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☞ Details: Public hearing notices by Department of Transportation.

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules...

COMMITTEE NOTICES ...

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

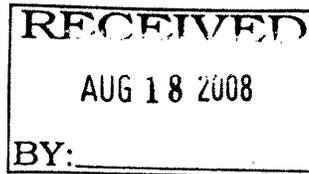
INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- 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**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)



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Madison, WI 53707-7910



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Frank J. Busalacchi, Secretary
Internet: www.dot.wisconsin.gov
Telephone: 608-266-8810
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E-mail: ogc.exec@dot.state.wi.us

The Honorable Robert Jauch
Senate Chairman
Joint Committee for Review
of Administrative Rules
Room 118 South, State Capitol
Madison, Wisconsin 53702

August 14, 2008

The Honorable Dan LeMahieu
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 17 North, State Capitol
Madison, Wisconsin 53702

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to **neighborhood electric vehicles**, Trans 145

Dear Senator Jauch and Representative LeMahieu:

Enclosed for your information is a Notice of Public Hearing and Text of Proposed Rulemaking relating to the above-entitled matter. These documents have also been filed with the Legislative Reference Bureau, the Legislative Council, and 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
Carson Frazier

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
ADOPTING RULES**

The Wisconsin Department of Transportation proposes an order to create ch. TRANS 145, relating to neighborhood electric vehicles.

NOTICE IS HEREBY GIVEN that pursuant to ss. 84.01(2), 227.10(1), 227.11(2)(a), 342.255(3), 349.26, 340.01(36r), 341.04(1) and 341.297(1), Stats., and interpreting ss. 349.26, 341.04(1), 341.297(1), 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 **15th** day of **October**, 2008, at **10:00 AM**, to consider the creation of ch. Trans 145, Wisconsin Administrative Code, relating to neighborhood electric vehicles.

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.

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
ADOPTING RULES**

The Wisconsin Department of Transportation proposes an order to create ch. TRANS 145, relating to neighborhood electric vehicles.

Analysis Prepared by the Wisconsin Department of Transportation

Statutes interpreted: ss. 349.26, 341.04(1), 341.297(1), Stats.

Statutory authority: ss. 84.01(2), 227.10(1), 227.11(2)(a), 342.255(3), 349.26, 340.01(36r), 341.04(1) and 341.297(1), Stats.

Explanation of agency authority: Current law prohibits the operation of any motor vehicle on any public road unless the motor vehicle is registered, or for which registration application is made. The Department of Transportation is required to issue biennial registration for a neighborhood electric vehicle for which it receives a proper application. Municipalities may authorize the operation of neighborhood electric vehicles on public roads under its jurisdiction having a speed limit of 35 miles per hour or slower. Current law contains no specific prohibition against the driver of a neighborhood electric vehicle operating on any public road not approved by the municipality for such operation. The Department concludes that the registration of a neighborhood electric vehicle is effective only on public roads authorized by municipalities for such travel, and that traveling on any other public road is done without valid registration.

Related statute or rule: ss. 340.01(36r), 341.04(1), 341.297(1) and 349.26, Stats.

Plain language analysis: Section 349.26, Stats., allows a city, town or village by ordinance to authorize operation of Neighborhood Electric Vehicles (NEVs) on its roadways that have speed limits of 35 mph or less. The law specifies that the ordinance may apply to State Trunk Highways (STH) in only two circumstances: (1) crossing an STH at a location approved by DOT; or (2) traveling longitudinally upon a connecting highway segment approved by DOT.

While s. 349.26, Stats., implies that NEVs cannot operate on local roads not specified in the ordinance or at any unapproved location on STHs, statutes do not specifically prohibit NEV operation on those roads. Sections 341.25(1)(b) and 341.297, Stats., establish NEV registration under Chapter 341, Stats. Because NEVs bear DMV-issued registration plates, NEVs traveling on unapproved roads may appear to violate no laws, despite s. 349.26 restriction on approved roads for NEV operation. This proposed rule clarifies that NEV registration is valid only on approved roads under s. 349.26, Stats.

Summary of, and preliminary comparison with, existing or proposed federal regulation: Federal motor vehicle safety standards, promulgated by the National Highway Traffic Safety Administration, define an NEV as a lightweight, four-wheeled motor vehicle incapable of exceeding a top speed of 25 miles per hour. The federal regulations do not address registration and operation of NEVs, leaving that to states to determine.

