

2003 DRAFTING REQUEST

Bill

Received: **06/02/2003**

Received By: **tfast**

Wanted: **As time permits**

Identical to LRB:

For: **Curtis Gielow (608) 266-0486**

By/Representing: **John Reinemann**

This file may be shown to any legislator: **NO**

Drafter: **tfast**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **PJH, ARG - 1**

Submit via email: **YES**

Requester's email: **Rep.Gielow@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

On-road refuse vehicles

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>
/?	tfast 07/23/2003	jdye 07/24/2003		_____			S&L
/P1			jfrantze 07/24/2003	_____	sbasford 07/24/2003		S&L
/1	tfast	jdye	pgreensl	_____	mbarman		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	08/22/2003	08/25/2003	08/25/2003	_____	08/25/2003		
/2	tfast 08/26/2003	jdye 08/26/2003	rschluet 08/26/2003	_____ _____ _____	sbasford 08/26/2003	Inorthro 09/22/2003	

FE Sent For:

<END>

AA
Intro.

2003 DRAFTING REQUEST

Bill

Received: **06/02/2003**

Received By: **tfast**

Wanted: **As time permits**

Identical to LRB:

For: **Curtis Gielow (608) 266-0486**

By/Representing: **John Reinemann**

This file may be shown to any legislator: **NO**

Drafter: **tfast**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **PJH, ARG - 1**

Submit via email: **YES**

Requester's email: **Rep.Gielow@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

On-road refuse vehicles

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>
/?	tfast 07/23/2003	jdye 07/24/2003		_____			S&L
/P1			jfrantze 07/24/2003	_____	sbasford 07/24/2003		S&L
/1	tfast	jdye	pgreensl	_____	mbarman		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	08/22/2003	08/25/2003	08/25/2003	_____	08/25/2003		
/2	tfast 08/26/2003	jdye 08/26/2003	rschluet 08/26/2003	_____ _____ _____	sbasford 08/26/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: **06/02/2003**

Received By: **tfast**

Wanted: **As time permits**

Identical to LRB:

For: **Curtis Gielow (608) 266-0486**

By/Representing: **John Reinemann**

This file may be shown to any legislator: **NO**

Drafter: **tfast**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **PJH, ARG - 1**

Submit via email: **YES**

Requester's email: **Rep.Gielow@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

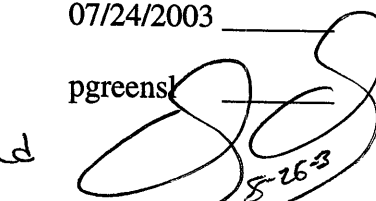
Topic:

On-road refuse vehicles

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>
/?	tfast 07/23/2003	jdyer 07/24/2003					S&L
/P1			jfrantze 07/24/2003		sbasford 07/24/2003		S&L
/1	tfast	jdyer <i>1/2 8/26/03</i>	pgreensl		mbarman		<i>pb</i>

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	08/22/2003	08/25/2003	08/25/2003	_____	08/25/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 06/02/2003

Received By: tfast

Wanted: As time permits

Identical to LRB:

For: Curtis Gielow (608) 266-0486

By/Representing: John Reinemann

This file may be shown to any legislator: NO

Drafter: tfast

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: PJH, ARG - 1

Submit via email: YES

Requester's email: Rep.Gielow@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

On-road refuse vehicles

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>
/?	tfast 07/23/2003	jdyer 07/24/2003	<i>J 25</i> <i>PS</i>	<i>J 25</i> <i>19/16</i>			S&L
/P1		<i>1 8/25</i> <i>ju</i>	jfrantze 07/24/2003		sbasford 07/24/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 06/02/2003

Received By: tfast

Wanted: As time permits

Identical to LRB:

For: Curtis Gielow (608) 266-0486

By/Representing: John Reinemann

This file may be shown to any legislator: NO

Drafter: tfast

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: PJH, ARG - 1

Submit via email: YES

Requester's email: Rep.Gielow@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

On-road refuse vehicles

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>
1?	tfast	PI 7/24 jcd	6/27/24	Y/Pg 6/27/24			

FE Sent For:

<END>

Fast, Timothy

From: Reinemann, John
Sent: Wednesday, May 21, 2003 4:03 PM
To: Fast, Timothy
Subject: Bill draft request

Hi Tim. I have a letter from the Village of Bayside in Milwaukee County which seems to be pointing us to a bill draft.

Bayside and nearby Fox Point use small carts (Cushman Haulster refuse vehicles) to collect waste at the door in their communities. These are small agile vehicles which the villages use because their streets are often small and narrow. The small carts are used to run refuse from curbside to "mother vehicles" parked on main streets. (These "mother vehicles" are large, conventional refuse trucks.) The small carts are favored because of their small turning radii and other maneuverability capabilities.

In 2001 Cushman decided to discontinue manufacture of the on-road version of the refuse cart, which was three-wheeled. They still apparently manufacture a four-wheeled off-road version. The two versions are very similar but the difference is that the off-road versions conform to the current law requirements for a Low Speed Vehicle and (being developed more recently than the on-road versions) have some refinements such as being four-wheeled, having four-wheel brakes, and having a better rollover-protection system.

The Village of Bayside has explored the market availability of on-road refuse vehicles that meet current on-road requirements and has apparently come up empty. They have considered switching to a curbside refuse pickup system using only larger conventional refuse trucks but would much prefer to retain their small-and-large-vehicle system.

SO, we are now to their request of our office. We'd like to draft a bill to allow on-road operation of the currently available off-road Cushman refuse cart. We would the bill to allow on-road operation of off-road vehicles if those vehicles

- vehicles must meet the standards already in law for Low Speed Vehicles, Type Two Motorcycles or Type Two Automobiles
- are designed and manufactured specifically to carry solid waste
- are limited to two occupants (driver and passenger)
- vehicles must be owned by a municipality or its refuse-collection contractee and may only be operated on-street for purposes of refuse collection
- vehicles cannot be operated on streets with posted speed limits greater than 35 MPH
- operators must of course have current, valid WI operator's permits and must be employees of a municipality or its refuse-collection contractee

If there is any problem with any of these points, please let me know. I'm sure we can get where we want to get somehow. In particular, the clause about only allowing these vehicles on streets with posted limits below 35 MPH - if there's a neater way to get at that, we're happy to take advice.

Again, please let me know if there is a question or a problem with any of these requirements. Thank you!

John Reinemann
Legislative Aide to Rep. Curt Gielow
266-0486

WANTED THURS.
7/24 AM

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

and that is not certified for on-road use by its manufacturer.

Regen

- 1 AN ACT to amend 59.84 (2) (j), 285.30 (5) (c) and 346.16 (2) (am); and to create
- 2 285.30 (5) (j), 340.01 (74p), 341.05 (27), 346.16 (2) (ar), 346.94 (19), 346.95 (8)
- 3 and 349.237 of the statutes; relating to: the operation of ~~waste transport~~ ✓
- 4 vehicles and providing a penalty. ✓ off-road refuse ✓

Analysis by the Legislative Reference Bureau

This bill specifically permits the operation of ~~waste transport~~ vehicles on certain roadways of the state. The bill defines "~~waste transport~~ vehicle" as a motor vehicle that is designed and constructed to carry one or two persons and to transport ~~either residential and commercial solid waste (such as garbage, yard waste, and recyclable materials) or municipal construction, repair, or landscaping materials.~~ As defined in the bill, ~~a waste transport~~ vehicle must meet the equipment standards under state law for a Type 2 automobile or Type 2 motorcycle or the federal equipment standards for a low-speed vehicle ~~and the vehicle is not required to be certified for on-road use by its manufacturer.~~ ~~Waste transport~~ vehicles are smaller, lighter, and slower moving than most other vehicles (such as garbage trucks) used for such purposes.

