Sheboygan Falls to add these highway segments. The City of Sheboygan Falls requested the removal of the above-mentioned segment.

STATUTORY AUTHORITY FOR THE RULE:

s. 348.07(4), Stats.

ESTIMATES OF THE AMOUNT OF TIME THAT STATE EMPLOYEES WILL SPEND DEVELOPING THE RULE AND OF OTHER RESOURCES NECESSARY TO DEVELOP THE RULE:

It is estimated that state employees will spend 40 hours on the rule-making process, including research, drafting and conducting a public hearing.

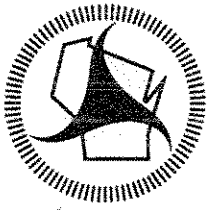
Signed at Madison, Wisconsin, this 30 day of April, 2002.



THOMAS E. CARLSEN, P.E.

Acting Secretary

Wisconsin Department of Transportation



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum
Governor

Thomas E. Carlsen, P.E.
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The Honorable Judy Robson
Senate Chairman
Joint Committee for Review
of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin 53702

June 3, 2002

The Honorable Glenn Grothman
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 15 North, State Capitol
Madison, Wisconsin 53702

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to **allowing the operation of double bottoms and certain other vehicles on specified highways**, Trans 276

Dear Senator Robson and Representative Grothman:

Enclosed for your information is a Notice of Public Hearing and Text of Proposed Rulemaking relating to the above-entitled matter. These documents have also been filed with the Revisor of Statutes, the Legislative Council, and the Department of Administration in accordance with the requirements of §§ 227.15 and 227.17, Stats.

Sincerely,


Julie A. Johnson
Paralegal

Enclosure

cc: Alice Morehouse
Mike Goetzman
Ashwani Sharma

The Wisconsin Department of Transportation proposes an order to amend TRANS 276.07(5) to (7), (21) and (24), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

**NOTICE OF HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to ss. 85.16(1) and 348.07(4), Stats., interpreting s. 348.07(4), Stats., the Department of Transportation will hold a public hearing at the following location to consider the amendment of chapter Trans 276, Wisconsin Administrative Code, relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways:

July 5, 2002
Hill Farms State Transportation Building
4802 Sheboygan Avenue
Room 419
Madison, WI
9:00 AM

(Parking is available for persons with disabilities)

The public record on this proposed rule making will be held open until close of business on the date of the hearing to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such written comments should be submitted to Ashwani K. Sharma, Traffic Operations Engineer, Bureau of Highway Operations, Room 501, P. O. Box 7986, Madison, Wisconsin, 53707-7986.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.16(1) and 348.07(4), Stats.

STATUTE INTERPRETED: s. 348.07(4), Stats.

General Summary of Proposed Rule. This proposed rule amends Trans 276.07(5) to (7), (21) and (24), Wisconsin Administrative Code, to add six segments of highway to the designated highway system established under s. 348.07(4), Stats., and to remove one segment of highway. The actual highway segments¹ that this proposed rule adds to the designated highway system are:

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STH 28	STH 57	STH 32
STH 28	STH 32 in Sheboygan Falls	I-43 in Sheboygan
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The segment proposed to be removed from the designated long truck route network is:

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¹ The proposed rule text often achieves these objectives by consolidating individual segments into contiguous segments with new end points. In order to determine the actual highway segment added, it is necessary to compare the combined old designations with the combined new designation.

² 45-foot buses are allowed on the National Network and Interstate system by Federal law. Section 4006(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

The effect of this proposed rule will be to extend the provisions of s. 348.07(2)(f), (fm), (gm) and (gr), and s. 348.08(1)(e), Stats., to the highway segments listed above. As a result, vehicles which may legally operate on the federal National Network in Wisconsin will also be allowed to operate on the newly-designated highways. Specifically, this means there will be no overall length limitation for a tractor-semitrailer combination, a double bottom or an automobile haulaway on the affected highway segments. There also will be no length limitation for a truck tractor or road tractor when operated in a tractor-semitrailer combination or as part of a double bottom or an automobile haulaway. Double bottoms will be allowed to operate on the affected highway segments provided neither trailer is longer than 28 feet, 6 inches. Semitrailers up to 53 feet long may also be operated on these highway segments provided the kingpin to rear axle distance does not exceed 43 feet. This distance is measured from the kingpin to the center of the rear axle or, if the semitrailer has a tandem axle, to a point midway between the first and last axles of the tandem. Otherwise, semitrailers, including semitrailers which are part of an automobile haulaway, are limited to 48 feet in length.

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Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district or sewerage district.

Initial Regulatory Flexibility Analysis. The provisions of this proposed rule adding highway segments to the designated system have no direct adverse effect on small businesses, and may have a favorable effect on those small businesses which are shippers or carriers using the newly-designated routes.