Comparison with Rules in the Following States:

Michigan: An NEV (low speed vehicle) may not be operated on any street with a posted speed limit greater than 35 mph. A low speed vehicle may cross a street with a posted speed limit greater than 35 mph. Low speed vehicles are required to be registered by the state.

Minnesota: An NEV may not be operated on a street with a posted speed limit greater than 35 mph. An NEV may cross a street with a posted speed limit greater than 35 mph. NEVs are required to be registered by state.

Illinois: An NEV may not be operated on a street with a posted speed limit greater than 35 mph. An NEV may cross a street with a posted speed limit greater than 35 mph, only at an intersection. NEVs are required to be registered by state.

Iowa: An NEV (low-speed vehicle) may not be operated on a street with a posted speed limit greater than 35 mph. A low-speed vehicle may cross a street with a posted speed limit greater than 35 mph. Low-speed vehicles are required to be registered by state.

Summary of factual data and analytical methodologies used and how the related findings support the regulatory approach chosen: This proposed rule clarifies that NEVs, while registered under ch. 341, Stats., are authorized to operate only on roadways authorized under local ordinance, under s. 349.26, Stats. The Department uses only this statutory intent in determining this proposed rule.

Analysis and supporting documentation used to determine effect on small businesses: This rule clarifies that NEV operation is only allowed on roadways designated by local authorities under s. 349.26, Stats. Any NEV owner, including any small business, is subject to the same operation limitations.

Effect on small business: This proposed rule will have no effect on small business other than limitation on NEV operation to which all NEV owners are subject. The Department's Regulatory Review Coordinator may be contacted by e-mail at ralph.sanders@dot.state.wi.us, or by calling (414) 438-4585.

Fiscal effect: 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.

Anticipated costs incurred by private sector: 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 Carson P. Frazier, Department of Transportation, Division of Motor Vehicles, Room 255, P. O. Box 7911, Madison, WI 53707-7911. You may also contact Ms. Frazier by phone at (608) 266-7857 or via e-mail: carson.frazier@dot.state.wi.us.

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. Chapter Trans 145 is created to read:

CHAPTER TRANS 145
NEIGHBORHOOD ELECTRIC VEHICLE

Trans 145.01 Purpose. The purpose of this chapter is to state that registration of neighborhood electric vehicles under s. 341.25(1)(b), Stats., is valid only on roadways designated under s. 349.26, Stats.

Trans 145.02 Roadway designation. Section 349.26, Stats., authorizes the governing body of any city, town or village to enact an ordinance allowing the use of a neighborhood electric vehicle on a roadway that has a speed limit of 35 miles per hour or less and over which the city, town or village has jurisdiction.

Trans 145.03 Registration. Sections 341.25(1)(b) and 341.297(1), Stats., authorize biennial registration of a neighborhood electric vehicle with the department.

Trans 145.04 Registration limited. Registration of a neighborhood electric vehicle is valid only on roadways designated in an ordinance adopted under s. 349.26, Stats. Registration of a neighborhood electric vehicle on any highway not designated in an

ordinance adopted under s. 349.26, Stats., is unregistered operation subject to penalties provided in s. 341.04, 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 14th day of August, 2008.


FRANK J. BUSLACCHI
Secretary
Wisconsin Department of Transportation



WISCONSIN STATE LEGISLATURE





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RECEIVED

OCT 28 2008

BY: _____

October 28, 2008

The Honorable Robert Jauch
Senate Chairman
Joint Committee for Review
of Administrative Rules
Room 118 South, State Capitol
Madison, Wisconsin 53702

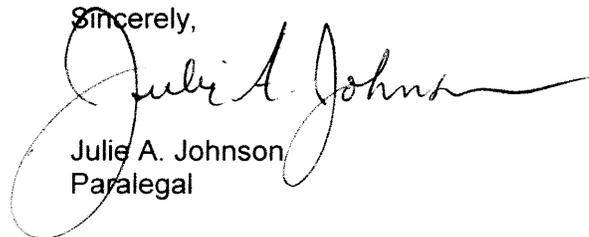
The Honorable Dan LeMahieu
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 17 North, State Capitol
Madison, Wisconsin 53702

RE: NOTICE OF PUBLIC HEARING and Text of Proposed Rule, relating to **Motor Carrier Safety, and Hazardous Material Transportation Safety**, Trans 325/326/327

Dear Senator Jauch and Representative LeMahieu:

