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**CR 03-123**

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The Wisconsin Department of Transportation proposes an order to amend TRANS 276.07(17), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

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

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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  
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**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(17), Wisconsin Administrative Code, to add one segment of highway to the designated highway system established under s. 348.07(4), Stats. The actual highway segment<sup>1</sup> that this proposed rule adds to the designated highway system is:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 83	IH 94	STH 59 at Genesee

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 feet<sup>2</sup>, 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-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

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<sup>1</sup> 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.

<sup>2</sup> 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.

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.

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**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(17) is amended to read:

	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(17)	STH 80	STH 11 S. of Cuba City	STH 13 at Pittsville
	STH 81	STH 35 N.E. of Beetown	STH 23 S. of Darlington
	STH 81	STH 78 in Argyle	CTH H W. of Beloit
	STH 82	STH 80 W. of Hillsboro	USH 51 W. of Montello
	STH 83	STH 167 S. of Hartford	STH 60 in Hartford
	<u>STH 83</u>	<u>IH 94</u>	<u>STH 59 at Genesee</u>

STH 85	USH 10 in Durand	STH 37 S.W. of Eau Claire
STH 87	USH 8 in St. Croix Falls	STH 48 S. of Grantsburg
STH 88	STH 35	CTH E S. of Cream
STH 89	USH 14 N. of Darien	STH 73 in Columbus

(END OF RULE TEXT)

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**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 26<sup>th</sup> day of January, 2004.



FRANK J. BUSALACCHI

Secretary

Wisconsin Department of Transportation



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**WISCONSIN LEGISLATIVE COUNCIL  
RULES CLEARINGHOUSE**

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**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 03-123**

AN ORDER to amend Trans 276.07 (10), (11) and (17); and to create Trans 276.07 (34w) and (35m), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by **DEPARTMENT OF TRANSPORTATION**

12-12-2003 RECEIVED BY LEGISLATIVE COUNCIL.

01-12-2004 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



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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Ronald Sklansky  
*Clearinghouse Director*

Richard Sweet  
*Clearinghouse Assistant Director*

Terry C. Anderson  
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Laura D. Rose  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 03-123

#### Comments

**[NOTE:** All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]

#### 2. Form, Style and Placement in Administrative Code

a. In s. Trans 276.07 (11), it appears that a reference should be included to State Trunk Highway 54 from Interstate Highway 43 in Green Bay to State Trunk Highway 42 in Algoma in order to make the rule consistent with current text in the Wisconsin Administrative Code.

b. In s. Trans 276.07 (11), it appears that the designation of State Trunk Highway 83 from Interstate Highway 94 to State Trunk Highway 59 at Genesee should be underscored. In addition, the rule should include the designations pertaining to State Trunk Highways 85 to 89 in order to be consistent with current text in the Wisconsin Administrative Code. Finally, in the designation of State Trunk Highway 81 from State Trunk Highway 78 in Argyle to County Trunk Highway H west of Beloit, it appears that the quotation marks should be removed.

**PART 4**  
CR 03-123

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ANALYSIS OF FINAL DRAFT OF TRANS 276

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(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 five highway segments.

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 83	IH 94	STH 59 at Genesee

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Green Bay on January 20, 2004. One person appeared/registered at the hearing and spoke in opposition to three of the proposed highway segments. The Department originally proposed to add five highway segments to the designated highway system. As a result of the Department's own investigation of the safety of operation of long trucks on the highways originally proposed, and based on testimony received at the hearing, the Department has deleted the following four highway segments from the list of highways which were proposed in the Notice of Hearing:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 47	STH 29	USH 45
STH 55	STH 64 at Langlade	STH 29 at Shawano
CTH "M"	STH 32 W. of Suring	STH 55
STH 49	STH 29	STH 66 E. of Rosholt

The Department's investigation showed the following summary findings:

"The Department's District 4 office in Wisconsin Rapids recommends the removal of the proposed designation of STH 49 from STH 29 to STH 66 E. of Rosholt. The main concern with making STH 49 a long truck route is the STH 49/STH 29 intersection. This is an at-grade intersection with only a 60 foot wide median. There are no current plans for an interchange. In addition, STH 29 makes a sharp curve immediately to the west of the intersection. We have seen significant safety problems with drivers judging approach speeds of cross-traffic on highways on curves at or near the intersections. Making STH

49 a long truck route will likely increase the volume of trucks and result in long trucks crossing STH 29, thus needing more time and requiring judgment of the approach speed of the cross-traffic at greater distance away from the intersection. With STH 29 as the major, high speed, east-west route in northern Wisconsin, it is highly undesirable to have long trucks entering and exiting STH 29 from an at-grade intersection instead of an interchange. Therefore, for safety and operational reasons, the Department would not recommend making STH 49 a long truck route. Longer trailer semi's and double bottom semi's will increase the risk of safety and operational problems at this at-grade intersection. Also, STH 49 runs through the small unincorporated villages of Elderon and Galloway. The longer trucks will be undesirable in these communities."

