

2013 DRAFTING REQUEST

Bill

| | | | |
|--------------|--|------------------|-------------|
| Received: | 8/8/2013 | Received By: | agary |
| Wanted: | As time permits | Same as LRB: | |
| For: | Jerry Petrowski (608) 266-2502 | By/Representing: | Tim Fiocchi |
| May Contact: | | Drafter: | agary |
| Subject: | Transportation - motor vehicles Transportation - traffic laws | Addl. Drafters: | |
| | | Extra Copies: | EVM |

Submit via email: YES
Requester's email: Sen.Petrowski@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Michigan border permits

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> |
|--------------|--------------------|-------------------|-----------------------|----------------|-----------------------|-----------------|-----------------|
| /? | agary 8/12/2013 | | | _____ | | | |
| /P1 | agary 8/19/2013 | jdye 8/19/2013 | jmurphy 8/19/2013 | _____ | srose 8/19/2013 | | State S&L |
| /1 | agary 8/23/2013 | jdye 8/19/2013 | rschluet 8/19/2013 | _____ | sbasford 8/19/2013 | | State S&L |
| /2 | | csicilia | jfrantze | _____ | lparisi | lparisi | State |

Vers. Drafted

Reviewed
8/26/2013

Typed
8/26/2013

Proofed

Submitted
8/26/2013

Jacketed
8/29/2013

Required
S&L

FE Sent For:

<END>

@
INTRO.

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| /1 | | jdyer 8/19/2013 | rschluet 8/19/2013 | _____ | sbasford 8/19/2013 | | State S&L |

12 g's 8/26/13
8/26

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /? | agary | PI 8/19 JLD | Jim 8/19 | self | | | |

FE Sent For:

<END>

Gary, Aaron

From: Fiocchi, Tim
Sent: Thursday, August 08, 2013 1:57 PM
To: Gary, Aaron
Cc: Gary, Tim
Subject: Bill Draft
Attachments: 13-2745_P1.pdf *attachment*

Hi Aaron,

I need to draft a trailer bill to clean up the Michigan boarder permits for logging trucks. We would like to make the permits uniform in what you are allowed to carry on all of the available routes, so for all routes, including locally approved routes in the 11 mile permit area, they could operate the current Michigan configuration (this is also a change for the local routes in the 11 mile border zone) and could carry "peeled or unpeeled forest products cut crosswise, wood chips, forestry biomass, or lumber," on all of the allowed routes.

In addition we need to add the section of Highway 8. It's up to you how you want to draft it, but it might be simplest to amend the statute to allow operation on Highway 8 from the intersection with Highway 45 eastbound to the Wisconsin Michigan boarder. The section we're adding is the section you'd drafted for Rep. Mursau in the attached draft, but given the expansion now encompasses that whole stretch of 8 this might be cleaner. Mursau will be the Assembly author so if you could send them a copy of the draft as well.

I'll call to follow up shortly.

Thanks,

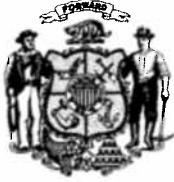
Tim

Tim Fiocchi
Chief of Staff, Senator Jerry Petrowski
29th Senate District
(608) 266-2502

8/12

Cont. w/ Tim Fiocchi

*include non-stat re
DOT weight report*



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2745/P1
ARG:wlj:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Attached
to e-mail

- 1 **AN ACT to create** 348.27 (9) (a) 3. g. of the statutes; **relating to:** annual or
2 consecutive month permits for vehicles or combinations of vehicles
3 transporting loads near the Wisconsin-Michigan border.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate on a highway any vehicle or combination of vehicles (vehicle) that exceeds certain statutory limits on size, weight, or load unless that person possesses a permit issued by the Department of Transportation, which may issue an annual or consecutive month permit (Michigan border permit) for an oversize or overweight vehicle to 1) transport loads within 11 miles of the Wisconsin-Michigan state line; 2) transport certain forest products on USH 2 in Iron County, Florence County, or Ashland County or in Bayfield County from the Ashland County line through Hart Lake Road, if the vehicle is traveling between this state and Michigan and does not violate Michigan law; 3) transport certain forest products on USH 2 from STH 13 in the city of Ashland through Hart Lake Road in Bayfield County; and 4) transport raw forest products or lumber on specified highway routes, including a portion of USH 8 in Oneida and Forest counties and STH 139 from the Wisconsin-Michigan border to USH 8, if the vehicle does not violate Michigan law.