Enclosed for your information is a Notice of Public Hearing and Text of Proposed Rulemaking relating to the above-entitled matter. These documents have also been filed with the Legislative Reference Bureau, the Legislative Council, and 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
Supt. David Collins
Capt. Charles Lorentz
Lt. Patricia Hansen

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
ADOPTING RULES**

The Wisconsin Department of Transportation proposes an order amending TRANS 325.02(intro.) and (8), 326.01(intro.) and (8), 327.03(intro.) and (7), and 327.09(6)(note); and creating TRANS 325.02(7g) and (7r), 326.01(7m) and 327.03(11), relating to motor carrier safety, and hazardous material transportation safety.

NOTICE IS HEREBY GIVEN that pursuant to s. 110.07, Stats., interpreting ch. 194, Stats., the Department of Transportation will hold a public hearing on **December 2, 2008** at the Hill Farms State Transportation Building, **Room 701**, 4802 Sheboygan Avenue, Madison, WI, at **10:00 AM**, on the amendment of chs. Trans 325, 326 and 327, Wisconsin Administrative Code, relating to motor carrier safety, and hazardous material transportation safety.

The public hearing site is accessible to people with disabilities.

A copy of the proposed rule may be obtained upon request from Lt. Patricia Hansen, Department of Transportation, Division of State Patrol, Bureau of Field Services, Room 551, P. O. Box 7936, Madison, WI 53707-7936. You may also contact Lt. Hansen by phone at (608) 266-0094 or via e-mail at patricia.hansen@dot.state.wi.us.

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
ADOPTING RULES**

The Wisconsin Department of Transportation proposes an order amending TRANS 325.02(intro.) and (8), 326.01(intro.) and (8), 327.03(intro.) and (7), and 327.09(6)(note); and creating TRANS 325.02(7g) and (7r), 326.01(7m) and 327.03(11), relating to motor carrier safety, and hazardous material transportation safety.

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 Department of Transportation sets standards and adopts rules to establish a plan of inspection to implement the inspection program. This proposed rule making eliminates the date specification for applicable federal regulations enabling the Department to apply current federal regulations. It is the duty of the Department to prescribe rules and regulations as to safety and operations and the hours of labor of drivers of motor vehicles operated under the authority of these chapters.

Related statute or rule: ss. 110.07, Stats.

Plain language analysis: As prescribed by state statute, the Department is mandated to regulate both intrastate 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. Applying outdated regulations can adversely affect interstate transportation where those other states apply current regulations.

Summary of, and preliminary comparison with, existing or proposed federal regulation: Trans 325 (Interstate Motor Carrier Safety regulations) adopts Federal regulations 49 CFR part 385, subpart C (Certification of Safety Auditors, Safety Investigators and Safety Inspectors) and parts 390 to 393 and 395 to 397. Trans 326 (Motor Carrier Safety Requirements for Transportation of Hazardous Materials) adopts Federal Regulations 49 CFR parts 107, 171-173, 177, 178, 180 and 385, subpart E (Hazardous Materials Safety Permits). Trans 327 (Motor Carrier Safety) adopts Federal regulations part 385, subpart C, (Certification of Safety Auditors, Safety Investigators and Safety Inspectors), parts 40, 390-general, except 390.23(a)(3); 391-general except 391.11(b)(1) and 391.41(b)(3), 391.41(b)(10); 392 except 392.16; 393-general except 393.42 shall not apply to vehicles placed in operation in common, contract or private carriage prior to June 1, 1987; 395, general-except 395.1(e)(1), 395.1(h), 395.1(i) 395.5,

395.8, and the maximum number of hours identified in 395.3 as follows: (a) more than 12 hours following 10 consecutive hours off duty; (b) for any period after having been on duty 16 hours following 10 consecutive hours off duty; (c) after having been on duty for 70 hours in any period of 7 consecutive days; and (d) after having been on duty for 80 hours in any period of 8 consecutive days, and parts 396 and 397.

Comparison with Rules in Adjacent States: All adjacent states (Michigan, Minnesota, Illinois and Iowa) adopt the same Federal regulations and subsequent revisions to those 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 continues to do ongoing research into vehicle equipment, driver safety, carrier authority and hazardous materials. Its research, coupled with the input from the motor carrier industry, resulted in ongoing updates to federal regulations for interstate commerce. It is imperative the same regulations are enforced from state to state.