Copies of Rule and Contact Person. Copies of this proposed rule are available without cost upon request to the office of the State Traffic Engineer, P. O. Box 7986, Room 501, Madison, Wisconsin, 53707-7986, telephone (608) 266-1273. For questions about this rule making, please call Ashwani Sharma, Traffic Operations Engineer at (608) 266-1273. Alternate formats of the proposed rule will be provided to individuals at their request.

TEXT OF PROPOSED RULE

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relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways, as follows:

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	<u>Route</u>	<u>From</u>	<u>To</u>
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	STH 27	USH 14 S.E. of Viroqua	STH 40 in Radisson
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	STH 32	IH 43 in River Hills	IH 43 E. of Grafton
	STH 32	IH 43 N. of Port Washington	<u>STH 28 S. of Shegoygan Falls</u>
	<u>STH 32</u>	<u>STH 23 N. of Sheboygan Falls</u>	STH 57 in De Pere
	STH 32	USH 41 N. of De Pere	STH 64 S. of Mountain
(21)	STH 121	STH 93 in Independence	<u>USH 53 in Pigeon Falls</u>
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STH 175	STH 67 in Lomira	CTH P S. of Theresa
STH 178	CTH S N. of Chippewa Falls	Jim Falls

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

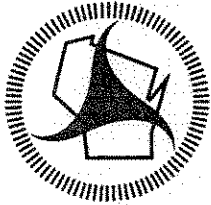
Signed at Madison, Wisconsin, this 31 day of
May, 2002.



THOMAS E. CARLSEN, P.E.

Acting Secretary

Wisconsin Department of Transportation



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum
Governor

Thomas E. Carlsen, P.E.
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Madison, WI 53707-7910

Telephone: 608-266-8810
FAX: 608-267-6734
E-mail: ogc.exec@dot.state.wi.us

The Honorable Fred Risser
President, Wisconsin State Senate
Room 220 South, State Capitol
Madison, Wisconsin 53707

July 16, 2002

The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Room 315 North, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 276**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 02-079

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **02-079**, relating to **allowing the operation of double bottoms and certain other vehicles on certain specified highways**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson (Deputy Revisor of Statutes)/Senator Judy Robson/
Representative Glenn Grothman/Ashwani Sharma

CR 02-079

The Wisconsin Department of Transportation proposes an order to amend TRANS 276.07(5) to (7), (21) and (24), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

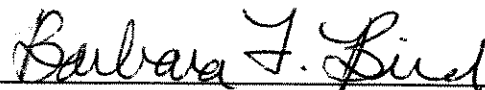
Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



BARBARA F. BIRD
Assistant General Counsel
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
Transportation Building
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-8807

PART 1

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.16(1) and 348.07(4), Stats.

STATUTE INTERPRETED: s. 348.07(4), Stats.

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¹ The proposed rule text often achieves these objectives by consolidating individual segments into contiguous segments with new end points. In order to determine the actual highway segment added, it is necessary to compare the combined old designations with the combined new designation.

² 45-foot buses are allowed on the National Network and Interstate system by Federal law. Section 4006(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

The effect of this proposed rule will be to extend the provisions of s. 348.07(2)(f), (fm), (gm) and (gr), and s. 348.08(1)(e), Stats., to the highway segments listed above. As a result, vehicles which may legally operate on the federal National Network in Wisconsin will also be allowed to operate on the newly-designated highways. Specifically, this means there will be no overall length limitation for a tractor-semitrailer combination, a double bottom or an automobile haulaway on the affected highway segments. There also will be no length limitation for a truck tractor or road tractor when operated in a tractor-semitrailer combination or as part of a double bottom or an automobile haulaway. Double bottoms will be allowed to operate on the affected highway segments provided neither trailer is longer than 28 feet, 6 inches. Semitrailers up to 53 feet long may also be operated on these highway segments provided the kingpin to rear axle distance does not exceed 43 feet. This distance is measured from the kingpin to the center of the rear axle or, if the semitrailer has a tandem axle, to a point midway between the first and last axles of the tandem. Otherwise, semitrailers, including semitrailers which are part of an automobile haulaway, are limited to 48 feet in length.

These vehicles and combinations are also allowed to operate on undesignated highways for a distance of 5 miles or less from the designated highway in order to reach fuel, food, maintenance, repair, rest, staging, terminal or vehicle assembly or points of loading or unloading.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district or sewerage district.

Copies of Rule and Contact Person. Copies of this proposed rule are available without cost upon request to the office of the State Traffic Engineer, P. O. Box 7986, Room 501, Madison, Wisconsin, 53707-7986, telephone (608) 266-1273. For questions about this rule making, please call Ashwani Sharma, Traffic Operations Engineer at (608) 266-1273. Alternate formats of the proposed rule will be provided to individuals at their request.

