

☛ **05hr\_SC-NRT\_Misc\_pt04**



☛ **Details: Department of Transportation Notice of Public Hearing and Text of Proposed Rules**

(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**



## Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle  
Governor

Frank J. Busalacchi  
Secretary

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4802 Sheboygan Ave., Rm. 115B  
P O Box 7910  
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FAX: 608-267-6734  
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The Honorable Senator Neal Kedzie  
Chairman, Senate Transportation Committee  
Room 313 South, State Capitol  
Madison, Wisconsin 53702

January 10, 2005


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

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to **allowing the operation of double bottoms and certain other vehicles on specified highways**, Trans 276

Dear Senator Kedzie and Representative Ainsworth:

In accordance with the Department of Transportation's practice of notifying the Legislative Transportation Committees concerning rulemaking actions, I submit the enclosed documents for your information. These documents have also been filed with the Revisor of Statutes and with the Legislative Council, with copy to the Department of Administration, in accordance with the requirements of §§ 227.15 and 227.17, Stats.

Sincerely,

  
Julie A. Johnson  
Paralegal

Enclosure

cc: Casey Newman  
Mike Goetzman  
Ashwani Sharma

The Wisconsin Department of Transportation proposes an order to amend TRANS 276.07(18), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

**NOTICE OF HEARING  
AND  
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to ss. 85.16(1) and 348.07(4), Stats., interpreting s. 348.07(4), Stats., the Department of Transportation will hold a public hearing at the following location to consider the amendment of chapter Trans 276, Wisconsin Administrative Code, relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways:

**February 11, 2005  
Transportation District #5  
3550 Mormon Coulee Road  
Mississippi Conference Room  
LaCrosse, WI  
11:00 AM**

*(Parking is available for persons with disabilities)*

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

**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.

**Plain Language Analysis and Summary of, and Preliminary Comparison with, Existing or Federal Regulation.** 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 rule amends Trans 276.07(18), 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 rule adds to the designated highway system is:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 95	Arcadia	Blair

The long trucks to which this 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 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 segment 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 highway. 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 segment. 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 segment provided neither trailer is longer than 28 feet, 6 inches. Semi-trailers up to 53 feet long may also be operated on this highway segment 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 of the tandem. Otherwise, semi-trailers, including semi-trailers 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.

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<sup>1</sup> The 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.

**Comparison with Rules in Adjacent States:** None of the states adjacent to Wisconsin (Michigan, Minnesota, Illinois and Iowa) have administrative rules relating to long truck routes in their states.

**Summary of Factual Data and Analytical Methodologies Used and How the Related Findings Support the Regulatory Approach Chosen:** Due to the federal requirement that requests for access to the designated highway system in a state be decided within 90 days of the request, a proposed rule making to add requested routes is initiated without investigation. The public hearing and Department investigation undertaken in preparation for the hearing provide the engineering and economic data needed to make a final decision on whether to withdraw the proposal or proceed to final rule making.

**Effect on Small Business and, If Applicable, Any Analysis and Supporting Documentation Used to Determine Effect on Small Businesses:** The provisions of this rule adding a highway segment 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. You may contact the Department's small business regulatory coordinator by phone at (608) 267-3703, or via e-mail at the following website:  
<http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

**Fiscal Effect and Anticipated Costs Incurred by Private Sector:** 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.

**Place Where Comments are to be Submitted and Deadline for Submission:** The public record on this proposed rule making will be held open until close of business the day of the hearing to permit the submission of comments in lieu of public hearing testimony or comments supplementing testimony offered at the hearing. Any such comments should be submitted to Ashwani Sharma, Department of Transportation, Bureau of Highway Operations, Room 501, P. O. Box 7986, Madison, WI 53707-7986. You may also contact Mr. Sharma by phone at (608) 266-1273.

To view the proposed amendments to the rule, view the current rule, and submit written comments via e-mail/internet, you may visit the following website:  
<http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

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**TEXT OF PROPOSED RULE**

**SECTION 1.** Trans 276.07(18) is amended to read:

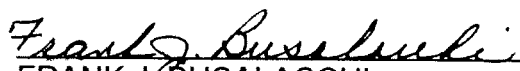
	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(18)	IH 90	MN Line at La Crosse	IL Line at Beloit
	STH 92	STH 69 W. of Belleville	STH 69 in Belleville
	STH 93	USH 53 in Galesville	USH 53 in Eau Claire
	IH 94	MN Line at Hudson	IL Line S. of Pleasant Prairie
	STH 95	<del>USH 53 at Blair</del>	STH 73 S. of Neillsville
		<u>Arcadia</u>	
	STH 97	STH 13 in Marshfield	STH 64
	STH 98	STH 73 W. of Loyal	STH 13 in Spencer

**(END OF RULE TEXT)**

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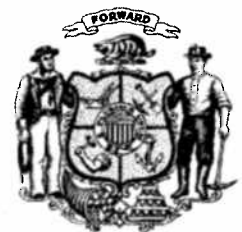
**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 7<sup>th</sup> day of January, 2005.

