

## 2013 DRAFTING REQUEST

### Bill

Received: **8/26/2013** 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** Addl. Drafters:  
**Transportation - traffic laws** Extra Copies: **EVM**

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

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### Pre Topic:

No specific pre topic given

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### Topic:

Overhang for vehicles transporting pipes and poles

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### 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 8/26/2013			_____			
/P1	agary 9/10/2013	scalvin 9/5/2013	jfrantze 9/5/2013	_____	mbarman 9/5/2013		
/1		scalvin 9/10/2013	jmurphy 9/10/2013	_____	lparisi 9/10/2013	lparisi 9/10/2013	

FE Sent For:

↳ Not  
Needed

<END>

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/1		scalvin 9/10/2013	jmurphy 9/10/2013	_____	lparisi 9/10/2013		

FE Sent For:

**<END>**

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/?	agary 8/26/2013			_____			
/P1		scalvin 9/5/2013	jfrantze 9/5/2013	_____	mbarman 9/5/2013		
FE Sent For:		<i>11 sac</i> <i>09/10/2013</i>	<i>jm</i> <i>9/10</i>	<i>jm</i> <i>9/10</i>			

<END>

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/?	agary	1/Pl sac 09/05/2013		9/5			

FE Sent For:

<END>

## Gary, Aaron

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**From:** Fiocchi, Tim  
**Sent:** Wednesday, August 14, 2013 4:21 PM  
**To:** Gary, Aaron  
**Cc:** Tim Clay (Tim.Clay@cooperativenetwork.coop); Beata.Kalies@cooperativenetwork.coop  
**Subject:** Draft Request - pole and pipe  
**Attachments:** truckWithPoles.jpg; pole truck picture2.jpg; Pole truck picture.JPG

Hi Aaron,

I'm sorry I'm just piling stuff on you this week but it took a long time to get feedback on this. I need to draft a trailer bill to 2011 Act 53, the pole and pipe bill.

In brief we need to allow for up to a 10 foot overhang over the front bumper of the vehicle and up to a 6 inch overhang over the right side of the vehicle (total 9 foot width) to accommodate what had been allowed under the old permit. I'm hoping this will be a simple draft, but if you need more information please contact me or Tim Clay (copied above).

Thank you,

Tim

----- Original message -----

**From:** "Ausloos, Brian - DOT" <brian.ausloos@dot.wi.gov>  
**Date:** 08/03/2013 8:41 AM (GMT-06:00)  
**To:** "Krieser, Steve - DOT" <Steve.Krieser@dot.wi.gov>  
**Cc:** "Pabst, David - DOT" <David.Pabst@dot.wi.gov>, "Klingenberg, Michael - DOT" <Michael.Klingenberg@dot.wi.gov>, "Bernander, Paul - DOT" <paul.bernander@dot.wi.gov>, "Nichols, Kathleen - DOT" <Kathleen.Nichols@dot.wi.gov>  
**Subject:** FW: Transportation of telephone poles.

Steven,

After requesting, and receiving, this information from the cooperative network I discussed this with Lt. Klingenberg. We both agree that industry has provided enough justification to warrant a statutory change to address the concerns they have identified. However, we both feel this needs to be specifically referred to in statute. I have included this in the email below. It was my understanding this had been communicated to you, I apologize for the delay.

DSP supports what Paul Bernander earlier suggested:

And I'd say we are open to considering reinstating the 10' overhang, perhaps measured from the bumper, regardless of a support constructed forward of the bumper,

DSP supports the allowance of 6 inches on the right side of the vehicle which interprets to allow the vehicle and pole to be at an overall width of 9 feet.

Lt. Ausloos

---

**From:** Tim Clay [<mailto:Tim.Clay@cooperativenetwork.coop>]  
**Sent:** Wednesday, July 24, 2013 4:53 PM  
**To:** Ausloos, Brian - DOT  
**Cc:** Share Brandt  
**Subject:** RE: Transportation of telephone poles.