This bill allows a vehicle operating under a Michigan border permit as provided in item 4, above, to also operate on USH 8 from STH 139 in Forest County to USH 141 in Marinette County.

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., the Department of Transportation, as required by law, will prepare a report to be printed as an appendix to this bill.



State of Wisconsin
2013 - 2014 LEGISLATURE

in 8/12

wanted
8/19



LRB-2884/P1

ARG: A...

jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

X

Gen

1 AN ACT ...; relating to: annual or consecutive month permits for vehicles or
2 combinations of vehicles transporting loads near the Wisconsin-Michigan
3 border. ✓

Analysis by the Legislative Reference Bureau

(NOT)

Under current law, with limited exceptions, no person may operate on a highway any vehicle or combination of vehicles (vehicle) that exceeds certain statutory limits on size, weight, or load unless that person possesses a permit issued by the Department of Transportation, which may issue an annual or consecutive month permit (Michigan border permit) for an oversize or overweight vehicle to 1) transport loads within 11 miles of the Wisconsin-Michigan state line; 2) transport exclusively peeled or unpeeled forest products cut crosswise, wood chips, or forestry biomass on USH 2 in Iron County, Florence County, or Ashland County or in Bayfield County from the Ashland County line through Hart Lake Road, if the vehicle is traveling between this state and Michigan and does not violate Michigan law; 3) transport exclusively peeled or unpeeled forest products cut crosswise, wood chips, or forestry biomass on USH 2 from STH 13 in the city of Ashland through Hart Lake Road in Bayfield County; and 4) transport raw forest products or lumber on specified highway routes, including a portion of USH 8 in Oneida and Forest counties and STH 139 from the Wisconsin-Michigan border to USH 8, if the vehicle does not violate Michigan law. ✓

↑
↓

This bill modifies operating authority for vehicles operating under a Michigan border permit in a way that standardizes certain requirements with respect to all highway routes where a Michigan border permit is used. Under the bill, regardless

of which of the foregoing routes on which a vehicle is operated, a Michigan border permit authorizes the transportation of peeled or unpeeled forest products cut crosswise, wood chips, forestry biomass, or lumber. In addition, for each route, a Michigan border permit is available only if the vehicle does not violate Michigan law. The bill also eliminates the requirement under item 2, above, that the vehicle travel between this state and Michigan. The bill further allows a vehicle operating under a Michigan border permit as provided in item 4, above, to operate on additional segments of USH 8.

Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limitations, DOT must prepare a report, containing specified information, relating to the bill within six weeks after the bill is introduced and before any vote is taken on the bill. This bill directs DOT not to prepare such a report on this bill.

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.** 348.27 (9) (a) 1. (intro.) of the statutes is amended to read:

2 348.27 (9) (a) 1. (intro.) The department may issue annual or consecutive
3 month permits, for the transportation of peeled or unpeeled forest products cut
4 crosswise, wood chips, forestry biomass, or lumber on a vehicle or combination of
5 vehicles of loads exceeding statutory that exceeds length or weight limitations, that
6 authorize under this chapter but does not violate length or weight limitations under
7 Michigan law, on all of the following:

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; 2011 a. 20, 32, 53, 55, 56, 58, 59, 117, 243; s. 13.92 (1) (bm) 2., (2) (i).

8 **SECTION 2.** 348.27 (9) (a) 1. a. of the statutes is amended to read:

9 348.27 (9) (a) 1. a. ~~The transportation of loads over any~~ Any class of highway
10 for a distance not to exceed 11 miles from the Michigan-Wisconsin state line.

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; 2011 a. 20, 32, 53, 55, 56, 58, 59, 117, 243; s. 13.92 (1) (bm) 2., (2) (i).