"The Department's District 3 office in Green Bay recommends the removal of the proposed designations of STH 47 from STH 29 to USH 45, and STH 55 from STH 64 at Langlade to STH 29 at Shawano. STH 47 is adequate to accommodate the 53 foot trailers and double bottoms, but not a desirable route due to the number of substandard horizontal curves and the limited sight distance. All travel lanes are 12 feet. From CTH VV to the north, the total shoulder widths vary between 0-6 feet.

STH 55 is adequate to accommodate the 53 foot trailers and double bottoms, but not a desirable route due to the number of substandard horizontal curves and the limited sight distance. The majority of the segment has 11 foot lanes. The northernmost 18 miles of STH 55 have shoulder widths varying between 0-2 feet. Both the north and south intersections of STH 55 with CTH M are located either in or just out of a horizontal curve combined with a vertical curve. Both of these intersections will be difficult for large trucks to maneuver. These intersections have been of concern at past Menominee County Traffic Safety Commissions."

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

James E. Horton, Project Manager, Menominee Indian Tribe of Wisconsin, P. O. Box 910, Keshena, WI 54135—spoke in opposition to the rule.

**Written comments** were accepted until close of business the day of the hearing. Written comments were received from the following persons:

Patrick J. Scanlan, Oconto County Highway Commissioner, P. O. Box 138, Tractor Street, Oconto, WI 54153—Mr. Scanlan has no objection to the proposed rule.

Clark L. Longsine, Chief Deputy, Oconto County Sheriff's Department, 301 Washington Street, Oconto, WI 54153—Oconto County has no objection to the designation of CTH "M" from STH 32 W. of Suring to STH 55. This segment would have no adverse effect on small businesses in the area and would not present any foreseeable traffic problems.

Eldon Spady, President, Menominee Tribal Enterprises, P. O. Box 10, Neopit, WI 54150—in favor of all proposed segments of the rule.

Ben Warrington, Menominee County Highway Commissioner (via e-mail), phone 715-799-3369—requests that proposed segments STH 47 from STH 29 to USH 45, STH 55 from STH 64 at Langlade to STH 29 at Shawano, and CTH "M" from STH 32 W. of Suring to STH 55 be deleted from the list of highways proposed in the Notice of Hearing. "The State Highways in Menominee County are Highway 47 and Highway 55. Both of these highways are narrow and winding through the heavily wooded forest of the Menominee Indian Reservation. Most of the highways do not have adequate shoulders and are not wide enough to have these types of trucks traveling on the highways. There is no business along these routes that would need to have this type of truck to transport products and, if this is the case, the current rule allows them to use these highways for this purpose. As you may know, Menominee Reservation is an area of heavy logging activity. This activity of transporting logs to the lumber mill in Neopit, combined with the extra traffic that will be created by adding these larger trucks will create a safety hazard for anyone using our highways.

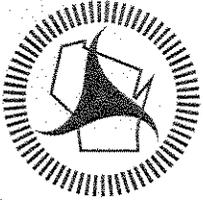
(d) **Response to Legislative Council Recommendations.** The Legislative Council report contained four recommendations and have been addressed as follows:

**2. Form, Style and Placement in Administrative Code**

a. This comment is moot as the Department deleted this segment from the list of highway segments originally proposed in the Notice of Hearing draft.

b. All of the recommendations have been incorporated. (The Legislative Council reference in par. b. should be to sub. (17), rather than sub. (11).)

(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.



## Wisconsin Department of Transportation

[www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)

Jim Doyle  
Governor

Frank J. Busalacchi  
Secretary

Office of General Counsel  
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The Honorable Alan Lasee  
President, Wisconsin State Senate  
Room 220 South, State Capitol  
Madison, Wisconsin 53707

January 27, 2004

The Honorable John Gard  
Speaker, Wisconsin State Assembly  
Room 211 West, State Capitol  
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 276**  
Notification of Legislative Standing Committees  
**CLEARINGHOUSE RULE 03-123**

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **03-123**, 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 black ink that reads "Julie A. Johnson".