The bill permits ~~waste transport~~ vehicles to be operated on roadways under the jurisdiction of a local highway authority that have a speed limit of 35 miles per hour or less, but only if the ~~waste transport~~ vehicle is being used to collect residential or commercial solid waste and being operated by a person employed by, or under contract with, a local governmental unit. However, a local highway authority may restrict or prohibit the operation of ~~waste transport~~ vehicles on any roadway under its jurisdiction having a speed limit of more than 25 miles per hour.

an

Off-road refuse

Off-road refuse

~~Waste transport~~ vehicles are prohibited from operating on state trunk highways and connecting highways, even where the applicable speed limit is 35 miles per hour or less. However, the bill allows ~~waste transport~~ vehicles to cross state trunk highways or connecting highways at officially designated crossings and at intersections where traffic is controlled by an official traffic control sign, signal, marking, or other device. The bill specifically prohibits the operation of ~~waste transport~~ vehicles on any roadway having a speed limit of more than 35 miles per hour. A person who violates any of these provisions relating to the operation of ~~waste transport~~ vehicles may be required to forfeit not less than \$30 nor more than \$300.

The bill also does all of the following:

1. Exempts ~~waste transport~~ vehicles from vehicle registration by the Department of Transportation (DOT). Under current law, road machinery, implements of husbandry (agriculture), and certain vehicles that are operated primarily off a highway or to cross a highway are exempt from registration by DOT.

2. Requires an operator of ~~waste transport~~ vehicle to have a valid operator's license or instruction permit authorizing the operation of "Class D" vehicles (primarily automobiles, but also any other motor vehicles that are not commercial motor vehicles or Type 1 motorcycles).

3. Requires the operators of ~~waste transport~~ vehicles to observe the rules of the road, including this state's implied consent law and statutory provisions relating to drunken driving, and subjects violators of those rules to the same penalties as those that apply to violations committed while operating other "Class D" vehicles, including the assessment of demerit points and the imposition of fines, forfeitures, terms of imprisonment, and revocation or suspension of motor vehicle operating privileges.

4. Exempts ~~waste transport~~ vehicles from motor vehicle emission limitations and testing.

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

off-road refuse

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

1 SECTION 1. 59.84 (2) (j) of the statutes is amended to read:
2 59.84 (2) (j) *Traffic types and speed limits.* After an expressway project has
3 been certified as completed, the public body having jurisdiction over the
4 maintenance thereof shall have the power to regulate the type of vehicular use of
5 such portion of the expressway except as limited by federal and state laws and
6 regulations, and the power to fix speed limits thereon not in excess of the maximum

off-road refuse ✓

1 speed limits for state trunk highways, and to provide and enforce reasonable
 2 penalties for infraction of such vehicular use regulation or speed limits.
 3 Notwithstanding s. 346.16 (2), the use of the expressways by pedestrians, mopeds,
 4 motor bicycles, motor scooters, bicycles, electric personal assistive mobility devices,
 5 ~~waste transport~~ vehicles, funeral processions, and animals on foot and the hauling
 6 of oversized equipment without special permit shall be prohibited when an ordinance
 7 in conformity with this section and, with respect to prohibiting the use of electric
 8 personal assistive mobility devices or ~~waste transport~~ vehicles, in conformity with
 9 s. 349.236 (1) (a) or (b) or 349.237 (1) (a) is enacted by the board, but a forfeiture
 10 provided therein shall not exceed the maximum forfeiture under s. 346.17 (2). The
 11 board may not prohibit the towing of disabled vehicles on expressways, except that
 12 the board may prohibit the towing of disabled vehicles during the peak hours of 7 a.m.
 13 to 9 a.m. and 4 p.m. to 6:30 p.m. as established under county ordinance and except
 14 that the board may establish procedures for and may contract for the towing of
 15 vehicles which have become disabled on the expressway.

SECTION 2. 285.30 (5) (c) of the statutes is amended to read:

285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except
 that a motor vehicle owned by the United States is not exempt unless it comes under
 par. (a), (b), (d), (e), (f), (g) or (h), or (j).

An off-road refuse

SECTION 3. 285.30 (5) (j) of the statutes is created to read:

285.30 (5) (j) ~~A waste transport~~ vehicle as defined in s. 340.01 (49m).

(38m) ✓

(38m) SECTION 4. 340.01 ~~49m~~ of the statutes is created to read:

340.01 ~~(74m)~~ ^(38m) "Waste transport vehicle" means a motor vehicle that is designed
 and constructed to carry no more than 2 persons and to transport residential and
 commercial solid waste, such as yard waste, recyclable materials, and household

Off-road refuse

① garbage, refuse, and rubbish, ^{that is not ✓} ~~or to transport municipal construction, repair, or~~
 ② ~~landscaping materials, regardless of whether the vehicle is~~ certified by the
 3 manufacturer for on-road use, and that satisfies the equipment standards for a Type
 4 2 automobile or Type 2 motorcycle under ch. 349 or the equipment standards for a
 ⑤ low-speed vehicle under 49 CFR 571.500. "Waste transport vehicle" does not include
 6 any motorized construction equipment or any motor vehicle that falls within another
 7 definition under this section.

Off-road refuse

SECTION 5. 341.05 (27) of the statutes is created to read:

⑨ 341.05 (27) The vehicle is ~~a waste transport~~ vehicle being operated in
 10 accordance with s. 346.94 (19). ^{an off-road refuse}

SECTION 6. 346.16 (2) (am) of the statutes is amended to read:

12 346.16 (2) (am) ~~Except Notwithstanding s. 349.105 and except as provided in~~
 13 par. (b), no person riding an electric personal assistive mobility device may go upon
 14 any expressway or freeway when official signs have been erected prohibiting persons
 15 specified in par. (a) from using the expressway or freeway.

SECTION 7. 346.16 (2) (ar) of the statutes is created to read:

①⑦ 346.16 (2) (ar) Notwithstanding s. 349.105, no person operating ~~a waste~~
 ①⑧ ~~transport~~ vehicle may go upon any expressway or freeway when official signs have
 19 been erected prohibiting persons specified in par. (a) from using the expressway or
 20 freeway. OFF-ROAD REFUSE ← CS

SECTION 8. 346.94 (19) of the statutes is created to read:

②② 346.94 (19) ~~WASTE TRANSPORT~~ VEHICLES ON ROADWAY. (a) A person may operate
 ②③ ~~a waste transport~~ vehicle upon any roadway that is under the jurisdiction of a local
 24 authority and that has a speed limit of 35 miles per hour or less. This ✓ paragraph
 ②⑤ applies only if the person operating the ~~waste transport~~ vehicle is employed by, or

off-road refuse

off-road refuse ✓

1 under contract with, a local governmental unit, as defined in s. 19.42 (7u), and the
2 ~~waste transport~~ vehicle is being used for the purpose of collecting residential or
3 commercial solid waste.

✓ an off-road refuse

4 (b) No person may operate a ~~waste transport~~ vehicle upon any highway that
5 has a speed limit of more than 35 miles per hour. Except at crossings authorized
6 under s. 349.237, and at intersections where traffic is controlled by an official traffic
7 control device, and subject to the conditions specified in par. (a) for operation of ✓

8 ~~waste transportation~~ vehicle, no person may operate a ~~waste transport~~ vehicle upon
9 a state trunk highway or connecting highway.

