

2011 DRAFTING REQUEST

Bill

Received: 01/19/2011

Received By: agary

Wanted: As time permits

Companion to LRB:

For: Sheila Harsdorf (608) 266-7745

By/Representing: Matt Wuebke

May Contact:

Drafter: agary

Subject: Transportation - motor vehicles
Transportation - traffic laws

Addl. Drafters:

Extra Copies: EVM

Submit via email: YES

Requester's email: Sen.Harsdorf@legis.wisconsin.gov

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Permits for transporting overheight loads of hay or straw

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	agary 01/28/2011	edt_sbasford 02/11/2011	phenry 02/14/2011	_____	lparisi 02/14/2011		S&L
/P2	agary 03/23/2011	csicilia 03/24/2011	phenry 03/24/2011	_____	sbasford 03/24/2011		S&L
/1	agary 05/09/2011	csicilia 05/10/2011	jfrantze 05/10/2011	_____	mbarman 05/10/2011	mbarman 05/10/2011	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

*at intro
9-14-11*

<END>

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FE Sent For:

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11

of 5/10

PA's?
please jacket
/1.
Thx. ARG
5/9

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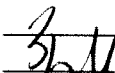
Instructions:

See attached

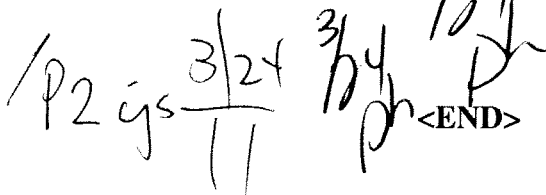
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P2 cjs 3/24 3/24 ph <END>

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1?	agary	/PI SBB cjs 2/10 11	2/14 ph	2/14 ph			S&L

FE Sent For: **<END>**

Gary, Aaron

From: Wuebke, Matt
Sent: Tuesday, January 18, 2011 4:19 PM
To: Gary, Aaron
Subject: Oversize load bill draft request

Hi Aaron,

I am just following up on my phone message. We are seeking a bill draft that would allow DOT to permit oversize loads for transporting hay and straw.

Thanks,
Matt Wuebke
Office of Sen. Sheila Harsdorf

t/c from Matt 6-7745

- over height loads of
hay or straw

- bales above usual
height limitation

- DOT position -
permits only
for non-divisible
loads

Gary, Aaron

From: Wuebke, Matt
Sent: Wednesday, January 19, 2011 11:34 AM
To: Gary, Aaron
Subject: RE: Oversize load bill draft request

Hi Aaron,

Yes, I spoke with the State Patrol and they identified the process by which they currently issue over-height permits to those transporting non-divisible loads. The State Patrol indicated that they work with the individual/company to identify the appropriate route. Our intent is that the bill would utilize the same process for hay and straw, that the transporting entity would obtain a permit from the State Patrol and work with them on an acceptable route. I believe the DOT, either by statute or by administrative code, is currently limited to authorizing over-height permits to non-divisible loads.

Also, you are correct that we are only looking at height, not width.

Thanks,
Matt

From: Gary, Aaron
Sent: Wednesday, January 19, 2011 11:25 AM
To: Wuebke, Matt
Subject: RE: Oversize load bill draft request

Hi Matt,

I have entered this request as LRB-1107. As I understand your message, the exception you want is for height, not width, correct? When it comes to height exceptions, the issue that always comes up is overpasses and other areas where height clearance is necessary. Do you expect that route identification/approval will be part of the permit application process? Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

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Sent: Tuesday, January 18, 2011 4:19 PM
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Thanks,
Matt Wuebke
Office of Sen. Sheila Harsdorf



in
1/28



LRB-1107/P1

ARG:.....
SBB+cjs

(D-Note)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen cat

1 AN ACT **relating to:** annual or consecutive month permits for vehicles
2 transporting overheight loads of hay or straw.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory size or weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local authority, as applicable. With exceptions, a permit may not be issued for transporting oversize loads if the load can be reasonably divided or reduced to comply with statutory limits. The generally applicable height limit on highways is 13.5 feet.