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: This rule making will have no significant adverse effect on small businesses. The Department's Regulatory Review Coordinator may be contacted by e-mail at ralph.sanders@dot.state.wi.us, or by calling (414) 438-4585.

Fiscal effect: 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.

Anticipated costs incurred by private sector: The Department estimates that there will be no fiscal impact on 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 on December 5, 2008, 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 Lt. Patricia Hansen, Department of Transportation, Division of State Patrol, Bureau of Field Services, Room 551, P. O. Box 7936, Madison, WI 53707-7936. You may also contact Lt. Hansen by phone at (608) 266-0094, or by e-mail at patricia.hansen@dot.state.wi.us to obtain copies of the proposed rule.

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 RULE

SECTION 1. Trans 325.02(intro.) is 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 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:

SECTION 2. Trans 325.02(7g) and (7r) are created to read:

Trans 325.02(7g) Title 49, Code of Federal Regulations, part 385, subpart C, certification of safety auditors, safety investigators and safety inspectors.

(7r) Title 49, Code of Federal Regulations, part 387, as it pertains to the financial responsibility requirements applicable to commercial motor vehicles that are subject to the provisions of 392.9a.

SECTION 3. Trans 325.02(8) is amended to read:

Trans 325.02(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 2006 North American uniform out-of-service criteria.

NOTE: The North American Uniform Out-of-Service Criteria is on file with the ~~offices of the Revisor of Statutes, the Secretary of State, and the Department of Transportation, Division of State Patrol.~~ Copies may be obtained by writing to the Division of State Patrol, P. O. Box 7912, Madison, WI 53707-7912, or to the Commercial Vehicle Safety Alliance, ~~5430 Grosvenor Lane, Suite 130, Bethesda, MD 20814~~ 1101 17th Street, NW, Suite 803, Washington, DC 20036, or by calling 202-775-1623. You may also request copies via their website at cvsahq@cvsa.org.

NOTE: Federal regulations may be obtained through the Internet via:
<http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguide.asp>

SECTION 4. Trans 326.01(intro.) is 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 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:

SECTION 5. Trans 326.01(7m) is created to read:

Trans 326.01(7m) Title 49, Code of Federal Regulations, part 385, subpart E, hazardous materials safety permits.

SECTION 6. Trans 326.01(8) is amended to read:

Trans 326.01(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 2006 North American uniform out-of-service criteria.

NOTE: The North American Uniform Out-of-Service Criteria is on file with the ~~offices of the Revisor of Statutes, the Secretary of State, and the Department of Transportation, Division of State Patrol.~~ Copies may be obtained by writing to the Division of State Patrol, P. O. Box 7912, Madison, WI 53707-7912, or to the Commercial Vehicle Safety Alliance, ~~5430 Grosvenor Lane, Suite 130, Bethesda, MD 20814~~ 1101 17th Street, NW, Suite 803, Washington, DC 20036, or by calling 202-775-1623. You may also request copies via their website at cvсахq@cvsa.org.

NOTE: Federal regulations may be obtained through the Internet via: <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguide.asp>

SECTION 7. Trans 327.03(intro.) and (7) are amended to read:

Trans 327. 03 Federal regulations adopted. (intro.) The following federal motor carrier safety regulations adopted by the United States department of transportation ~~and in effect on October 1, 2006,~~ are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles which operate in intrastate commerce in the same manner as though the regulations were set out in full in this chapter:

(7) 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 2006 North American uniform out-of-service criteria.

NOTE: The North American Uniform Out-of-Service Criteria is on file with the ~~offices of the Revisor of Statutes, the Secretary of State, and the Department of Transportation, Division of State Patrol.~~ Copies may be obtained by writing to the Division of State Patrol, P. O. Box 7912, Madison, WI 53707-7912, or to the Commercial Vehicle Safety Alliance, ~~5430 Grosvenor Lane, Suite 130, Bethesda, MD 20814~~ 1101 17th Street, NW, Suite 803, Washington, DC 20036, or by calling 202-775-1623. You may also request copies via their website at cvсахq@cvsa.org.

NOTE: Federal regulations may be obtained through the Internet via: <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguide.asp>

SECTION 8. Trans 327.03(11) is created to read:

Trans 327.03(11) Title 49, Code of Federal Regulations, part 385, subpart C, certification of safety auditors, safety investigators and safety inspectors.

SECTION 9. Trans 327.09(6)(note) is amended to read:

Trans 327.09(6)(note) Note: Declarations can be faxed to (608) 266-4495 227-9600.