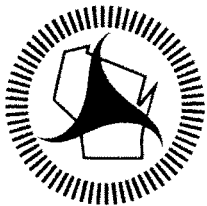
  
FRANK J. BUSALACCHI  
Secretary  
Wisconsin Department of Transportation



# WISCONSIN STATE LEGISLATURE







## Wisconsin Department of Transportation

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

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Governor

Frank J. Busalacchi  
Secretary

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The Honorable Senator Neal Kedzie  
Chairman, Senate Transportation Committee  
Room 313 South, State Capitol  
Madison, Wisconsin 53702

January 13, 2005

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

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to **allowing the operation of double bottoms and certain other vehicles on specified highways**, Trans 276

Dear Senator Kedzie and Representative Ainsworth:

In accordance with the Department of Transportation's practice of notifying the Legislative Transportation Committees concerning rulemaking actions, I submit the enclosed documents for your information. These documents have also been filed with the Revisor of Statutes and with the Legislative Council, with copy to the Department of Administration, in accordance with the requirements of §§ 227.15 and 227.17, Stats.

Sincerely,

A handwritten signature in black ink that reads "Julie A. Johnson".

Julie A. Johnson  
Paralegal

Enclosure

cc: Casey Newman  
Mike Goetzman  
Ashwani Sharma

---

The Wisconsin Department of Transportation proposes an order to amend TRANS 276.07(10), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

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**NOTICE OF HEARING  
AND  
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to ss. 85.16(1) and 348.07(4), Stats., interpreting s. 348.07(4), Stats., the Department of Transportation will hold a public hearing at the following location to consider the amendment of chapter Trans 276, Wisconsin Administrative Code, relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways:

**February 11, 2005  
Transportation District #5  
3550 Mormon Coulee Road  
Mississippi Conference Room  
LaCrosse, WI  
11:00 AM**

*(Parking is available for persons with disabilities)*

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

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**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.

**Plain Language Analysis and Summary of, and Preliminary Comparison with, Existing or Federal Regulation.** 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.
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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 rule amends Trans 276.07(10), 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 rule adds to the designated highway system is:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 48	STH 35 in Luck	USH 63 in Cumberland

The long trucks to which this 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 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 segment 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 highway. 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 segment. 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 segment provided neither trailer is longer than 28 feet, 6 inches. Semi-trailers up to 53 feet long may also be operated on this highway segment 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 of the tandem. Otherwise, semi-trailers, including semi-trailers 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.

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<sup>1</sup> The 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.

**Comparison with Rules in Adjacent States:** None of the states adjacent to Wisconsin (Michigan, Minnesota, Illinois and Iowa) have administrative rules relating to long truck routes in their states.

**Summary of Factual Data and Analytical Methodologies Used and How the Related Findings Support the Regulatory Approach Chosen:** Due to the federal requirement that requests for access to the designated highway system in a state be decided within 90 days of the request, a proposed rule making to add requested routes is initiated without investigation. The public hearing and Department investigation undertaken in preparation for the hearing provide the engineering and economic data needed to make a final decision on whether to withdraw the proposal or proceed to final rule making.

**Effect on Small Business and, If Applicable, Any Analysis and Supporting Documentation Used to Determine Effect on Small Businesses:** The provisions of this rule adding a highway segment 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. You may contact the Department's small business regulatory coordinator by phone at (608) 267-3703, or via e-mail at the following website:  
<http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

**Fiscal Effect and Anticipated Costs Incurred by Private Sector:** 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.

**Place Where Comments are to be Submitted and Deadline for Submission:** The public record on this proposed rule making will be held open until close of business the day of the hearing to permit the submission of comments in lieu of public hearing testimony or comments supplementing testimony offered at the hearing. Any such comments should be submitted to Ashwani Sharma, Department of Transportation, Bureau of Highway Operations, Room 501, P. O. Box 7986, Madison, WI 53707-7986. You may also contact Mr. Sharma by phone at (608) 266-1273.

To view the proposed amendments to the rule, view the current rule, and submit written comments via e-mail/internet, you may visit the following website:  
<http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

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**TEXT OF PROPOSED RULE**

**SECTION 1.** Trans 276.07(10) is amended to read:


	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(10)	USH 45	IL Line S. of Bristol	CTH B in Eden
	USH 45	USH 41 N. of Oshkosh	STH 150 W. of Menasha
	USH 45	STH 76 at Greenville	MI Line at Land O'Lakes
	STH 46	STH 64 S. of Deer Park	USH 8 S. of Balsam Lake
	STH 47	USH 10 in Appleton	STH 29 in Shawano
	STH 47	USH 45 N. of Aniwa	USH 51 in Woodruff
	STH 48	STH 70 in Grantsburg	STH 87 S. of Grantsburg
	STH 48	<del>STH 63 in Cumberland</del>	STH 40
		<u>STH 35 in Luck</u>	
	STH 49	USH 41 E. of Brownsville	USH 10 at Weyauwega

**(END OF RULE TEXT)**

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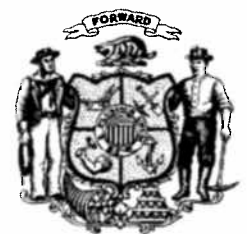
**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 12<sup>th</sup> day of January, 2005.

  
FRANK J. BUSALACCHI  
Secretary  
Wisconsin Department of Transportation



WISCONSIN STATE LEGISLATURE





## Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle  
Governor

Frank J. Busalacchi  
Secretary

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

The Honorable Senator Neal Kedzie  
Chairman, Senate Transportation Committee  
Room 313 South, State Capitol  
Madison, Wisconsin 53702

January 19, 2005

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

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to the **standards and procedures for the issuance of single and multiple trip oversize and overweight permits, Trans 254/255**

Dear Senator Kedzie and Representative Ainsworth:

In accordance with the Department of Transportation's practice of notifying the Legislative Transportation Committees concerning rulemaking actions, I submit the enclosed documents for your information. These documents have also been filed with the Revisor of Statutes and with the Legislative Council, with copy to the Department of Administration, in accordance with the requirements of §§ 227.15 and 227.17, Stats.