Lt. Ausloos,

Thank you for your questions. Here are a few pictures that better capture the issues of concern. There are a couple of factors that could affect whether the frontal projection exceeds 3 feet or a right-side projection beyond 6 inches. Principally, the variability among pole trucks manufacturers' designs will have the greatest impact. As an example, if the pole bunks are engineered to be closer to center, then it is unlikely that there will be a side projection issue. However, some pole truck designs include a side-saddle pole bunk configuration that might create a right-side projection concern. The length of a chassis relative to the pole and the positioning of the pole bunk will have a direct effect on the frontal projection. There is enough variability in utility truck design that some trucks will not be able to properly balance their load unless they can have a frontal projection in excess of three feet. These trucks had been operating under the former pole permit for decades, which provided an exclusion to exceed the 3' maximum frontal provision for load balancing. Unfortunately, we believe the load balancing exclusion was unintentionally lost when the statutes were changed to eliminate pole permits, and now there are a number of trucks that can't be used as they had been previously.

It is a common practice to use a trailer to move larger poles, especially those used for electric transmission work. These are significantly larger poles and the rights-of-ways generally provide much greater access and the ability to maneuver a vehicle within them. Utilities also use trailers to move smaller poles, but there are many situations where this is not practical or possible.

Our members do transport poles on trucks frequently to move smaller poles primarily used for electric distribution/telecommunications work. This is especially true in rural areas where there are many right-of-ways that do not parallel a public roadway. These rights-of-ways often provide little room for maneuvering a truck let alone a truck with a trailer. Moreover, forested rights-of-ways are often nearly impassible after wind storm or ice storms as one picture shows. Further, working in construction zones with lane or other traffic restrictions can also make trailering poles impractical, especially on town roads. This practice isn't unique to rural areas, as I understand that municipal utilities also transport poles in this fashion and a few weeks ago, I saw a MG& E truck with a pole on my way to work.

Please let me know if there is additional information that I can provide. Please feel free to give me a call if you have further questions.

**Tim Clay**

Director of Environmental & Regulatory Services | Cooperative Network  
1 S. Pinckney Street, Suite 810 | Madison, WI 53703  
608.258.4384 | f: 608.258.4407 | [cooperativenetwork.coop](http://cooperativenetwork.coop)  
[tim.clay@cooperativenetwork.coop](mailto:tim.clay@cooperativenetwork.coop)



## Gary, Aaron

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**From:** Tim Clay <Tim.Clay@cooperativenetwork.coop>  
**Sent:** Friday, March 15, 2013 3:07 PM  
**To:** Fiocchi, Tim  
**Cc:** Beata Kalies; Share Brandt  
**Subject:** pole permit issue  
**Attachments:** Pole truck picture.bmp; Pole truck picture.JPG

Hi Tim,

Thank you for discussing the utility pole length issue with me on Wednesday. As promised, I have attached two pictures in reference to how many utilities transport smaller poles for telecommunications and electric distribution service. The issue is with two sections of Wis. Stats. 348.09 (1), which deals with side-load projections and Wis. Stats. 348.10 (1) which limits the frontal projection to no more than three feet.

As we discussed on Wednesday, the pole permit that the Department had issued in the past allowed for exclusions for both of these provisions. Specifically, the Department of Transportation Pole and Pipe Permit (Trans 257) provided an exemption from these requirements which stated:

"Trans 257.08(4) A load transported under a permit may not extend beyond the front of the power unit, beyond the left fender line of the transporting vehicle, or more than 6 inches beyond the right fender of the transporting vehicle, unless the overhang is minimized by suitable positioning of the load upon the vehicle."

