



(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on Natural Resources and
Transportation...**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Natural Resources and Transportation

Clearinghouse Rule 05-009

Relating to the standards and procedures for the issuance of single and multiple trip
oversize and overweight permits.

Department of Transportation

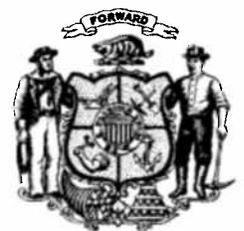
March 18, 2005 Referred to Committee on Natural Resources and Transportation.

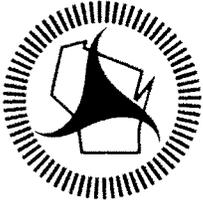
April 18, 2005 No action taken.

Matt Phillips
Committee Clerk



WISCONSIN STATE LEGISLATURE





Wisconsin Department of Transportation

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Governor

Frank J. Busalacchi
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The Honorable Senator Neal Kedzie
Chairman, Senate Transportation Committee
Room 313 South
State Capitol
Madison, Wisconsin 53707

March 15, 2004

The Honorable Representative John Ainsworth
Chairman, Assembly Transportation Committee
Room 309 North, State Capitol
Madison, Wisconsin 53702

RE: Proposed Administrative Rule **TRANS 254/255**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 05-009

Dear Senator Leibham and Representative Ainsworth:

In accordance with the Department of Transportation's efforts to keep you informed of its ongoing rule making actions, enclosed is a courtesy copy of Final Draft rule **Trans 254/255**, relating to the **standards and procedures for the issuance of single and multiple trip oversize and overweight permits**, which is being submitted to the Legislature for committee review.

Sincerely,


Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Lynne Judd
Mark Woltmann

CR 05-009

The Wisconsin Department of Transportation proposes an order to create TRANS 254.12(6) and 255.12(7), relating to the standards and procedures for the issuance of single and multiple trip oversize and overweight permits

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

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

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

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

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

Submitted by:



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Attorney Supervisor
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PART 1

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 348.26(2) and 348.27(2), Stats.

STATUTES INTERPRETED: ss. 59.84 and 84.295(8), Stats.

Plain Language Analysis: Chapters Trans 254 and 255 establish the standards and procedures for the issuance of single and multiple trip oversize and overweight permits. Both chapters have route limitations that prohibit the permitting of oversized vehicles on portions of the Milwaukee County expressway system. Specifically, vehicles or loads or dimensions greater than 11 feet in width, 13½ feet in height, or 100 feet in length are prevented from using the Milwaukee Expressway. These limitations have severe consequences for the timely and cost effective reconstruction of the Marquette Interchange.

Completing the construction of this project on time and on-budget requires the transporting of steel and concrete bridge components larger than these dimensions to the construction site. Structural members are currently being manufactured for the initial stages of construction of the Marquette Interchange Reconstruction project. These beams and girders exceed the transport limits detailed above and cannot be reduced in size. The steel and concrete bridge components must be delivered to the construction site beginning in February 2005.

Under the authority of ss. 348.26(2) and 348.27(2), Stats., and interpreting ss. 59.84 and 84.295(8), Stats., this rule making will give the Department, as the permit issuing authority, permission to allow dimensions of a vehicle or load to exceed 11 feet in width, 13½ feet in height, or 100 feet in length on the Milwaukee Expressway under extraordinary circumstances and to impose additional conditions to promote the safe operation of the vehicle and load when necessary.

Summary of, and Preliminary Comparison with, Existing or Proposed Federal Regulation: 23 CFR parts 657 and 658 regulate the length, width and weight limitations of trucks. Part 657 prescribes requirements for administering a program of vehicle size and weight enforcement on Federal-aid highways, including the required annual certification by the State. It supports the development and operation by each State of an enforcement process that identifies vehicles of excessive size and weight and provides a systematic approach to eliminate violations and thus improve conditions. Part 658 identifies a National Network of highways available to vehicles authorized by provisions of the Surface Transportation Assistance Act of 1982 (STAA) as amended, and to prescribe national policies that govern truck and bus size and weight. FHWA policy is to provide a safe and efficient National Network of highways that can safely and efficiently accommodate the large vehicles authorized by the STAA. This network includes the Milwaukee Expressway as well as the Interstate System and other qualifying Federal-aid Primary System Highways.

Comparison with Rules in Adjacent States: This proposed rule making will have no effect on Interstate operation because it is exclusive to the greater Milwaukee area. The Federal government regulates the size and weight of commercial vehicles on the Interstate Highway system. State governments regulate the size and weight of commercial vehicles on state routes in addition to enforcing the Federal size and weight rules.