10 SECTION 9. 346.95 (8) of the statutes is created to read:

11 346.95 (8) Any person violating s. 346.94 (19) ✓
12 than \$30 nor more than \$300.

13 SECTION 10. 349.237 of the statutes is created to read:

14 ~~349.237 Authority to regulate operation of waste transport vehicles.~~

off-road refuse

③ → off-road refuse ←

15 (1) The governing body of any municipality or county may, by ordinance, do any
16 of the following:

17 (a) Restrict or prohibit the operation of ✓ ~~waste transport~~ vehicles on all
18 roadways under its jurisdiction having a speed limit of more than 25 miles per hour
19 or only on certain roadways, or portions of such roadways, under its jurisdiction
20 having a speed limit of more than 25 miles per hour that are designated in the
21 ordinance.

22 (b) Designate and mark locations for ~~waste transport~~ vehicles to cross a state
23 trunk highway or connecting highway that is not a controlled-access highway. A

1 municipality or county may erect official signs or otherwise mark a crossing
2 designated under this paragraph only as directed by the department.

3

(END)

D-NOTE

LRB-2791/Pldn
TNF: jld

DRAFTER'S NOTE

ATTN: John Reinemann

Please review this preliminary draft carefully to ensure that it is consistent with your intent. Please also note that the draft exempts off-road refuse vehicles from vehicle registration by DOT [see proposed s. 341.05(27)][✓] and allows municipalities and counties to enact ordinances restricting or prohibiting such vehicles on roadways having a speed limit of more than 25 miles per hour [see proposed s. 349.237(1)(a)][✓]. Please do not hesitate to contact me if you have any questions on this draft.

TNF

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2791/P1dn
TNF:jld:jf

July 24, 2003

ATTN: John Reinemann

Please review this preliminary draft carefully to ensure that it is consistent with your intent. Please also note that the draft exempts off-road refuse vehicles from vehicle registration by DOT [see proposed s. 341.05 (27)] and allows municipalities and counties to enact ordinances restricting or prohibiting such vehicles on roadways having a speed limit of more than 25 miles per hour [see proposed s. 349.237 (1) (a)]. Please do not hesitate to contact me if you have any questions on this draft.

Timothy N. Fast
Senior Legislative Attorney
Phone: (608) 266-9739
E-mail: tim.fast@legis.state.wi.us

Fast, Timothy

From: Reinemann, John
Sent: Thursday, July 24, 2003 9:19 AM
To: Fast, Timothy; Basford, Sarah
Subject: RE: Draft review: LRB 03-2791/P1 Topic: On-road refuse vehicles

Tim and Sarah: This is beautiful – just what we wanted! I read the drafter's note about the two additional clauses that you inserted (if that's the word for them) – the bits about the draft exempting off-road refuse vehicles from vehicle registration by DOT and allowing municipalities and counties to enact ordinances restricting or prohibiting such vehicles on roadways having a speed limit of more than 25 miles per hour. Should not be a problem I think. Thanks of course for pointing these out.

I'm going to share this with our affected municipalities yet this AM and hopefully we can circulate this draft very soon. Terrific! Thanks to you both for this one.

John Reinemann
Aide to Rep. Gielow
Whose District uses small trucks to collect refuse :-)

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

From: Basford, Sarah
Sent: Thursday, July 24, 2003 8:43 AM
To: Rep.Gielow
Subject: Draft review: LRB 03-2791/P1 Topic: On-road refuse vehicles

Following is the PDF version of draft LRB 03-2791/P1 and drafter's note.

Fast, Timothy

From: Osterberg, Sarah
Sent: Monday, July 28, 2003 12:02 PM
To: Fast, Timothy
Cc: 'mlynett@vil.fox-point.wi.us'; Petri, Tom
Subject: draft amendment request

Hi, Tim,

Please read the email below regarding LRB 2541/P1. It describes a requested change to the draft by the Village of Fox Point, for which the bill is being drawn up. Please submit it as quickly as possible. If you have any questions or concerns about the request, feel free to contact Mr. Mike Lynett (contact info below).

I hope you are well,
Sarah

Sarah Osterberg
Office of Rep. Sheldon Wasserman
608-266-7671

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

From: Mike Lynett [mailto:mlynett@vil.fox-point.wi.us]
Sent: Monday, July 28, 2003 11:24 AM
To: Osterberg, Sarah
Subject: RE: Request for Update on Proposed Legislation--Village of Fox Point Rubbish Collection Scooters

Susan, Sarah:

But for one detail, the DRAFT presented meets the needs of the Village of Fox Point very well. The one detail is found in Paragraph 346.94(b). STH 32 in Fox Point is a connecting highway. The problematic phrase is: ". . . no person may operate a waste transport vehicle upon a state trunk highway or connecting highway." There are approximately 75 homes in Fox Point on connecting highway STH 32 (Lake Drive). This restriction needs to be removed so that our crew and our recycling contractor may continue to provide solid waste services to these homes.

Once this restriction is removed, we're in good shape. Thanks for the help.

Mike Lynett
Village of Fox Point Village Engineer/Director of Public Works

Fast, Timothy

From: Reinemann, John
Sent: Monday, July 28, 2003 3:18 PM
To: Fast, Timothy
Subject: FW: FW: Re: FW: Draft review: LRB 03-2791/P1 Topic: On-road refuse e v ehicles

Hi Tim. I guess we need a change to this draft: can we remove or alter the language precluding operation of these vehicles along state highways. Fox Point and Bayside both report residents along Highway 32 (Lake Drive). If there is some other way to get at this, I'm game I guess, but removing the prohibition would be cleanest from their viewpoint.

Also, Bayside reports that they sometimes use the vehicles for landscaping. Would it muddy the waters greatly to make that an allowable use as well – landscaping and incidental street maintenance?

Let me know. Thanks!

John

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

From: Susan E. Robertson [mailto:srobertson@vil.fox-point.wi.us]
Sent: Monday, July 28, 2003 12:33 PM
To: Reinemann, John; Reinemann, John; 'manager@village.bayside.wi.us'
Cc: 'dpw@village.bayside.wi.us'
Subject: RE: FW: Re: FW: Draft review: LRB 03-2791/P1 Topic: On-road refuse e v ehicles

Hi John,

Our Village Attorney and Village Engineer/Director of Public Works have looked at the proposed legislation. The only concern we have, as indicated previously, is found in Paragraph 346.94(b). STH 32 in Fox Point is a connecting highway. The problematic phrase is: ". . . no person may operate a waste transport vehicle upon a state trunk highway or connecting highway." There are approximately 75 homes in Fox Point on connecting highway STH 32 (Lake Drive). This restriction needs to be removed so that our crew and our recycling contractor may continue to provide solid waste services to these homes.

Thanks for your consideration of this matter.

Susan E. Robertson
Village Manager
Village of Fox Point

At 04:31 PM 07/24/2003 -0500, Reinemann, John wrote:

Thanks Susan, will await your word as well.

