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☞ **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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P O Box 7910
Madison, WI 53707-7910

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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

June 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 **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(11) and (24), 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:

**July 15, 2005
Transportation Southeast Region
141 NW Barstow Street, Room 338A-B
Waukesha, WI
10:00 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(11) and (24), Wisconsin Administrative Code, to add two segments of highway to the designated highway system established under s. 348.07(4), Stats. The actual highway segment¹ that this rule adds to the designated highway system is:

¹ 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

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 175 STH 50	CTH P S. of Theresa IH 43	STH 60 USH 12

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 feet², a combination of vehicles with an overall length in excess of 65 feet, a semitrailer longer than 48 feet, an automobile haulaway longer than 66 feet plus allowed overhangs, or a double bottom. Certain exceptions are provided under s. 348.07(2), Stats., which implements provisions of the federal Surface Transportation Assistance Act in Wisconsin.

The effect of this rule will be to extend the provisions of s. 348.07(2)(f), (fm), (gm) and (gr), and s. 348.08(1)(e), Stats., to the highway segments listed above. As a result, vehicles which may legally operate on the federal National Network in Wisconsin will also be allowed to operate on the newly-designated 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.

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

² 45-foot buses are allowed on the National Network and Interstate system by Federal law. Section 4006(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

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. The Department's Regulatory Review Coordinator may be contacted by e-mail at reggie.newson@dot.state.wi.us, or by calling (608) 264-6669.

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.

Contact Person and 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>.

TEXT OF PROPOSED RULE

SECTION 1. Trans 276.07(11) is amended to read:


	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(11)	STH 50	USH 12 W. of Lake Geneva	45 th Avenue in Kenosha
		<u>IH 43</u>	
	USH 51	S. Corp. Limits of Janesville	USH 14 at Janesville
	USH 51	IH 90 E. of Stoughton	STH 16 S.E. of Portage
	USH 51	IH 39 N. of Portage	USH 2 N. of Hurley

STH 52	USH 45 N. of Aniwa	USH 45 in Antigo
USH 53	USH 14-61 in La Crosse	USH 10 in Osseo
USH 53	IH 94 S.E. of Eau Claire	IH 535 in Superior
STH 54	STH 71 at Melrose	STH 80 at Dexterville
STH 54	STH 73 in Port Edwards	USH 41 at Green Bay
STH 54	IH 43 in Green Bay	STH 42 in Algoma
STH 55	USH 41 in Kaukauna	STH 54 S. of Seymour
STH 56	STH 80 N. of Richland Center	USH 14 in Richland Center
(24) STH 150	STH 110 at Winchester	USH 41 at Neenah
USH 151	IA Line at Dubuque, IA	S. Park St. in Madison
USH 151	IH 90-94 in Madison	USH 41 in Fond du Lac
USH 151	STH 23 in Fond du Lac	USH 10 at Manitowoc
USH 158	IH 94 W. of Kenosha	STH 31 in Kenosha
STH 164	STH 36	USH 18 E. of Waukesha
STH 164	IH 94 N. of Waukesha	STH 190 E. of Pewaukee
STH 164	CTH W in Sussex	CTH Q W. of Colgate
STH 165	IH 94 W. of Kenosha	STH 31 in Kenosha
STH 170	STH 128 in Glenwood City	STH 79 in Boyceville
STH 172	USH 41 in Ashwaubenon	IH 43 S.E. of Green Bay
STH 173	STH 21 W. of Wyeville	STH 73 in Nekoosa
STH 175	STH 67 in Lomira	CTH P S. of Theresa
		<u>STH 60</u>
STH 178	CTH S N. of Chippewa Falls	Jim Falls

(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.

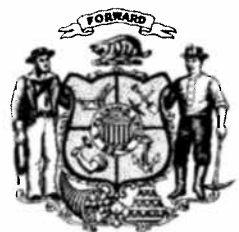
Signed at Madison, Wisconsin, this 15th day of June, 2005.

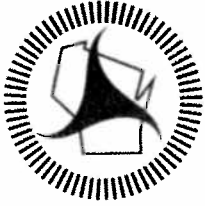


FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation



WISCONSIN STATE LEGISLATURE





Wisconsin Department of Transportation

www.dot.wisconsin.gov

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Governor

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

August 30, 2005

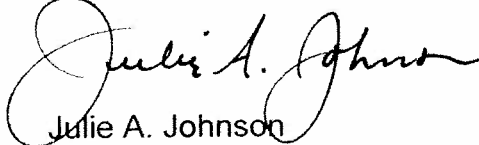
The Honorable Representative John Ainsworth
Chairman, Assembly Transportation Committee
Room 309 North, State Capitol
Madison, Wisconsin 53702

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to **specific information signs**, Trans 200

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
Dave Vieth

The Wisconsin Department of Transportation proposes an order to amend TRANS 200.06(7)(b)3., relating to specific information signs

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

NOTICE IS HEREBY GIVEN that pursuant to ss. 84.02(4)(e) and 86.195, Stats., and interpreting s. 86.195(6)(b), Stats., the Department of Transportation will hold a public hearing in **Room 501 (Eau Claire Conference Room)** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **3rd** day of **October**, 2005, at **10:00 AM**, to consider the amendment of ch. Trans 200, Wisconsin Administrative Code, relating to specific information signs.

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. 84.02(4)(e) and 86.195, Stats.

Statutory authority: s. 86.195(6)(b), Stats.

Explanation of agency authority: The Department has authority to regulate the number, size and types of specific information signs on signposts near interchanges.

Related statute or rule: Section Trans 200.06(7)(b)3., Wis. Admin. Code.