(END OF RULE TEXT)

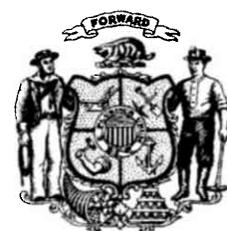
Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 27th day of **October**, 2008.


FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation



WISCONSIN STATE LEGISLATURE

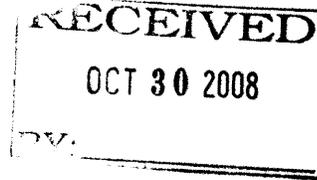




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Jim Doyle, Governor
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The Honorable Robert Jauch
Senate Chairman
Joint Committee for Review
of Administrative Rules
Room 118 South, State Capitol
Madison, Wisconsin 53702



October 29, 2008

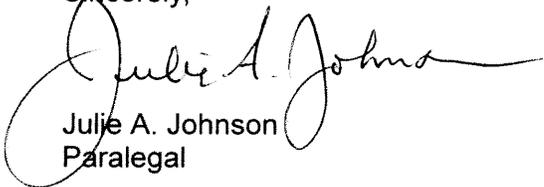
The Honorable Dan LeMahieu
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 17 North, State Capitol
Madison, Wisconsin 53702

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to **allowing the operation of certain 2-vehicle combinations on certain highways without a permit, Trans 276**

Dear Senator Jauch and Representative LeMahieu:

Enclosed for your information is a Notice of Public Hearing and Text of Proposed Rulemaking relating to the above-entitled matter. These documents have also been filed with the Legislative Reference Bureau, the Legislative Council, and 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

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
ADOPTING RULES**

The Wisconsin Department of Transportation proposes an order amending TRANS 276.07(14) and (35m), relating to allowing the operation of certain 2-vehicle combinations on certain highways without a permit.

NOTICE IS HEREBY GIVEN that pursuant to s. 348.07, Stats., interpreting s. 348.07, Stats., the Department of Transportation will hold a public hearing on **December 3, 2008** at the Hill Farms State Transportation Building, **Room 501 (Eau Claire Room)**, 4802 Sheboygan Avenue, Madison, WI, at **10:00 AM**, on the amendment of ch. Trans 276, Wisconsin Administrative Code, relating to allowing the operation of certain 2-vehicle combinations on certain highways without a permit

The public hearing site is accessible to people with disabilities.

A copy of the proposed rule may be obtained upon request from 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 or via e-mail at ashwani.sharma@dot.state.wi.us.

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
ADOPTING RULES**

The Wisconsin Department of Transportation proposes an order amending TRANS 276.07(14) and (35m), relating to allowing the operation of certain 2-vehicle combinations on certain highways without a permit.

Analysis Prepared by the Wisconsin Department of Transportation

Statutes interpreted: s. 348.07, Stats.

Statutory authority: s. 348.07, Stats.

Explanation of agency authority: Section 348.07(4), Stats., requires the secretary to designate by rule the highways to which s. 348.07 (2)(f), Stats., [no overall length limitation for a tractor-semitrailer combination, a double bottom or an automobile haulaway], (fm) [no length limitation for a truck tractor or road tractor when such truck tractor or road tractor is operated in a tractor-semitrailer combination or as part of a double bottom or an automobile haulaway], (gm) [28 feet 6 inch length limit for a semitrailer or trailer operated as part of a double bottom], and (gr) [53 feet for a semitrailer whose length from kingpin to axle does not exceed 43 feet and which is operated as part of a 2-vehicle combination], and s. 348.08(1)(e), Stats., [double bottom trucks] apply. The designation of highways under this subsection may not be inconsistent with the designation of highways made by the U.S. secretary of transportation under P.L. 97-424, section 411.

Related statute or rule: s. 348.07, Stats., and ch. Trans 276, Wis. Admin. Code

Plain language analysis: This rule proposes to amend s. Trans 276.07(14) and (35m), Wisconsin Administrative Code, to add two segments of highway to the designated highway system established under s. 348.07(4), Stats. The actual highway segments¹ that this rule proposes to add to the designated highway system are:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 66 CTH A in Portage Co.	West of Rosholt STH 66 near Rosholt	CTH A E. of Rosholt USH 10 in Amherst

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 segment added, it is necessary to compare the combined old designations with the combined new designation.

