

2005 DRAFTING REQUEST

Bill

Received: 10/06/2004

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Roger Breske (608) 266-2509

By/Representing: Elizabeth Piliouras (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles  
Transportation - highways

Extra Copies: PJH

Submit via email: YES

Requester's email: Sen.Breske@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Length limits for truck and trailer combinations

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>
/?							S&L
/P1	agary 10/13/2004	wjackson 11/08/2004	rschluet 11/08/2004		lnorthro 11/08/2004		S&L
/1	agary 01/12/2005	jdyer 01/13/2005	rschluet 01/13/2005		sbasford 01/13/2005	mbarman 01/18/2005	

FE Sent For:

AA Intro.

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Handwritten signatures and initials: 1/13 jld, 1/13 5

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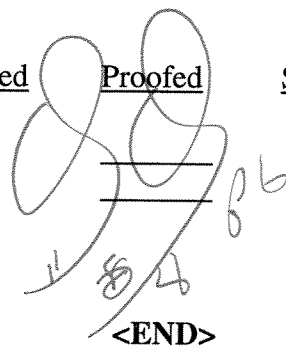
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/? agary

/p1 wj 11/5

  
<END>

FE Sent For:

**Gary, Aaron**

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**From:** Piliouras, Elizabeth  
**Sent:** Tuesday, September 21, 2004 5:48 PM  
**To:** Gary, Aaron  
**Subject:** Breske draft request - overall truck

Hi Aaron:

Looks like we'll be working together on a couple of things...

Aside from the one that Chris sent you, Roger needs language drafted that would change the overall tractor-trailer truck length to 70 feet. This is different from the admin rule process for designating long truck routes because it stresses the overall length, not just the length or configuration of the trailer.

Let me know if you have any questions. If you like, Kathleen Nichols over at the DOT is well aware of the issue and knows that Roger is going to be drafting legislation. Feel free to contact her if you need specific information.

Thanks,  
Beth

He w/ Beth 10/12

• actually, wants it to be 75 feet

on any highway (don't limit it  
to STHS)

- cabs are getting longer

m/n

soon  
turned  
in 10/13

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

GEN

1 AN ACT ...; relating to: allowing 2-vehicle combinations of a certain length to  
2 operate on a highway without a permit.

**Analysis by the Legislative Reference Bureau**

Under current law, with limited exceptions, no person may operate on a highway any single vehicle with an overall length in excess of 40 feet or any combination of two vehicles with an overall length in excess of 65 feet, unless the person has a permit to exceed these lengths. An exception allows a two-vehicle combination transporting livestock that is not more than 75 feet in total length to be operated without a permit if certain requirements are met.

This bill increases, from 65 feet to 75 feet, the maximum overall length of a two-vehicle combination that may be operated on a highway without a permit, and eliminates the specific requirements applicable to two-vehicle combinations transporting livestock.

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:**

3 SECTION 1. 348.07 (1) of the statutes is amended to read:

4 348.07 (1) No person, without a permit therefor, may operate on a highway any  
5 single vehicle with an overall length in excess of 40 feet or any combination of 2

1 vehicles with an overall length in excess of 65 <sup>✓</sup>75 feet, except as otherwise provided  
2 in subs. (2) and (2a).

History: 1975 c. 279; 1977 c. 29 ss. 1487g to 1487m, 1654 (9) (b); 1977 c. 418; 1979 c. 255; 1981 c. 159, 176; 1983 a. 20, 78, 192; 1985 a. 165, 187; 1987 a. 30; 1991 a. 39, 72; 1995 a. 193; 1997 a. 27; 1999 a. 85, 186; 2003 a. 213, 234.

3 SECTION 2. 348.07 (2) (im) of the statutes is repealed.

4 SECTION 3. Initial applicability.

*under  
of section 348.07 (1) of the statutes*

5 (1) This act first applies to violations committed on the effective date of this  
6 subsection, but does not preclude the counting of other violations as prior violations  
7 for purposes of sentencing a person.