Plain language analysis: The current administrative rule allows for up to two types of motorist services to be displayed on each specific information sign. There are four types of motorist services: GAS, FOOD, LODGING, and CAMPING. The proposed rule change would allow for three types of motorist services per specific information sign. The maximum number of specific information signs per interchange exit is not increased (4). The total number of business signs identifying the motorist service available remains limited to six for each specific information sign structure.

Summary of, and preliminary comparison with, existing or proposed federal regulation: The proposed change would update the administrative rule to allow greater flexibility that is consistent with the *Federal Manual on Uniform Traffic Control Devices*, 2003 edition, Part 2, Chapter 2, Section 2F.02, adopted by the Federal Highway Administration pursuant to 23 USC 109(d) and 23 CFR 655.603.

Comparison with Rules in Adjacent States:

Michigan: Michigan allows three categories per sign.

Minnesota: Minnesota allows three categories per sign.

Illinois: Illinois allows only two categories per sign.

Iowa: Iowa allows three categories per sign.

Summary of factual data and analytical methodologies used and how the related findings support the regulatory approach chosen: Review of changes in Federal Regulations.

Analysis and supporting documentation used to determine effect on small businesses: The rule change is being requested by small business. The cost impact is minimal and voluntary.

Effect on small business: The proposed rule provides additional participation opportunities for small businesses. Since businesses request that they be identified on state-installed signs, the sign application process will enforce the rule. The Department's Regulatory Review Coordinator may be contacted by e-mail at andrew.ruiz@dot.state.wi.us, or by calling (414) 438-4585.

Fiscal effect and anticipated costs incurred by private sector: The rule amendment will have only a minor fiscal effect for the state. Any private sector costs are permissive.

Agency contact person and 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 Richard Moss, Department of Transportation, Division of Transportation System Development, Program Management Section, Room 501, P. O. Box 7986, Madison, WI 53707-7986. You may also contact Mr. Moss by phone at (608) 267-7830.

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>.

TEXT OF PROPOSED RULE

SECTION 1. Trans 200.06(7)(b)3. is amended to read:

Trans 200.06(7)(b)3. 'Interchanges with fewer facilities.' At interchanges where not more than 3 qualified facilities are available for each of 2 or more types of motorist services, business signs for 2 types of motorist services may be displayed on the same specific information sign. Not more than 3 business signs for each type of motorist service shall be displayed in combination on a panel. The name of each type of motorist service shall be displayed above its respective business signs, and the exit number shall be displayed above the names of the types of motorist services. At unnumbered interchanges, the legend "NEXT RIGHT (LEFT)" shall be substituted for the exit number. Business signs shall not be combined on a panel when it is anticipated that additional motorist service facilities will become available in the near future. When it becomes necessary to display a fourth business sign for a type of motorist service displayed in combination, the business signs involved shall then be displayed in compliance with subds. 1. and 2. At interchanges where not more than 2 qualified facilities are available for each of 3 or more types of motorist services, business signs for 3 types of motorist services may be displayed on the same specific information sign. Not more than 2 business signs for each type of motorist service shall be displayed in combination on a panel with 3 or more types of motorist services.

(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 30th day of August, 2005.



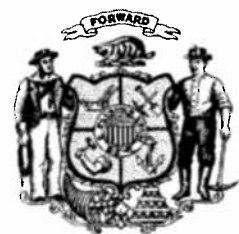
FRANK J. BISALACCHI

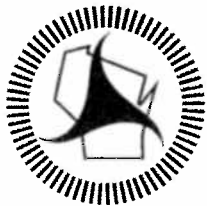
Secretary

Wisconsin Department of Transportation



WISCONSIN STATE LEGISLATURE





Wisconsin Department of Transportation

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

September 15, 2005

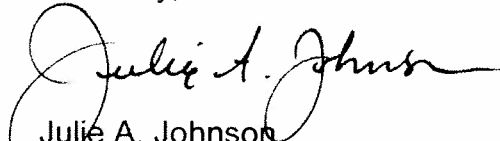
The Honorable Representative John Ainsworth
Chairman, Assembly Transportation Committee
Room 309 North, State Capitol
Madison, Wisconsin 53702

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to **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(6), 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:

November 4, 2005
Wisconsin Department of Transportation
N.W. Region - Eau Claire Office
718 W. Clairemont Avenue
Dunn Conference Room
Eau Claire, Wisconsin
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.

This rule amends s. Trans 276.07(6), Wisconsin Administrative Code, to add one segment of highway to the designated highway system established under s. 348.07(4), Stats. This rule adds the newly constructed STH 29 bypass around Chippewa Falls,

Wisconsin, to the designated highway system¹. Prior to construction of the bypass, trucks were required to exit Highway 29 before it entered downtown Chippewa Falls and could re-enter the highway once they passed the town on other roads. With construction of the bypass, STH 29 no longer enters downtown Chippewa Falls, and there is no need to force trucks to exit the highway at Chippewa Falls. The safer and faster means for them to travel is along the new bypass.

Additional Historical Background: 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.

¹ This proposed rule achieves this objective by consolidating two segments of Highway 29; one between I-94 and Chippewa Falls and the other between Green Bay and Chippewa Falls into one contiguous segment from I-94 West of Elk Mound to USH 41 in Green Bay.

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.

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 feet², a combination of vehicles with an overall length in excess of 65 feet, a semitrailer longer than 48 feet, an automobile haulaway longer than 66 feet plus allowed overhangs, or a double bottom. Certain exceptions are provided under s. 348.07(2), Stats., which implements provisions of the federal Surface Transportation Assistance Act in Wisconsin.

The effect of this 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.