11 **SECTION 3.** 348.27 (9) (a) 1. b. of the statutes, as affected by 2013 Wisconsin Act

12 34, is amended to read:

1 348.27 (9) (a) 1. b. ~~The transportation of exclusively peeled or unpeeled forest~~
 2 ~~products cut crosswise, wood chips, or forestry biomass anywhere upon USH 2~~
 3 ~~anywhere~~ in Iron County, Florence County, or Ashland County or ~~upon USH 2 in~~
 4 Bayfield County from the Ashland County line through Hart Lake Road [✓]~~if the vehicle~~
 5 ~~or combination of vehicles is traveling between this state and Michigan and does not~~
 6 ~~violate length or weight limitations under Michigan law.~~

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; 2011 a. 20, 32, 53, 55, 56, 58, 59, 117, 243; s. 13.92 (1) (bm) 2., (2) (i). ✓

7 **SECTION 4.** 348.27 (9) (a) 1. c. of the statutes is repealed. ✓

8 **SECTION 5.** 348.27 (9) (a) 1. d. of the statutes, as created by 2013 Wisconsin Act
 9 20, is repealed. ✓

10 **SECTION 6.** 348.27 (9) (a) 3. (intro.) and a. of the statutes, as created by 2013
 11 Wisconsin Act 20, are repealed. ✓

12 **SECTION 7.** 348.27 (9) (a) 3. b., c., d. and e. of the statutes, as created by 2013
 13 Wisconsin Act 20, are renumbered 348.27 (9) (a) 1. e., f., g. and h. ✓

14 **SECTION 8.** 348.27 (9) (a) 3. f. of the statutes, as created by 2013 Wisconsin Act
 15 20, is renumbered 348.27 (9) (a) 1. i. and amended to read: ✓

16 348.27 (9) (a) 1. i. USH 8, from USH 45 to Ross Lake Road, in the town of
 17 Caswell in Oneida and Forest counties the Wisconsin-Michigan border in Marinette
 18 County to USH 45 in Oneida County. ✓

19 **SECTION 9. Nonstatutory provisions.**

20 (1) EXCEPTION TO REVIEW BY THE DEPARTMENT OF TRANSPORTATION.
 21 Notwithstanding section [✓]13.096 (2) of the statutes, the [✓]department of transportation
 22 shall not prepare a report on this bill under section 13.096 (2) [✓]and (3) [✓]of the statutes.

23 **SECTION 10. Initial applicability.**

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2884/P1dn

ARG:.....

date

jld

ATTN: Tim Fiocchi

Please review the attached draft carefully to ensure that it is consistent with your intent. ✓

I note that the list of permissible products in amended s. 348.27 (9) (a) 1. (intro.) of this draft does not include "raw forest products," which is defined in s. 348.01 (2) (bt)? "Raw forest products" was included in s. 348.27 (9) (a) 1. d. created in 2013 Wisconsin Act 20 (the Budget Act). Do you want to include "raw forest products" in this list of permissible products, or is it unnecessary?

I also note that amended s. 348.27 (9) (a) 1. (intro.) of this draft, unlike s. 348.27 (9) (a) 1. b. and c., stats. does not use the term "exclusively." I find the term "exclusively" in these current law provisions to be ambiguous, but assume that it was intended to signify that vehicles operating under a Michigan border permit could transport *only* the specified forest products.

Regarding USH 2 in Bayfield County described in s. 348.27 (9) (a) 1. b. and c., stats., from my review of a map, it appears that the segment in s. 348.27 (9) (a) 1. c. is subsumed within the segment in s. 348.27 (9) (a) 1. b. I have therefore repealed s. 348.27 (9) (a) 1. c. without adding any additional highway segment to s. 348.27 (9) (a) 1. b. Please let me know if I am mistaken in my map reading.

As discussed, I have added the non-statutory provision regarding DOT's weight report, similar to that in 2013 SB-135 and 2011 AB-305. As discussed in connection with those bills, this nonstatutory provision would be effective only as an expression of a legislative intent to waive a legislative rule of proceeding. Section 13.096 creates requirements that are imposed on DOT *before* the bill is enacted, so technically the time of enactment is too late to eliminate an action required precedent to enactment. However, that being said, it is my view that s. 13.096 is actually a legislative rule of proceeding that the legislature could choose not to follow and this nonstatutory provision is an expression of legislative intent to waive this rule of proceeding. *

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.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2884/P1dn
ARG:jld:jm

August 19, 2013

ATTN: Tim Fiocchi

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

Gary, Aaron

From: Fiocchi, Tim
Sent: Monday, August 19, 2013 12:20 PM
To: Gary, Aaron
Cc: Gary, Tim
Subject: RE: Bill Draft

Hi Aaron,

Per your drafting note for LRB 2884, the exclusion of "raw forest products" was unintentional. I didn't realize that was a statutorily defined term and thought that I'd included everything the current MI permit allows in the list, but the draft should include that reference for uniformity.