Michigan: Pursuant to Act 300 of the Public Acts of 1949, the Michigan Vehicle Code (MVC), transport permits are required for vehicles and loads that exceed the maximum legal limits established in the MVC. Transport permits are only issued for vehicles and loads that cannot reasonably be reduced in size or transported by other means. There are two different types of permits available to individuals or companies to transport their vehicles/loads on Michigan state trunk lines: (1) single trip permits and (2) extended permits. Single trip permits may be issued for a five-day period if so requested. A single trip permit is valid for one trip only, but may be issued to include a return move. Extended permits may be issued on an annual basis and are issued on the vehicle/load being transported, there are various categories of permits including: construction, miscellaneous, agricultural, pipe and pole, and modular or mobile home. Each permit includes appropriate conditions and restrictions based on the size and or weight of the movement.

It is the purpose of the Michigan Department of Transportation to issue special permits for the movement of necessary overweight and oversize vehicles or loads consistent with the following obligations: (a) protection of the motoring public from potential traffic hazards; (b) protection of highway surfaces, structures, and private property; and, (c) provisions for a normal flow of traffic with a minimum of interference. Maximum vehicle dimensions are 13 feet, 6 inches in height and 8 feet in width or 8 feet, 6 inches in width on designated highways. The maximum lengths vary by type of vehicle.

Minnesota: The Department of Transportation's Office of Freight and Commercial Vehicle Operations (OFCVO) is responsible for implementing, administering and enforcing Minnesota laws and federal regulations governing carriers transporting oversized and overweight loads. Permits regulate the movement of vehicles upon State Trunk Highways with or without load, that exceed maximum legal size for vehicle width, height, length, weight, or number of vehicles in combination.

Maximum vehicle dimensions are 13 feet, 6 inches in height and 8 feet 6 inches in width (excluding rear view mirrors or temporary load securement devices that may extend an additional 3 inches on each side of the vehicle or load). The maximum lengths vary by type of vehicle and range between 40 to 75 feet. Anything over these legal dimensions requires a permit to travel on a state highway. The Overdimension Transportation Permit is issued by OFCVO and it must be carried in the vehicle during transport.

Single trip permits allow one move within a 5-day period. A Job permit allows multiple moves over the same route by the same vehicle or combination within a two-month period. Annual oversize permits allow multiple moves over various routes by the same vehicle or combination within a specified time frame that varies from 2 to 12 months depending on the type of annual.

Illinois: Oversize and Overweight (OS/OW) permitting is administered in Illinois by the Department of Transportation, Permits Unit. Oversize and Overweight permits allow the operation of vehicles or loads in Illinois that exceed the legal maximum dimensions and weights. Maximum legal dimensions are 13 feet, 6 inches in height and 8 feet, 6 inches in width on Class I and II highways or 8 feet on Class III, other state highways, and local roads and streets. Legal length dimensions vary by vehicle type and class of highway.

The permitting process is intended to provide for highway safety. There are Single Use Permits (5 days), Round Trip Permits (10 days), Quarterly and Yearly Permits, Repeated Moves of Like Objects Permits, Highway Crossing Permits, and Grain Permits.

The Department of Transportation is authorized by the Illinois Size and Weight Law (625 ILCS5/Chapter 15) to issue special permits. These special permits allow the operation of vehicles or loads that exceed legal maximum dimensions and weights. These permits are valid only for those highways under Department jurisdiction.

Iowa: The maximum legal dimensions allowed on Iowa roadways is 8 feet in width and 13 feet, 6 inches in height or 14 feet in height for auto transporters. The length limits vary by vehicle type and range between 40 feet and 75 feet.

Vehicles and/or loads that are indivisible (ones that cannot be broken down) and exceed the above legal dimensions or weights can be moved with an oversize permit. Single trip, multi-trip, annual, annual oversize/overweight, or all-systems permits are available. Oversize loads can be moved from 30 minutes before sunrise until 30 minutes after sunset unless qualified for continuous movement. Oversize loads requiring law enforcement escort are required to provide at least one week notice prior to the intended travel date if they choose to utilize the escort service of the Office of Motor Vehicle Enforcement.

Summary of Factual Data and Analytical Methodologies Used and How the Related Findings Support the Regulatory Approach Chosen: Without this rule amendment, the alternatives are either to: (a) transport these oversize loads on the city surface street system which will have greater safety impacts and increase potential damage to local roadways not designed to carry these types of loads; or (b) redesign the project to reduce the size of the structural members (beams and girders) to meet these size limitations which will significantly increase the project costs and the time required to complete the project.

The proposed rule modifications give the Department authority to allow dimensions of a vehicle or load to exceed 11 feet in width, 13½ feet in height, or 100 feet in length on the entire Milwaukee Freeway under extraordinary circumstance when, in the opinion of the Department, public health and welfare is better served, and to impose additional conditions to promote the safe operations of the vehicle and load when necessary. The Department already exercises this same authority on the remainder of the state trunk highway system.

Before any oversize or overweight vehicle can travel legally on Wisconsin highways, its operator must first obtain a state permit from the Department of Transportation. To issue this permit, the Department must evaluate the proposed route for potential hazards such as roads that area too narrow, bridges without adequate vertical clearance, areas that are congested, and roadbeds that are unstable during spring thaw. The Department must also ensure that heavy loads can travel safely without damaging the state's bridges.

Effect on Small Business and, If Applicable, Any Analysis and Supporting Documentation Used to Determine Effect on Small Businesses: The proposed rule is expected to have no significant effect on small business practices or net worth of small businesses. These existing Milwaukee Freeway route restrictions would either create added safety and infrastructure concerns because these oversized loads would be shifted to secondary roads or local streets not engineered to handle this type of load or it would require more trucks and truck drivers to move a greater number of smaller sized structural components. This shift, in turn, would increase traffic congestion and its related safety problems that result in increased delivery times and costs to local area businesses.

Fiscal Effect and Anticipated Costs Incurred by Private Sector: See previous section. Routing oversized loads on the Milwaukee surface street system may not be practical due to the load lengths and the turning radiuses required. If the street geometry does allow the movement, these street systems may not be designed to carry the weight of such loads. Doing so will result in unsafe conditions and possible permanent damage to surface street system. By eliminating these route restrictions for highway construction and repair work, a net benefit to the private sector should be realized through improved traffic operations and less traffic congestion during the construction or repair and once the roadway work is completed.

Copies of Proposed Rule: Copies of the proposed rule can be obtained, without cost, by writing to Mark Woltmann, Department of Transportation, Division of Infrastructure Development, Room 451, P.O. Box 7965, Madison, Wisconsin 53707-7965. You may also contact Mr. Woltmann by phone at (608) 266-1744.

PART 2
TEXT OF PROPOSED RULE

SECTION 1. Trans 254.12(6) is created to read:

Trans 254.12(6) An issuing authority may issue a permit under extraordinary circumstances when, in the opinion of the issuing authority, public health and welfare is better served, and may impose additional conditions to promote the safe operation of the vehicle. Extraordinary circumstances include, but are not limited to, the construction and repair of the Milwaukee County Freeway System.

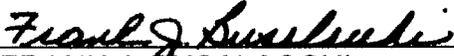
SECTION 2. Trans 255.12(7) is created to read:

Trans 255.12(7) An issuing authority may issue a permit under extraordinary circumstances when, in the opinion of the issuing authority, public health and welfare is better served, and may impose additional conditions to promote the safe operation of the vehicle. Extraordinary circumstances include, but are not limited to, the construction and repair of the Milwaukee County Freeway System.

(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 15th day of March, 2005.



FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

PART 3 CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **05-009**

AN ORDER to create Trans 254.12 (6) and 255.12 (7), relating to the standards and procedures for the issuance of single and multiple trip oversize and overweight permits.

Submitted by **DEPARTMENT OF TRANSPORTATION**

01-19-2005 RECEIVED BY LEGISLATIVE COUNCIL.

02-07-2005 REPORT SENT TO AGENCY.

RS:PGC

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



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-009

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. The preface to the rule should include a reference to each related statute or related rule to the proposed rule and an explanation of the agency’s authority to promulgate the proposed rule. [See s. 227.14 (2) (a) 1., Stats.]

b. The plain language analysis describes current law and the problem faced by the Marquette Interchange Reconstruction project. However, the analysis does not describe what the rule does.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In ss. Trans 254.12 (6) and 255.12 (7), the last sentence should be rewritten to read: “Extraordinary circumstances include, but are not limited to....”

PART 4
CR 05-009

ANALYSIS OF FINAL DRAFT OF TRANS 254/255

(a) **Basis and Purpose of Rule.** Chapters Trans 254 and 255 establish the standards and procedures for the issuance of single and multiple trip oversize and overweight permits. Both chapters have route limitations that prohibit the permitting of oversized vehicles on portions of the Milwaukee County expressway system. Specifically, vehicles or loads or dimensions greater than 11 feet in width, 13½ feet in height, or 100 feet in length are prevented from using the Milwaukee Expressway. These limitations have severe consequences for the timely and cost effective reconstruction of the Marquette Interchange.

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This rule making will give the Department, as the permit issuing authority, permission to allow dimensions of a vehicle or load to exceed 11 feet in width, 13½ feet in height, or 100 feet in length on the Milwaukee Expressway under extraordinary circumstances and to impose additional conditions to promote the safe operation of the vehicle and load when necessary.

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Madison on March 1, 2005. No modifications were made as a result of testimony at the hearing.

(c) **List of Persons who Appeared or Registered at Public Hearing.** No one appeared or registered at the hearing.

(d) **Summary of Public Comments and Agency Response to those Comments:** The written comment period was held open until March 4, 2005. No public comments were received.

(e) **Explanation of any Changes Made to the Plain Language Analysis or Fiscal Estimate:** Changes made to the plain language analysis were made as a result of two Legislative Council Rules Clearing House comments relating to an explanation of the agency's authority to promulgate the proposed rule and describing what the proposed rule does.

(f) **Response to Legislative Council Recommendations.** The Legislative Council Rules Clearing House report contained three comments, all of which have been addressed.

(g) **Final Regulatory Flexibility Analysis.** The proposed rule is expected to have no significant effect on small business practices or net worth of small businesses.