This bill allows DOT to issue annual or consecutive month permits for vehicles or vehicle combinations transporting loads of hay or straw that exceed the statutory height limitation of 13.5 feet. Every such permit issued by DOT must designate the route to be used. If the route involves highways that are not state trunk highways, the permit application must be accompanied by a written statement of route approval by the officer in charge of maintenance of the local highway. A permit is also not valid on interstate highways. DOT may issue these permits regardless of whether the load being transported is divisible.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 348.25 (3) of the statutes is amended to read:

2 348.25 (3) The department shall prescribe forms for applications for all single
3 trip permits the granting of which is authorized by s. 348.26 and for those annual,
4 consecutive month or multiple trip permits the granting of which is authorized by
5 s. 348.27 (2) and (4) to ~~(15)~~ (16). The department may impose such reasonable
6 conditions prerequisite to the granting of any permit authorized by s. 348.26 or
7 348.27 and adopt such reasonable rules for the operation of a permittee thereunder
8 as it deems necessary for the safety of travel and protection of the highways. The
9 department may limit use of the highways under any permit issued to specified hours
10 of the day or days of the week. Local officials granting permits may impose such
11 additional reasonable conditions as they deem necessary in view of local conditions.

History: 1973 c. 316, 333, 336; 1975 c. 66; 1977 c. 29 ss. 1488, 1654 (8) (a); 1979 c. 34, 221; 1981 c. 20, 69, 215, 312; 1981 c. 347 s. 80 (2), 1981 c. 391; 1983 a. 78 s. 37; 1985 a. 212; 1987 a. 27; 1989 a. 35, 130; 1991 a. 39, 316; 1993 a. 16, 125; 1995 a. 163, 348; 1999 a. 9, 80; 2001 a. 78; 2003 a. 33; 2005 a. 167; 2007 a. 171; 2009 a. 28, 222.

12 **SECTION 2.** 348.25 (4) (intro.) of the statutes is amended to read:

13 348.25 (4) (intro.) Except as provided under s. 348.26 (5), (6), or (7) or 348.27
14 (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (13), ~~or (15), or (16)~~, permits shall be issued
15 only for the transporting of a single article or vehicle which exceeds statutory size,
16 weight or load limitations and which cannot reasonably be divided or reduced to
17 comply with statutory size, weight or load limitations, except that:

History: 1973 c. 316, 333, 336; 1975 c. 66; 1977 c. 29 ss. 1488, 1654 (8) (a); 1979 c. 34, 221; 1981 c. 20, 69, 215, 312; 1981 c. 347 s. 80 (2), 1981 c. 391; 1983 a. 78 s. 37; 1985 a. 212; 1987 a. 27; 1989 a. 35, 130; 1991 a. 39, 316; 1993 a. 16, 125; 1995 a. 163, 348; 1999 a. 9, 80; 2001 a. 78; 2003 a. 33; 2005 a. 167; 2007 a. 171; 2009 a. 28, 222.

18 **SECTION 3.** 348.27 (1) of the statutes is amended to read:

19 348.27 (1) APPLICATIONS. All applications for annual, consecutive month or
20 multiple trip permits for the movement of oversize or overweight vehicles or loads
21 shall be made to the officer or agency designated by this section as having authority
22 to issue the particular permit desired for use of the particular highway in question.

1 All applications under subs. (2) and (4) to ~~(15)~~ (16) shall be made upon forms
2 prescribed by the department.

History: 1973 c. 157, 316; 1973 c. 333 s. 190m; 1973 c. 336; 1975 c. 25, 285; 1977 c. 29 ss. 1488m, 1654 (8) (a); 1977 c. 30 s. 5; 1977 c. 191, 197, 272, 273, 418; 1979 c. 34, 315, 326; 1981 c. 20, 69, 163, 215, 391; 1983 a. 78 ss. 32 to 35, 37; 1983 a. 529; 1985 a. 29 s. 3202 (3); 1985 a. 202, 212; 1987 a. 27; 1989 a. 31, 35, 130, 305; 1991 a. 258; 1993 a. 62, 439; 1995 a. 113, 163, 227, 347, 348; 1997 a. 27, 35, 237; 1999 a. 85; 2001 a. 16; 2003 a. 210, 241; 2005 a. 119, 167, 250; 2007 a. 11, 16, 171; 2009 a. 28, 222, 229.

3 **SECTION 4.** 348.27 (16) of the statutes is created to read:

4 348.27 (16) TRANSPORTATION OF HAY OR STRAW. (a) The department may issue
5 annual or consecutive month permits for the transportation of loads of hay or straw
6 on a vehicle or combination of vehicles that exceeds the height limitations under s.
7 348.06. Every permit issued under this subsection shall designate the route to be
8 used by the permittee.

9 (b) If the roads desired to be used by an applicant for a permit under this
10 subsection involve highways other than those within the state trunk highway
11 system, the application shall be accompanied by a written statement of route
12 approval by the officer in charge of maintenance of the other highway.