That's the only change I see, and if you could get us a /1 ASAP I'd appreciate it. We're going to try to have this on the floor in September.

Thank you,

Tim

From: Fiocchi, Tim
Sent: Thursday, August 08, 2013 1:57 PM
To: Gary, Aaron
Cc: Gary, Tim
Subject: Bill Draft

Hi Aaron,

I need to draft a trailer bill to clean up the Michigan boarder permits for logging trucks. We would like to make the permits uniform in what you are allowed to carry on all of the available routes, so for all routes, including locally approved routes in the 11 mile permit area, they could operate the current Michigan configuration (this is also a change for the local routes in the 11 mile border zone) and could carry "peeled or unpeeled forest products cut crosswise, wood chips, forestry biomass, or lumber," on all of the allowed routes.

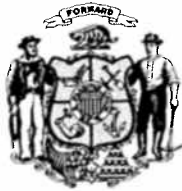
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I'll call to follow up shortly.

Thanks,

Tim

Tim Fiocchi
Chief of Staff, Senator Jerry Petrowski
29th Senate District
(608) 266-2502



State of Wisconsin
2013 - 2014 LEGISLATURE

in 8/19



LRB-28847 /
ARG:jld:jm

TODAY if possible

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

x Regen

1 AN ACT *to repeal* 348.27 (9) (a) 1. c., 348.27 (9) (a) 1. d. and 348.27 (9) (a) 3. (intro.)
2 and a.; *to renumber* 348.27 (9) (a) 3. b., c., d. and e.; *to renumber and amend*
3 348.27 (9) (a) 3. f.; and *to amend* 348.27 (9) (a) 1. (intro.), 348.27 (9) (a) 1. a. and
4 348.27 (9) (a) 1. b. of the statutes; **relating to:** annual or consecutive month
5 permits for vehicles or combinations of vehicles transporting loads near the
6 Wisconsin-Michigan border. ✓

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate on a highway any vehicle or combination of vehicles (vehicle) that exceeds certain statutory limits on size, weight, or load unless that person possesses a permit issued by the Department of Transportation (DOT), which may issue an annual or consecutive month permit (Michigan border permit) for an oversize or overweight vehicle to: 1) transport loads within 11 miles of the Wisconsin-Michigan state line; 2) transport exclusively peeled or unpeeled forest products cut crosswise, wood chips, or forestry biomass on USH 2 in Iron County, Florence County, or Ashland County or in Bayfield County from the Ashland County line through Hart Lake Road, if the vehicle is traveling between this state and Michigan and does not violate Michigan law; 3) transport exclusively peeled or unpeeled forest products cut crosswise, wood chips, or forestry biomass on USH 2 from STH 13 in the city of Ashland through Hart Lake Road in Bayfield County; and 4) transport raw forest products or lumber on

raw forest products, ✓

specified highway routes, including a portion of USH 8 in Oneida and Forest counties and STH 139 from the Wisconsin-Michigan border to USH 8, if the vehicle does not violate Michigan law.

This bill modifies operating authority for vehicles operating under a Michigan border permit in a way that standardizes certain requirements with respect to all highway routes where a Michigan border permit is used. Under the bill, regardless of which of the foregoing routes on which a vehicle is operated, a Michigan border permit authorizes the transportation of peeled or unpeeled forest products cut crosswise, wood chips, forestry biomass, or lumber. In addition, for each route, a Michigan border permit is available only if the vehicle does not violate Michigan law. The bill also eliminates the requirement under item 2, above, that the vehicle travel between this state and Michigan. The bill further allows a vehicle operating under a Michigan border permit as provided in item 4, above, to operate on additional segments of USH 8.

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4 crosswise, wood chips, forestry biomass, or lumber on a vehicle or combination of
5 vehicles of loads ~~exceeding statutory~~ that exceeds length or weight limitations, ~~that~~
6 authorize under this chapter but does not violate length or weight limitations under
7 Michigan law, on all of the following:

8 **SECTION 2.** 348.27 (9) (a) 1. a. of the statutes is amended to read:
9 348.27 (9) (a) 1. a. ~~The transportation of loads over any~~ Any class of highway
10 for a distance not to exceed 11 miles from the Michigan-Wisconsin state line.

raw forest products, ✓

1 **SECTION 3.** 348.27 (9) (a) 1. b. of the statutes, as affected by 2013 Wisconsin Act
2 34, is amended to read:

3 348.27 (9) (a) 1. b. ~~The transportation of exclusively peeled or unpeeled forest~~
4 ~~products cut crosswise, wood chips, or forestry biomass anywhere upon USH 2~~
5 ~~anywhere~~ in Iron County, Florence County, or Ashland County or upon ~~USH 2~~ in
6 Bayfield County from the Ashland County line through Hart Lake Road if the vehicle
7 or combination of vehicles is traveling between this state and Michigan and does not
8 violate length or weight limitations under Michigan law.

9 **SECTION 4.** 348.27 (9) (a) 1. c. of the statutes is repealed.

10 **SECTION 5.** 348.27 (9) (a) 1. d. of the statutes, as created by 2013 Wisconsin Act
11 20, is repealed.

12 **SECTION 6.** 348.27 (9) (a) 3. (intro.) and a. of the statutes, as created by 2013
13 Wisconsin Act 20, are repealed.

14 **SECTION 7.** 348.27 (9) (a) 3. b., c., d. and e. of the statutes, as created by 2013
15 Wisconsin Act 20, are renumbered 348.27 (9) (a) 1. e., f., g. and h.

16 **SECTION 8.** 348.27 (9) (a) 3. f. of the statutes, as created by 2013 Wisconsin Act
17 20, is renumbered 348.27 (9) (a) 1. i. and amended to read:

18 348.27 (9) (a) 1. i. ~~USH 8, from USH 45 to Ross Lake Road, in the town of~~
19 ~~Caswell in Oneida and Forest counties~~ the Wisconsin-Michigan border in Marinette
20 County to USH 45 in Oneida County.

21 **SECTION 9. Nonstatutory provisions.**

22 (1) EXCEPTION TO REVIEW BY THE DEPARTMENT OF TRANSPORTATION.
23 Notwithstanding section 13.096 (2) of the statutes, the department of transportation
24 shall not prepare a report on this bill under section 13.096 (2) and (3) of the statutes.

25 **SECTION 10. Initial applicability.**

Gary, Aaron

From: Fiocchi, Tim
Sent: Tuesday, August 20, 2013 4:49 PM
To: Gary, Aaron
Subject: LRB 2884

Hi Aaron,

In my rush to get this bill going I overlooked a couple things in the draft/ didn't get a full review from DOT before I ordered the /1.

By their reading, we need to add a provision to allow the trucks to operate unloaded to deadhead back from a delivery, be delivered when sold, or go to a service station. The department also suggested we could clean up the list in section one as peeled or unpeeled forest products cut crosswise, wood chips, and forestry biomass are all subsumed in the definition of "raw forest products."

They also raised one other issue that I'd like to clarify with you when you have a moment to talk. Is it correct to say that currently in the 11 mile border zone you can operate a Michigan configured truck under the permit regardless of the load? Please give me a call when you can.

Thanks,

Tim

Tim Fiocchi
Chief of Staff, Senator Jerry Petrowski
29th Senate District
(608) 266-2502

h/c w/ Tim 8/21 6-2502

• don't want to undo "loads" in S.A.

call Kathleen Nichols → DOT 1-2574

routes → service station only

*w/in delivered or at ASC
+ delivery, if vehicle sold*

8/22

Kathleen Nichols - DOT

- 11-mile area = load could be anything
- probable that unladen would not be overweight; combos, can be overweight unladen

• unladen: repair shop in Marinette

• unladen rigs confined to MI axle weights could ab.

operated from
point of sale
of vehicle

- access fuel or servicing
- return for delivery

delivery upon
purchase or
sale of
vehicle

• logs = peeled or unpeeled →
cut crosswise

Gary, Aaron

From: Gary, Aaron
Sent: Thursday, August 22, 2013 4:16 PM
To: Fiocchi, Tim
Subject: RE: LRB 2884

Tim,
Kathleen gave me a call back. She said that "peeled or unpeeled forest products cut crosswise" is the same as "logs" in the statutory definition of "raw forest products" in s. 348.01 (2) (bt), so that phrase need not be repeated. She also reiterated the need to specify that the permit allows operation of unladen vehicles in the circumstances you described.
I will proceed withmaking the changes.

Aaron

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

From: Gary, Aaron
Sent: Thursday, August 22, 2013 3:37 PM
To: Nichols, Kathleen - DOT
Cc: Fiocchi, Tim
Subject: RE: LRB 2884

Hi Kathleen,

Following up on my voice mail yesterday, I'm looking at the current authorization for Michigan border permits under s. 348.27 (9) (a) and changes that may need to be made to LRB-2884. My understanding is that DOT advised that the changes below would be needed to that draft.

When I look at the beginning of s. 348.27 (9) (a), the current statute is somewhat ambiguous but seems to allow permits to be issued for vehicles whose loads make them overweight or overlength. ("The department may issue annual or consecutive month permits, for the transportation on a vehicle or combination of vehicles of loads exceeding statutory length or weight limitations, that). I assume that an unladen vehicle would never be overweight. Is it the intention that the language of s. 348.27 (9) (a) be revised to allow or clarify that a Michigan border permit covers an unladen vehicle that is overlength in the circumstances described below?

Thanks for any feedback you can provide.

Aaron

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

From: Fiocchi, Tim
Sent: Tuesday, August 20, 2013 4:49 PM
To: Gary, Aaron
Subject: LRB 2884

we need to add a provision to allow the trucks to operate unloaded to deadhead back from a delivery, be delivered when sold, or go to a service station.

Gary, Aaron

From: Gary, Aaron
Sent: Friday, August 23, 2013 12:21 PM
To: Fiocchi, Tim
Subject: RE: LRB 2884

Tim,

One clarification. Under current law, within 11 miles of the Michigan border, a Michigan border permit authorizes the transportation of any load (not just forest products), regardless of vehicle configuration. LRB-2884 revised this so that, within the 11 mile area, the permit only authorized transportation of forest products and also required the vehicle to conform to Michigan configuration.

I am redrafting to change the load requirement back to current law, allowing any load in the 11-mile area. But what about the configuration? Should that go back to current law, or should I keep the change in LRB-2884 requiring Michigan configuration within this 11 mile area?

Thanks. Aaron

8/23 f/c w Tim
- yes, want MI config.

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

From: Fiocchi, Tim
Sent: Tuesday, August 20, 2013 4:49 PM
To: Gary, Aaron
Subject: LRB 2884

Hi Aaron,

In my rush to get this bill going I overlooked a couple things in the draft/ didn't get a full review from DOT before I ordered the /1.

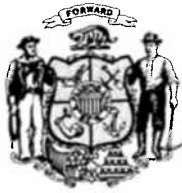
By their reading, we need to add a provision to allow the trucks to operate unloaded to deadhead back from a delivery, be delivered when sold, or go to a service station. The department also suggested we could clean up the list in section one as peeled or unpeeled forest products cut crosswise, wood chips, and forestry biomass are all subsumed in the definition of "raw forest products."

They also raised one other issue that I'd like to clarify with you when you have a moment to talk. Is it correct to say that currently in the 11 mile border zone you can operate a Michigan configured truck under the permit regardless of the load? Please give me a call when you can.

Thanks,

Tim

Tim Fiocchi
Chief of Staff, Senator Jerry Petrowski
29th Senate District
(608) 266-2502



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2884/1
ARG:jld/rs

in
8/23

2013 BILL

wrote
by 8/27

KMR

\$cjs

SA
T-10

Ger Cat

1 AN ACT ~~to repeal~~ 348.27 (9) (a) 1. c., 348.27 (9) (a) 1. d. and 348.27 (9) (a) 3. (intro.)
2 and a.; **to renumber** 348.27 (9) (a) 3. b., c., d. and e.; **to renumber and amend**
3 348.27 (9) (a) 3. f.; and **to amend** 348.27 (9) (a) 1. (intro.), 348.27 (9) (a) 1. a. and
4 348.27 (9) (a) 1. b. of the statutes; **relating to:** annual or consecutive month
5 permits for vehicles or combinations of vehicles transporting loads near the
6 Wisconsin-Michigan border.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate on a highway any vehicle or combination of vehicles (vehicle) that exceeds certain statutory limits on size, weight, or load unless that person possesses a permit issued by the Department of Transportation (DOT), which may issue an annual or consecutive month permit (Michigan border permit) for an oversize or overweight vehicle to: 1) transport loads within 11 miles of the Wisconsin-Michigan state line; 2) transport exclusively peeled or unpeeled forest products cut crosswise, wood chips, or forestry biomass on USH 2 in Iron County, Florence County, or Ashland County or in Bayfield County from the Ashland County line through Hart Lake Road, if the vehicle is traveling between this state and Michigan and does not violate Michigan law; 3) transport exclusively peeled or unpeeled forest products cut crosswise, wood chips, or forestry biomass on USH 2 from STH 13 in the city of Ashland through Hart Lake Road in Bayfield County; and 4) transport raw forest products or lumber on

BILL

specified highway routes, including a portion of USH 8 in Oneida and Forest counties and STH 139 from the Wisconsin-Michigan border to USH 8, if the vehicle does not violate Michigan law.

insert ANAL
~~This bill modifies operating authority for vehicles operating under a Michigan border permit in a way that standardizes certain requirements with respect to all highway routes where a Michigan border permit is used. Under the bill, regardless of which of the foregoing routes on which a vehicle is operated, a Michigan border permit authorizes the transportation of peeled or unpeeled forest products cut crosswise, wood chips, raw forest products, forestry biomass, or lumber. In addition, for each route, a Michigan border permit is available only if the vehicle does not violate Michigan law. The bill also eliminates the requirement under item 2, above, that the vehicle travel between this state and Michigan. The bill further allows a vehicle operating under a Michigan border permit as provided in item 4, above, to operate on additional segments of USH 8.~~

Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limitations, DOT must prepare a report, containing specified information, relating to the bill within six weeks after the bill is introduced and before any vote is taken on the bill. This bill directs DOT not to prepare such a report on this bill.

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:

insert 1-1
1 SECTION 1. 348.27 (9) (a) 1. (intro.) of the statutes is amended to read:

2 348.27 (9) (a) 1. (intro.) The department may issue annual or consecutive
3 month permits, for the transportation of peeled or unpeeled forest products cut
4 crosswise, wood chips, raw forest products, forestry biomass, or lumber on a vehicle
5 or combination of vehicles of loads ~~exceeding statutory~~ that exceeds length or weight
6 limitations, ~~that authorize under this chapter but does not violate length or weight~~
7 limitations under Michigan law, on all of the following:

8 SECTION 2. 348.27 (9) (a) 1. a. of the statutes is amended to read:

9 348.27 (9) (a) 1. a. ~~The transportation of loads over any~~ Any class of highway
10 for a distance not to exceed 11 miles from the Michigan-Wisconsin state line.

BILL

1 **SECTION 3.** 348.27 (9) (a) 1. b. of the statutes, as affected by 2013 Wisconsin Act
2 34, is amended to read:

3 348.27 (9) (a) 1. b. ~~The transportation of exclusively peeled or unpeeled forest~~
4 ~~products cut crosswise, wood chips, or forestry biomass anywhere upon USH 2~~
5 ~~anywhere in Iron County, Florence County, or Ashland County or upon USH 2 in~~
6 ~~Bayfield County from the Ashland County line through Hart Lake Road if the vehicle~~
7 ~~or combination of vehicles is traveling between this state and Michigan and does not~~
8 ~~violate length or weight limitations under Michigan law.~~

9 **SECTION 4.** 348.27 (9) (a) 1. c. of the statutes is repealed.

10 **SECTION 5.** 348.27 (9) (a) 1. d. of the statutes, as created by 2013 Wisconsin Act
11 20, is repealed.

12 **SECTION 6.** 348.27 (9) (a) 3. (intro.) and a. of the statutes, as created by 2013
13 Wisconsin Act 20, ^{is} repealed.

14 **SECTION 7.** 348.27 (9) (a) 3. b., c., d. and e. of the statutes, as created by 2013
15 Wisconsin Act 20, are renumbered 348.27 (9) (a) 1. e., f., g. and h.

16 **SECTION 8.** 348.27 (9) (a) 3. f. of the statutes, as created by 2013 Wisconsin Act
17 20, is renumbered 348.27 (9) (a) 1. i. and amended to read:

18 348.27 (9) (a) ^{3. f.} 1. i. _e USH 8, from USH 45 to Ross Lake Road, in the town of
19 Caswell in Oneida and Forest counties the Wisconsin-Michigan border in Marinette
20 County to USH 45 in Oneida County.