Julie A. Johnson  
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson/Senator Joseph Leibham/Representative Glenn Grothman/  
Ashwani Sharma

## **SB 384 Amendments**

1. Delete Section 2 of SB 384 (language authorizing the Wisconsin Technical College System districts to create non-stock corporations).
2. Authorize technical college district boards to engage in activities necessary or convenient for the purposes of raising funds and providing support directly related to the implementation and support of the Wisconsin Advantage Jobs Training Program, except as expressly limited by law or by district or board rule.
3. Revenue Bond Stabilization Fund
  - Establish a Wisconsin Advantage Jobs Training Program (WAP) Revenue Bond Stabilization Fund to be administered by the WTCS Board.
  - The Fund would receive a portion of the revenue collected through the income tax increment (not to exceed 5%). The WTCS Board would determine the exact percentage deposited in the stabilization fund each year.
  - The Fund would be used to offset any shortfalls in revenues collected by the WTCS districts for the repayment of the WAP revenue bonds resulting from business defaults. Revenue from the Fund is prohibited from being used for any purpose other than the repayment of the bonds resulting from a business default. The Funds can only be released by the state board.
  - As funds accumulate in the stabilization fund, the WTCS Board may determine when a sufficient balance has been reached and shall remit to the districts any revenues beyond that balance according to the proportional share contributed by each district to the fund.
4. Limit the training provided by the Advantage Program to individuals that pay WI income tax.
5. After 10 years or upon the bonds being retired, whichever occurs first, the 1.5% payments shall cease and any excess portions of the 1.5% payments shall be returned to the state's general fund.
6. Prohibit the use of the 1.5% of the gross wages to pay off the bonds if a business moves its business related to the Program out of the state or lays off or terminates the workers trained in the Program.
7. Additional language should be inserted on page 5, lines 7 – 11 of SB 384 to clarify that property tax revenue cannot be used to pay the principal and interest on bonds.

## Lindstedt, Daniel

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**From:** Lindstedt, Daniel  
**Sent:** Tuesday, February 03, 2004 2:43 PM  
**To:** Kedzie, Neal; Leibham, Joseph; Meyer, Mark; Sen.Breske; Sen.Breske; Sen.Kanavas;  
Sen.Kedzie; Sen.Leibham; Sen.Meyer  
**Cc:** Boardman, Kristina; Lindstedt, Daniel; Meinholz, Susan; Natzke, Ryan; Phillips, Matt;  
Piliouras, Elizabeth; Prange, Katy; Shepherd, Jeremey; Smith, Heather; Lovell, David; Salm,  
Don  
**Subject:** Senate Committee on Transportation and Information Infrastructure: Receipt of Rule 03-123

**PLEASE OPEN THE ATTACHED WORD DOCUMENT TO REVIEW THE NOTICE  
FOR RECEIPT OF: CLEARINGHOUSE RULE 03-123 (CR 03-123).**

**HARD COPIES WILL NOT BE DISTRIBUTED.**



CR 03-123 notice,  
DKL, 02.2.04...

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***Daniel Lindstedt***

*Clerk, Senate Committee on Transportation and  
Information Infrastructure*

**Office of State Senator Joe Leibham**

State Capitol, Room 409 South  
Madison, WI 53707-7882

(608) 266-2056 (o)  
(608) 282-3549 (f)

[www.legis.state.wi.us/senate/sen09/news/index.htm](http://www.legis.state.wi.us/senate/sen09/news/index.htm)

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## **MEMORANDUM**

**DATE:** Monday, February 2, 2004

**TO:** Honorable Members of the Senate Committee on Transportation and Information Infrastructure

**FROM:** Senator Joe Leibham, Chair  
Senate Committee on Transportation and Information Infrastructure

**RE:** Receipt of Clearinghouse Rule

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The following Clearinghouse Rule has been referred to the Senate Committee on Transportation and Infrastructure:

***Clearinghouse Rule 03-123 (CR 03-123) relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.***

**THE DEADLINE FOR ACTION ON THIS RULE IS: Friday, January 28, 2004.**

Attached is a copy of CR 03-123 in .pdf format. Hard copies are available from the Committee Clerk, upon request.



CR 03-123, DKL,  
01.28.04.pdf

## Lindstedt, Daniel

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**From:** Lindstedt, Daniel  
**Sent:** Tuesday, February 03, 2004 3:06 PM  
**To:** Kedzie, Neal; Leibham, Joseph; Meyer, Mark; Sen.Breske; Sen.Breske; Sen.Kanavas; Sen.Kedzie; Sen.Leibham; Sen.Meyer  
**Cc:** Boardman, Kristina; Lindstedt, Daniel; Meinholz, Susan; Natzke, Ryan; Phillips, Matt; Piliouras, Elizabeth; Prange, Katy; Shepherd, Jeremy; Smith, Heather; Lovell, David; Salm, Don  
**Subject:** \*\*\*CORRECTED DATE\*\*\* Senate Committee on Transportation and Information Infrastructure: Receipt of Rule 03-123  
**Importance:** High

**PLEASE OPEN THE ATTACHED WORD DOCUMENT TO REVIEW THE NOTICE FOR RECEIPT OF: CLEARINGHOUSE RULE 03-123 (CR 03-123).**

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CR 03-123 notice,  
DKL, 02.2.04...

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**Daniel Lindstedt**

*Clerk, Senate Committee on Transportation and Information Infrastructure*

**Office of State Senator Joe Leibham**  
State Capitol, Room 409 South  
Madison, WI 53707-7882

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