State

2015 DRAFTING REQUEST

Bill								
Received	9/5/2014	9/5/2014		Received By:	emueller			
For:	Jerry Pet	Jerry Petrowski (608) 266-25		Same as LRB:	-3463			
May Con	itact:			By/Representing:	By/Representing: John Etzler			
Subject:	-	tation - other		Drafter:	emueller			
	1 ranspor	tation - traffic la	WS	Addl. Drafters:				
				Extra Copies:				
Requeste	Submit via email: Requester's email: Carbon copy (CC) to: Sen.Petrowski@legis.wisconsin.gov eric.mueller@legis.wisconsin.gov zachary.wyatt@legis.wisconsin.gov aaron.gary@legis.wisconsin.gov							
Pre Top	ic:							
No speci	fic pre topic give	en						
Topic:								
Escort of	radiological ma	terials transport (NB 2015-3)					
Instruct	ions:							
See attac	hed.							
Drafting	g History:							
Vers.	Drafted	Reviewed	Proofed	Submitted	Jacketed	<u>Required</u>		
/?	emueller 10/7/2014							
/P1	emueller 2/10/2015	rschluet 10/20/2014		sbasford 10/20/2014		State		

sbasford

/P2

emueller

rschluet

Vers.	<u>Drafted</u> 10/1/2015	<u>Reviewed</u> 2/16/2015	Proofed	<u>Submitted</u> 2/16/2015	<u>Jacketed</u>	Required
/1	emueller 10/2/2015	kfollett 10/1/2015		lparisi 10/1/2015	mbarman 10/2/2015	State
/2		kfollett 10/2/2015		lparisi 10/2/2015	srose 10/2/2015	State

<**END>**

2015 DRAFTING REQUEST

Bill

Receiv	ved:	9/5/2014			(")	Received By:	emueller	
Wante	ed:	As time perm	nits	Con X	0,	Same as LRB:		
For:		Transportati	on (orios ex		By/Representing:	John Etzler	
May C	Contact:					Drafter:	emueller	
Subjec		Transportati				Addl. Drafters:		
		Transportati	on - trai	ffic laws		Extra Copies:	ARG, ZDW	
Reque	it via ema ester's em n copy (0	ail:		had@dot.wi.ş ueller@legis.v	_	.gov	6	
Pre To	opic:							
No spe	ecific pre	topic given						
Topic								
Escort	t of radio	logical materi	als trans	port (NB 2015	5-3)			
Instru	ections:			· · · · · · · · · · · · · · · · · · ·	, , ,			
See at	tached.							
Drafti	ing Histo	ory:						
Vers.	Drafted	<u>Revi</u>	<u>ewed</u>	Typed	Proofed	Submitted	<u>Jacketed</u>	Required
/?	emuelle 10/7/20				-	_		
/P1	emuelle 2/10/20	•	kson 0/2014	rschluet 10/20/2014		sbasford 10/20/2014		State
/P2			kson	rschluet		_ sbasford		State

FE Sent For:

<**END>**



LEGISLATIVE BUDGET/NON-BUDGET PROPOSAL

Wisconsin Department of Transportation DT1586 6/2014 (see DT1605)

Instructions: Complete this form for any budget/non-budget legislative initiative for which a Division requests the Secretary's Office (SO) approval. Check the budget box only if the proposal has a fiscal impact on department expenditures or revenue. This form must be signed by the Division Administrator(s).

Include this form with your budget submittal materials or return one completed copy to:

Office of Policy, Budget & Finance (OPBF), Attention: Paul Hammer.

Forms are available at	: http://dotn	<u>et/forms/authorized.htm</u>	ļ .	
Short Title of Topic				
Escort of radiological r	naterials tra	nsport		
Type of Proposal ☐ Budget ☑ Non-Budget		OGC OFFICE USE ONLY T" Number Assigned	"B" Number Assigned	"NB" Number Assigned 2015-3
Date Submitted	Division	(s)		
6/20/2014	State F	• *		
OPBF Contact Person John Swissler	, , , , , , , , , , , , , , , , , , , 			(Area Code) Telephone Number (608) 266-0349
Lead Division Contact Perso Lieutenant Paul Wolfe	on			(Area Code) Telephone Number (608) 268-8121
OGC Contact Person Paul Nilsen				(Area Code) Telephone Number (608) 267-4590
Stat. Ch. 348 are comp	plied with. A should be tra	s part of Wisconsin's ra ansported only with Stat	diological emergency prepa	and weight restrictions under Wis. aredness management, certain
Create a requirement i	n Wis. Stat.	348.10 that requires a ntrolled quanity" of radio	carrier to secure State Patro ological materials, as define	ol escort, for travel on all Wisconsined under 49 CFR 173.403
transporting these mat	erials, a Sta	ite Patrol escort would f	s is increasing. In the event acilitate rapid response and larger radiological emergen	of an incident involving a vehicle I incident management. This cy preparedness
Describe any Legislative His Wis. Stat. 348.10, 49 C				
	_>	Κ		
		(Division Administrator Sign	ature)	(Date)
	<u>)</u>	(Division Administrator Sign	ature)	(Date)
	<u>></u>	(
		(Division Administrator Sign	ature)	(Date)



