



Wisconsin Department of Transportation

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The Honorable Senator Roger Breske
Chairman, Senate Transportation Committee
Room 18 South
State Capitol
Madison, Wisconsin 53707

July 16, 2001

The Honorable Representative Jeff Stone
Chairman, Assembly Transportation Committee
Room 306 North, State Capitol
Madison, Wisconsin 53702

RE: Proposed Administrative Rule **TRANS 276**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 01-065

Dear Senator Breske and Representative Stone:

In accordance with the Department of Transportation's efforts to keep you informed of its ongoing rule making actions, enclosed is a courtesy copy of Final Draft rule **Trans 276**, relating to **allowing the operation of double bottoms and certain other vehicles on certain specified highways**, which is being submitted to the Legislature for committee review.

Sincerely,

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

Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Ashwani Sharma

ROGER BRESKE

STATE SENATOR

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MEMORANDUM

July 19, 2001

TO: Senate Committee on Insurance, Tourism and Transportation

FR: Senator Roger Breske, Chair

RE: Proposed Clearinghouse Rule 01-065; *Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.*

Clearinghouse Rule 01-065 was recently referred to the Senate Committee on Insurance, Tourism and Transportation. For your reference, I have included the analysis from the Department of Transportation. If you would like to request a hearing, please contact Beth in my office before ***Friday, August 3, 2001.***

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.

General Summary of Proposed Rule. This proposed rule amends Trans 276.07(6), Wisconsin Administrative Code, to add one segment of highway to the designated highway system established under s. 348.07(4), Stats. The actual highway segment¹ that this proposed rule adds to the designated highway system is:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 27	USH 8 in Ladysmith	STH 40 in Radisson

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.

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-semi-trailer 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-semi-trailer 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. Semi-trailers 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

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.

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(6) is amended to read:

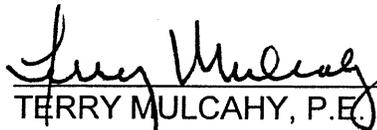
	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(6)	STH 25	Minnesota Line	USH 8 in Barron
	STH 26	IH 90 at Janesville	USH 151 S.E. of Waupun
	STH 26	USH 151 N.E. of Waupun	USH 41 S.W. of Oshkosh
	STH 27	USH 18 in Prairie du Chien	STH 171 at Mt. Sterling
	STH 27	USH 14 S.E. of Viroqua	USH 8 in Ladysmith

		<u>STH 40 in Radisson</u>
STH 28	STH 33 in Horicon	USH 45 in Kewaskum
STH 28	STH 144 S. of Boltonville	STH 57 at Waldo
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

(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), Stats.

Signed at Madison, Wisconsin, this 13 day of July, 2001.



TERRY MULCAHY, P.E.
Secretary

Wisconsin Department of Transportation

CR 01-065

The Wisconsin Department of Transportation proposes an order to amend TRANS 276.07(6), 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:

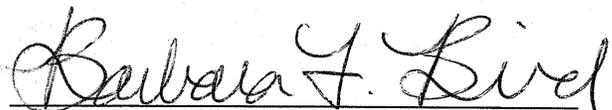
Part 1--Analysis prepared by the Department of Transportation.

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:



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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 01-065

AN ORDER to amend Trans 276.07 (6), (13) and (24), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by **DEPARTMENT OF TRANSPORTATION**

06-04-01 RECEIVED BY LEGISLATIVE COUNCIL.
06-28-01 REPORT SENT TO AGENCY.

RS:WF:jal

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 01-065

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 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 request to add one highway segment.

In determining to designate the one highway segment identified in Part 1 of this Final Draft Report, the Department has considered the factors of safety, economics, energy savings, industry productivity and competition as required by s. 348.07(4), Stats. The above factors were found to justify the designation of the following highway segment:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 27	USH 8 in Ladysmith	STH 40 in Radisson

The added segment is needed to provide safer access for long trucks to serve businesses in communities in the area, thus promoting the economics of the area and promoting energy savings.

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Madison on June 29, 2001. The Department originally proposed to add three highway segments to the designated highway system. In addition to the one mentioned in par. (a), the other two were:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 60	USH 12 in Sauk City	STH 113 in Lodi
STH 156	STH 22 in Clintonville	STH 29 in Shawano County

As a result of opposition registered at the hearing, opposition received from numerous phone calls, and the Department's own investigation of the safety of operation of long trucks on the highways originally proposed, the Department has deleted the two above-mentioned highway segments from the list of highways which were proposed in the Notice of Hearing.

(c) **List of Persons who Appeared or Registered at Public Hearing.** Persons who registered/attended the hearing and those who contacted the Department concerning the originally proposed long truck routes are listed below:

Glen M. Melius, Police Chief City of Lodi 113 South Main Street Lodi, WI 53555 (608) 592-5401	Registered in opposition to the STH 60 segment
Tom Howells, President Wisconsin Motor Carrier Association P. O. Box 44849 Madison, WI 53744-4849 (608) 833-8200	Spoke in favor of all three segments originally proposed
Paul F. Fisk, Mayor City of Lodi	Written resolution opposing STH 60 segment
Louise Back Home Spuns Prairie du Sac, WI	Phone call opposing the STH 60 segment
Mary Mozman Dacore & Moor Prairie du Sac, WI	Phone call opposing the STH 60 segment
Don Meise Private Citizen Prairie du Sac, WI	Phone call opposing the STH 60 segment
Pamela Zigler Zigler Photography 575 Water Street Prairie du Sac, WI	Phone call opposing the STH 60 segment
Della _____ (last name unknown) Lock Tight Security & Satellite 521 Water Street Prairie du Sac, WI	Phone call opposing the STH 60 segment
Mike Eannelli Madison Job Pharmacy Prairie du Sac, WI	Phone call opposing the STH 60 segment
Representative Gene Hahn Room 15 West State Capitol	Opposes STH 60 segment
John Guyette Terminal Manager Roadway Express 318 South Market Street Green Bay, WI 54304 (920) 336-5133	Spoke in favor of the STH 156 segment

(d) **Response to Legislative Council Recommendations.** The Legislative Council Rules Clearinghouse 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.