8 (END)

*D-Note*

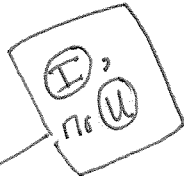
**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0473/P1dn

ARG: /:....

Wlj

ATTN: Beth



As we discussed, the attached draft increases the maximum overall length, from 65 feet to 75 feet, of a two-vehicle combination (e.g., a truck and trailer) that may be operated on any highway (not just state trunk highways) without a permit.

As we discussed, there are certain limitations imposed by federal law on a state's ability to set overall vehicle length limits on vehicle combinations. It is possible that a court may find that the changes in the attached draft cannot be applied to some two-vehicle combinations on interstate and federal-aid highways on the basis that, under federal law, states may not impose overall vehicle length limits on truck tractor-semitrailer combinations on these highways. 49 USC 31111 (b); 23 CFR 658.13.

The attached draft increases the maximum overall length for most two-vehicle combinations. However, under existing law, an "automobile haulaway," which is a two-vehicle combination used to transport operational motor vehicles (s. 340.01 (4e)), may not exceed 66 feet in length, plus a specified overhang, except on specified highways. See s. 348.07 (2) (j). Do you want to increase the maximum permitted length for these vehicles as well?

Existing law allows the operation, without a permit, of vehicle combinations consisting of, for example, a truck pulling two or three trailers ("vehicle trains") if the trailers are being "transported by the drive-away method in saddlemount combination" and the overall length of the vehicle combination does not exceed 65 feet. See s. 348.08 (1) (a). See also s. 348.08 (1) (f). The attached draft does not increase the permissible length of these vehicle trains. Is this consistent with your intent? I should note that federal law may prohibit states from allowing longer vehicle trains than those that lawfully could be operated on June 1, 1991. See 23 USC 127 (d).

Existing s. 348.07 (2) (im) establishes a length limit of 75 feet for two-vehicle combinations transporting livestock if certain requirements are met. The attached draft repeals this provision because the draft increases the length limit for two-vehicle combinations to 75 feet, unless a specific exception applies. Is this consistent with your intent?

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0473/P1dn  
ARG:wlj:rs

November 8, 2004

ATTN: Beth

As we discussed, the attached draft increases the maximum overall length, from 65 feet to 75 feet, of a two-vehicle combination (e.g., a truck and trailer) that may be operated on *any* highway (not just state trunk highways) without a permit.

As we discussed, there are certain limitations imposed by federal law on a state's ability to set overall vehicle length limits on vehicle combinations. It is possible that a court may find that the changes in the attached draft cannot be applied to some two-vehicle combinations on interstate and federal-aid highways on the basis that, under federal law, states may not impose overall vehicle length limits on truck tractor-semitrailer combinations on these highways. 49 USC 31111 (b); 23 CFR 658.13.

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Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us

**Gary, Aaron**

---

**From:** Piliouras, Elizabeth  
**Sent:** Wednesday, January 12, 2005 10:42  
**To:** Gary, Aaron  
**Subject:** FW: 75' Long Trucks

Hi Aaron:

I got comments back from the DOT on the draft for 75' trucks... According to Dave Vieth it doesn't look like we need any changes to the draft.

I'm working from home, so I don't have access to the draft – is it currently a p1? If so, can you redraft it as a /1?

Thanks!  
Beth

---

**From:** Vieth, David  
**Sent:** Friday, January 07, 2005 5:15 PM  
**To:** Piliouras, Elizabeth  
**Cc:** Frazier, Carson; Alley, John; Nichols, Kathleen; Vieth, David  
**Subject:** RE: 75' Long Trucks

Hi Beth. We have taken a look at the draft and drafter's note, as well as your questions. I'll begin with those questions.

#3 - unless you see a problem with it, I was going to go ahead and tell the drafter to include automobile haulaway

The automobile haulaway is already allowed to operate at an overall length of 75 feet, as a result of allowing the front and rear overhangs. Therefore, no change would be necessary for those vehicles. We are not aware of any interest to change from current law for these vehicles. Or, if a change were made, the statute could be re-written to eliminate the overhangs and simply allow up to 75 feet, with the further requirement of a maximum 43 foot king pin to rear axle distance.