1

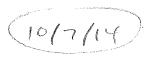
2

State of Misconsin 2015 - 2016 LEGISLATURE



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION







AN ACT ...; relating to: transport of radiological materials.

Analysis by the Legislative Reference Bureau

Current law provides certain requirements related the loads carried by vehicles or combinations of vehicles on a highway. Among these requirements, no person may operate a vehicle on a highway unless the vehicle is so constructed and loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle. A person who violates this provision may be required to forfeit not less than \$10 nor more than \$200.

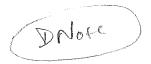
Under this bill, no person may operate on a highway any motor vehicle, trailer, or semi@trailer carrying a highway route controlled quantity of radiological materials unless the vehicle, trailer, or semi@trailer is escorted by the state traffic patrol. A person who violates this provision may be required to forfeit not less than \$10 nor more than \$200.

For further information see the **state** 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:

- **Section 1.** 348.01 (2) (bd) of the statutes is created to read:
- 3 348.01 (2) (bd) "Highway route controlled quantity" has the meaning given in
- 4 49 CFR 173.403.

1	Section 2. 348.10 (6) of the statutes is created to read:
2	348.10 (6) No person may operate on a highway any motor vehicle, trailer, or
3	semi trailer carrying a highway route controlled quantity of radiological materials
4	unless the vehicle, trailer, or semietrailer is escorted by the state traffic patrol.
5	(END)



DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-0043/P1dn EVM:.f.:... WLj



ATTN: John Etzler

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

- 1. The quantity of radiological material that triggers the escort requirement under this draft is set by cross-reference to 49 CFR 173.403. Please let me know if this does not meet your intent.
- 2. Because this prohibition is placed in s. 348.10, the penalty for a violation is under s. 349.11. Please let me know if this is not what you intend.
- 3. Do you want a fee provision similar to s. 348.26 (2)? If not, is an appropriation necessary?
- 4. Do you want a delayed effective date?

Please let me know if you would like any changes made to the attached draft or if you have any questions.

Eric V. Mueller Legislative Attorney (608) 261–7032 eric.mueller@legis.wisconsin.gov

& Stats

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-0043/P1dn EVM:wlj:rs

October 20, 2014

ATTN: John Etzler

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

- 1. The quantity of radiological material that triggers the escort requirement under this draft is set by cross-reference to 49 CFR 173.403. Please let me know if this does not meet your intent.
- 2. Because this prohibition is placed in s. 348.10, stats., the penalty for a violation is under s. 349.11, stats. Please let me know if this is not what you intend.
- 3. Do you want a fee provision similar to s. 348.26 (2), stats.? If not, is an appropriation necessary?
- 4. Do you want a delayed effective date?

Please let me know if you would like any changes made to the attached draft or if you have any questions.

Eric V. Mueller Legislative Attorney (608) 261–7032 eric.mueller@legis.wisconsin.gov



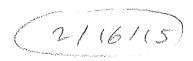
State of Misconsin 2015 - 2016 LEGISLATURE



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



2





1 AN ACT to create 348.01 (2) (bd) and 348.10 (6) of the statutes; relating to:

transport of radiological materials.

Analysis by the Legislative Reference Bureau

Current law provides certain requirements related to loads carried by vehicles or combinations of vehicles on a highway. Among these requirements, no person may operate a vehicle on a highway unless the vehicle is so constructed and loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle. A person who violates this provision may be required to forfeit not less than \$10 nor more than \$200.

Under this bill, no person may operate on a highway any motor vehicle, trailer, or semitrailer carrying a highway route controlled quantity of radiological materials/unless the vehicle, trailer, or semitrailer is escorted by the state traffic patrol. A person who violates this provision may be required to forfeit not less than \$10 nor more than \$200.