13 (c) A permit under this subdivision is not valid on any interstate highway
14 designated under s. 84.29 (2).

15 **SECTION 5.** 348.28 (1) of the statutes is amended to read:

16 348.28 (1) Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10), (12)
17 to (13), ~~and (15), and (16)~~ shall be carried on the vehicle during operations so
18 permitted.

History: 1971 c. 278; 1985 a. 202 s. 37; 2005 a. 250; 2007 a. 171.

19 **SECTION 6. Effective date.**

20 (1) This act takes effect on the first day of the 3rd month beginning after
21 publication.

22 (END)

D-Note

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

LRB-1107/P1dn

ARG:.....

SBB rejs

Date

ATTN: Matt Wuebke

Please review the attached draft carefully to ensure that it is consistent with your intent. In preparing this draft, I have assumed that you want to create an annual or consecutive month permit under s. 348.27, rather than a single trip permit under s. 348.26. ✓

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

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

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

LRB-1107/P1dn
ARG:sbb&cjs:ph

February 14, 2011

ATTN: Matt Wuebke

Please review the attached draft carefully to ensure that it is consistent with your intent. In preparing this draft, I have assumed that you want to create an annual or consecutive month permit under s. 348.27, rather than a single trip permit under s. 348.26.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

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

Gary, Aaron

From: Wuebke, Matt
Sent: Wednesday, March 23, 2011 1:02 PM
To: Gary, Aaron
Subject: RE: LRB 1107 - Hay and straw

Hi Aaron,

Thanks for looking into that for us. Yes, please redraft it.

Thanks!
Matt

From: Gary, Aaron
Sent: Monday, March 21, 2011 9:00 AM
To: Wuebke, Matt
Subject: RE: LRB 1107 - Hay and straw

Matt,

I conferred with DOT. It seems that federal law is concerned with overweight vehicles, not overheight vehicles. So I believe there is no reason that interstates would need to be excluded. Sorry for my initial misunderstanding on this. Do you want me to redraft the bill accordingly?

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Wuebke, Matt
Sent: Friday, February 25, 2011 4:05 PM
To: Gary, Aaron
Subject: RE: LRB 1107 - Hay and straw

Hi Aaron,

Thanks for the input. Yes, if you could talk with DOT for more background I would appreciate it. It is probably better for you to talk with them so that the message doesn't get lost in translation through me.

I believe Minnesota and some other western states allow oversize loads on interstates in this manner. I've attached Minnesota's statute on baled hay and straw below for your reference. It would be interesting if DOT knows if Minnesota received a waiver for this or if there are other mitigating circumstances.

Thanks,
Matt

169.862 PERMIT FOR BALED FARM PRODUCT TO EXCEED HEIGHT OR WIDTH.

Subdivision 1. Annual permit authority; restrictions.

The commissioner of transportation with respect to highways under the commissioner's jurisdiction, and

local authorities with respect to highways under their jurisdiction, may issue an annual permit to enable a vehicle carrying bales of hay, straw, or cornstalks, with a total outside width of the vehicle or the load not exceeding 12 feet, and a total height of the loaded vehicle not exceeding 15 feet, to be operated on public streets and highways. Loaded vehicles operating on interstate highways within the seven-county metropolitan area may not exceed a total height of 14-1/2 feet.

From: Gary, Aaron
Sent: Friday, February 25, 2011 3:43 PM
To: Wuebke, Matt
Subject: RE: LRB 1107 - Hay and straw

Matt,
My understanding was that excluding interstate highways was necessary because of federal law. I know this is generally the case for overweight vehicles, and I thought it applied to overheight vehicles as well. However, I am certainly no expert on this issue. I suggest that you confer with DOT on the subject or, if you prefer, I would be happy to discuss it with DOT myself and report back to you.
Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Wuebke, Matt
Sent: Friday, February 25, 2011 2:10 PM
To: Gary, Aaron
Subject: LRB 1107 - Hay and straw

Hi Aaron,

I noticed the bill draft for LRB 1107 does not allow over height permits to be used on interstate highways. Could you provide some background on that provision and if there are state or federal regulations that require such a provision? It is our understanding that other states allow over height loads on interstates and we are just trying to understand this issue.

Thanks,
Matt

Matt Wuebke
Office of Sen. Sheila Harsdorf



Seen



LRB-1107 P2

ARG:sbb&cjs:ph

in
3/23

stays

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

sk ✓

Ger Cat

1 AN ACT *to amend* 348.25 (3), 348.25 (4) (intro.), 348.27 (1) and 348.28 (1); and
 2 *to create* 348.27 (16) of the statutes; **relating to:** annual or consecutive month
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22 publication.

23 (END)

Gary, Aaron

From: Lewin, Brittany

Sent: Monday, May 09, 2011 1:58 PM

To: Gary, Aaron

Subject: RE: Draft review: LRB 11-1107/P2 Topic: Permits for transporting overheight loads of hay or straw
Yes, please send the redraft. Thanks!

From: Gary, Aaron

Sent: Monday, May 09, 2011 1:57 PM

To: Lewin, Brittany

Subject: RE: Draft review: LRB 11-1107/P2 Topic: Permits for transporting overheight loads of hay or straw

Hi Brittany,

Are you ready to jacket this one? If so, I will redraft it to an introducible "/1" and send it out jacketed. Let me know. Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Lewin, Brittany

Sent: Monday, May 09, 2011 1:56 PM

To: Gary, Aaron

Subject: RE: Draft review: LRB 11-1107/P2 Topic: Permits for transporting overheight loads of hay or straw

Hi Aaron,

Could you send us the email for jacketing LRB 11-1107?

Thanks,

Brittany Lewin
Office of Sen. Sheila Harsdorf

From: Basford, Sarah

Sent: Thursday, March 24, 2011 9:33 AM

To: Sen.Harsdorf

Subject: Draft review: LRB 11-1107/P2 Topic: Permits for transporting overheight loads of hay or straw

Following is the PDF version of draft LRB 11-1107/P2.



in 5/9



soon

LRB-1107/1

ARG:sbb&cjs:ph

stays

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

Gen Cat

St ✓

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 348.25 (3) of the statutes is amended to read:

2 348.25 (3) The department shall prescribe forms for applications for all single
3 trip permits the granting of which is authorized by s. 348.26 and for those annual,
4 consecutive month or multiple trip permits the granting of which is authorized by
5 s. 348.27 (2) and (4) to ~~(15)~~ (16). The department may impose such reasonable
6 conditions prerequisite to the granting of any permit authorized by s. 348.26 or
7 348.27 and adopt such reasonable rules for the operation of a permittee thereunder
8 as it deems necessary for the safety of travel and protection of the highways. The
9 department may limit use of the highways under any permit issued to specified hours
10 of the day or days of the week. Local officials granting permits may impose such
11 additional reasonable conditions as they deem necessary in view of local conditions.

12 **SECTION 2.** 348.25 (4) (intro.) of the statutes is amended to read:

13 348.25 (4) (intro.) Except as provided under s. 348.26 (5), (6), or (7) or 348.27
14 (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (13), ~~or (15), or (16)~~, permits shall be issued
15 only for the transporting of a single article or vehicle which exceeds statutory size,
16 weight or load limitations and which cannot reasonably be divided or reduced to
17 comply with statutory size, weight or load limitations, except that:

18 **SECTION 3.** 348.27 (1) of the statutes is amended to read:

19 348.27 (1) APPLICATIONS. All applications for annual, consecutive month or
20 multiple trip permits for the movement of oversize or overweight vehicles or loads
21 shall be made to the officer or agency designated by this section as having authority

1 to issue the particular permit desired for use of the particular highway in question.
2 All applications under subs. (2) and (4) to ~~(15)~~ (16) shall be made upon forms
3 prescribed by the department.

4 **SECTION 4.** 348.27 (16) of the statutes is created to read:

5 348.27 **(16)** TRANSPORTATION OF HAY OR STRAW. (a) The department may issue
6 annual or consecutive month permits for the transportation of loads of hay or straw
7 on a vehicle or combination of vehicles that exceeds the height limitations under s.
8 348.06. Every permit issued under this subsection shall designate the route to be
9 used by the permittee.

10 (b) If the roads desired to be used by an applicant for a permit under this
11 subsection involve highways other than those within the state trunk highway
12 system, the application shall be accompanied by a written statement of route
13 approval by the officer in charge of maintenance of the other highway.

14 **SECTION 5.** 348.28 (1) of the statutes is amended to read:

15 348.28 **(1)** Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10), (12)
16 to (13), ~~and (15), and (16)~~ shall be carried on the vehicle during operations so
17 permitted.

18 **SECTION 6. Effective date.**

19 (1) This act takes effect on the first day of the 3rd month beginning after
20 publication.

21 **(END)**