
CR 04-029

The Wisconsin Department of Transportation proposes an order to repeal TRANS 276.07(15m); and amend TRANS 276.07(15), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

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

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


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

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

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

Submitted by:



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

PART 1

Analysis Prepared by the Wisconsin Department of Transportation

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

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

General Summary of Proposed Rule. In the Surface Transportation Assistance Act of 1982 (STAA), the federal government acted under the Commerce clause of the United States Constitution to provide uniform standards on vehicle length applicable in all states. The length provisions of STAA apply to truck tractor-semitrailer combinations and to truck tractor-semitrailer-trailer combinations. (See Jan. 6, 1983, Public Law 97-424, § 411) The uniform standards provide that:

- No state shall impose a limit of less than 48 feet on a semitrailer operating in a truck tractor-semitrailer combination.
- No state shall impose a length limit of less than 28 feet on any semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination.
- No state may limit the length of truck tractors.
- No state shall impose an overall length limitation on commercial vehicles operating in truck tractor-semitrailer or truck tractor-semitrailer-trailer combinations.
- No state shall prohibit operation of truck tractor-semitrailer-trailer combinations.

The State of Wisconsin complied with the federal requirements outlined above by enacting 1983 Wisconsin Act 78 which amended § 348.07(2), Stats., and § 348.08(1), Stats. This act created §§ 348.07(2)(f), (fm), (gm) and 348.08(1)(e) to implement the federal length requirements. In 1986 the legislature created § 348.07(2)(gr), Stats., to add 53 foot semitrailers as part of a two vehicle combination to the types of vehicles that may operate along with STAA authorized vehicles. (See 1985 Wisconsin Act 165)

The vehicles authorized by the STAA may operate on the national system of interstate and defense highways and on those federal aid primary highways designated by regulation of the secretary of the United States Department of Transportation. In 1984 the USDOT adopted 23 CFR Part 658 which in Appendix A lists the highways in each state upon which STAA authorized vehicles may operate. Collectively these highways are known as the National Network. In 1983 Wisconsin Act 78, the legislature enacted § 348.07(4), Stats., which directs the Wisconsin Department of Transportation to adopt a rule designating the highways in Wisconsin on which STAA authorized vehicles may be operated consistent with federal regulations.

The Department of Transportation first adopted ch. Trans 276 of the Wisconsin Administrative Code in December of 1984. The rule is consistent with 23 CFR Part 658 in that the Wisconsin rule designates all of the highways in Wisconsin that are listed in 23 CFR Part 658 as part of the National Network for STAA authorized vehicles. The federal regulation does not prohibit states from allowing operation of STAA authorized vehicles on additional state highways. The rule making authority granted to the Wisconsin Department of Transportation in § 348.07(4), Stats., allows the DOT to add routes in

Wisconsin consistent with public safety. The rule making process also provides a mechanism to review requests from businesses and shipping firms for access to the designated highway system for points of origin and delivery beyond 5 miles from a designated route. A process to review and respond to requests for reasonable access is required by 23 CFR Part 658.

This proposed rule repeals Trans 276.07(15m) and amends Trans 276.07(15), 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 70	STH 27 at Ojibwa	Loretta

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 or, if the semi-trailer has a tandem axle, to a point midway between the first and last axles

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.

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, vocational, technical and adult education district, sewerage district, or federally-recognized tribes or bands. The Department estimates that there will be no fiscal impact on state or private sector revenues or liabilities.

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(15) is amended to read:

	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(15)	STH 70	STH 48 in Grantsburg <u>MN Line</u>	USH 53-63 in Spooner
	<u>STH 70</u>	<u>STH 27 at Ojibwa</u>	<u>Loretta</u>
	STH 70	STH 13 in Fifield	USH 2 in Florence
	STH 71	STH 54 at Melrose	STH 80 in Elroy
	STH 73	IH 90 N. of Edgerton	STH 54 in Wisconsin Rapids


STH 73 STH 13 W. of Pittsville STH 64 S. of Gilman
STH 74 STH 190 E. of Pewaukee CTH W in Sussex

SECTION 2. Trans 276.07(15m) is repealed.

(END OF RULE TEXT)

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

Signed at Madison, Wisconsin, this 14th day of
May, 2004.


FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

PART 2 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 **04-029**

AN ORDER to amend Trans 276.07 (15), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by **DEPARTMENT OF TRANSPORTATION**

03-30-2004 RECEIVED BY LEGISLATIVE COUNCIL.

04-19-2004 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

PART 4
CR 04-029

ANALYSIS OF FINAL DRAFT OF TRANS 276

(a) **Need for Amended Rule.** Federal law requires the Department of Transportation to react within 90 days to requests for changes to the long truck route network. Wisconsin state law requires that the Department use the administrative rule process to make changes to the long truck route network. Chapter Trans 276 is the existing rule designating the long truck network. The Department has received a request from Wilderness Products & Services, Inc., in Loretta, WI, to add one highway segment.

In determining to designate the 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 70	STH 27 at Ojibwa	Loretta

The addition of the above segment of STH 70 will provide the requester with access to the long truck route network. Wilderness Products & Services, Inc., was contacted and agreed that adding STH 70 from Loretta to STH 27 will accommodate the corporation's shipping needs.

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Spooner, Wisconsin, on 4-30-04. No one appeared or registered at the hearing. 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 written comments received, the Department has deleted the following two highway segments which were proposed in the Notice of Hearing:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 70	Spooner	STH 40 at Radisson
STH 70	Loretta	STH 13 at Fifield

The Department's investigation showed the following summary findings:

The Department's District 7 office in Rhinelander states: "We have field reviewed the applicable section of STH 70 in DTD 7. Concern for the movement of traffic at the STH 13 - STH 70 intersection was voiced by the Price Co. Highway Commissioner. The intersection cannot accommodate the turning movement of the long trucks as is.

The Department's District 8 office in Superior states: "District 8 has no objections to adding the 2 segments to the STH 70 Long Truck Route as listed below:

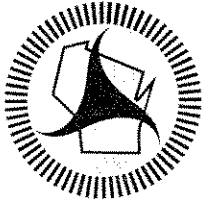
From Spooner to Radisson
From Ojibwa to Sawyer East County Line

(c) **List of Persons who Appeared or Registered at Public Hearing.** No one appeared/registered at the hearing. Written comments were received from the following:

Gary Gedart Sawyer County Highway Commissioner (via e-mail: highway@sawyercountygov.org)	"The highways in question in Sawyer County have been reconstructed recently and have shoulders that could accommodate these longer truck trailers. Sawyer County has no problem with these roads being included on the truck route."
Mark Servi Washburn County Highway Commissioner (via e-mail: MSERVI@co.washburn.wi.us)	"I am not in favor of extending the long truck routes onto these roads. There are area's where passing is an issue. I also have concerns about the weights allowed on these loads. Seems we are always willing to give exemptions, but never consider the results of the increases."

(d) **Response to Legislative Council Recommendations.** The Legislative Council Clearing House report contained 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.



Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle
Governor

Frank J. Busalacchi
Secretary

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

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

The Honorable Alan Lasee
President, Wisconsin State Senate
Room 220 South, State Capitol
Madison, Wisconsin 53707

May 17, 2004

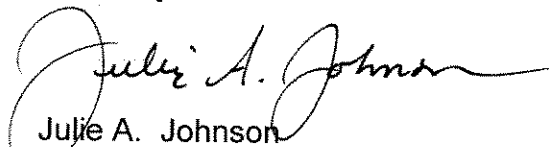
The Honorable John Gard
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 276**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 04-029

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **04-029**, 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,


Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

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

Lindstedt, Daniel

From: Lindstedt, Daniel
Sent: Wednesday, May 19, 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; Scott, Katie; Salm, Don; Heiting, Rebecca; Lindstedt, Daniel; Meinholz, Susan; Natzke, Ryan; Phillips, Matt; Piliouras, Elizabeth; Prange, Katy; Shepherd, Jeremy; Smith, Heather
Subject: Senate Committee on Transportation and Information Infrastructure: Receipt of Rule 04-029
Importance: High

PLEASE OPEN THE ATTACHED WORD DOCUMENT TO REVIEW THE NOTICE FOR RECEIPT OF: CLEARINGHOUSE RULE 04-029 (CR 04-029).

HARD COPIES WILL NOT BE DISTRIBUTED.



CR 04-029 notice,
DKL, 05.19.0...

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

MEMORANDUM

DATE: Wednesday, May 19, 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

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

Clearinghouse Rule 04-029 (CR 04-029) relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

THE DEADLINE FOR ACTION ON THIS RULE IS: Thursday, June 17, 2004.

Attached is a copy of CR 04-029 in .pdf format. Hard copies are available from the Committee Clerk, upon request.



CR 04-029, DKL,
05.19.04.pdf