For further information see the *state* 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:

SECTION 1. 348.01 (2) (bd) of the statutes is created to read:

1	348.01 (2) (bd) "Highway route controlled quantity" has the meaning given in	
2	49 CFR 173.403.	
3	SECTION 2. 348.10 (6) of the statutes is created to read:	
(4)	348.10 (6) No person may operate on a highway any motor vehicle, trailer, or	
5	semitrailer carrying a highway route controlled quantity of radiological materials	
6	unless the vehicle, trailer, or semitrailer is escorted by the state traffic patrol	
7	(END)	,
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	2-6	it a cit or pas. (

(DN6+6)

2015–2016 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

1	INS-Analysis
2	without a permit issued by the Department of Transportation (DOT). A permit for the transport of radiological materials may be for a single trip or for multiple trips and must designate a route to be used by the permittee and must require an escort by the state traffic patrol.
3	by the state traine patroi.
4	INS 2–6
5	
6	(b) The department may issue single-trip or multiple-trip permits for the
7	transport of radiological materials under this subsection. A permit under this
8	paragraph shall include all of the following:
9	1. A designated route to be used by the permittee.
10	2. A requirement for an escort by the state traffic patrol.
11	(c) Applications for permits under par. (b) shall be made upon forms prescribed
12	by the department. The department may charge a fee for a permit under par. (b).
13	SECTION 1. 348.11 (1) of the statutes is amended to read:
14	348.11 (1) Any person violating s. 348.09 or 348.10, except s. 348.10 (6), may
15	be required to forfeit not less than \$10 nor more than \$200.
16	History: 1971 c. 278. SECTION 2. 348.11 (3) of the statutes is created to read:
17	348.11 (3) Any person violating s. 348.10 (6) may be required to forfeit not less
18	than \$200 nor more than \$500. \checkmark
19	Section 3. Effective date.
20	(1) This act takes effect on the 90th day after the day of publication.

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-0043/P2dn EVM:wlj;rs



ATTN: Jay Schad

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

- 1. Please review the permit provision in s. 348.10 (6) (b), as created in this draft. Each permit would be required to specify a route and require an escort. Presumably DOT would also be authorized to attach other conditions. Is there anything additional you would like to specify? Also, please note, the fee in this provision is attached to the permit, not specifically the escort, and the fee would presumably be directed to the transportation fund, not to a special traffic enforcement appropriation. Please let me know if you want any changes.
- 2. A permit under this draft may only be issued by DOT. Do you want to allow local authorities to issue these permits?
- 3. In this draft a violation of the permit requirement is a \$200 to \$500 forfeiture. Does this meet your intent?

Please let me know if you would like any changes made to the attached draft or if you have any questions.

Eric V. Mueller Legislative Attorney (608) 261–7032 eric.mueller@legis.wisconsin.gov

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-0043/P2dn EVM:wlj:rs

February 16, 2015

ATTN: Jay Schad

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

- 1. Please review the permit provision in s. 348.10 (6) (b), as created in this draft. Each permit would be required to specify a route and require an escort. Presumably DOT would also be authorized to attach other conditions. Is there anything additional you would like to specify? Also, please note, the fee in this provision is attached to the permit, not specifically the escort, and the fee would presumably be directed to the transportation fund, not to a special traffic enforcement appropriation. Please let me know if you want any changes.
- 2. A permit under this draft may be issued only by DOT. Do you want to allow local authorities to issue these permits?
- 3. In this draft, a violation of the permit requirement is a \$200 to \$500 forfeiture. Does this meet your intent?

Please let me know if you would like any changes made to the attached draft or if you have any questions.

Eric V. Mueller Legislative Attorney (608) 261–7032 eric.mueller@legis.wisconsin.gov

Mueller, Eric

From:

Schad, Jay - DOT <Jay.Schad@dot.wi.gov>

Sent:

Tuesday, January 20, 2015 9:11 AM

To:

Mueller, Eric

Cc:

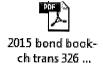
Yahn, Nate - DOT; Broyles, Martin H - DOT

Subject:

15-0043 DOT responses to drafter's note (2015-NB 3)