We believe that this exclusion was unintentionally lost with the changes made by 2011 Act 53. There are a few things that may be relevant in considering changes to current law:

- 1) Most utilities, including cooperatives do commonly transport poles of lengths less than 60 feet on motor vehicles within a pole bunk designed for such purpose.
- 2) Sometimes the pole may need to extend beyond 3 feet to the front of the motor vehicle to properly balance the load or to prevent the pole from dragging on the ground to the rear of the vehicle.
- 3) Sometimes a pole transported on a pole bunk, may extend more than 6" beyond the right fender.
- 3) The pole and pipe permit Trans 257 has allowed an exemption from the frontal and slide-load provisions for many years.
- 4) A legislative technical correction is needed, and would need to provide an exclusion from 348.09(1) and 348.10 (1).

Sections 348.09 (1) and 348.10(1) could include exclusions that say something similar to:

"except if allowed under 348.07(2)(k) and the overhang is limited by suitable positioning of the load or for balancing the load upon the motor vehicle, and the pole(s) are transported on a motor vehicle designed to carry such a load."

I would guess that the above language isn't exactly what it would be, but we believe the intent is to recognize that pole loads will sometimes need to extend more than three feet beyond the front of the truck or more than 6 inches from the right fender as the pole permit had anticipated. This language would also limit the exemption to only those motor vehicles that are designed to carry poles in this way. We would hate to see this exclusion misused for safety reasons. I would be happy to run the final language by our folks to assure that it is consistent with the intent of the former pole permit requirements and represents current industry practice. I would be

happy to discuss this issue further. If you have any questions, please do not hesitate to contact me. Have a great weekend!