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

From: Susan E. Robertson [mailto:srobertson@vil.fox-point.wi.us]
Sent: Thursday, July 24, 2003 4:27 PM
To: Reinemann, John; 'manager@village.bayside.wi.us'
Cc: 'dpw@village.bayside.wi.us'

08/21/2003

Subject: Re: FW: Re: FW: Draft review: LRB 03-2791/P1 Topic: On-road refuse v ehicles

John,

I am also having our Village Attorney, Village Engineer, and Assistant Public Works Director look at this and will provide comments to you and Frank when I receive them. Based on our Police Chief's comments, we would have similar concerns as Bayside.

Susan Robertson
Village Manager,
Village of Fox Point

At 04:20 PM 07/24/2003 -0500, Reinemann, John wrote:

Frank: thanks for the very speedy reply and info. I ll see what we can do. These don t seem to be insurmountable, at least I hope not. More soon I hope.

John

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

From: Manager [<mailto:manager@village.bayside.wi.us>]
Sent: Thursday, July 24, 2003 4:17 PM
To: John.Reinemann@legis.state.wi.us
Cc: srobertson@vil.fox-point.wi.us; dpw@village.bayside.wi.us
Subject: Fwd: Re: FW: Draft review: LRB 03-2791/P1 Topic: On-road refuse vehicles

John, there are some concerns the way the bill is drafted. We have people who live along a county highway (N. Port Washington Rd.-- County Trunk W) and a state highway (STH 32 -- N. Lake Dr. and Brown Deer Rd.-- a connecting highway) and a section of where N. Port Washington Rd (County Trunk W) turns into State Highway north of Laramie Lane to County Line Rd . To collect trash we have to be able to get to residents who live on the those roads--as we do now. We also have a section of the Village separated from us by N. Port Washington Rd. (STH 32) that we have to travel on to get to that particular section on County Line Rd. We can't be limited from traveling on these roads to collect refuse. See the Director of Public Works email to me below. Thanks.
Frank

From: "Bob Bina"
To: "Manager"
Subject: Re: FW: Draft review: LRB 03-2791/P1 Topic: On-road refuse vehicles
Date: Thu, 24 Jul 2003 15:06:59 -0500

08/21/2003

X-Mailer: Microsoft Outlook Express 6.00.2800.1158

X-RCPT-TO:

Frank - I would note the following:

As written, operation (except for crossing) is prohibited on a state connecting highway. Brown Deer Road/Lake Drive is a connecting highway, and we serve residences along those roads. It looks like it would be prohibited to driving up and down those roads under this legislation. [346.94(19) (b)]

I don't believe that Port Washington Road is a connecting highway, but as this is currently written, use of these vehicles could be prohibited by Milwaukee county, if they so desired for some reason. We serve residences along Port Road, and it is the only access to the northern part of the Village, so operation on that road is vital. [349.247 (1) (a)]

Of lesser importance, the use of the vehicles is strictly limited to refuse collection. We sometimes use ours for transporting landscaping materials and so forth, but I don't think its a showstopper.

Bob

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

From: Manager

To: srobertson@vil.fox-point.wi.us

Cc: dpw@village.bayside.wi.us

Sent: Thursday, July 24, 2003 1:33 PM

Subject: Fwd: FW: Draft review: LRB 03-2791/P1 Topic: On-road refuse vehicles

Susan, please take a look at the proposed legislation. See if it fits your needs and let me know. Thanks. Frank

From: "Reinemann, John"

To: "'manager@village.bayside.wi.us'"

Subject: FW: Draft review: LRB 03-2791/P1 Topic: On-road refuse vehicles

Date: Thu, 24 Jul 2003 11:58:06 -0500

X-Mailer: Internet Mail Service (5.5.2655.55)

08/21/2003

X-RCPT-TO:

Frank: I am pleased to announce that we have this AM received a draft of the bill you folks requested to allow refuse collection by off-road Cushman vehicles. It took long enough, but here it is.

Please look it over and let me know what you think. I think it's great. The drafters did add two additional clauses for the sake of consistency with other similar laws:

- The draft exempts off road refuse vehicles from vehicle registration by DOT and
- It allows municipalities and counties to enact ordinances restricting or prohibiting such vehicles on roadways having a speed limit of more than 25 miles per hour. So I suppose if Milwaukee County wants to stop Bayside and Fox Point from using these vehicles, they can to a degree. But I don't think that's an issue, is it? Please think on this and let me know.

We'll circulate this for co-sponsorship as soon as you tell me that it meets your needs. On that basis, please feel free to share it with Fox Point if you want to. I'll wait to hear from you.

John Reinemann

Aide to Rep. Gielow

608-266-0486

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

From: Basford, Sarah

Sent: Thursday, July 24, 2003 8:43 AM

To: Rep.Gielow

Subject: Draft review: LRB 03-2791/P1 Topic: On-road refuse vehicles

Following is the PDF version of draft LRB 03-2791/P1 and drafter's note.

Frank V. Sherman

Village Manager

Village of Bayside

9075 N. Regent Road

Bayside, WI 53217-1800

414-351-8811

414-351-8819 - Fax

Frank V. Sherman

Village Manager

Village of Bayside

9075 N. Regent Road

Bayside, WI 53217-1800

414-351-8811

414-351-8819 - Fax

Fast, Timothy

From: Reinemann, John
Sent: Monday, July 28, 2003 5:07 PM
To: Osterberg, Sarah; Petri, Tom
Cc: Fast, Timothy
Subject: RE: draft amendment request

I have a memo ready to go. I guess since we're all in this merry band of trash collectors together, and since I've already asked Mr. Fast for the change re: state highways we all want (since Bayside mentioned the same thing), let's

1. wait until we get our amended draft back in this office
2. at that time I will send a memo which reads in part, "For these reasons, Reps. Gielow and Wasserman and Sen. Darling are introducing LRB 2791"
3. We will ask LRB to make the authorship clause "Gielow and Wasserman . . . coauthored by Senator Darling"

Sound like a plan?

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

From: Osterberg, Sarah
Sent: Monday, July 28, 2003 5:02 PM
To: Reinemann, John; Petri, Tom
Cc: 'mlynett@vil.fox-point.wi.us'; Fast, Timothy
Subject: RE: draft amendment request

Ah. That makes sense. I didn't know that Bayside wanted the same change. That plan is fine with me, John. Just let us know when your bill is ready and we'll co-author it with you. In the meantime, I'll tell Tim Fast to forget about our draft and focus on yours instead. Please note the change below that was requested by Mike Lynett.

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

From: Reinemann, John
Sent: Monday, July 28, 2003 4:56 PM
To: Osterberg, Sarah; Petri, Tom
Cc: 'mlynett@vil.fox-point.wi.us'
Subject: RE: draft amendment request

Well, we were asked by Bayside just as Sheldon was asked by Fox Point. Our letter from Bayside made it plain that both they and Fox Point use this system and need this change.

Curt and I had planned to ask Sheldon if he wanted this to be "introduced by Reps. Gielow AND Wasserman, cosponsored by Reps. X, Y, Z . . ." with Darling as Senate lead and that would still be our preference. I hope that's acceptable to you folks, Sarah. I know it is to Tom and to Darling. I'd like to proceed on that basis.

John

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

From: Osterberg, Sarah
Sent: Monday, July 28, 2003 4:51 PM
To: Petri, Tom
Cc: Reinemann, John; 'mlynett@vil.fox-point.wi.us'
Subject: RE: draft amendment request

Tom,

Weeeelll, I don't usually make extra work for myself (no, I had no idea that Gielow's office was working on the same bill). Thanks for the heads-up, though. I guess it didn't cross my mind to contact John about it at this juncture because Fox Point is in Sheldon's district. Given that, it would make the most sense for Sheldon to be the lead author and

Gielow second author in the Assembly, and Alberta the lead in the Senate. However, whatever the village wants to do is, of course, fine with me. No big deal.