Hello -

- 1) Regarding the cross-reference to 49 CFR 173.403, that does meet our intent.
- 2) The penalty for a violation is under s. 348.11, Stats., not s. 349.11, Stats., as indicated in the notes. The penalties of not less than \$10 nor more than \$200 are too low. See the attached document for what may be an appropriate penalty. Penalties similar to those for Group 3 interstate and intrastate hazardous materials violations under ch. Trans 326 in the 2015 State of Wisconsin Revised State Traffic Deposit Schedule are more appropriate. Higher penalties are requested commensurate with the health hazards and risks associated with radiological materials. The transport of radiological materials if not done properly could have widespread health effects. The current range for interstate and intrastate hazardous materials violations is \$30-300, but we should be looking at \$200 as a minimum for radiological materials.
- 3) Having fee provisions similar to both single-trip permits as under s. 348.26 and multiple-trip permits under s. 348.27 would be a good idea. A key difference is that we would like the authority to specify routes on multiple-use permits, whereas multiple-use permits for the transport of hazardous materials currently are not route-specific. We need a provision that the department can specify routes because we will be locking them into a route with an escort. We will be communicating this route to emergency management administrators. Single-trip permits are already route-specific.
- 4) We would like a delayed effective date of 90 days after enactment.



Please let me know if you have any questions.

Thanks,

Jay

An \$8.00 truck driver education surcharge must be added for Circuit Court violations involving commercial motor vehicles under Chapters 346-348 or under administrative rules

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cies unuer Chap	the DOT pursuant to Chapters 346-348.			<u>JS/</u>	<u>JISS/</u>			
promuigated by	the DOT pursuant to onaptore of the city	<u>DEP</u>	<u>PS</u>	CLDS	<u>csss</u> b	<u>cc</u>	<u>Total</u> a	<u>DP</u>
TR326	Hazardous material transportation requirements (30-300)	100.00	26.00	23.00	89.50	25.00	263.50	
TR326	Interstate and Intrastate hazardous materials violations (30-300):		···					
	Group 1 No placards, non-spec cargo tank, internal valve, packaging, load securement, for-bidden items	150.00	39.00	23.00	89.50	25.00	326.50	
	Group 2 Instructions-flammable cryogenic fluid, documents-A and B explosives	100.00	26.00	23.00	89.50	25.00	263.50	
	Group 3 — Radioactive route plan, route plan A & B explosives, hazardous waste manifest, bulk packaging marking, cargo tank marking	200.00	52.00		89.50	25.00	389.50	-
TR330.06(1)	Violation of out-of-service order (50-200)	100.00	26.00	23.00	89.50	25.00	263.50	
TR330.10(1-32)	Motor bus equipment violations (50-200): 1st Violation	50.00	13.00	23.00	89.50	25.00	200.50	
	2nd and subsequent violations	100.00	26.00	23.00	89.50	25.00	263.50	
	NOTE: The point schedule also covers similar ord trative rules even though the language of the ordi	dinance vid nance or r	olations a rule may	and similar vary.	violations o	of departn	nental admi	inis-

a Municipal court cost totals are provided at the back of the book.

SECTION II - MISDEMEANOR TRAFFIC CRIMES

Bail in all criminal traffic cases shall be in accordance with the attached schedule and is a bail bond only. The amount is not to be considered as a recommended penalty. The defendant must appear in court on the return date on the citation. Section II is part of the Misdemeanor Bail Schedule.

BA	IL	BO	ND	POINT	ASSESS

CHAPTER 23 - A	ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES	BAIL BOND	POINT ASSESS.
23.33(4c)(a)1,2	Intoxicated operation of an ATV or UTV and who w/in 5 yrs. prior to the arrest for the current violation, or a local ordinance in conformity therewith, was convicted previously of intoxicated operation of an ATV or UTV, or the refusal law (300-1,100 and 5-day mandatory jail sentence to 6 mos.)	500.00	
	If total convictions for violations of ss. 23.33 (4c)(a)1 or 2 or (4p)(e) prior to the arrest for the current violation equals 3 or more w/in 5 yrs. (600-2,000 and 30-day mandatory jail sentence to 1 yr.)	300,00	
23.33 (4c)(b)	Causing Injury while under the influence of an intoxicant (300-2,000 and/or 30 days to 1 yr.)	500.00	
23.33 (4p)(e)	Refuse to take test, intoxicated ATV or LITV	500.00	
	Refuse to take test, intoxicated ATV or UTV operation and who w/in 5 yrs. prior to the arrest for the current violation, or a local ordinance in conformity therewith, was convicted previously of intoxicated operation of an ATV or UTV, or the refusal law (300-1,100 and 5-day mandatory jail sentence to 6 mos.)		
	If total convictions for violations of ss. 23.33 (4c) (a) 1 or 2 or (4p) (e) prior to the arrest for the current violation equals 3 or more w/in 5 yrs. (600-2,000 and 30-day mandatory jail sentence to 1 yr.)	500.00	
		500.00	

66

b An additional \$3.50 is added for violations in Milwaukee County returnable to circuit court.

Mueller, Eric

From:

Punches, Derek

Sent:

Thursday, October 01, 2015 3:29 PM

To: Cc: Mueller, Éric Portz, Elisabeth

Subject:

LRB-0043; Transport of Radiological Materials

Eric,

Our apologies for piling on the work today, but we will soon need Assembly and Senate jackets for LRB-0043, re: transport of radiological materials.

Let me know if you have any questions.

Best regards, Derek

Derek Punches Clerk, Senate Committee on Transportation and Veterans Affairs Office of Senator Jerry Petrowski 29th Senate District (608) 266-2502



1

2

State of Misconsin 2015 - 2016 LEGISLATURE

LRB-0043/P2) /\
EVM:wlj:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

This will limits the aperation on a highway of vehicles carrying radiological materials

(10/1/15)

AN ACT to amend 348.11 (1); and to create 348.01 (2) (bd), 348.10 (6) and 348.11

(3) of the statutes; relating to: transport of radiological materials.

Analysis by the Legislative Reference Bureau

Current law provides certain requirements related to loads carried by vehicles or combinations of vehicles on a highway. Among these requirements, no person may operate a vehicle on a highway unless the vehicle is so constructed and loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle. A person who violates this provision may be required to forfeit not less than \$10 nor more than \$200.

Under this bill, no person may operate on a highway any motor vehicle, trailer, or semitrailer carrying a highway route controlled quantity of radiological materials without a permit issued by the Department of Transportation. A permit for the transport of radiological materials may be for a single trip or for multiple trips and must designate a route to be used by the permittee and require an escort by the state traffic patrol. A person who violates this provision may be required to forfeit not less than \$200 nor more than \$500.

For further information see the *state* 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:

(END)

LRB-0043/P2

2015 - 2016 Legislature

23

Barman, Mike

From:

Punches, Derek

Sent:

Thursday, October 01, 2015 4:33 PM

To:

LRB.Legal

Subject:

Draft Review: LRB -0043/1

Please Jacket LRB -0043/1 for the SENATE.

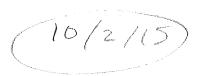


State of Misconsin 2015 - 2016 LEGISLATURE

LRB-0043(1) /2 EVM:wlj&kjf

2015 BILL





AN ACT to amend 348.11 (1); and to create 348.01 (2) (bb), 348.10 (6) and 348.11

(3) of the statutes; relating to: transport of radiological materials.

Analysis by the Legislative Reference Bureau

This bill limits the operation on a highway of vehicles carrying radiological materials.

Current law provides certain requirements related to loads carried by vehicles or combinations of vehicles on a highway. Among these requirements, no person may operate a vehicle on a highway unless the vehicle is so constructed and loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle. A person who violates this provision may be required to forfeit not less than \$10 nor more than \$200.

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For further information see the *state* 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:

BILL

1	Section 1. 348.01 (2) (bb) of the statutes is created to read:
2	348.01 (2) (bb) "Highway route controlled quantity" has the meaning given in
3	49 CFR 173.403.
4	SECTION 2. 348.10 (6) of the statutes is created to read:
5	348.10 (6) (a) No person may operate on a highway any motor vehicle, trailer,
6	or semitrailer carrying a highway route controlled quantity of radiological materials
7	without a permit under par. (b).
8	(b) The department may issue single-trip or multiple-trip permits for the
9	transport of radiological materials under this subsection. A permit under this
10	paragraph shall include all of the following:
11	1. A designated route to be used by the permittee.
12	2. A requirement for an escort by the state traffic patrol.
13	(c) Applications for permits under par. (b) shall be made on forms prescribed
14	by the department. The department may charge a fee for a permit under par. (b).
15	SECTION 3. 348.11 (1) of the statutes is amended to read:
16	348.11 (1) Any person violating s. 348.09 or 348.10, except s. 348.10 (6), may
17	be required to forfeit not less than \$10 nor more than \$200.
18	SECTION 4. 348.11 (3) of the statutes is created to read:
19	348.11 (3) Any person violating s. 348.10 (6) may be required to forfeit not less
20	than \$200 nor more than \$500.
21	Section 5. Effective date.
22	(1) This act takes effect on the 90th day after the day of publication.
23	(END)

Rose, Stefanie

From:

Punches, Derek

Sent:

Friday, October 02, 2015 12:33 PM

To:

LRB.Legal

Subject:

Draft Review: LRB -0043/2

Categories:

Red Category

Please Jacket LRB -0043/2 for the SENATE.