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 15 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.

Summary of, and preliminary comparison with, existing or proposed 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-semi-trailer combinations and to truck tractor-semi-trailer-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 semi-trailer operating in a truck tractor-semi-trailer combination.

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.

- 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 15 miles from a designated route. A process to review and respond to requests for reasonable access is required by 23 CFR Part 658.

Comparison with Rules in Adjacent States:

Michigan: Allows 53 ft. semi-trailers on designated highways only approved by the state transportation department or a local authority. Maximum length from kingpin to axle is 37.5 ft. to 40.5 ft. There is no restriction on maximum overall tractor-semitrailer length. Allows 5-mile access provision on state highways for food, fuel, repairs or rest.

Minnesota: Allows 53 ft. semi-trailers on any road with an overall length restriction of 75 ft. No restriction on divided highways. Commissioner may designate other than divided highways, subject to local approval, for the purpose of providing reasonable access between divided highways.

Illinois: Allows 53 ft. semi-trailers on designated highways on Class I, II and III highways. Maximum length from kingpin to axle is 45.5 ft. There is no restriction on maximum overall tractor-semitrailer length for Class I and II highways, but a 65 ft. restriction on Class III highway, and a 55 ft. restriction on non-state highways. Allows a 5-mile access provision off a state route.

Iowa: Allows 53-ft. semi-trailers on any highway and no maximum overall semi-trailer length restriction.

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 proposed rule adding two highway segments to the designated system have no direct adverse effect on small businesses, and may have a favorable effect on those small businesses which are shippers or carriers using the newly-designated routes. The Department's Regulatory Review Coordinator may be contacted by e-mail at ralph.sanders@dot.state.wi.us, or by calling (414) 438-4585.

Fiscal effect of the rule, 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 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 or via e-mail at ashwani.sharma@dot.state.wi.us to obtain copies of the proposed rule.

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 276.01(14) and (35m) are amended to read:

	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.01(14)	STH 65	USH 10 in Ellsworth	STH 64 at New Richmond
	STH 66	USH 51 at Stevens Point	<u>STH 49 E. of Rosholt</u>
	STH 67	IH 94 S. of Oconomowoc	STH 28 in Mayville
	STH 67	CTH B S. of St. Cloud	USH 151 N. of Kiel
	STH 68	STH 33 at Fox Lake	STH 49 at Waupun
	STH 69	IL Line	CTH PB at Paoli

(35m) PORTAGE COUNTY

<u>CTH A</u>	<u>STH 66 E. of Rosholt</u>	<u>USH 10 in Amherst</u>
CTH B	USH 10	IH 39

(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 **October**, 2008.


FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation



WISCONSIN STATE LEGISLATURE





Wisconsin Department of Transportation

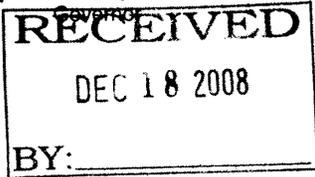
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Jim Doyle

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Secretary

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



The Honorable Robert Jauch
Senate Chairman
Joint Committee for Review
of Administrative Rules
Room 118 South, State Capitol
Madison, Wisconsin 53702

December 15, 2008

The Honorable Dan LeMahieu
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 17 North, State Capitol
Madison, Wisconsin 53702

**RE: NOTICE OF PUBLIC HEARING and Text of Proposed Rule, relating to
municipal or county vehicle registration fee, Trans 126**

Dear Senator Jauch and Representative LeMahieu:

Enclosed for your information is a Notice of Public Hearing and Text of Proposed Rulemaking relating to the above-entitled matter. These documents have also been filed with the Legislative Reference Bureau, the Legislative Council, and 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
Lynne B. Judd
Carson Frazier

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
ADOPTING RULES**

The Wisconsin Department of Transportation proposes an order renumbering TRANS 126.01(2); amending TRANS 126.02(2), (3)(d), (4), (6) and (8), 126.04(title), (a), (b), (c), (2) and (3)(title); and creating TRANS 126.01(2)(b) and (c), and 126.04(2m), relating to municipal or county vehicle registration fee.

NOTICE IS HEREBY GIVEN that pursuant to s. 341.35, Stats., and interpreting ss. 227.11, 341.35(4), (6), (6m), and (8), 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 **28th** day of **January**, 2009, at **1:30 PM**, to consider the creation of ch. Trans 126, Wisconsin Administrative Code, relating to municipal or county vehicle registration fee.