#4 - is it worth it to try to increase the limit to 75 and leave it up to the court to decide whether or not its upholdable? What's at risk?

It appears most states allow up to 75 feet for the vehicle trains in saddlemount combinations; we do not require a permit in Wisconsin for those combinations when operated on the national network. Since there may be a federal impediment to increasing this length, it may be prudent to leave the draft as is, excluding these from the increase in permissible length. We are not aware of any carrier interest or specific need to increase this length. I can investigate further whether the possible federal impediment is a significant issue if your preference would be to increase this to 75 feet as well.

Another issue in that paragraph, the dairy product double bottom in 348.08 (1) (f) probably should remain unchanged. It still would allow operation on local roads and state routes not otherwise available for double bottom operation.

Other issues you didn't specifically ask about, the drafter's note mentions in paragraph 2, a possible concern with the federal law and the prohibition on overall length limitation for certain vehicles. My take is the draft would not alter our current lack of an overall length limitation of designated long truck routes.

And finally, in paragraph 5, repealing the livestock transport exemption is consistent with what we had expected as part of this change.

Let me know if you have further questions.

Thanks,

01/12/2005

Dave

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

**From:** Piliouras, Elizabeth [mailto:Elizabeth.Piliouras@legis.state.wi.us]  
**Sent:** Wednesday, January 05, 2005 3:15 PM  
**To:** Nichols, Kathleen; Vieth, David  
**Cc:** Frazier, Carson; Alley, John  
**Subject:** RE: 75' Long Trucks

Sorry about that...

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

**From:** Nichols, Kathleen  
**Sent:** Wednesday, January 05, 2005 3:09 PM  
**To:** Piliouras, Elizabeth; Vieth, David  
**Cc:** Frazier, Carson; Alley, John  
**Subject:** RE: 75' Long Trucks

Elizabeth, I didn't see an attached drafter's note. Could you resend?

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

**From:** Piliouras, Elizabeth [mailto:Elizabeth.Piliouras@legis.state.wi.us]  
**Sent:** Tuesday, January 04, 2005 1:48 PM  
**To:** Nichols, Kathleen; Vieth, David  
**Subject:** 75' Long Trucks

Hi Kathleen and Dave:

Roger got a draft back on the 75' truck length. I've attached the draft and the drafter's note for your reference. Could you take a look at it and let me know if you have comments? I have some specific questions relating to the drafter's note that I'd like to get your input on...

I'll go by paragraph numbers -

#3 - unless you see a problem with it, I was going to go ahead and tell the drafter to include automobile haulaway  
#4 - is it worth it to try to increase the limit to 75 and leave it up to the court to decide whether or not its upholdable? What's at risk?

When would the legislative committee be able to consider the proposal?

Thanks!  
Beth

*Beth Piliouras*  
Senator Roger Breske



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0473/1

ARG:wlj:rs

soon  
in 1/12

RMK

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

~~no changes  
arg~~

Regen

1 AN ACT *to repeal* 348.07 (2) (im); and *to amend* 348.07 (1) of the statutes;  
2 **relating to:** allowing two-vehicle combinations of a certain length to operate  
3 on a highway without a permit.

***Analysis by the Legislative Reference Bureau***

Under current law, with limited exceptions, no person may operate on a highway any single vehicle with an overall length in excess of 40 feet or any combination of two vehicles with an overall length in excess of 65 feet, unless the person has a permit to exceed these lengths. An exception allows a two-vehicle combination transporting livestock that is not more than 75 feet in total length to be operated without a permit if certain requirements are met.

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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:***

4 SECTION 1. 348.07 (1) of the statutes is amended to read:



**Northrop, Lori**

---

**From:** Piliouras, Elizabeth  
**Sent:** Tuesday, January 18, 2005 10:45 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-0473/1 Topic: Length limits for truck and trailer combinations

It has been requested by <Piliouras, Elizabeth> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-0473/1 Topic: Length limits for truck and trailer combinations