John and Mike, please let me know what the game plan is going to be.

Thanks!

Sarah

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

From: Petri, Tom
Sent: Monday, July 28, 2003 4:45 PM
To: Osterberg, Sarah
Subject: RE: draft amendment request

Sarah,

Word on the street is that Gielow has drafted the same bill. I don't know if you knew that or not. We were asked to be Senate lead on his bill, when it comes out, which I was told would be soon. Are you guys planning on throwing out competing bills or just teaming up on one? John from Gielow's office wants it to be a Gieman or a Wasserlow bill if you know what I mean.

Just an FYI-

Tom,

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

From: Osterberg, Sarah
Sent: Monday, July 28, 2003 12:02 PM
To: Fast, Timothy
Cc: 'mlynett@vil.fox-point.wi.us'; Petri, Tom
Subject: draft amendment request

Hi, Tim,

Please read the email below regarding LRB 2541/P1. It describes a requested change to the draft by the Village of Fox Point, for which the bill is being drawn up. Please submit it as quickly as possible. If you have any questions or concerns about the request, feel free to contact Mr. Mike Lynett (contact info below).

I hope you are well,
Sarah

Sarah Osterberg
Office of Rep. Sheldon Wasserman
608-266-7671

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

From: Mike Lynett [mailto:mlynett@vil.fox-point.wi.us]
Sent: Monday, July 28, 2003 11:24 AM
To: Osterberg, Sarah
Subject: RE: Request for Update on Proposed Legislation--Village of Fox Po int Rubbish Collection Scooters

Susan, Sarah:

But for one detail, the DRAFT presented meets the needs of the Village of Fox Point very well. The one detail is found in Paragraph 346.94(b). STH 32 in Fox Point is a connecting highway. The problematic phrase is: ". . . no person may operate a waste transport vehicle upon a state trunk highway or connecting highway." There are approximately 75 homes in Fox Point on

connecting highway STH 32 (Lake Drive). This restriction needs to be removed so that our crew and our recycling contractor may continue to provide solid waste services to these homes.

Once this restriction is removed, we're in good shape. Thanks for the help.

Mike Lynett

Village of Fox Point Village Engineer/Director of Public Works

Fast, Timothy

From: Reinemann, John
Sent: Thursday, July 31, 2003 3:37 PM
To: Osterberg, Sarah; Fast, Timothy
Subject: RE: Waste Transport Vehicles draft

Thanks Sarah. Tim, I / we have the Fox Point comments and I'll get Bayside to weigh in. If both communities agree on a strategy re: state highways, then I guess we'll do as they wish. I see Fox Point likes option 3 or (less so) option 1. Okay. I'll ask DOT if they would accept #3 and if not then #1 is okay too. Tim, before you make any changes let's (as I say) wait to hear from Bayside. More when I know it!

John

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

From: Osterberg, Sarah
Sent: Thursday, July 31, 2003 2:11 PM
To: Fast, Timothy
Cc: Reinemann, John
Subject: FW: Waste Transport Vehicles draft

Hi, Tim,

I think I mentioned this to you in an email, but just in case, here goes. I found out last week that Gielow is also working on a similar draft regarding garbage vehicles for Bayside, which he represents and which borders Sheldon's district. I told John in Gielow's office that they should take the lead and we'd just coauthor his bill, so you need only to focus on Gielow's draft from this point on. His bill should cover both Fox Point and Bayside's concerns once all is said and done.

Thanks,
Sarah

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

From: Mike Lynett [mailto:mlynett@vil.fox-point.wi.us]
Sent: Thursday, July 31, 2003 1:44 PM
To: Fast, Timothy; Osterberg, Sarah; Manager
Cc: paul.nilsen@dot.state.wi.us; srobertson@vil.fox-point.wi.us; joel Hawkins; bwojtanowski@vil.fox-point.wi.us; tczaja@vil.fox-point.wi.us; dpw@village.bayside.wi.us; fuchs@fdblaw.com; Reinemann, John
Subject: Re: Waste Transport Vehicles draft

Dear Mr. Fast, Ms. Osterberg, and Mr. Sherman:

Tim, thanks for responding to my earlier input and for the well-composed set of three options. I have discussed the options with our Fox Point DPW management staff and with my Bayside counterpart, Director of PW Bob Bina. My response to your e-mail below is that Fox Point prefers Option # 3, which is worded to provide for "no authority for DOT or locals to further restrict or prohibit on over-25 MPH roads". The goal of both Fox Point and Bayside is to soon effectuate enactment of a new state law. If you sense any DOT discomfort with Option # 3, which would slow this process, then we will accept Option # 1.

I request that you respond back with updated Statute changes, once you've finalized the DRAFT legislation.

Thanks so much for the help and cooperative spirit.

08/21/2003

Mike Lynett
Village of Fox Point Director of PW/Village Engineer

At 02:33 PM 7/28/03 -0500, you wrote:

Mr. Lynett -- Greetings. Sarah Osterberg forwarded to me your e-mail regarding the waste transport vehicles draft. I'm pleased that it generally meets your needs. There are different ways of addressing your requested change to the draft. We live, for better or worse, in a world of (too many) choices so here are several to consider:

1. Allow operation on DOT roads where speed limit 35 MPH or less, without DOT authority to restrict or prohibit re over-25 MPH roads (as the draft allows locals to do by ordinance re local roads).
2. Same as #1, except allow DOT, by rule, to restrict or prohibit on over-25 MPH DOT roads. This parallels local authority by ordinance re local roads and would be similar to current law on electric personal assistive mobility devices. See ss. 346.94 (18) and 349.236, stats.
3. Allow operation on both local and DOT roads where speed limit 35 MPH or less, with no authority for DOT or locals to further restrict or prohibit on over-25 MPH roads. That is, wherever speed limit is 35 MPH or less, waste transport vehicles may be operated without any limitation (assuming conditions of licensure and use for collection are satisfied).

Also, please note that the draft does not specifically address the operation of such vehicles on sidewalks. Current law, however, allows local authorities to permit vehicles to be driven on sidewalks other than at driveways (which is specifically permitted). See s. 346.94 (1), stats., and, for the applicable definition of "local authorities", s. 340.01 (26), stats. So the option is already there if operation on sidewalks other than at driveways is desired. Alternatively, such operation could be specifically addressed in the draft. For your information, legislation last session on low-speed vehicles was silent on sidewalk operation.

Please let me know how you'd like the redraft to meet your needs. Thanks for your help in this matter. --Tim

Timothy N. Fast
Senior Legislative Attorney
Legislative Reference Bureau
Phone: (608) 266-9739

Fast, Timothy

From: Reinemann, John
Sent: Thursday, August 21, 2003 2:26 PM
To: Fast, Timothy
Subject: RE: Waste transport vehicles draft

I bow to your term: "off-road utility vehicle."

No kidding, I'm a twin myself! Your friends are in for a treat (in my humble opinion anyway). Tell 'em that after age six matching outfits ought best be a matter of choice and not parental imposition :-)

Thanks Tim, I'll wait for it. Enjoy the weekend yourself.