Sincerely,

A handwritten signature in black ink that reads "Julie A. Johnson".

Julie A. Johnson  
Paralegal

Enclosure

cc: Casey Newman  
Mike Goetzman  
Beverly Larson  
Mark Woltmann



---

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 oversized and overweight permits

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**NOTICE OF HEARING  
AND  
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to ss. 348.26(2) and 348.27(2), Stats., and interpreting ss. 59.84 and 84.295(8), Stats., the Department of Transportation will hold a public hearing on the **1st** day of **March**, 2005, at the Hill Farms State Transportation Building, **Room 144-B**, 4802 Sheboygan Avenue, Madison, WI, at **1:00 PM**, to consider the amendment of chs. Trans 254 and 255, Wisconsin Administrative Code, relating to the standards and procedures for the issuance of single and multiple trip oversized and overweight permits.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

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**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 oversized 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.

**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 are 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. You may contact the Department's small business regulatory coordinator by phone at (608) 267-3703, or via e-mail at the following website:  
<http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

**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.

**Place Where Comments are to be Submitted and Deadline for Submission:** The public record on this proposed rule making will be held open until March 4, 2005, to permit the submission of comments in lieu of public hearing testimony or comments supplementing testimony offered at the hearing. Any such comments should be submitted 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.

To view the proposed amendments to the rule, view the current rule, and submit written comments via e-mail/internet, you may visit the following website:  
<http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

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### **TEXT OF PROPOSED RULE**

**SECTION 1.** Chapter 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 would include, but is not limited to, the construction and repair of the Milwaukee County Freeway System.

**SECTION 2.** Chapter 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 would include, but is not limited to, the construction and repair of the Milwaukee County Freeway System.

**(END OF RULE TEXT)**

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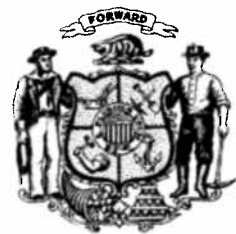
**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 12<sup>th</sup> day of January, 2005.

  
FRANK J. BUSALACCHI  
Secretary  
Wisconsin Department of Transportation



# WISCONSIN STATE LEGISLATURE





## Wisconsin Department of Transportation

www.dot.wisconsin.gov

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Governor

Frank J. Busalacchi  
Secretary

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The Honorable Senator Neal Kedzie  
Chairman, Senate Transportation Committee  
Room 313 South, State Capitol  
Madison, Wisconsin 53702

March 1, 2005

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

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to  
**expanding eligibility for harbor assistance program grants to private  
owners of harbor facilities**, Trans 28

Dear Senator Kedzie and Representative Ainsworth:

In accordance with the Department of Transportation's practice of notifying the Legislative Transportation Committees concerning rulemaking actions, I submit the enclosed documents for your information. These documents have also been filed with the Revisor of Statutes and with the Legislative Council, with copy to the Department of Administration, in accordance with the requirements of §§ 227.15 and 227.17, Stats.

Sincerely,

A handwritten signature in black ink that reads "Julie A. Johnson".

Julie A. Johnson  
Paralegal

Enclosure

cc: Casey Newman  
Mike Goetzman  
Ron Adams  
Larry Kieck



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The Wisconsin Department of Transportation proposes an order to amend TRANS 28.02(5), (8) and (11), 28.03, 28.04(2), 28.05(1)(b)2.d. to f., (2)(e) and (g), 28.06(1), 28.07(1) and (3), 28.08(2)(intro.), (a), (c), (4)(b) and (5)(intro.), 28.09(2)(a)3., 6. and 7., (e), (3) and (4), and 28.10, relating to expanding eligibility for Harbor Assistance Program grants to private owners of harbor facilities

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**NOTICE OF HEARING  
AND  
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to ss. 85.16(1), 85.095 and 227.11(2), Stats., and interpreting s. 85.095, Stats., including s. 85.095(1)(a), (1)(am) and (5), Stats., as amended or created by 2003 Wis. Act 208, the Department of Transportation will hold public hearings at the following locations to consider the amendment of ch. Trans 28, Wisconsin Administrative Code, relating to expanding eligibility for Harbor Assistance Program grants to private owners of harbor facilities:

**April 6, 2005**

Milwaukee Amtrak Depot, 3<sup>rd</sup> Floor  
Community East Room  
433 W. St. Paul Avenue  
Milwaukee, WI  
**1:00 PM**

**April 7, 2005**

Hill Farms State Transportation Building  
4802 Sheboygan Avenue  
Room 419  
Madison, WI  
**1:00 PM**

*The hearing locations are accessible to persons with disabilities.*

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**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 85.16(1), 85.095 and 227.11(2), Stats.

**STATUTES INTERPRETED:** s. 85.095, Stats., including s. 85.095(1)(a), (1)(am) and (5), Stats., as amended or created by 2003 Wis. Act 208

**Plain Language Analysis:** 2003 Wisconsin Act 208 amended s. 85.095, Stats., providing eligibility to private owners of commercial harbor facilities to make direct grant application to the Wisconsin Department of Transportation's Harbor Assistance Program (HAP) rather than through a public harbor authority under a lease-back arrangement. Applications are solicited semi-annually from Wisconsin's commercial ports to present infrastructure improvement projects for consideration and possible funding by the HAP. The grant applications are reviewed for responsiveness to the requirements of ch. Trans 28, Wis. Adm. Code. They are then ranked and scored by the program's Harbor Advisory Council (HAC), which is comprised of representatives from prescribed constituencies. The HAC, upon due consideration, makes recommendations to the Secretary of the Department of Transportation as to which application(s) should be funded. These recommendations are then forwarded to the Governor for his consideration. The announcement of a grant award is made through the Governor's office.