² 45-foot buses are allowed on the National Network and Interstate system by Federal law. Section 4006(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

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: The Department initiated this rule change to accommodate traffic flow along the STH 29 corridor. The need to exempt the section of STH 29 passing through Chippewa Falls ceased to exist upon construction of the new bypass. The bypass was built, in part, to accommodate long truck traffic along STH 29. 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 will have a favorable effect on those small businesses which are shippers or carriers using the STH 29 bypass around Chippewa Falls. The Department's Regulatory Review Coordinator may be contacted by e-mail at andrew.ruiz@dot.state.wi.us, or by calling (414) 438-4585.

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.

Contact Person and 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>.

TEXT OF PROPOSED RULE

SECTION 1. Trans 276.07(6) is amended to read:


	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(6)	STH 25	Minnesota Line	STH 48

STH 26	IH 90 at Janesville	USH 151 S.E. of Waupun
STH 26	USH 151 N.E. of Waupun	USH 41 S.W. of Oshkosh
STH 27	USH 18 in Prairie du Chien	USH 14 S. of Viroqua
STH 27	USH 14 S.E. of Viroqua	STH 40 in Radisson
STH 28	STH 33 in Horicon	IH 43 in Sheboygan
STH 29	USH 10 in Prescott	STH 35 in River Falls
STH 29	IH 94 W. of Elk Mound	USH 53 at Chippewa Falls
STH 29	STH 124 S. of Chippewa Falls	USH 41 in Green Bay
STH 29	USH 141 at Bellevue	STH 42 in Kewaunee

(END OF RULE TEXT)

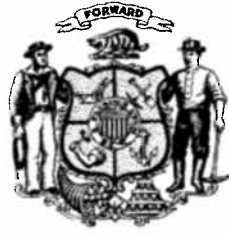
Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 15 day of September, 2005.


 for 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

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P O Box 7910
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Telephone: 608-266-8810
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

November 30, 2005

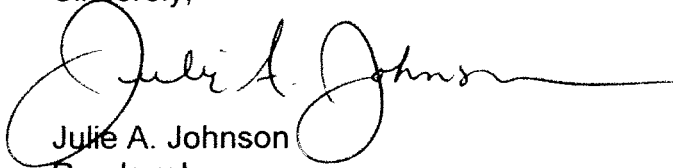
The Honorable Representative John Ainsworth
Chairman, Assembly Transportation Committee
Room 309 North, State Capitol
Madison, Wisconsin 53702

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to the **time period within which a person moving to Wisconsin may operate a motor vehicle under a driver license from his or her previous state of residence, Trans 102**

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 amend TRANS 102.14(4) and 102.15(6)(intro.), and create TRANS 102.15(16)(note), relating to the time period within which a person moving to Wisconsin may operate a motor vehicle under a driver license from his or her previous state of residence.

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

NOTICE IS HEREBY GIVEN that pursuant to s. 343.02(1) Stats., and interpreting s. 343.05(4)(b)1., Stats., the Department of Transportation will hold a public hearing in **Room 254** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **11th** day of **January**, 2006, at **2:00 PM**, to consider the amendment of ch. Trans 102, Wisconsin Administrative Code, relating to the time period within which a person moving to Wisconsin may operate a motor vehicle under a driver license from his or her previous state of residence.

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: s. 343.05(4)(b)1., Stats.

Statutory authority: s. 343.02(1), Stats.

Explanation of agency authority: Section 343.02(1), Stats., grants the Department responsibility for administering and enforcing Chapter 343, Stats., and authority to promulgate such rules as the secretary considers necessary for that purpose.

Related statute or rule:

- Section 340.01(37), the definition of "Nonresident" for the motor vehicle code.
- Section 343.01(2)(g), the definition of "Resident" for driver licensing purposes.
- Section 343.06(1)(k), which prohibits issuance of licenses to nonresidents.

Plain language analysis: Current law requires all persons to have driver licenses as a condition of operating a motor vehicle on a highway. Residents must hold a Wisconsin driver license. s. 343.05, Stats. Nonresidents must be at least 16 years old have a license from their home jurisdiction. Nothing in the statutes deals with the situation of a person moving to Wisconsin and establishing residence here. Statutorily, once a person establishes their one permanent home in this state, they cannot operate on the license from their old state of residence. The statutes do not provide any leeway or time period within which a person may operate on their out-of-state license upon moving to this state.

Because this circumstance arises frequently, WisDOT promulgated an administrative rule that provides a 30-day deadline for new residents to obtain a driver license. In practice, police agencies statewide do not arrest persons for driving without a driver license within the first 30 days after they move to this state following the spirit of the regulation.

In the past year, WisDOT has implemented new, more stringent proof of identity requirements as a condition of obtaining a Wisconsin driver license. Rather than simply accepting the out-of-state license as evidence of identity, the Department also requires documentation such as a certified birth certificate or passport.

DMV has found that person moving to this state often cannot obtain these required documents within 30 days of moving to this state. Accordingly, this rule making proposes to extend the time period within which people should obtain a Wisconsin driver license after moving to this state to 60 days.

Summary of, and preliminary comparison with, existing or proposed federal regulation: There is no federal legislation on this point. Federal CDL law, in fact, permits states to issue CDLs to drivers who are not residents of their states.

Comparison with Rules in Adjacent States:

Michigan: Michigan law does not appear to allow a driver any grace period. Mich. Comp. Laws, ss. 257.301 and .302.

Minnesota: Allows new resident 60 days to obtain Class D or M Minnesota license, 30 days to obtain a Minnesota CDL. s. 171.03, Minn. Stats.

Illinois: Allows new resident 90 days to obtain an Illinois driver license. 625 ILCS 5/6.102(7).