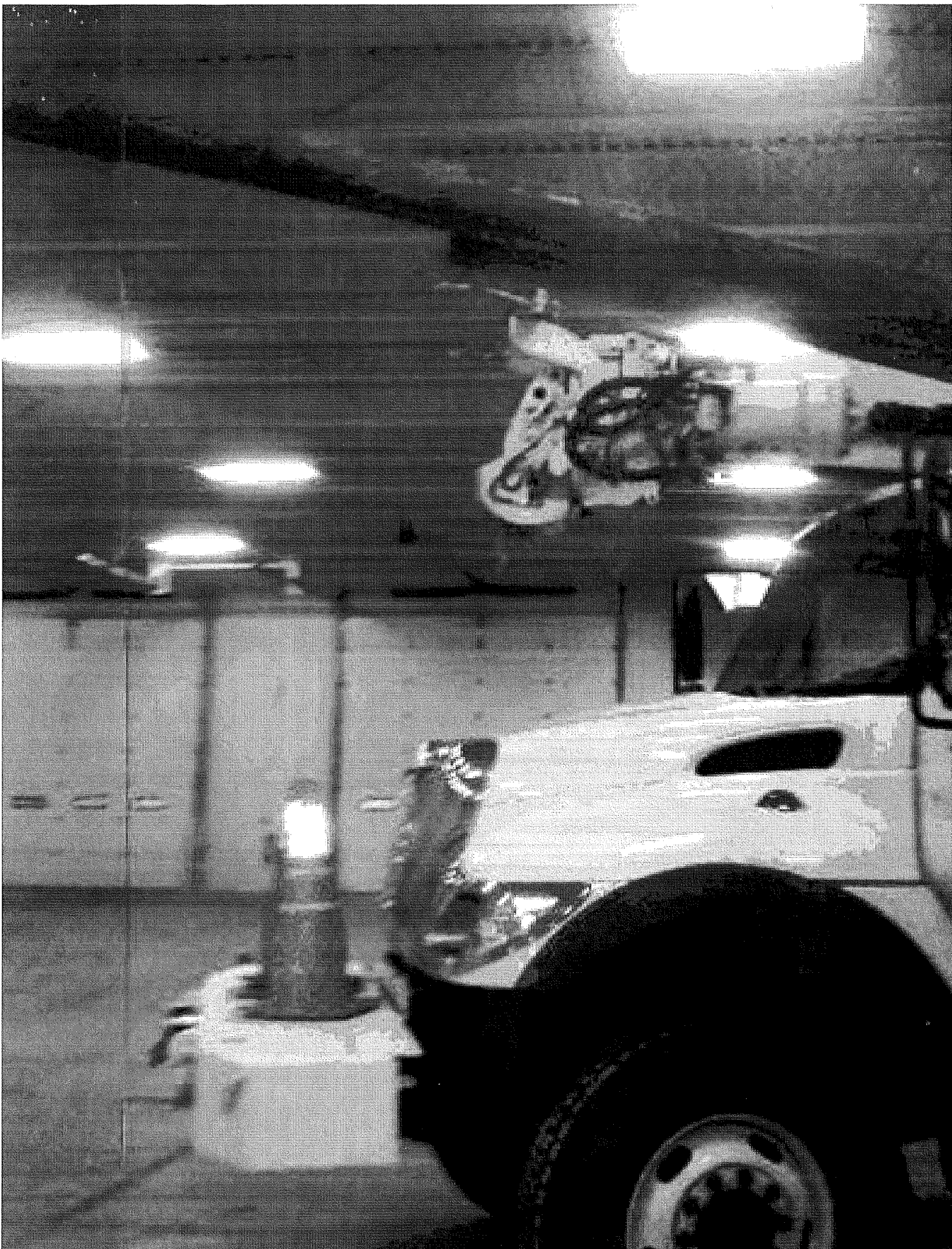
**Tim Clay**

Director of Environmental & Regulatory Services | Cooperative Network

1 S. Pinckney Street, Suite 810 | Madison, WI 53703

608.258.4384 | f: 608.258.4407 | [cooperativenetwork.coop](http://cooperativenetwork.coop)

[tim.clay@cooperativenetwork.coop](mailto:tim.clay@cooperativenetwork.coop)





## Gary, Aaron

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**From:** Fiocchi, Tim  
**Sent:** Tuesday, August 27, 2013 9:49 AM  
**To:** Gary, Aaron  
**Cc:** Tim Clay (Tim.Clay@cooperativenetwork.coop)  
**Subject:** RE: Draft Request - pole and pipe

Hi Aaron,

I was under the impression that the 6" allowance was conditioned on receipt of the permit, but this appears to cover it.

Thank you,

Tim

*348.09(1)*

*(1) No person, without a permit therefor, may operate on a highway any motor vehicle, trailer or semitrailer carrying any load extending beyond the fender line on the left side or extending more than 6 inches beyond the fender line on the right side of the vehicle.*

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**From:** Gary, Aaron  
**Sent:** Monday, August 26, 2013 8:44 PM  
**To:** Fiocchi, Tim  
**Subject:** RE: Draft Request - pole and pipe

Hi Tim,

It appears to me that current law already allows a right side overhang of up to 6 inches. See s. 348.09 (1). Am I missing something? Unless I hear further from you, I will limit this draft to the 10' front overhang part.

Thanks. Aaron

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

---

**From:** Fiocchi, Tim  
**Sent:** Wednesday, August 14, 2013 4:21 PM  
**To:** Gary, Aaron  
**Cc:** Tim Clay (Tim.Clay@cooperativenetwork.coop); Beata.Kalies@cooperativenetwork.coop  
**Subject:** Draft Request - pole and pipe

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In brief we need to allow for up to a 10 foot overhang over the front bumper of the vehicle and up to a 6 inch overhang over the right side of the vehicle (total 9 foot width) to accommodate what had been allowed under the old permit. I'm hoping this will be a simple draft, but if you need more information please contact me or Tim Clay (copied above).



in  
8/26



LRB-2991/P1  
ARG:/:.....  
see

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

PB

1 AN ACT <sup>gen cat</sup> ...; relating to: frontward projecting loads on vehicles carrying poles,  
2 pipe, girders, and similar materials.