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.

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
ADOPTING RULES**

The Wisconsin Department of Transportation proposes an order renumbering TRANS 126.01(2); amending TRANS 126.02(2), (3)(d), (4), (6) and (8), 126.04(title), (a), (b), (c), (2) and (3)(title); and creating TRANS 126.01(2)(b) and (c), and 126.04(2m), relating to municipal or county vehicle registration fee.

Analysis Prepared by the Wisconsin Department of Transportation

Statutes interpreted: ss. 341.35, Stats.

Statutory authority: ss. 227.11, 341.35(4), (6), (6m), and (8), Stats.

Explanation of agency authority: The Wisconsin Department of Transportation is authorized to administer and collect a municipal or county vehicle registration fee when a municipality or county elects to impose such a fee by ordinance and notifies the Department of such an election, pursuant to s. 341.35, Stats. The Department's Division of Motor Vehicles collects a municipality or county vehicle registration fee at the same time it collects the state vehicle registration fee.

Related statute or rule: Section 349.03(2), Stats., provide that [n]o local authority may enact or enforce any traffic regulation...requiring local registration of vehicles, except as authorized by s. 341.35, Stats.

Plain language analysis: Chapter Trans 126 governs the Department's administration of the municipality or county vehicle registration fee. This proposed amendment increases from 60 days to 90 days the notice that municipalities and counties must give the Department, prior to the first day of the month in which an ordinance to enact, amend, or repeal the municipal or county vehicle registration fee is effective. In recent years, statutory changes have required vehicle registration renewal notice mailings to be advanced. As a result, 60-day notice from the municipality or county is insufficient time for the Department to place updated information on renewal notices before mailing the notices to customers.

This proposed amendment also clarifies operational questions. The rule states how the Department determines where a vehicle is customarily kept, and how the Department determines which vehicles receive the municipal or county registration fee calculation upon initial implementation. The proposed amendment also updates the mailing address for the Division of Motor Vehicles, and clarifies references to the municipal or county vehicle registration fee and the administrative fee per vehicle application.

This proposed amendment also removes obsolete language.

Summary of, and preliminary comparison with, existing or proposed federal regulation: No federal regulations relate to this rule.

Comparison with Rules in the Following States:

Michigan: Michigan does not have a local vehicle registration fee that is similar to Wisconsin's municipal or county vehicle registration fee, collected by the state DMV on behalf of the local governments, along with the state vehicle registration fee.

Minnesota: Minnesota counties may assess a "wheelage tax," similar to Wisconsin's municipal or county vehicle registration fee, collected by the state DMV on behalf of the local governments, along with state vehicle registration fee.

Illinois: Illinois does not have a local vehicle registration fee that is similar to Wisconsin's municipal or county vehicle registration fee, collected by the state DMV on behalf of the local governments, along with the state vehicle registration fee.

Iowa: Iowa does not have a local vehicle registration fee that is similar to Wisconsin's municipal or county vehicle registration fee, collected by the state DMV on behalf of the local governments, along with the state vehicle registration fee.

Summary of factual data and analytical methodologies used and how the related findings support the regulatory approach chosen: s. 341.08(4m), Stats., requires that the Department mail vehicle registration renewal notices to customers at least 30 days before registration expiration. As provided by s. 341.28(7)(a), Stats., automobile registration expiration may be any day of the month. The Department mails registration renewal notices for all registrations expiring during a month at one time. The Department must make, and test, any changes to text or billing on the renewal notice prior to selecting registration records for printing and mailing. As a result, the 60-day notice from municipalities or counties is insufficient, and this amendment increases the time to 90 days.

The Department has received numerous questions from municipalities and counties considering enacting a municipal or county vehicle registration fee, regarding operational issues. This amendment clarifies these points, for the benefit of those governments considering enacting such an ordinance. In particular, the amendment clarifies how the Department determines which county or municipality the vehicle is kept in; how the Department determines which vehicles are subject to the municipal or county registration fee calculation upon initial implementation; updates the mailing address for the Division of Motor Vehicles; and clarifies references to the municipal or county vehicle registration fee and the administrative fee per vehicle application.

Analysis and supporting documentation used to determine effect on small businesses: This proposed rule applies to municipalities and counties that enact, amend or repeal a municipal or county registration fee. Although a municipality or county action to enact, amend or repeal a municipal or county registration fee may affect small businesses, this rule has no effect on small businesses.