Iowa: License must be obtained immediately upon establishing residency in Iowa. s. 321.174, Iowa Code.

Summary of factual data and analytical methodologies used and how the related findings support the regulatory approach chosen: Not applicable.

Analysis and supporting documentation used to determine effect on small businesses: None.

Effect on small business: This proposed rule would have no effect on small business. The Department's Regulatory Review Coordinator may be contacted by e-mail at andrew.ruiz@dot.state.wi.us, or by calling (414) 438-4585.

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.

Agency contact person and 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, Office of Program Operations, Room 351, P. O. Box 7911, Madison, WI 53707-7911. 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>.

TEXT OF PROPOSED RULE

SECTION 1. Trans 102.14(4) is amended to read:

Trans 102.14(4) Persons who establish Wisconsin residency and who are not exempt from Wisconsin licensing requirements under s. 343.05(4), Stats., shall apply for a Wisconsin operator's license ~~within~~ as follows:

(a) Within 30 days of establishing Wisconsin residency if the person holds a commercial driver license from another jurisdiction or Mexico and seeks a Wisconsin commercial driver license.

Note: Commercial drivers are required to transfer their CDL within 30 days of moving between states by federal law. 49 CFR 383.71 (b).

(b) Within 60 days of establishing Wisconsin residency in all other situations.

SECTION 2. Trans 102.15(6)(intro.) is amended to read:

Trans 102.15(6)(intro.) TEMPORARY DRIVER RECEIPT. The department may issue a temporary driver receipt for operation of class D or M vehicles to a person who is temporarily unable to meet the identification requirements of sub. (3). The temporary driver receipt shall state the date of issue, shall be clearly marked "NOT VALID FOR IDENTIFICATION," and shall be validated for the operation of a vehicle for a stated period of up to 60 days from the date issued. The person may complete his or her license application within this period by presenting proof of the person's name and date of birth in accordance with sub. (3)(a). For good cause shown, the department may renew the driving receipt once for an additional period of no more than ~~30~~ 60 days. This subsection does not prohibit a person from proceeding under sub. (3)(b). This subsection applies only to persons who meet all of the following:

SECTION 3. Trans 102.15(6)(note) is created to read:

Trans 102.15(6)(note) Section 343.11(1), Stats., prohibits issuance of temporary driving receipts in situations where a CDL is required. A temporary driving receipt may be used by drivers who are exempt from CDL requirements under s. 343.055, Stats.

(END OF RULE TEXT)

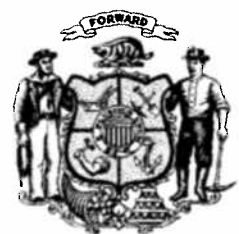
Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 28th day of November, 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
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January 10, 2006

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 **motor carrier safety regulations, and motor carrier safety requirements for transportation of hazardous materials**, Trans 325/326

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". The signature is fluid and cursive, with a large loop at the beginning and end.

Julie A. Johnson
Paralegal

Enclosure

cc: Casey Newman
Mike Goetzman
Supt. David Collins
Capt. Chuck Teasdale

The Wisconsin Department of Transportation proposes an order to amend TRANS 325.02(intro.) and (8), and 326.01(intro.) and (8), relating to motor carrier safety regulations, and motor carrier safety requirements for transportation of hazardous materials.

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

NOTICE IS HEREBY GIVEN that pursuant to s. 110.075 and ch. 194, Stats., and interpreting ch. 194, Stats., the Department of Transportation will hold a public hearing in **Room 551** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **13th** day of **February**, 2006, at **3:00 PM**, to consider the amendments of chs. Trans 325 and 326, Wisconsin Administrative Code, relating to motor carrier safety regulations, and motor carrier safety requirements for transportation of hazardous materials.

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: Ch. 194, Stats.

Statutory authority: s. 110.075 and Ch. 194, Stats.

Explanation of agency authority: The secretary shall set standards and adopt rules to establish a plan of inspection to implement the inspection program. It shall be the duty of the department to prescribe rules and regulations as to safety and operations and the hours of service of drivers of motor vehicles operated under the authority of this chapter.

Related statute or rule: s. 110.07, Stats.

Plain language analysis: As prescribed by state statute, the Department is mandated to regulate both intra and interstate transportation of property and passengers by commercial motor vehicles. It is in the best interest of the public when current regulations are used for enforcement of these regulations.

Summary of, and preliminary comparison with, existing or proposed federal regulation: Trans 325 (Interstate Motor Carrier Safety Regulations) adopts Federal regulations 49 CFR parts 390 to 397. Trans 326 (Interstate and Intrastate Motor Carrier Safety Requirements for Transportation of Hazardous Materials) adopts Federal regulations 49 CFR parts 107, 171, 172, 173, 177, 178, 180 and 385 subparts C & E.

Comparison with Rules in Adjacent States: All adjacent states (Michigan, Minnesota, Illinois and Iowa) adopt the same Federal regulations.

Summary of factual data and analytical methodologies used and how the related findings support the regulatory approach chosen: The Federal Motor Carrier Safety Administration did extensive research into the hours-of-service for commercial vehicle drivers. Its research, coupled with input from the motor carrier industry, resulted in the new hours-of-service regulations for interstate commerce effective October 1, 2005.

Analysis and supporting documentation used to determine effect on small businesses: The research provided by the Federal Motor Carrier Safety Administration was used in analyzing the effects on small business.

Effect on small business: All businesses will have the same effect. There is no differentiation between small business and large business. The Department's Regulatory Review Coordinator may be contacted by e-mail at andrew.ruiz@dot.state.wi.us, or by calling (414) 438-4585.