John

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

From: Fast, Timothy
Sent: Thursday, August 21, 2003 2:17 PM
To: Reinemann, John
Subject: RE: Waste transport vehicles draft

Sounds good, John. It'll be in editing tomorrow morning and you should have it (at the latest) by Monday. I'll include a drafter's note indicating the changes from the preliminary draft. Regarding the name of these vehicles, I think "off-road utility vehicle" would be more precise, since they may be used for landscaping and incidental street maintenance. Let me know which you'd like. In advance, have a good weekend. We have friends in from Wausau (with new twins). Wish us all luck! --Tim

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

From: Reinemann, John
Sent: Wednesday, August 20, 2003 3:17 PM
To: Fast, Timothy
Subject: RE: Waste transport vehicles draft

Tim: Bayside reports that they are in agreement with Fox Point. Let's go ahead and draft the bill as they wish and get it introduced; if DOT is unhappy we can hash that out with a draft in hand before (or during) the hearing.

Let me know when you've got an amended draft. Thanks!

John

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

From: Reinemann, John
Sent: Tuesday, August 12, 2003 2:31 PM
To: Fast, Timothy
Subject: RE: Waste transport vehicles draft

After getting no comment on my first query (the one Fox Point replied to), I emailed Bayside again yesterday saying, "Fox Point wants to do x, is that okay with you guys or do you want to do otherwise?" and now I'm waiting to hear. I think Bayside may have liked Fox Point's answer and assumed silence gave consent - but as I say, I inquired again yesterday.

I assume Bayside liked Fox Point's choice, and I'm okay with it too. I'll holler the minute I hear. In the meantime, if you want to share this email with Mike directly or call him and update him, great. I will holler the minute I know, and if I don't hear soon I'll call Bayside.

John

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

From: Fast, Timothy

Sent: Tuesday, August 12, 2003 2:25 PM
To: Reinemann, John
Subject: Waste transport vehicles draft

Any word yet, John, from Bayside on how they'd like to proceed. I received a voice mail from Mike Lynett from Fox Point asking if I needed any additional information and where things stand. I e-mailed Mike late last week saying I hoped to know more early this week and would give him a call. Thanks for your help. --Tim

Timothy N. Fast
Senior Legislative Attorney
Legislative Reference Bureau
Phone: (608) 266-9739

WANTED
MON. 8/25

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

Reger

1 AN ACT to amend 59.84 (2) (j), 285.30 (5) (c) and 346.16 (2) (am); and to create
2 285.30 (5) (j), 340.01 (38m), 341.05 (27), 346.16 (2) (ar), 346.94 (19), 346.95 (8)
3 and 349.237 of the statutes; relating to: the operation of off-road ~~refuse~~
4 vehicles and providing a penalty.

Utility ✓

be used for ✓
collecting

Analysis by the Legislative Reference Bureau

This bill specifically permits the operation of off-road ~~refuse~~ vehicles on certain roadways of the state. The bill defines "off-road ~~refuse~~ vehicle" as a motor vehicle that is designed and constructed to carry one or two persons and ~~to transport~~ residential and commercial solid waste (such as garbage, yard waste, and recyclable materials) ~~and that is not~~ certified for on-road use by its manufacturer. As defined in the bill, an off-road ~~refuse~~ vehicle must meet the equipment standards under state law for a Type 2 automobile or Type 2 motorcycle or the federal equipment standards for a low-speed vehicle. Off-road ~~refuse~~ vehicles are smaller, lighter, and slower moving than most other vehicles ~~(such as garbage trucks)~~ used for such purposes.

The bill permits off-road ~~refuse~~ vehicles to be operated on roadways ~~under the jurisdiction of a local highway authority~~ that have a speed limit of 35 miles per hour or less, but only if the off-road ~~refuse~~ vehicle is being used to collect residential or commercial solid waste, ~~and being~~ operated by a person employed by, or under contract with, a local governmental unit. ~~However, a local highway authority may restrict or prohibit the operation of off-road refuse vehicles on any roadway under its jurisdiction having a speed limit of more than 25 miles per hour.~~

~~Off-road refuse vehicles are prohibited from operating on state trunk highways and connecting highways, even where the applicable speed limit is 35 miles per hour.~~

landscaping,
or incidental
street
maintenance

and may not
be

in this state
or is
being used
for landscaping
or incidental
street maintenance.
In addition, the
vehicle must
be

all

no 91
~~or less. However, the bill allows off-road refuse vehicles to cross state trunk highways or connecting highways at officially designated crossings and at intersections where traffic is controlled by an official traffic control sign, signal, marking, or other device.~~ The bill specifically prohibits the operation of off-road ~~refuse~~ vehicles on any roadway having a speed limit of more than 35 miles per hour. A person who violates any of these provisions relating to the operation of off-road ~~refuse~~ vehicles may be required to forfeit not less than \$30 nor more than \$300.

The bill also does all of the following:

1. Exempts off-road ~~refuse~~ vehicles from vehicle registration by the Department of Transportation (DOT). Under current law, road machinery, implements of husbandry (agriculture), and certain vehicles that are operated primarily off a highway or to cross a highway are exempt from registration by DOT.

2. Requires an operator of an off-road ~~refuse~~ vehicle to have a valid operator's license or instruction permit authorizing the operation of "Class D" vehicles (primarily automobiles, but also any other motor vehicles that are not commercial motor vehicles or Type 1 motorcycles).

3. Requires the operators of off-road ~~refuse~~ vehicles to observe the rules of the road, including this state's implied consent law and statutory provisions relating to drunken driving, and subjects violators of those rules to the same penalties as those that apply to violations committed while operating other "Class D" vehicles, including the assessment of demerit points and the imposition of fines, forfeitures, terms of imprisonment, and revocation or suspension of motor vehicle operating privileges.

4. Exempts off-road ~~refuse~~ vehicles from motor vehicle emission limitations and testing.

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:

1 SECTION 1. 59.84 (2) (j) of the statutes is amended to read:

2 59.84 (2) (j) *Traffic types and speed limits.* After an expressway project has
 3 been certified as completed, the public body having jurisdiction over the
 4 maintenance thereof shall have the power to regulate the type of vehicular use of
 5 such portion of the expressway except as limited by federal and state laws and
 6 regulations, and the power to fix speed limits thereon not in excess of the maximum
 7 speed limits for state trunk highways, and to provide and enforce reasonable

utility

utility ✓

1 penalties for infraction of such vehicular use regulation or speed limits.
 2 Notwithstanding s. 346.16 (2), the use of the expressways by pedestrians, mopeds,
 3 motor bicycles, motor scooters, bicycles, electric personal assistive mobility devices,
 4 ~~off-road refuse~~ vehicles, funeral processions, and animals on foot and the hauling of
 5 oversized equipment without special permit shall be prohibited when an ordinance
 6 in conformity with this section and, with respect to prohibiting the use of electric
 7 personal assistive mobility devices ~~or off-road refuse vehicles~~, in conformity with s.
 8 349.236 (1) (a) or (b) ~~of 349.231 (1) (a)~~ is enacted by the board, but a forfeiture
 9 provided therein shall not exceed the maximum forfeiture under s. 346.17 (2). The
 10 board may not prohibit the towing of disabled vehicles on expressways, except that
 11 the board may prohibit the towing of disabled vehicles during the peak hours of 7 a.m.
 12 to 9 a.m. and 4 p.m. to 6:30 p.m. as established under county ordinance and except
 13 that the board may establish procedures for and may contract for the towing of
 14 vehicles which have become disabled on the expressway.

SECTION 2. 285.30 (5) (c) of the statutes is amended to read:

285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except that a motor vehicle owned by the United States is not exempt unless it comes under par. (a), (b), (d), (e), (f), (g) ~~or~~, (h), or (j).