***Analysis by the Legislative Reference Bureau***

Under current law, no person may operate on a highway any single vehicle with an overall length in excess of 45 feet or any combination of two vehicles with an overall length in excess of 70 feet, unless an exception applies or the person has a permit to exceed these lengths. Under one exception, a person may operate, without a permit, a single vehicle with an overall length not exceeding 60 feet, and a two-vehicle combination with an overall length not exceeding 120 feet, if the vehicle or vehicle combination is used by a pipeline company or operator, public service corporation, municipal utility, or cooperative association (collectively a "utility"), or by a motor carrier operating under contract with a utility, for transportation of poles, pipe, girders, and similar materials.

Also under current law, with limited exceptions, no person may operate on a highway, without a permit, any vehicle or vehicle combination carrying a load extending more than three feet beyond the front of the vehicle.

This bill allows a vehicle or vehicle combination used by a utility, or by a motor carrier operating under contract with a utility, for transportation of poles, pipe, girders, and similar materials to carry a load extending not more than ten feet beyond the front bumper of the vehicle or foremost vehicle in the vehicle combination.

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

✕

1           **SECTION 1.** 348.07 (2) (k) of the statutes is amended to read:

2           348.07 (2) (k) Sixty feet for a single vehicle, and 120 feet for a 2-vehicle  
3 combination, used by a pipeline company or operator, public service corporation,  
4 municipal utility, or cooperative association described in s. 196.01 (5) (b) 1., or by a  
5 motor carrier operating under contract with a pipeline company or operator, public  
6 service corporation, municipal utility, or cooperative association described in s.  
7 196.01 (5) (b) 1., for transportation of poles, pipe, girders and similar materials. A  
8 vehicle or vehicle combination described in this paragraph may, in addition to the  
9 vehicle length specified in this paragraph, carry a load extending not more than 10  
10 feet beyond the front bumper of the vehicle or foremost vehicle in the vehicle  
11 combination.

12 **Cross-reference:** **Cross-reference:** **Cross-reference:** See also ch. Trans 257, Wis. adm. code. **Cross-reference:**  
13 **History:** 1975 c. 279; 1977 c. 29 ss. 1487g to 1487m; 1977 s. 1654 (9) (b); 1977 c. 418; 1979 c. 255; 1981 c. 159, 176; 1983 a. 20, 78, 192; 1985 a. 165, 187; 1987 a. 30; 1991 a.  
39, 72; 1995 a. 193; 1997 a. 27; 1999 a. 85, 186; 2003 a. 213, 234; 2005 a. 363, 365; 2007 a. 11, 93; 2011 a. 53, s. 2.; 2011 a. 54, 243.

13           **SECTION 2.** 348.10 (1) of the statutes is amended to read:

14           348.10 (1) No person, without a permit therefor, may operate on a highway any  
15 vehicle or combination of vehicles with any load thereon extending more than 3 feet  
16 beyond the front of the foremost vehicle, except as provided in s. 348.07 (2) (j) and (k),  
17 and except that a vehicle carrying another vehicle equipped with a crane or boom  
18 which extends more than 3 feet beyond the front of the foremost vehicle may be  
19 operated without permit if the total length of the vehicle or combination of vehicles,  
20 measuring from the end of the foremost projection of the load to the rear of the  
21 rearmost vehicle, does not exceed statutory length limitations.

22 **History:** 1983 a. 78; 1983 a. 192 s. 304; 1985 a. 161; 1991 a. 249; 1993 a. 401; 2007 a. 11.

22           **SECTION 3. Initial applicability.**





## Gary, Aaron

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**From:** Fiocchi, Tim  
**Sent:** Monday, September 09, 2013 11:48 AM  
**To:** Gary, Aaron  
**Cc:** Beata Kalies; Tim Clay  
**Subject:** RE: Preliminary Draft  
**Attachments:** 13-2991\_P1.pdf

Aaron,

We need one change to this draft. Apparently the trucks designed for this purpose are built to the 8'6" width standard and allowing for the 6" overhang takes the actual width of the loaded truck to 9'. I believe this will be the only change so if you could please send over /1 draft that allows for a max width of 9'.

Thank you,

Tim

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**From:** Tim Clay [<mailto:Tim.Clay@cooperativenetwork.coop>]  
**Sent:** Monday, September 09, 2013 10:51 AM  
**To:** Fiocchi, Tim  
**Cc:** Beata Kalies  
**Subject:** RE: Preliminary Draft

Hi Tim.

Thanks for sharing the draft. Beata and I have reviewed it. One issue that we have further clarified is the issue of width as it relates to the six inch overhang. Per the email from Lt. Ausloos you sent me (see below), it would be helpful to include a provision that would allow the maximum width to be no greater than 9 feet, which would include the 6" right side over hang that is currently allowed. S. 348.05(1) currently limits the maximum width to 8 feet 6 inches, so this section of the statues would also have to be changed and would be consistent with State Patrol's recommendation.

I was at a meeting of the electric co-ops last Thursday and Friday and they are fine with the 10 feet frontal allowance as drafted. Please give me a call on my cell phone if you have any questions. That number is 576-6864. Thanks again for Senator Petrowski's and your work on this important issue. It is truly appreciated.

Tim Clay  
Cooperative Network  
(608) 576-6864 (cell)  
(608) 258-4384 (office)

----- Original message -----

**From:** "Ausloos, Brian - DOT" <[brian.ausloos@dot.wi.gov](mailto:brian.ausloos@dot.wi.gov)>  
**Date:** 08/03/2013 8:41 AM (GMT-06:00)  
**To:** "Krieser, Steve - DOT" <[Steve.Krieser@dot.wi.gov](mailto:Steve.Krieser@dot.wi.gov)>  
**Cc:** "Pabst, David - DOT" <[David.Pabst@dot.wi.gov](mailto:David.Pabst@dot.wi.gov)>, "Klingenberg, Michael - DOT" <[Michael.Klingenberg@dot.wi.gov](mailto:Michael.Klingenberg@dot.wi.gov)>, "Bernander, Paul - DOT" <[paul.bernander@dot.wi.gov](mailto:paul.bernander@dot.wi.gov)>, "Nichols, Kathleen - DOT" <[Kathleen.Nichols@dot.wi.gov](mailto:Kathleen.Nichols@dot.wi.gov)>  
**Subject:** FW: Transportation of telephone poles.

Steven,

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DSP supports what Paul Bernander earlier suggested:

And I'd say we are open to considering reinstating the 10' overhang, perhaps measured from the bumper, regardless of a support constructed forward of the bumper,

DSP supports the allowance of 6 inches on the right side of the vehicle which interprets to allow the vehicle and pole to be at an overall width of 9 feet.

Lt. Ausloos

---

**From:** Fiocchi, Tim [<mailto:Tim.Fiocchi@legis.wisconsin.gov>]  
**Sent:** Thursday, September 05, 2013 3:14 PM  
**To:** Tim Clay  
**Subject:** Preliminary Draft

Tim,

We just received the attached draft. I haven't been able to review it yet but thought I'd pass it along right away. Let me know what you think.

Thanks,

Tim

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



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2991/D1 1  
ARG:sac:jf

wanted  
by 9/17

in  
9/10

RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

insert 1-1

gen cab

1 AN ACT to amend 348.07 (2) (k) and 348.10 (1) of the statutes; relating to:  
2 ~~frontward~~ projecting loads on vehicles carrying poles, pipe, girders, and similar  
3 materials.

insert ANAL-A

**Analysis by the Legislative Reference Bureau**

~~Under current law, no person may operate on a highway any single vehicle with an overall length in excess of 45 feet or any combination of two vehicles with an overall length in excess of 70 feet, unless an exception applies or the person has a permit to exceed these lengths.~~ Under one exception, a person may operate, without a permit, a single vehicle with an overall length not exceeding 60 feet, and a two-vehicle combination with an overall length not exceeding 120 feet, if the vehicle or vehicle combination is used by a pipeline company or operator, public service corporation, municipal utility, or cooperative association (collectively a "utility"), or by a motor carrier operating under contract with a utility, for transportation of poles, pipe, girders, and similar materials.