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.

Agency contact person and 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 Capt. Charles Teasdale, Department of Transportation, Division of State Patrol, Bureau of Field Services, Room 551, P. O. Box 7912, Madison, WI 53707-7912. You may also contact Capt. Teasdale by phone at (608) 266-0305.

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>.

TEXT OF PROPOSED RULE

SECTION 1. Trans 325.02(intro.) and (8) are amended to read:

Trans 325.02 Federal rules adopted. (intro.) The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on January 4, ~~2004~~ 1, 2006, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles to which these rules apply in the same manner as though the regulations were set out in full in this chapter:

(8) Every traffic officer and state patrol inspector employed under the authority of s. 110.07, Stats., is authorized to declare vehicles and drivers out-of-service in accordance with the ~~2003~~ 2006 North American uniform out-of-service criteria.

SECTION 2. Trans 326.01(intro.) and (8) are amended to read:

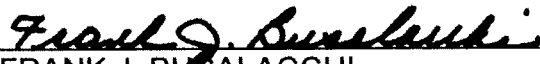
Trans 326.01 Federal rules adopted. (intro.) The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on January 4, ~~2004~~ 1, 2006, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles to which these federal rules apply in the same manner as though the regulations were set out in full in this chapter:

(8) Every traffic officer and state patrol inspector employed under the authority of s. 110.07, Stats., is authorized to declare vehicles and drivers out-of-service in accordance with the ~~2003~~ 2006 North American uniform out-of-service criteria.

(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.

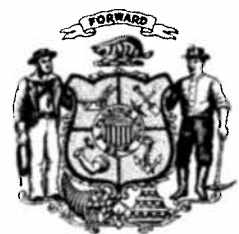
Signed at Madison, Wisconsin, this 10th day of January, 2006.



FRANK J. BISALACCHI
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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April 11, 2006

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 the
Transportation Facilities Economic Assistance and Development (TEA)
Program, Trans 510

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 cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

Enclosure

cc: Casey Newman
Mike Goetzman
Gati Grundmanis

The Wisconsin Department of Transportation proposes an order to amend TRANS 510.03(1) and (2), 510.06(1)(a) and (b), 510.07(2) and 510.09(3)(e)1.; and create TRANS 510.04(2)(f) and 510.07(3), relating to the Transportation Facilities Economic Assistance and Development (TEA) Program

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

NOTICE IS HEREBY GIVEN that pursuant to ss. 84.185, 85.16 and 227.11, Stats., and interpreting s. 84.185(3)(b)1., (3m), (4), (6m) and (8r), 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 **25th** day of **May**, 2006, at **10:00 AM**, to consider the amendment of ch. Trans 510, Wisconsin Administrative Code, relating to the Transportation Facilities Economic Assistance and Development (TEA) Program.

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 south side of the Hill Farms State Transportation Building.

Analysis Prepared by the Wisconsin Department of Transportation

Statutes interpreted: s. 84.185(3)(b)1., (3m), (4), (6m) and (8r), Stats.

Statutory authority: s. 84.185, 85.16 and 227.11, Stats.

Explanation of agency authority: The secretary has the authority, pursuant to s. 84.185, Stats., to provide economic assistance for transportation facility improvements.

Related statute or rule: s. 84.185, Stats.

Plain Language Analysis: This proposed rule modifies ch. Trans 510 relating to the Transportation Facilities Economic Assistance and Development (TEA) Program by: (1) establishing criteria and procedures for the granting of TEA loans in addition to TEA grants; (2) changing funding cycles from quarterly to a year round first-come, first-serve basis; (3) correcting program contacts due to recent reorganizations; (4) eliminating program inconsistencies that both prohibit and allow grant ceiling adjustments; and (5) requiring ethanol plant constructions to be competitively bid in order to be eligible for TEA.

Summary of, and Preliminary Comparison with, Existing or Proposed Federal Regulation: There are no existing or proposed federal regulations.

Comparison with Rules in Adjacent States:

Michigan: (Transportation Economic Development Fund)

- (1) Loans? – 20% of projects
- (2) Cycles – quarterly
- (3) Contacts changed? No
- (4) Adjust awards upward? – Yes
- (5) Ethanol plants competitively bid requirement – No.

Minnesota: No program

Illinois: (Economic Development Program)

- (1) Loans? – No
- (2) Cycles – Year round (July 1 – June 30) 50% must be proposed locally
- (3) Contacts – same throughout history
- (4) Adjust awards upward? Formerly could, no more (budget issues)
- (5) Ethanol plants must be bid? – No, just transportation improvements do.

Iowa: (Revitalize Iowa's Sound Economy Fund (RISE) Program)

- (1) Loans? – Have ability, but not used. Grants are sum sufficient.
- (2) Cycles – Year round, but 50% to job creation, 50% to local transportation improvements.
- (3) Contacts changed? Yes, one office now oversees entire program (formerly split).
- (4) Adjust up – No.
- (5) Ethanol plants must be bid? No, just transportation improvements do.

Summary of Factual Data and Analytical Methodologies Used and How the Related Findings Support the Regulatory Approach Chosen:

TEA Loans. No TEA loans have been made to date as we have permissory authority to institute loans; they are not mandatory (see s. 84.185(6m), Stats.). Although TEA loans may be an effective economic development tool where TEA grants cannot be given, rules need to be promulgated that include the criteria and procedures for the repayment of TEA loans (see s. 84.185(4), Stats). From 18 years of TEA program

experience, projects in more rural areas that pay a weighted average hourly wage far below the industry standard produce benefit/cost ratios less than 1.0, i.e., they are poor investments. However, these projects may be very desirable to local communities for economic development. We are proposing to give TEA loans instead of grants to these projects. These loans could not exceed 50% of project costs (see s. 84.185(6m), Stats. limitation). We propose repayment to commence up to one year after project completion to allow communities to arrange financing. Loan repayment terms would be 7 years, the same time that a guaranteed number of jobs have to be generated by the project. Interest would be at prevailing rates for loans to a government, typically the lowest rates available anywhere.