PART 2 **TEXT OF PROPOSED RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1) and 348.07(4), Stats., the department of transportation hereby proposes to amend ch. Trans 276, Wisconsin Administrative Code, interpreting s. 348.07(4), Stats., relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways, as follows:

SECTION 1. Trans 276.07(5) to (7), (21) and (24) are amended to read:

	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(5)	STH 20	IH 94 W. of Racine <u>STH 36</u>	STH 31 in Racine
	STH 21	STH 27 in Sparta	USH 41 at Oshkosh
	STH 22	USH 51 at North Leeds	STH 54 S. of Manawa
	STH 22	STH 76 w. of Bear Creek	USH 45 in Clintonville
	STH 22	STH 29 . of Shawano	USH 41 in Oconto
	STH 23	STH 11 E. of Shullsburg	IH 90-94 W. of Lake Delton
	STH 23	USH 51 in Endeavor	Taylor Drive in Sheboygan
(6)	STH 25	Minnesota Line	USH 8 in Barron
	STH 26	IH 90 at Janesville	USH 151 S.E. of Waupun
	STH 26	USH 151 N.E. of Waupun	USH 41 S.W. of Oshkosh
	STH 27	USH 18 in Prairie du Chien	STH 171 at Mt. Sterling
	STH 27	USH 14 S.E. of Viroqua	STH 40 in Radisson
	STH 28	STH 33 in Horicon	USH 45 in Kewaskum
	STH 28	STH 144 S. of Boltonville	STH 57 at Waldo <u>IH 43 in Sheboygan</u>
	STH 29	USH 10 in Prescott	STH 35 in River Falls
	STH 29	IH 94 W. of Elk Mound	USH 53 at Chippewa Falls
	STH 29	STH 124 S. of Chippewa Falls	USH 41 in Green Bay
	STH 29	USH 141 at Bellevue	STH 42 in Kewaunee
(7)	STH 30	USH 151 in Madison	IH 90-94 E. of Madison

	STH 31	Illinois Line	STH 20 in Racine
	STH 32	IH 43 in River Hills	IH 43 E. of Grafton
	STH 32	IH 43 N. of Port Washington	<u>STH 28 S. of Sheboygan Falls</u>
	<u>STH 32</u>	<u>STH 23 N. of Sheboygan Falls</u>	STH 57 in De Pere
	STH 32	USH 41 N. of De Pere	STH 64 S. of Mountain
(21)	STH 121	STH 93 in Independence	USH 53 in Pigeon Falls <u>STH 95 W. of Alma Center</u>
	STH 124	USH 53 N. of Eau Claire	STH 64 E. of Bloomer
	STH 128	STH 29 in Spring Valley	STH 170 in Glenwood City
	STH 129	USH 61 S.E. of Lancaster	USH 61 N.E. of Lancaster
(24)	STH 150	STH 110 at Winchester	USH 41 at Neenah
	USH 151	IA Line at Dubuque, IA	S. Park St. in Madison
	USH 151	IH 90-94 in Madison	USH 41 in Fond du Lac
	USH 151	STH 23 in Fond du Lac	USH 10 at Manitowoc
	USH 158	IH 94 W. of Kenosha	STH 31 in Kenosha
	STH 156	STH 22 in Clintonville	STH 29 in Shawano County
	STH 164	STH 43 N. of Big Bend <u>36</u>	USH 18 E. of Waukesha
	STH 164	IH 94 N. of Waukesha	STH 190 E. of Pewaukee
	STH 164	CTH W in Sussex	CTH Q W. of Colgate
	STH 165	IH 94 W. of Kenosha	STH 31 in Kenosha
	STH 170	STH 128 in Glenwood City	STH 79 in Boyceville
	STH 172	USH 41 in Ashwaubenon	IH 43 S.E. of Green Bay

STH 173 STH 21 W. of Wyeville STH 73 in Nekoosa
STH 175 STH 67 in Lomira CTH P S. of Theresa
STH 178 CTH S N. of Chippewa Falls Jim Falls

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 16 day of July, 2002.



THOMAS E. CARLSEN, P.E.
Acting Secretary
Wisconsin Department of Transportation



**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

PART 3

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 02-079

AN ORDER to amend Trans 276.07 (5) to (7), (21) and (24), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by **DEPARTMENT OF TRANSPORTATION**

06-03-2002 RECEIVED BY LEGISLATIVE COUNCIL.

06-19-2002 REPORT SENT TO AGENCY.

RS:WF

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

PART 4
CR 02-079

ANALYSIS OF FINAL DRAFT OF TRANS 276

(a) **Need for Amended Rule.** Federal law requires the Department of Transportation to react within 90 days to requests for changes to the long truck route network. Wisconsin state law requires that the Department use the administrative rule process to make changes to the long truck route network. Chapter Trans 276 is the existing rule designating the long truck network. The Department has received a request to add the following six highway segments and to remove one highway segment:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 121	USH 53 in Pigeon Falls	STH 95
STH 164	I-43	STH 36
STH 20	STH 36	I-94
STH 28	STH 57	STH 32
STH 28	STH 32 in Sheboygan Falls	I-43 in Sheboygan
STH 28	USH 45 in Kewaskum	STH 144 S. of Boltonville

In determining to designate these highway segments, the Department has considered the factors of safety, economics, energy savings, industry productivity and competition as required by Wis. Stat. § 348.07(4).

The segment proposed to be removed from the designated long truck route network is:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 32	STH 28	STH 23

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Madison on July 5, 2002. No modifications were made as a result of testimony at the hearing.

(c) **List of Persons who Appeared or Registered at Public Hearing.** Only one person appeared/registered at the hearing:

Tom Howells, President, Wisconsin Motor Carriers Association, P. O. Box 44849, Madison, WI 53744-4849—spoke in favor of adding the proposed routes.

Written comments were also received from the following:

David O. Specht, Mayor, City of Sheboygan Falls, P. O. Box 186, 375 Buffalo Street, Sheboygan Falls, WI 53085—supports removal of STH 32 from STH 28 to STH 23.

Representative Joseph Leibham, 26th State Assembly District, State Capitol, P. O. Box 8952, Madison, WI 53708-8952—supports the removal of STH 32 from STH 28 to STH 23 and the designation of STH 28 from STH 57 to I-43.

Senator James Baumgart, 9th Senate District, State Capitol, P. O. Box 7882, Madison, WI 53707-7882—supports the removal of STH 32 from STH 28 to STH 23 and the designation of STH 28 from STH 57 to I-43.

Nancy Verstrate, Executive Director, Sheboygan Falls Chamber-Main Street, 641 Monroe Street, Suite 108, Sheboygan Falls, WI 53085—supports the removal of STH 32 from STH 28 to STH 23 and the designation of STH 28 from STH 57 to I-43.

David C. Pueringer, Safety Coordinator, Kreilkamp Trucking, Inc., P. O. Box 268, Allenton, WI 53002—supports the designation of STH 28 from STH 57 to I-43.

Sheriff Richard A. Young, Jackson County Sheriff's Office, 30 North 3rd Street, Black River Falls, WI 54615—supports the designation of STH 121 from USH 53 in Pigeon Falls to I-94, but would oppose extending the segment to STH 95.

Michael L. Hemp, P.E., Jackson County Highway Commissioner (e-mail)—although the Highway Commission does not oppose the designation of STH 121 from USH 53 in Pigeon Falls to STH 95, it requests that the designation be postponed until planned improvements for re-surfacing and shoulder improvements are completed in 2005. There are sections of wheel rutting on STH 121 which pose a serious safety concern.

Representative Barbara Gronemus, 91st Assembly District, State Capitol, P. O. Box 8952, Madison, WI 53708-8952—supports the designation of STH 121 from USH 53 in Pigeon Falls to STH 95.

Ron Loken, Trempealeau County Highway Commissioner (e-mail)—opposes that portion of STH 121 from USH 53 in Pigeon Falls to STH 95 that falls within Trempealeau County.

The Department's investigation showed the following summary findings:

The Department's District 3 office in Green Bay recommends the removal of segment STH 32 from STH 28 to STH 23. Long trucks passing through Sheboygan Falls create a problem because of the tight turns and narrow pavement through downtown. There is no reason for these trucks to pass through Sheboygan Falls because there are many alternate routes. Long trucks are destined for local businesses—these businesses

are aware of the problems and will not contest the action. These local businesses have already taken measures to inform companies which deliver to them to use other routes.

The Department's District 5 office in La Crosse recommends the designation of STH 121 from USH 53 in Pigeon Falls to STH 95. The district has only mild concerns with designating STH 121 as a long truck route. The roadway is not as wide as we would prefer and rutting on the pavement is evident. Rutting is not an issue in this case, as the legal weight limits are not part of the designation. The length of the truck and off-tracking concerns are the greater concern. However, there is very little difference in the offtracking resulting from the longer truck.

STH 121 is not a "major truck route" by any means. Overall we see very little impact to the safety of traffic operations on STH 121 by allowing the designation prior to a planned resurfacing (and limited shoulder widening) project in 2005.

(d) **Response to Legislative Council Recommendations.** The Legislative Council made no recommendations to the proposed rule.

(e) **Final Regulatory Flexibility Analysis.** The provisions of this proposed rule adding highway segments to the designated system have no direct adverse effect on small businesses, and may have a favorable effect on those small businesses which are shippers or carriers using the newly-designated routes.