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

Fiscal effect: 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. Although a municipality or county action to enact, amend or repeal a municipal or county registration fee would affect the revenues of the municipality or county, this rule has no fiscal effect.

Anticipated costs incurred by private sector: 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 Carson Frazier, Department of Transportation, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, WI 53707-7911. You may also contact Ms. Frazier by phone at (608) 266-7857 or via e-mail: carson.frazier@dot.state.wi.us, to obtain copies of the proposed rule.

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 126.01(2) is renumbered Trans 126.01.(2)(a).

SECTION 2. Trans 126.01(2)(b) and (c) are created to read:

Trans 126.01(2)(b) As provided in s. 341.35(1), Stats., vehicles subject to the municipal or county vehicle registration fee are automobiles or motor trucks registered under s. 341.25(1)(c) at a gross weight of not more than 8,000 pounds.

(c) For purposes of determining where a vehicle is customarily kept, the municipality or county of domicile as indicated by the vehicle owner and contained in the department's title database shall be used. In the absence of an indicated municipality

or county of domicile, the owner or lessee's post office address shall be used to determine municipality or county of domicile.

SECTION 3. Trans 126.02(2), (3)(d), (4), (6) and (8) are amended to read:

Trans 126.02(2) NOTIFICATION TO BE MAILED TO DEPARTMENT. The notification of enactment, amendment, or repeal from the municipality or county shall be sent to:

Administrator
Division of Motor Vehicles
Wisconsin Department of Transportation
4802 Sheboygan Avenue
Room 255
P.O. Box 7911
Madison, Wisconsin ~~53702~~ 53707-7911

(3)(d) The amount of the municipal or county vehicle registration fee.

(4) ENACTMENT NOTIFICATION REQUIREMENTS. ~~The first municipality which provides notification of enactment as described in subs. (1), (2), and (3) shall notify the department at least 120 days prior to the first day of the month in which the ordinance is effective. The department shall implement the program within 120 days after receiving the first notification of enactment. Any subsequent notification of enactment received by the department will not be implemented prior to the program implementation date. After the program implementation date a~~ A municipality or county shall provide the notification of enactment as described in subs. (1), (2) and (3) at least ~~60~~ 90 days prior to the first day of the month in which the ordinance is effective.

(6) AMENDMENT NOTIFICATION REQUIREMENTS. A municipality or county which amends a municipal or county vehicle registration fee ordinance shall notify the department of the amendment at least ~~60~~ 90 days prior to the first day of the month in which the amendment is effective.

(8) REPEAL NOTIFICATION REQUIREMENTS. A municipality or county which repeals a municipal or county vehicle registration fee ordinance shall notify the department of the repeal at least ~~60~~ 90 days prior to the first day of the month in which the repeal is effective.

SECTION 4. Trans 126.04(title), (1)(a), (b), (c) and (2) are amended to read:

Trans 126.04 (title) Computation of administrative costs and collection and distribution of monies collected.

(1)(a) The administrative costs shall be computed and recovered as a an administrative fee per vehicle application.

(b) The administrative fee per vehicle application shall be based on the direct costs of operation, including employe salaries and fringe benefits, office space, office supplies and equipment, postage, computer charges, printing and forms, and other necessary or indirect expenses.

(c) The department shall review the administrative fee per vehicle application fee annually and any over or under recovery shall become a component in the next fiscal year administrative fee.

(2)(title) NOTICE OF CHANGES IN THE ADMINISTRATIVE FEE PER VEHICLE APPLICATION. The department shall notify any participating municipality or county of changes in the administrative fee per vehicle application at least 30 days prior to the effective date of the change.

SECTION 5. Trans 126.04(2m) is created to read:

Trans 126.04(2m) APPLICATION OF MUNICIPAL OR COUNTY VEHICLE REGISTRATION FEE. The department shall apply a municipal or county registration fee to a vehicle covered by this chapter when the registration of the vehicle is made for

the first time after the effective date of the applicable enacted municipal or county vehicle registration fee ordinance and for each plate renewal due on or after the effective date of the ordinance.

SECTION 6. Trans 126.04(3)(title) is amended to read:

Trans 126.04(3)(title) DISTRIBUTION OF PAYMENT MONIES TO MUNICIPALITY OR COUNTY.

(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 12th day of **December**, 2008.


FRANK J. BUSLACCHI
Secretary
Wisconsin Department of Transportation