Funding Cycles. The 2004-2005 Biennial Budget changed TEA funding to first-come, first-serve. TEA was formerly funded quarterly, with a priority ranking employed. Because there are no more specific funding dates, ss. Trans 510.03(2) and 510.07(2) are being amended to reflect this change. TEA applications are more likely to be successful under first come, first serve, since priority ranking would only be employed late in the fiscal year when funding is nearly depleted. Projects not funded would be deferred to the next fiscal year.

Contacts. Previous TEA contacts no longer exist due to departmental reorganization. Therefore, s. Trans 510.03(1) and (2) are being amended to reflect more general contact points.

Adjust award. Ch. Trans 510 both allows and disallows TEA grant ceiling increases [ss. Trans 510.02(7) and 510.06(1)]. This proposed rule removes conflicting and ambiguous language. The ability to revise grant ceilings upward in special circumstances is specifically allowed per s. 84.185(3)(b)(1), Stats.

Ethanol plants. This will require private business construction of ethanol plants to be competitively bid in order to be eligible for TEA. This change was enacted as part of the 2005-2007 Biennial Budget in s. 84.185(8r), Stats. Change was enacted because two contractors (both outside Wisconsin) currently build all ethanol plants. Local Wisconsin contractors also feel they have the capability to build these facilities. Competitive bidding should lower construction costs thereby allowing Wisconsin contractors to compete yet ensure that unqualified bidders be dismissed. This rule seems to be good for all even though it requires competitive bidding for private facilities. We recommend requiring copies of bid ads in the Western Builder, the Daily Report, or Dodge Reports as proof of competitive bidding.

Effect on Small Business and, If Applicable, Any Analysis and Supporting Documentation Used to Determine Effect on Small Businesses: The proposed rule changes will make TEA more available to small business: (1) Loans to communities will reduce local transportation infrastructure improvement costs helping small businesses to proceed with their expansion plans; (2) First-come, first-serve funding will allow formerly lower ranked projects (typically smaller businesses with low hourly wages) to more likely be funded (especially if early in fiscal year); and (3) Wisconsin contractors will be allowed to bid on ethanol plant construction, a privilege previously controlled by just two national

contractor specialists. Other proposed changes to ch. Trans 510 only clarify program functionality, so there is no change upon small business. The Department's Regulatory Review Coordinator may be contacted by e-mail at andrew.ruiz@dot.state.wi.us, or by calling (414) 438-4585.

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 a potential positive impact on state revenues. The Department expects the TEA program to become partially self-funded due to interest income earned in the TEA loan program. TEA grants or loans will lower infrastructure development costs to the private sector. The program is intended as an inducement for business to expand in or relocate to Wisconsin. TEA is usually used in coordination with the Wisconsin Department of Commerce business incentives to present a more complete inducement package. These proposed rule changes will not alter that; it will make TEA available to a larger segment of the private sector. There could be an impact on the cost of private ethanol plant construction.

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 Gati Grundmanis, Department of Transportation, Bureau of Planning and Economic Development, Room 901, P. O. Box 7913, Madison, WI 53707-7913. You may also contact Mr. Grundmanis by phone at (608) 266-3488.

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>.

TEXT OF PROPOSED RULE

SECTION 1. Trans 510.03(1) and (2) are amended to read:

Trans 510.03(1) APPLICATION PACKET. Applicants shall contact ~~either the department's director of the bureau of policy planning and analysis or the chief planning engineer of a department district office~~ the department secretary or his or her designee for an application packet containing the application requirements and a description of the application screening, evaluation, and funding process.

(2) APPLICATION PROCESS. Completed applications shall be sent to the department's ~~director of the bureau of planning and analysis~~ secretary or his or her designee. Applications shall be accepted throughout the year. The department shall expeditiously screen and evaluate applications ~~as received~~ in the order of receipt. ~~Application deadlines and funding dates shall be established, listed in the application packet and announced publicly through varying media. The department, as is necessary, may establish additional application deadlines and funding dates. The department shall only consider applications received on or before the application deadline for a given funding date.~~ Applications shall may not be evaluated for eligibility unless all information required in the application packet is ~~made available prior to the application deadline~~ included upon submission. The results of the screening and evaluation shall be reported promptly to the applicant when completed.

SECTION 2. Trans. 510.04(2)(f) is created to read:

Trans 510.04(2)(f) Transportation improvements for ethanol production facilities unless the department determines that a competitive bidding process, consistent with s. Trans 510.09(3)(e)1., is used for the construction of the ethanol production facility.

SECTION 3. Trans 510.06(1)(a) and (b) are amended to read:

Trans 510.06(1)(a) When awarding a grant, the department shall establish a grant ceiling. ~~The grant ceiling shall not be amended after the secretary has approved an application for funding.~~ The grant ceiling shall be either 50% of the reviewed transportation facility improvement cost, ~~except that the department's resulting cost per job shall not exceed \$5000 unless~~ or \$5,000 for each job created in this state as a direct result of the improvement or economic development. The grant ceiling may be amended if the

secretary finds special circumstances exist and justifying the increase. The department may set ceilings at a reduced level for reasons including, but not limited to, the following:

(b) The department's final level of financial participation in a transportation facility improvement ~~shall be~~ may not exceed 50% of the final transportation facility improvement cost, ~~except that the grant ceiling shall not be exceeded.~~

SECTION 4. Trans. 510.07(2) is amended to read:

Trans 510.07(2) PRIORITY. If eligibility is established for more transportation facility improvements than can be funded at any ~~funding date~~ time, priorities shall be determined by considering the department's cost per direct job, the geographic diversity of previous transportation facilities economic assistance and development grants and the extent to which each application meets other criteria in s. 84.185(2)(b), Stats.