Also under current law, with limited exceptions, no person may operate on a highway, without a permit, any vehicle or vehicle combination carrying a load extending more than three feet beyond the front of the vehicle.

This bill allows a vehicle or vehicle combination used by a utility, or by a motor carrier operating under contract with a utility, for transportation of poles, pipe,

insert ANAL - B

girders, and similar materials, <sup>to</sup> carry a load extending not more than ten feet beyond the front bumper of the vehicle or foremost vehicle in the vehicle combination.

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

insert 2-1

1           **SECTION 1.** 348.07 (2) (k) of the statutes is amended to read:

2           348.07 (2) (k) Sixty feet for a single vehicle, and 120 feet for a 2-vehicle  
3 combination, used by a pipeline company or operator, public service corporation,  
4 municipal utility, or cooperative association described in s. 196.01 (5) (b) 1., or by a  
5 motor carrier operating under contract with a pipeline company or operator, public  
6 service corporation, municipal utility, or cooperative association described in s.  
7 196.01 (5) (b) 1., for transportation of poles, pipe, girders and similar materials. A  
8 vehicle or vehicle combination described in this paragraph may, in addition to the  
9 vehicle length specified in this paragraph, carry a load extending not more than 10  
10 feet beyond the front bumper of the vehicle or foremost vehicle in the vehicle  
11 combination.

12           **SECTION 2.** 348.10 (1) of the statutes is amended to read:

13           348.10 (1) No person, without a permit therefor, may operate on a highway any  
14 vehicle or combination of vehicles with any load thereon extending more than 3 feet  
15 beyond the front of the foremost vehicle, except as provided in s. 348.07 (2) (j) and (k),  
16 and except that a vehicle carrying another vehicle equipped with a crane or boom  
17 which extends more than 3 feet beyond the front of the foremost vehicle may be  
18 operated without permit if the total length of the vehicle or combination of vehicles,  
19 measuring from the end of the foremost projection of the load to the rear of the  
20 rearmost vehicle, does not exceed statutory length limitations.

21           **SECTION 3. Initial applicability.**



2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2991/lins  
ARG:.....

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**INSERT 1-1:**

(no P) the maximum width of, and

**INSERT ANAL-A:**

Under current law, no person may operate on a highway any vehicle or combination of vehicles that exceeds certain statutory limits on size, weight, or load unless an exception applies or the person possesses a permit issued by the Department of Transportation or local highway authorities. Current law generally prohibits a person from operating on a highway, without a permit, any vehicle having a total outside width in excess of eight feet six inches. Current law also generally prohibits a person from operating

**INSERT ANAL-B:**

(no P)  
2)  
↑  
to, without a permit: 1) have a total outside width not exceeding nine feet; and

**INSERT 2-1:**

**SECTION 1.** 348.05 (2) (m) of the statutes is created to read:

348.05 (2) (m) Nine feet for a vehicle or vehicle combination used by a pipeline company or operator, public service corporation, municipal utility, or cooperative association described in s. 196.01 (5) (b) 1., or by a motor carrier operating under contract with a pipeline company or operator, public service corporation, municipal utility, or cooperative association described in s. 196.01 (5) (b) 1., for transportation of poles, pipe, girders and similar materials.

**Parisi, Lori**

---

**From:** Fiocchi, Tim  
**Sent:** Tuesday, September 10, 2013 4:32 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2991/1 Topic: Overhang for vehicles transporting pipes and poles

Please Jacket LRB -2991/1 for the SENATE.