**Summary of, and Preliminary Comparison with, Existing or Proposed Federal Regulation:** There are no comparable federal laws or regulations.

**Comparison with Rules in Adjacent States:**

**Michigan:** Harbor assistance in Michigan takes the form of operating and capital assistance to port authorities that oversee ferryboat operations. The capital assistance is found in a marine capital line item and is limited to \$800,000 per year.

**Minnesota:** Minnesota created a Port Development Assistance Program in 1996. It is similar to Wisconsin's HAP in that it mixes bonding authority with state dollars to fund infrastructure improvement projects.

**Illinois:** None

**Iowa:** None

**Summary of Factual Data and Analytical Methodologies Used and How the Related Findings Support the Regulatory Approach Chosen:** No data or analytical methodology was employed in considering this proposed rule making.

**Effect on Small Business and, If Applicable, Any Analysis and Supporting Documentation Used to Determine Effect on Small Businesses:** This proposed rule should not impact small businesses. You may contact the Department's small business

regulatory coordinator by phone at (608) 267-3703, or via e-mail at the following website: <http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

**Fiscal Effect and Anticipated Costs Incurred by Private Sector:** 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 revenues or private sector liabilities.

**Place Where Comments are to be Submitted and Deadline for Submission:** The public record on this proposed rule making will be held open until close of business April 14, 2005, to permit the submission of comments in lieu of public hearing testimony or comments supplementing testimony offered at the hearing. Any such comments should be submitted to Larry Kieck, Department of Transportation, Bureau of Rails and Harbors, Room 701, P. O. Box 7914, Madison, WI 53707-7914. You may also contact Mr. Kieck by phone at (608) 267-9319. Alternative formats of the rule are available upon request.

To view the proposed amendments to the rule, view the current rule, and submit written comments via e-mail/internet, you may visit the following website: <http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

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### **TEXT OF PROPOSED RULE**

**SECTION 1.** Trans 28.02(5), (8) and (11) are amended to read:

Trans 28.02(5) "Dock wall" means any ~~publicly-owned~~ bulkhead, pier or shoreline development used as a commercial transportation facility.

(8) "~~Eligible applicants~~" means ~~a county, municipality, town or agency thereof or a board of harbor commissioners organized under s. 30.37~~ applicant" has the meaning given in s. 85.095(1)(a), Stats.

(11) "Project priority list" means a ranking by the department, assisted by an advisory council as described in s. Trans 28.06(3), of various eligible applicant-proposed harbor improvement projects in the rank order in which the department proposes to fund the various projects.

**SECTION 2.** Trans 28.03 is amended to read:

**Trans 28.03 Harbor assistance program objective.** The objective of the harbor assistance program is to assist the eligible ~~applicants~~ applicant to provide necessary water access and to maintain or improve the economically effective commodity movement capabilities of Wisconsin's harbors on the Great Lakes or the Mississippi River system.

**SECTION 3.** Trans 28.04(2) is amended to read:

Trans 28.04(2) LOCATION. Eligible projects shall be located only in Great Lakes or Mississippi River system harbors where vessels take on or discharge a combined total of more than 1,000 tons of commercial cargo per year; where commercial, naval or recreational vessels are built; where passenger or vehicle-carrying ferry service connects the Wisconsin communities along the Great Lakes and Mississippi River, or connects the Wisconsin mainland with other states, Canadian provinces or populated islands in Wisconsin or where commercial fishing vessels unload fish. The U.S. army corps of engineers' annual tonnage figures shall be the basis for the tonnage determination; where tonnage figures are not available, ~~an~~ the eligible applicant shall provide tonnage figures based on auditable records.

**SECTION 4.** Trans 28.05(1)(b)2.d. to f., and (2)(e) and (g) are amended to read:

Trans 28.05(1)(b)2.d. New project development of a ~~publicly owned~~ commercial transportation facility, where the development involves dredging, dredged material disposal and dockwall construction.

e. Maintenance of a ~~publicly owned~~ commercial transportation facility other than maintenance described in subd. 2. a., b. or c.

f. New project development of a ~~publicly-owned~~ commercial transportation facility other than that development described in subd. 2.d.

(2)(e) The project is speculative; that is, the eligible applicant for a new project development has no firm financial commitment from a potential lessee or operator that ensures future, productive use of the work performed under the project.

(g) The eligible applicant has not met the program planning requirements under s. Trans 28.10.

**SECTION 5.** Trans 28.06(1) is amended to read:

Trans 28.06(1) The department shall annually establish deadlines for filing harbor assistance project applications and shall give appropriate notice of the deadlines. Notice shall be by mail, sent to ~~the clerks of all municipalities having jurisdiction over commercial harbors on the Great Lakes, and on the Mississippi River~~ every eligible applicant that has met the planning requirements under s. Trans 28.10. The department shall issue notice of the grant awards within 180 days after an application deadline. No grant funds may be committed to an eligible applicant until a grant agreement is negotiated and signed by the department and the eligible applicant.

**SECTION 6.** Trans 28.07(1) and (3) are amended to read:

(1) In accordance with s. 85.095(2)(a), Stats., the state share of project costs may not exceed 80% of the eligible costs incurred by the eligible applicant for the harbor assistance project.

(3) For projects with federal funding, other than those projects funded in part by the U.S. army corps of engineers as described in sub. (2), the state share may not

exceed 80% of the non-federal share of project costs; furthermore, the minimum ~~local~~ eligible applicant share shall be no less than 10% of project costs.

**SECTION 7.** Trans 28.08(2)(intro.), (a) and (c), (4)(b) and (5)(intro.) are amended to read:

(2)(intro.) The types and amounts of costs eligible for state assistance shall be negotiated in developing a grant agreement. Eligible costs may include final engineering, construction, and dredging costs and other costs agreed to by the department and the eligible applicant. The following items, however, are not eligible for reimbursement:

(a) ~~Applicant's~~ Eligible applicant's general grant administration costs;

(c) Interest on money borrowed by the eligible applicant or interest charged to the applicant for late payment of project costs.

(4)(b) Provide evidence of performance and payment bonds, satisfying all applicable requirements of ss. 30.32 and 779.14, Stats., for the full amount of any and all construction contracts let by the eligible applicant in connection with the project.

(5)(intro.) In the grant agreement, the department shall require repayment of grant funds advanced to an eligible applicant if:

**SECTION 8.** Trans 28.09(2)(a)3., 6. and 7., (e), (3) and (4) are amended to read:

Trans 28.09(2)(a)3. A statement that the eligible applicant will accept responsibility for operation and maintenance of the proposed project after completion of the work funded.

6. A statement that the eligible applicant agrees to provide the department, in a timely manner, additional analysis or documentation supporting the application, whenever the department considers it necessary during the application review process.

7. A statement that the eligible applicant agrees to provide required matching funds up to a stated maximum at the time and in the manner specified in the grant agreement.

(e) An estimate of the eligible applicant's annual revenues from the project if completed, or of revenues lost if the project is not completed, and an estimate of the annual costs necessary to maintain the project property.

(3) If an eligible applicant fails to supply required information or supplies erroneous information, the department may disapprove the application.

(4) ~~Applicants~~ The eligible applicant shall submit ~~applications~~ an application to the department by August 1 in order to receive primary consideration for funding during the following calendar year. If funds are available, applications may be submitted by March 15, 1985, and by February 1 of each year thereafter, for funding in the same calendar year. The department may waive the requirements in this subsection for emergency repair projects.

**SECTION 9.** Trans 28.10 is amended to read:

**Trans 28.10 Planning requirement.** No grant may be made under s. 85.095, Stats., and this chapter, unless the eligible applicant provides the department a description of the harbor projects for which the applicant may request state assistance under s. 85.095, Stats., or federal aid, or both, during the next 3 years. The description

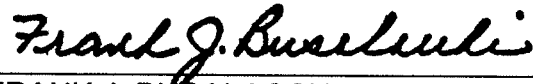
shall be submitted prior to April 1 preceding the fiscal year in which the applicant seeks aid under this chapter. The department may waive this planning requirement.

**(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 28<sup>th</sup> day of February, 2005.



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FRANK J. BUSALACCHI

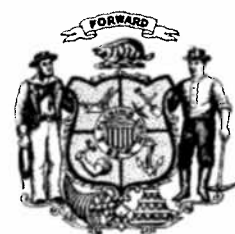
Secretary

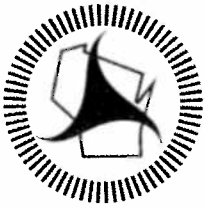
Wisconsin Department of Transportation





WISCONSIN STATE LEGISLATURE





## Wisconsin Department of Transportation

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The Honorable Senator Neal Kedzie  
Chairman, Senate Transportation Committee  
Room 313 South, State Capitol  
Madison, Wisconsin 53702

March 15, 2005

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

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to the  
**convenience fee for telephone vehicle registration renewal, Trans 196**

Dear Senator Kedzie and Representative Ainsworth:

In accordance with the Department of Transportation's practice of notifying the Legislative Transportation Committees concerning rulemaking actions, I submit the enclosed documents for your information. These documents have also been filed with the Revisor of Statutes and with the Legislative Council, with copy to the Department of Administration, in accordance with the requirements of §§ 227.15 and 227.17, Stats.

Sincerely,

A handwritten signature in black ink that reads "Julie A. Johnson".

Julie A. Johnson  
Paralegal

Enclosure

cc: Casey Newman  
Mike Goetzman  
Lynne Judd  
Carson Frazier

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The Wisconsin Department of Transportation proposes an order to amend TRANS 196.04(1)(a) to (d), relating to the convenience fee for telephone vehicle registration renewal

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**NOTICE OF HEARING  
AND  
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to s. 341.255, Stats., and interpreting s. 341.255(3), Stats., the Department of Transportation will hold a public hearing in **Room 144-B** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **13th** day of **April**, 2005, at **1:30 PM**, to consider the amendment of ch. Trans 196, Wisconsin Administrative Code, relating to the convenience fee for telephone vehicle registration renewal.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

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**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 85.16, 227.11(2)(a), 341.255 and 342.14(7), Stats.