SECTION 5. Trans. 510.07(3) is created to read:

Trans 510.07(3) LOANS. When an economic development project contributes minimally to the economic growth of the state, such as when the project benefit/cost ratio is less than 1.0, the department may make loans for transportation facility improvements, not exceeding 50% of the cost of the improvement. Loan repayment shall commence no later than one year after completion of the project. Loan duration cannot exceed 7 years. The department shall charge interest at prevailing rates to a government as determined by the department.

SECTION 6. Trans 510.09(3)(e)1. is amended to read:


Trans 510.09(3)(e)1. Except as noted in subd. 2., all contracts must be let to competitive bid and contracts awarded to the lowest responsible bidder. The applicant must submit copies of bid advertisements and a certification of the date bids were taken;

listing all bidders and bid amounts. A written explanation must accompany any certification where the contract is awarded to someone other than the low bidder.

(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.

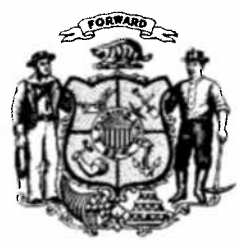
Signed at Madison, Wisconsin, this 11th day of April, 2006.

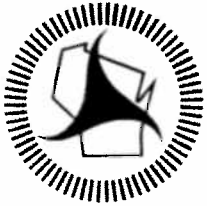


FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation



WISCONSIN STATE LEGISLATURE





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

April 14, 2006

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 **habitual traffic offenders**, Trans 103

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". The signature is fluid and cursive, with a large loop at the end.

Julie A. Johnson
Paralegal

Enclosure

cc: Casey Newman
Mike Goetzman
Lynne B. Judd
Kent Buehler

The Wisconsin Department of Transportation proposes an order to renumber TRANS 103.02(1); amend TRANS 103.02(4) and (5); and create TRANS 103.02(2), 103.03(2)(note) and 103.10, relating to habitual traffic offenders

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

NOTICE IS HEREBY GIVEN that pursuant to s. 85.16 and 227.11(2), Stats., and interpreting ch. 351, 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 **16th** day of **May**, 2006, at **3:00 PM**, to consider the amendment of ch. Trans 103, Wisconsin Administrative Code, relating to habitual traffic offenders.

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 south side of the Hill Farms State Transportation Building.

Analysis Prepared by the Wisconsin Department of Transportation

Statutes interpreted: Ch. 351, Stats.

Statutory authority: ss. 85.16 and 227.11(2), Stats.

Explanation of agency authority: Sections 85.16(1), Stats., grant the Department broad authority to "make reasonable and uniform orders and rules deemed necessary to the discharge of the powers, duties and functions vested in the department." Similar authority is granted to the Department under s. 227.11(2), Stats.

The Department administers the Habitual Traffic Offender law, Ch. 351, Stats. The Department reviews the driver records for all drivers and determines whether a person qualifies as a habitual traffic offender. If the Department concludes a person qualifies as a

habitual traffic offender, the Department revokes the person's operating privilege for 5 years as required by s. 351.025, Stats.

Ch. Trans 103 has been promulgated by the Department to carry out this administrative task.

Related statute or rule: Ch. 351, Stats.

Plain language analysis: The Department administers the Habitual Traffic Offender law, Ch. 351, Stats. The Department reviews the driver records for all drivers and determines whether a person qualifies as a habitual traffic offender. If the Department concludes a person qualifies as a habitual traffic offender, the Department revokes the person's operating privilege for 5 years as required by s. 351.025, Stats.

2005 Wis. Act 25 amended Ch. 351, Stats., to change the definition of "habitual traffic offender" as used in that chapter. Under prior law, any offense resulting in the assessment of demerit points or other moving violation could be counted as a "minor offense" under the HTO law. Accumulation of 12 such offenses resulted in a mandatory 5-year HTO revocation of driving privileges.

Under the law as amended by 2005 Act 25, only violations of the rules of the road enumerated in Ch. 346, Stats., count as "minor offenses." Thus, only persons who commit 12 or more violations of ch. 346, Stats., are deemed "Habitual Traffic Offenders" under the amended law. This rule makes minor changes to Ch. Trans 103 to make it consistent with the new statutory provisions.

The amended law gave DOT authority to count or not to count offenses reported to DOT before the effective date of the law for purposes of making determinations of HTO status. The Department has counted all offenses reported prior to that effective date for purposes of implementing the new law. As a result, courts are being inundated with requests to reopen old cases and then re-report them to DOT. This activity results in WisDOT being legally obliged to re-calculate the person's HTO status and often to release the person's HTO revocation. In addition, individuals are petitioning circuit courts for review of HTO determinations under the provisions of Ch. 351, Stats.

This mechanism is administratively inefficient in two respects. First, it results in time consuming case-by-case work by courts. Second, it requires DOT to deal with individual HTO cases on a one-by-one basis. DOT can reassess all drivers' status at one time through the use of its computer systems. Courts have asked the Department to do this, and the Department believes doing so will be a more efficient mechanism for both the courts and the Department. The rule making will permit the Department to do so.