SECTION 3. 285.30 (5) (j) of the statutes is created to read:

285.30 (5) (j) An off-road ~~refuse~~ vehicle as defined in s. 340.01 (38m). utility ✓

SECTION 4. 340.01 (38m) of the statutes is created to read:

340.01 (38m) "Off-road ~~refuse~~ vehicle" means a motor vehicle that is designed and constructed to carry no more than 2 persons and to ~~transport~~ residential and commercial solid waste, such as yard waste, recyclable materials, and household garbage, refuse, and rubbish, that is not certified by the manufacturer for on-road

landscaping, or incidental street maintenance; ✓

be used for collecting

1 use and that satisfies the equipment standards for a Type 2 automobile or Type 2
 2 motorcycle under ch. 349 or the equipment standards for a low-speed vehicle under
 3 49 CFR 571.500. "Off-road ~~refuse~~ vehicle" does not include any motorized
 4 construction equipment or any motor vehicle that falls within another definition
 5 under this section.

6 SECTION 5. 341.05 (27) of the statutes is created to read:

7 341.05 (27) The vehicle is an off-road ~~refuse~~ vehicle being operated in
 8 accordance with s. 346.94 (19).

9 SECTION 6. 346.16 (2) (am) of the statutes is amended to read:

10 346.16 (2) (am) ~~Except~~ Notwithstanding s. 349.105 and except as provided in
 11 par. (b), no person riding an electric personal assistive mobility device may go upon
 12 any expressway or freeway when official signs have been erected prohibiting persons
 13 specified in par. (a) from using the expressway or freeway.

14 SECTION 7. 346.16 (2) (ar) of the statutes is created to read:

15 346.16 (2) (ar) Notwithstanding s. 349.105, no person operating an off-road
 16 ~~refuse~~ vehicle may go upon any expressway or freeway when official signs have been
 17 erected prohibiting persons specified in par. (a) from using the expressway or
 18 freeway.

19 SECTION 8. 346.94 (19) of the statutes is created to read:

20 346.94 (19) OFF-ROAD ~~REFUSE~~ VEHICLES ON ROADWAY. (a) A person may operate
 21 an off-road ~~refuse~~ vehicle upon any roadway that ~~is under the jurisdiction of a local~~
 22 ~~authority and that~~ has a speed limit of 35 miles per hour or less. This paragraph
 23 applies only if the person operating the off-road ~~refuse~~ vehicle is employed by, or
 24 under contract with, a local governmental unit, as defined in s. 19.42 (7u), and the

utility

UTILITY

utility

utility

- (1) off-road ~~refuse~~ vehicle is being used for the purpose of collecting residential or commercial solid waste, landscaping, or incidental street maintenance

- (2) (b) No person may operate an off-road ~~refuse~~ vehicle upon any highway that has a speed limit of more than 35 miles per hour. ~~Except at crossings authorized under s. 349.237, and at intersections where traffic is controlled by an official traffic control device and subject to the conditions specified in par. (a) for operation of an off-road refuse vehicle, no person may operate an off-road refuse vehicle upon a state trunk highway or connecting highway.~~

9 SECTION 9. 346.95 (8) of the statutes is created to read:

10 346.95 (8) Any person violating s. 346.94 (19) may be required to forfeit not less
11 than \$30 nor more than \$300.

12 SECTION 10. 349.237 of the statutes is created to read:

13 **349.237 Authority to regulate operation of off-road refuse vehicles.**

14 (1) The governing body of any municipality or county may, by ordinance, do any
15 of the following:

16 (a) Restrict or prohibit the operation of off-road refuse vehicles on all roadways
17 under its jurisdiction having a speed limit of more than 25 miles per hour or only on
18 certain roadways, or portions of such roadways, under its jurisdiction having a speed
19 limit of more than 25 miles per hour that are designated in the ordinance.

20 (b) Designate and mark locations for off-road refuse vehicles to cross a state
21 trunk highway or connecting highway that is not a controlled-access highway. A
22 municipality or county may erect official signs or otherwise mark a crossing
23 designated under this paragraph only as directed by the department.

24

(END)

D-NOTE



LRB-2791/1dn
TNF: jld

DRAFTER'S NOTE

ATTN: John Reinemann

This bill makes several changes to LRB-2791/P1.

First, the bill changes the name of the vehicle from "off-road refuse vehicle" to "off-road utility vehicle" to reflect the expanded

permissible uses of the vehicle. Second, those permissible uses are for landscaping and incidental street maintenance. Third, the bill

permits the operation of off-road utility vehicles on all roadways, local and state, having a speed limit of not more than 35 miles per hour, without restriction or prohibition by local ordinance.

¶ Finally, please note that the requirement that

the operator of the off-road utility vehicle be
"employed by, or under ^{contract} with, a local governmental
unit" remains unchanged. See proposed s.
346.94(19).[✓] The bill does not permit persons
employed by, or under contract with, a state
agency to operate such vehicles upon these
roadways. In light of the fact that the bill
now permits operation on state roadways, do
you want to add persons employed by, or under
contract with, a state agency to this requirement?

TNF

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2791/1dn
TNF:jld:pg

August 25, 2003

ATTN: John Reinemann

This bill makes several changes to LRB-2791/P1. First, the bill changes the name of the vehicle from "off-road refuse vehicle" to "off-road utility vehicle" to reflect the expanded permissible uses of the vehicle. Second, those permissible uses are for landscaping and incidental street maintenance. Third, the bill permits the operation of off-road utility vehicles on all roadways — local and state — having a speed limit of not more than 35 miles per hour, without restriction or prohibition by local ordinance.

Finally, please note that the requirement that the operator of the off-road utility vehicle be "employed by, or under contract with, a local governmental unit" remains unchanged. See proposed s. 346.94 (19). The bill does not permit persons employed by, or under contract with, a state agency to operate such vehicles upon these roadways. In light of the fact that the bill now permits operation on state roadways, do you want to add persons employed by, or under contract with, a state agency to this requirement?

Timothy N. Fast
Senior Legislative Attorney
Phone: (608) 266-9739
E-mail: tim.fast@legis.state.wi.us

Fast, Timothy

From: Reinemann, John
Sent: Tuesday, August 26, 2003 9:24 AM
To: Barman, Mike; Fast, Timothy
Subject: Draft review: LRB 03-2791/1 Topic: On-road refuse vehicles

Gentlemen: Thank you for this draft. Tim, your drafter's note asks if (since the bill now allows operation on highways) if we want to add state employees to the list of allowable operators. I think that's a good idea, it may give DOT something to love about this bill. Please go ahead and make the change as you suggest.

All else looks great. I will share the draft with Wasserman, Darling and the communities when state employees or contractors are added. Thanks guys!

John Reinemann



03-27911.pdf



03-27911dn.pdf

2003 - 2004 LEGISLATURE

2 (Redraft
LRB-2791/a makes has
TNF:jld:pg been run)

WANTED
Wed 8/27 AM

2003 BILL

~~only change
p. 4~~

Regen

1 AN ACT *to amend* 59.84 (2) (j), 285.30 (5) (c) and 346.16 (2) (am); and *to create*
2 285.30 (5) (j), 340.01 (38m), 341.05 (27), 346.16 (2) (ar), 346.94 (19) and 346.95
3 (8) of the statutes; **relating to:** the operation of off-road utility vehicles and
4 providing a penalty.

Analysis by the Legislative Reference Bureau

This bill specifically permits the operation of off-road utility vehicles on certain roadways of the state. The bill defines "off-road utility vehicle" as a motor vehicle that is designed and constructed to carry one or two persons and be used for collecting residential and commercial solid waste (such as garbage, yard waste, and recyclable materials), landscaping, or incidental street maintenance. As defined in the bill, an off-road utility vehicle must meet the equipment standards under state law for a Type 2 automobile or Type 2 motorcycle or the federal equipment standards for a low-speed vehicle and may not be certified for on-road use by its manufacturer. Off-road utility vehicles are smaller, lighter, and slower moving than most other vehicles used for such purpose.

The bill permits off-road utility vehicles to be operated on all roadways in this state that have a speed limit of 35 miles per hour or less, but only if the off-road utility vehicle is being used to collect residential or commercial solid waste or is being used for landscaping or incidental street maintenance. In addition, the vehicle must be operated by a person employed by, or under contract with, a local governmental unit. The bill specifically prohibits the operation of off-road utility vehicles on any roadway having a speed limit of more than 35 miles per hour. A person who violates

✓ the state or

BILL

any of these provisions relating to the operation of off-road utility vehicles may be required to forfeit not less than \$30 nor more than \$300.

The bill also does all of the following:

1. Exempts off-road utility vehicles from vehicle registration by the Department of Transportation (DOT). Under current law, road machinery, implements of husbandry (agriculture), and certain vehicles that are operated primarily off a highway or to cross a highway are exempt from registration by DOT.

2. Requires an operator of an off-road utility vehicle to have a valid operator's license or instruction permit authorizing the operation of "Class D" vehicles (primarily automobiles, but also any other motor vehicles that are not commercial motor vehicles or Type 1 motorcycles).

3. Requires the operators of off-road utility vehicles to observe the rules of the road, including this state's implied consent law and statutory provisions relating to drunken driving, and subjects violators of those rules to the same penalties as those that apply to violations committed while operating other "Class D" vehicles, including the assessment of demerit points and the imposition of fines, forfeitures, terms of imprisonment, and revocation or suspension of motor vehicle operating privileges.

4. Exempts off-road utility vehicles from motor vehicle emission limitations and testing.

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:

1 **SECTION 1.** 59.84 (2) (j) of the statutes is amended to read:

2 59.84 (2) (j) *Traffic types and speed limits.* After an expressway project has
3 been certified as completed, the public body having jurisdiction over the
4 maintenance thereof shall have the power to regulate the type of vehicular use of
5 such portion of the expressway except as limited by federal and state laws and
6 regulations, and the power to fix speed limits thereon not in excess of the maximum
7 speed limits for state trunk highways, and to provide and enforce reasonable
8 penalties for infraction of such vehicular use regulation or speed limits.
9 Notwithstanding s. 346.16 (2), the use of the expressways by pedestrians, mopeds,
10 motor bicycles, motor scooters, bicycles, electric personal assistive mobility devices,

BILL

1 off-road utility vehicles, funeral processions, and animals on foot and the hauling of
2 oversized equipment without special permit shall be prohibited when an ordinance
3 in conformity with this section and, with respect to prohibiting the use of electric
4 personal assistive mobility devices, in conformity with s. 349.236 (1) (a) or (b) is
5 enacted by the board, but a forfeiture provided therein shall not exceed the maximum
6 forfeiture under s. 346.17 (2). The board may not prohibit the towing of disabled
7 vehicles on expressways, except that the board may prohibit the towing of disabled
8 vehicles during the peak hours of 7 a.m. to 9 a.m. and 4 p.m. to 6:30 p.m. as
9 established under county ordinance and except that the board may establish
10 procedures for and may contract for the towing of vehicles which have become
11 disabled on the expressway.

12 **SECTION 2.** 285.30 (5) (c) of the statutes is amended to read:

13 285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except
14 that a motor vehicle owned by the United States is not exempt unless it comes under
15 par. (a), (b), (d), (e), (f), (g) ~~or~~, (h), or (j).

16 **SECTION 3.** 285.30 (5) (j) of the statutes is created to read:

17 285.30 (5) (j) An off-road utility vehicle as defined in s. 340.01 (38m).

18 **SECTION 4.** 340.01 (38m) of the statutes is created to read:

19 340.01 (38m) “Off-road utility vehicle” means a motor vehicle that is designed
20 and constructed to carry no more than 2 persons and to be used for collecting
21 residential and commercial solid waste, such as yard waste, recyclable materials,
22 and household garbage, refuse, and rubbish, landscaping, or incidental street
23 maintenances; that is not certified by the manufacturer for on-road use; and that
24 satisfies the equipment standards for a Type 2 automobile or Type 2 motorcycle
25 under ch. 349 or the equipment standards for a low-speed vehicle under 49 CFR

BILL

1 571.500. "Off-road utility vehicle" does not include any motorized construction
2 equipment or any motor vehicle that falls within another definition under this
3 section.

4 **SECTION 5.** 341.05 (27) of the statutes is created to read:

5 341.05 (27) The vehicle is an off-road utility vehicle being operated in
6 accordance with s. 346.94 (19).

7 **SECTION 6.** 346.16 (2) (am) of the statutes is amended to read:

8 346.16 (2) (am) ~~Except~~ Notwithstanding s. 349.105 and except as provided in
9 par. (b), no person riding an electric personal assistive mobility device may go upon
10 any expressway or freeway when official signs have been erected prohibiting persons
11 specified in par. (a) from using the expressway or freeway.

12 **SECTION 7.** 346.16 (2) (ar) of the statutes is created to read:

13 346.16 (2) (ar) Notwithstanding s. 349.105, no person operating an off-road
14 utility vehicle may go upon any expressway or freeway when official signs have been
15 erected prohibiting persons specified in par. (a) from using the expressway or
16 freeway.

17 **SECTION 8.** 346.94 (19) of the statutes is created to read:

18 346.94 (19) OFF-ROAD UTILITY VEHICLES ON ROADWAY. (a) A person may operate
19 an off-road utility vehicle upon any roadway that has a speed limit of 35 miles per
20 hour or less. This paragraph applies only if the person operating the off-road utility
21 vehicle is employed by, or under contract with, a local governmental unit, as defined
22 in s. 19.42 (7u), and the off-road utility vehicle is being used for the purpose of
23 collecting residential or commercial solid waste, landscaping, or incidental street
24 maintenance.

the state or ✓

LRB-2791/2dn
TNF: jld

DRAFTER'S NOTE

ATTN: John Reinemann

This redraft is identical to LRB-2791/1, except that it also permits persons employed by, or under contract with, the state to operate off-road utility vehicles on roadways having a speed limit of not more than 35^v miles per hour.

TNF

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2791/2dn
TNF:jld:rs

August 26, 2003

ATTN: John Reinemann

This redraft is identical to LRB-2791/1, except that it also permits persons employed by, or under contract with, the state to operate off-road utility vehicles on roadways having a speed limit of not more than 35 miles per hour.

Timothy N. Fast
Senior Legislative Attorney
Phone: (608) 266-9739
E-mail: tim.fast@legis.state.wi.us

Northrop, Lori

From: Reinemann, John
Sent: Monday, September 22, 2003 10:47 AM
To: LRB.Legal
Subject: Draft review: LRB 03-2791/1 Topic: On-road refuse vehicles

It has been requested by <Reinemann, John> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2791/1 Topic: On-road refuse vehicles