21 **SECTION 9. Nonstatutory provisions.**

22 (1) EXCEPTION TO REVIEW BY THE DEPARTMENT OF TRANSPORTATION.
23 Notwithstanding section 13.096 (2) of the statutes, the department of transportation
24 shall not prepare a report on this bill under section 13.096 (2) and (3) of the statutes.

25 **SECTION 10. Initial applicability.**

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2884/2ins
ARG:.....

1

2

INSERT ANAL:

(no P) Current law defines "raw forest products" as logs, pilings, posts, poles, cordwood products, wood chips, sawdust, pulpwood, intermediary lumber, fuel wood and Christmas trees not altered by a manufacturing process off the land, sawmill or factory from which they are taken. ✓

This bill modifies operating authority for vehicles operating under a Michigan border permit in a way that standardizes certain requirements with respect to highway routes where a Michigan border permit is used. Under the bill, if a vehicle is operating on a route under items 2 to 4, above, the Michigan border permit authorizes the transportation of raw forest products, lumber, and forestry biomass. The bill also eliminates the requirement under item 2, above, that the vehicle travel between this state and Michigan. The bill adds an additional requirement for items 1 and 3, above, that the vehicle being operated not violate Michigan law. The bill allows a vehicle operating under a Michigan border permit as provided in item 4, above, to operate on additional segments of USH 8. The bill also specifies that a vehicle operated under a Michigan border permit on any route under items 1 to 4, above, may operate unladen on any of these routes when returning from the delivery of a load or when traveling to or from a point of fueling, servicing, or purchase or sale of the vehicle. →

3

4

INSERT 1-1:

5

SECTION 1. 348.27 (9) (a) 1. (intro.) and a. of the statutes are amended to read: ✓

6

348.27 (9) (a) 1. (intro.) The department may issue annual or consecutive

7

month permits, for the transportation of loads on a vehicle or combination of vehicles

8

of loads exceeding statutory length or weight limitations and for the unladen

9

operation of such vehicles returning from the delivery of a load or operating to or from

10

a point of fueling, servicing, or purchase or sale of the vehicle, that authorize all of

11

the following:

1 a. The transportation of loads over any class of highway for a distance not to
2 exceed 11 miles from the Michigan-Wisconsin state line if the vehicle or combination
3 of vehicles does not violate length or weight limitations under Michigan law.

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; 2011 a. 20, 32, 53, 55, 56, 58, 59, 117, 243; 2013 a. 20, 34; s. 13.92 (1) (bm) 2., (2) (i).

4
5 **SECTION 2.** 348.27 (9) (a) 1. b. of the statutes, as affected by 2013 Wisconsin Act

6 34, is amended to read:

7 348.27 (9) (a) 1. b. The transportation of ~~exclusively peeled or unpeeled forest~~
8 ~~products cut crosswise, wood chips, or raw forest products, lumber, or forestry~~
9 biomass anywhere upon USH 2 in Iron County, Florence County, or Ashland County
10 or upon USH 2 in Bayfield County from the Ashland County line through Hart Lake
11 Road if the vehicle or combination of vehicles is ~~traveling between this state and~~
12 ~~Michigan and~~ does not violate length or weight limitations under Michigan law.

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; 2011 a. 20, 32, 53, 55, 56, 58, 59, 117, 243; 2013 a. 20, 34; s. 13.92 (1) (bm) 2., (2) (i).

13 **INSERT 3-10:**

14 **SECTION 3.** 348.27 (9) (a) 1. d. of the statutes, as created by 2013 Wisconsin Act

15 20, is amended to read:

16 348.27 (9) (a) 1. d. The transportation of raw forest products ~~or~~, lumber, or
17 forestry biomass on any highway route specified in subd. 3. if the vehicle or
18 combination of vehicles does not violate length or weight limitations under Michigan
19 law.

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; 2011 a. 20, 32, 53, 55, 56, 58, 59, 117, 243; 2013 a. 20, 34; s. 13.92 (1) (bm) 2., (2) (i).

20

21

1 **INSERT 3-16:**

2 **SECTION 4.** 348.27 (9) (a) 3. f. of the statutes, as created by 2013 Wisconsin Act

3 20, is amended to read:



Rose, Stefanie

From: Fiocchi, Tim
Sent: Thursday, August 29, 2013 2:03 PM
To: LRB.Legal
Subject: Draft Review: LRB -2884/2 Topic: Michigan border permits

Please Jacket LRB -2884/2 for the SENATE.