**STATUTES INTERPRETED:** ss. 341.255 and 342.14(7), Stats.

**Plain Language Analysis:** Trans 196.04(1)(d) establishes the convenience fee for telephone vehicle registration renewal. DOT now offers internet renewal as well as telephone registration renewal service, and this proposed rule is amended to reflect this service option. In addition, DOT has entered into a new vendor contract for this service. Under the contract terms, DOT's per-transaction cost may vary on a yearly basis. The proposed rule is amended to clarify that DOT will charge the customer a transaction fee that approximates DOT's cost to provide that transaction, and that the DOT will determine the per-transaction fee on a yearly basis. DOT will publish the current fee on DOT's web site and IVR message, instead of needing to undertake continual rule making to change the fee on a yearly basis.

Section Trans 196.04(1)(a), (b) and (c) establish the fee for special handling of vehicle title and registration transactions. The proposed rule increases the fee from \$4 to \$5 for title and title/registration transactions, and from \$2 to \$3 for registration-only transactions. This fee equals the fee a person pays for in-person counter service at DMV customer service centers. This rule making is required by s. 341.255, Stats.

**Summary of, and Preliminary Comparison with, Existing or Proposed Federal Regulation:** No federal rules govern or apply to this rule making. Service delivery methods and fees are solely a state determination.

**Comparison with Rules in Adjacent States:**

**Michigan:** Michigan allows on-line and telephone registration renewal.

**Minnesota:** Minnesota requires a \$3.00 handling fee for on-line renewal using credit card. In addition, Minnesota requires a \$4.50 service fee for renewal transactions, and a \$7.00 service fee for all other vehicle transactions.

**Illinois:** Illinois requires a \$1.75 convenience fee for on-line renewal.

**Iowa:** Iowa requires a convenience fee when renewing on-line. In addition, Iowa title and registration transactions by county treasurers may involve a service fee.

**Summary of Factual Data and Analytical Methodologies Used and How the Related Findings Support the Regulatory Approach Chosen:** The Department of Transportation has entered into a new contract with a vendor to provide the telephone and internet renewal service. The contract provides a methodology for payment to the vendor that requires DOT to revise its method of establishing the customer convenience fee. Since the process to amend a rule is time-consuming, the DOT has chosen the approach of publishing the fee on its internet web site and on the IVR message, rather than by administrative rule change. DOT continues to determine a transaction fee that approximates DOT's cost to provide that transaction. DOT will determine the per-transaction fee on a yearly basis. In determining the fee per transaction for the current year, the Department will review the total cost of the service, the number of transactions and other material factors from the previous year.

Approximately 90,500 vehicle registration transactions used the fast service option in FY 2004. Fast-service transactions represent only about 4% of all title/registration work that DMV processes. However, a fast service transaction requires DMV staff to stop working on regular mailed-in applications and immediately process the fast-service transaction. This represents attention that is equivalent to immediate in-person service that a person receives at a DMV customer service center. The fast-service transaction fee has not been increased in over 20 years, while the in-person counter service fee has been increased. An increase of \$1 in the fast service fee would

generate \$90,500 increased revenue annually to the Transportation Fund, and would equal the counter service fee for in-person transactions.

**Effect on Small Business and, If Applicable, Any Analysis and Supporting Documentation Used to Determine Effect on Small Businesses:** The Department of Transportation anticipates that this rule making will have no direct adverse effect on small businesses. This rule making establishes no additional compliance, bookkeeping, or reporting requirements for small businesses. You may contact the Department's small business regulatory coordinator by phone at (608) 267-3703, or via e-mail at the following website:  
<http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

**Fiscal Effect and Anticipated Costs Incurred by Private Sector:** The Department of Transportation 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 there will be a \$90,500 increase in revenue to the Transportation Fund annually, as a result of increasing fast service fees. No added costs will be incurred by the private sector to comply with this rule. Fast service is an optional service similar to in-person service, and use of fast service is voluntary similar to in-person service. Fast service is not required of any customer. The proposed rule establishes no additional compliance, bookkeeping, or reporting requirements of any customer.

**Place Where Comments are to be Submitted and Deadline for Submission:** The public record on this proposed rule making will be held open until close of business the day of the hearing to permit the submission of comments in lieu of public hearing testimony or comments supplementing testimony offered at the hearing. Any such comments should be submitted to Carson P. Frazier, Department of Transportation, Division of Motor Vehicles, Bureau of Vehicle Services, Room 253 Hill Farms, P.O. Box 7911, Madison WI 53707-7911. You may also contact Ms. Frazier by phone at (608) 266-7857.

To view the proposed amendments to the rule, view the current rule, and submit written comments via e-mail/internet, you may visit the following website:  
<http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

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### **TEXT OF PROPOSED RULE**

**SECTION 1.** Trans 196.04(1)(a) to (d) are amended to read:

Trans 196.04(1)(a) For processing an application for a certificate of title, \$4 5.

(b) For processing an application for a combination of certificate of title and registration, \$4 5.


(c) For processing an application for registration only, \$2 3.

(4) For the payment of fees through a special department telephone and internet registration service, \$2.50 per transaction a fee per transaction to be determined by the department annually to approximate the cost to the department for providing the transaction. In determining the fee per transaction for the current year, the department will review the total cost of the service, the number of transactions and other material factors from the previous year. The current fee shall be published on the department's internet web site and on the department's telephone interactive voice response system and on all vehicle registration renewal notices which are eligible to use the internet or telephone renewal service.

(END OF RULE TEXT)

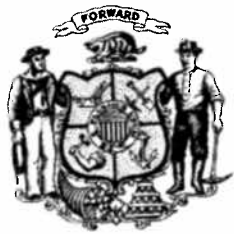
**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

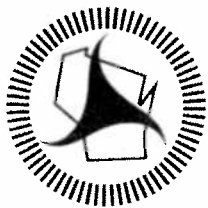
Signed at Madison, Wisconsin, this 15<sup>th</sup> day of March, 2005.

  
FRANK J. BUSALACCHI  
Secretary  
Wisconsin Department of Transportation



WISCONSIN STATE LEGISLATURE





## Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle  
Governor

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Secretary

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April 22, 2005

The Honorable Senator Neal Kedzie  
Chairman, Senate Transportation Committee  
Room 313 South, State Capitol  
Madison, Wisconsin 53702

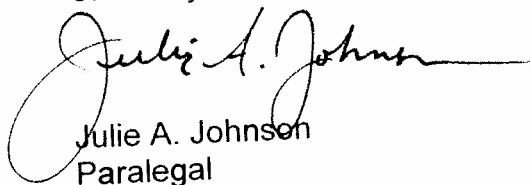
The Honorable Representative John Ainsworth  
Chairman, Assembly Transportation Committee  
Room 309 North, State Capitol  
Madison, Wisconsin 53702

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to **CDL occupational licenses, Trans 117**

Dear Senator Kedzie and Representative Ainsworth:

In accordance with the Department of Transportation's practice of notifying the Legislative Transportation Committees concerning rulemaking actions, I submit the enclosed documents for your information. These documents have also been filed with the Revisor of Statutes and with the Legislative Council, with copy to the Department of Administration, in accordance with the requirements of §§ 227.15 and 227.17, Stats.

Sincerely,

  
Julie A. Johnson  
Paralegal

Enclosure

cc: Casey Newman  
Mike Goetzman  
Lynne B. Judd  
Erin Egan



The Wisconsin Department of Transportation proposes an order to repeal TRANS 117.02(2)(c) and (d), 117.03(2)(e) and (L), (3)(b), (c), (h) and (i), 117.05(4)(d), 117.08(1) to (4) and 117.09(3); amend TRANS 117.025(8), 117.03(2)(f) and (k), (3)(f) and (5)(a)1., 117.05(5), 117.08(5); and create TRANS 117.03(3)(g)(note), relating to CDL occupational licenses

**NOTICE OF HEARING  
AND  
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to s. 343.10, Stats., and interpreting s. 343.10, Stats., the Department of Transportation will hold a public hearing in **Room 394** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **26th** day of **May**, 2005, at **1:00 PM**, to consider the amendment of ch. Trans 117, Wisconsin Administrative Code, relating to CDL occupational licenses.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

**Analysis Prepared by the Wisconsin Department of Transportation**

**Statutes interpreted:** ss. 343.10, Stats.

**Statutory authority:** s. 343.10, Stats.

**Explanation of agency authority:** The Department is authorized to issue occupational licenses under s. 343.10, Stats., to allow a person whose operating privileges are suspended or revoked to engage in an occupation, homemaking or study. Only licenses revoked under Chapter 343, ss. 767.303, 938.34(14q), 943.21(3m) or 961.50, Stats., are eligible for an occupational license.

**Related statute or rule:** Chapter 343, ss. 767.303, 938.34(14q), 943.21(3m) and 961.50, Stats.

**Plain Language Analysis:** This proposed rule modifies ch. Trans 117, relating to occupational licenses. The Motor Carrier Safety Improvement Act of 1999 (MCSIA) forbids states from knowingly issuing a temporary license permitting a person to drive a commercial motor vehicle (CMV) while their driving privileges are revoked, suspended or cancelled, per CFR 384.210. Following federal requirements, the legislature eliminated statutory authority for CDL occupational licenses, effective September 30, 2005, by amendment to s. 343.10(2)(c), Stats., 2003 Wis. Act 33. These amendments to ch. Trans 117 as required by the statutory change, remove all of the references to commercial occupational driver's licenses in the Department's occupational licensing rule.

References to s. 346.65(6), Stats., throughout the chapter are no longer correct. The language allowing the courts authority to order an ignition interlock device is now found in s. 343.301(1), Stats. The relevant provisions of ch. Trans 117 are proposed to be amended accordingly. The rule also makes clear that any statutorily-mandated restriction will be imposed on any occupational license.

**Summary of, and Preliminary Comparison with, Existing or Proposed Federal Regulation:** As of September 30, 2005, federal law prohibits states from issuing an occupational license to operate a commercial motor vehicle. (49 CFR 384.210) 2003 Wis. Act 33 and this rule making bring Wisconsin into compliance with that requirement.

**Comparison with Rules in Adjacent States:** As of September 30, 2005 all states are prohibited from issuing an occupational license to operate a commercial motor vehicle. (49 CFR 384.210). This includes all adjacent states. Thus, Wisconsin law will be identical to all other states on this point. No state will issue CDL occupational licenses.

**Summary of Factual Data and Analytical Methodologies Used and How the Related Findings Support the Regulatory Approach Chosen:** The Department will not issue occupational licenses to operate a commercial motor vehicle after September 30, 2005 (s. 343.10(2)(c), as amended by 2003 Wis. Act 33). Failure to comply would result in the loss of federal highway funding.

**Effect on Small Business and, If Applicable, Any Analysis and Supporting Documentation Used to Determine Effect on Small Businesses:** This proposed rule could impact small businesses that employ commercial drivers. Any commercial driver who loses his or her driving privileges may be eligible for a Class D occupational license, however, they will not be able operate a commercial motor vehicle. In 2004, the Department issued 1,088 occupational licenses for commercial drivers. None of these drivers can be issued or hold an occupational license after September 30, 2005.

If a driver cannot operate a commercial motor vehicle, and it is part of their job duties to do so, the employee must be reassigned to duties that do not require the operation of a commercial motor vehicle. As an alternative, the small business may

choose to terminate the employee for being unable to perform his or her job duties and hire someone else with a valid commercial driver's license.

The Department will enforce the rule by not issuing occupational licenses to operate commercial motor vehicles after September 30, 2005.

**Agency contact person:** You may contact the Department's small business regulatory coordinator by phone at (608) 267-3703, or via e-mail at the following website: <http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

**Fiscal Effect and Anticipated Costs Incurred by Private Sector:** Small businesses might be adversely affected if the number of qualified, available drivers under MCSIA is reduced. Employers may find that they have to pay drivers a premium wage in order to continue to provide their current level of service.

The National Compensation Survey of Milwaukee-Racine, conducted in October 2003, found that transportation and material moving employees (includes truck drivers and industrial truck and tractor equipment operators) earned an average of \$18.00 per hour. If 10% premium were applied to retain qualified, available drivers under MCSIA, this would cost a small business an additional \$3744 per year.  $\$18.00 * 10\% = \$1.80 * 2080 \text{ hours} = \$3744$

The predicted fiscal impacts of the federal regulation, which imposed these new requirements upon states, were published in the Federal Register at Volume 67, No. 147, July 31, 2002, p. 49472. This federal register is available online at: [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002\\_register&docid=02-18457-filed.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-18457-filed.pdf).

**Place Where Comments are to be Submitted and Deadline for Submission:**  
The public record on this proposed rule making will be held open until close of business the day of the hearing to permit the submission of comments in lieu of public hearing testimony or comments supplementing testimony offered at the hearing. Any such comments should be submitted to Erin Egan, Department of Transportation, Division of Motor Vehicles, Bureau of Driver Services, Room 351 Hill Farms, P.O. Box 7920, Madison WI 53707-7920. You may also contact Ms. Egan by phone at (608) 266-1449.

To view the proposed amendments to the rule, view the current rule, and submit written comments via e-mail/internet, you may visit the following website: <http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

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### TEXT OF PROPOSED RULE

**SECTION 1.** Trans 117.02(2)(c) and (d) are repealed.

**SECTION 2.** Trans 117.025(8) is amended to read:

Trans 117.025(8) If a petition is granted by the court, the department shall receive the court's order and treat it and the appellant's petition to the court as an application for occupational license. The department shall issue an occupational license to the person, subject to any restrictions ordered by the court or required under s. Trans 117.03(3), unless issuance of an occupational license to the person is prohibited under s. Trans 117.03(2). ~~If the person is ineligible for a CDL occupational license but is eligible for a class D or M license, the department may issue a class D or M license to the person, but may not authorize privileges to operate class A, B or C vehicles on the license.~~

**SECTION 3.** Trans 117.03(2)(e) is repealed.

**SECTION 4.** Trans 117.03(2)(f) and (k) are amended to read:

Trans 117.03(2)(f) The person has installed any ignition interlock devices the person has been ordered to install as a condition of an occupational license or pursuant to a court order under s. ~~346.65(6)~~ 343.301(1), Stats.

(k) The person has not filed more than one petition with a circuit court for an occupational license since the last date on which the department issued a ~~basic, commercial or an~~ occupational license to the person.

**SECTION 5.** Trans 117.03(2)(L) and (3)(b) and (c) are repealed.

**SECTION 6.** Trans 117.03(3)(f) is amended to read:

Trans 117.03(3)(f) No occupational license may authorize the operation of a school bus or commercial motor vehicle.

**NOTE:** ss. 343.10(2)(c) and 343.10(5)(a)1.

**SECTION 7.** Trans 117.03(3)(g)(note) is created to read:

Trans 117.03(g)(note) Note: ss. 343.10(1)(a) and (5)(a)1.

**SECTION 8.** Trans 117.03(h) and (i) are repealed.

**SECTION 9.** Trans 117.03(5)(a)1. is amended to read:

Trans 117.03(5)(a)1. The person is convicted of an offense for which an ignition interlock is ordered to be imposed on the person's vehicle under s. ~~346.65(6)~~ 343.301(1), Stats.

**SECTION 10.** Trans 117.05(4)(d) is repealed.

**SECTION 11.** Trans 117.05(5) is amended to read:

Trans 117.05(5) An application for occupational license submitted by a person who has been ordered to install an ignition interlock device ~~as part of a criminal sentence~~ under s. ~~346.65(6)~~ 343.301(1), Stats., shall include a copy of the order and proof of installation.

**SECTION 12.** Trans 117.08(1) to (4) are repealed.

**SECTION 13.** Trans 117.08(5) is amended to read:

Trans 117.08(5) ~~Notwithstanding subs. (1) to (4) or any expiration date stated on the face of an occupational license, an~~ An occupational license shall expire 2 working days after the end of all suspensions and revocations of the driver's operating privilege in effect at the time the occupational license was issued.


**SECTION 14.** Trans 117.09(3) is repealed.

**(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 22<sup>nd</sup> day of April, 2005.

  
FRANK J. BUSALACCHI  
Secretary  
Wisconsin Department of Transportation