As a result of this rule making, all persons' HTO status will be determined according to the same rules, rather than having different requirements for persons whose convictions were reported before and after the effective date of 2005 Wis. Act 25. The Department believes this will be fairer to all individuals affected by the HTO law.

This rule making also makes clear that the Department will continue to count all major violations as minor violations, regardless of whether the violations are for violations of statutes outside Ch. 346. Thus, great bodily harm and homicide by intoxicated use of a vehicle, violations of ss. 940.25 and 940.09, Stats., will be counted as both major and minor offenses under this rule making.

Summary of, and preliminary comparison with, existing or proposed federal regulation: There is no existing or proposed federal regulation requiring states to impose an HTO law.

Comparison with Rules in Adjacent States:

Michigan: A review of Michigan traffic statutes did not reveal a similar law to Wisconsin's Habitual Traffic Offender Law, Ch. 351, Stats., in that state.

Minnesota: Under s. 171.18(4), MN Stats., the Minnesota commissioner of public safety may suspend the driver license of a "habitual traffic offender" for up to 1 year (Wisconsin revokes for 5 years). The commissioner determines which offenses shall be counted in that state by rule. This system is more similar to Wisconsin's demerit point system than Wisconsin's Habitual Traffic Offender law. Minnesota does not appear to have a 5-year license revocation for habitual violations like Wisconsin.

Illinois: In Illinois, a driver's license will be suspended if the driver is convicted of three traffic violations committed within any 12-month period. Drivers under age 21 at the time of arrest will be suspended if convicted of two traffic violations within any 24-month period. Drivers under age 18 are required to successfully complete a driver remedial education course to reinstate their driving privileges. In addition, such drivers may be required to submit to a complete driver's license examination to be re-issued a driver's license. The length of the suspension varies according to the seriousness of the traffic offenses. This system is more similar to Wisconsin's demerit point system than Wisconsin's Habitual Traffic Offender law. Illinois does not appear to have a 5-year license revocation for habitual violations like Wisconsin.

Iowa: In Iowa, a driver who is convicted of 3 serious offenses in a 6-year period or 6 minor offenses in a 2-year period is subject to a 2-year to 6-year license revocation as a habitual traffic offender. The driver is ineligible for an occupational license for one year. Iowa counts all traffic offenses reported to its driver licensing authority identically and does not distinguish between violations of the rules of the road, equipment violations, and other violations of the traffic code. Iowa Code ss. 321.555 through 321.562.

Summary of factual data and analytical methodologies used and how the related findings support the regulatory approach chosen: Approximately 15,000 drivers are currently revoked as Habitual Traffic Offenders under Wisconsin law. DOT estimates that if all drivers' status are reassessed consistent with the requirements of 2005 Wis. Act 25's amendments to the HTO law, that approximately 10,000 to 12,000 drivers will no longer be subject to a 5-year revocation and may be eligible to reinstate their operating privileges earlier than otherwise anticipated.

Analysis and supporting documentation used to determine effect on small businesses: This rulemaking is not anticipated to effect small business in any fashion as it does not regulate or impose requirements upon businesses.

Effect on small business: This rule making will have no effect upon small businesses, except to the extent that it permits some employees to reinstate driver licenses. The Department's Regulatory Review Coordinator may be contacted by e-mail at andrew.ruiz@dot.state.wi.us, or by calling (414) 438-4585.

Fiscal effect and anticipated costs incurred by private sector: The Department expects no significant fiscal effect from implementing this regulation. The Department will incur data processing costs to recalculate the HTO status of persons currently revoked under the HTO laws. These costs, however, will undoubtedly be less than the costs of the Department and courts dealing with these cases on a one-by-one basis.

Agency contact person and 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 Kent Buehler, Department of Transportation, Bureau of Driver Services, Citations and Withdrawal Section, Room 305, P. O. Box 7917, Madison, WI 53707-7917. You may also contact Mr. Buehler by phone at (608) 266-9901.

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>.

TEXT OF PROPOSED RULE

SECTION 1. Trans 103.02(1) is renumbered Trans 103.02(1m).

SECTION 2. Trans 103.02(1) is created to read:

Trans 103.02(1) "Another traffic law" means an offense under any valid ordinance enacted by a local authority under s. 349.06 or any law enacted by a federally recognized American Indian tribe or band in this state which is in strict conformity with an offense described in s. 351.02(1)(a) or (b), and any federal law which is in substantial conformity with an offense described in s. 351.02(1)(a) or (b).

NOTE: s. 351.02(1)(c), Stats.

SECTION 3. Trans 103.02(4) and (5) are amended to read:

Trans 103.02(4) "Major offense" means a conviction for any offense specified in s. 351.02(1) (a), Stats., or another traffic law for a conforming or similar violation.

(5) "Minor offense" means a conviction under ~~ss. 346.63(2m), 346.63(5)(a) ch. 346, Stats., or for any offense specified in s. 351.02(1)(b), Stats.,~~ another traffic law that is not a major or petty offense.

NOTE: ss. 351.032(1)(b) and (c).

SECTION 4. Trans 103.03(2)(note) is created to read:

Trans 103.03(2)(note) Any major offense counts under this provision.

SECTION 5. Trans 103.10 is created to read:


Trans 103.10 Implementation of 2005 Wis. Act 25. (1) Offenses that cannot be counted as minor offenses under s. 351.02(1)(b), Stats., as amended by 2005 Wis. Act 25, may not be counted as minor offenses under this chapter regardless of violation date, conviction date, or the date the conviction was reported to the department.

(2) The department may reassess the driver license status of any person who has been classified as a habitual traffic offender prior to the effective date of this chapter...[revisor insert date] so that all drivers classification are determined in accordance with this chapter.

(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 13th day of April, 2006.



FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation