

2017 DRAFTING REQUEST

Bill

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By: Tim Secondary Drafters:
Date: 3/8/2017 May Contact:

Same as LRB:

Submit via email: YES
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Pre Topic:

No specific pre topic given

Topic:

Weight changes for natural gas-powered vehicles

Instructions:

See attached

Drafting History:

Table with 6 columns: Vers., Drafted, Reviewed, Submitted, Jacketed, Required. Includes handwritten notes 'per ZDW' and 'State S&L'.

FE Sent For:

<END>

Handwritten note: AT Intro.

Department of Transportation
2017-19 Biennial Budget Request
STATUTORY MODIFICATIONS

DIN: 5302

TOPIC: Weight Changes Involving Idle Reduction Technology and Natural Gas Powered Vehicles

DESCRIPTION OF CHANGE:

The Department requests two changes to truck weight allowances to harmonize state weight allowances with federal law changes that occurred in MAP 21 (Moving Ahead for Progress in the 21st Century) and the FAST Act (Fix American's Surface Transportation):

- Increase the truck weight exemption for idle reduction technology from 400 pounds to 550 pounds per axle (see s. 348.15(3)(f), Wis. Stats.)
- Create an allowance of up to 2,000 pounds, under specified circumstances, for the weight of equipment required for a vehicle to run on natural gas.

JUSTIFICATION:

Recent federal law changes have created or changed truck weight exemptions.

- Section 127(a)(12) of Title 23 of the United States Code (USC) established a weight allowance of 400 lbs. in axle and gross weight for idle reduction technology. Section 1510 of MAP 21 amends that section to increase the weight allowance for that idle reduction technology from 400 pounds to 550 pounds.
- The federal FAST Act added 23 USC 127(s) to create a weight exemption for vehicles primarily powered by natural gas.

FAST Act section 1410:

(s) NATURAL GAS VEHICLES.—A vehicle, if operated by an engine fueled primarily by natural gas, may exceed any vehicle weight limit (up to a maximum gross vehicle weight of 82,000 pounds) under this section by an amount that is equal to the difference between—

- (1) the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle;
- and
- (2) the weight of a comparable diesel tank and fueling system.

Modification of state law to reflect these federal law changes is not required. However, the Department believes it is in the best interest of the State's transportation system to include these modifications in a way that is consistent with federal law, the safety of the traveling public and the needs of industry.

For the MAP 21 change relating to idle reduction technology, the Department's request would incorporate the federal change.

For the FAST Act provisions relating to natural gas powered vehicles, the Department's request is consistent with federal law and adds additional parameters to ensure clarity in implementation:

- A vehicle, if operated by an engine fueled primarily by natural gas, may exceed the vehicle weight limit (up to a maximum gross vehicle weight of 82,000 pounds).
- The vehicle qualifies for the additional weight only if it is 'primarily' powered by natural gas. In order to determine whether a vehicle qualifies, law enforcement must be able to ascertain the fuel sources and the percentage supplied by each. Having a natural gas system does not automatically entitle a truck to an exemption for up to an additional 2,000 pounds.
- The weight exemption of up to 2,000 pounds for the natural gas equipment pertains to the power unit, and does not apply to trailers or semitrailers.
- The operator of a vehicle claiming the additional weight would be required to keep certification on-board that demonstrates the weight attributable to the natural gas tank and fueling system carried by that vehicle, relative to the weight of a comparable diesel tank and fueling system. This certification would be required to be provided at the request of a representative of the Wisconsin Department of

Transportation or a local governmental unit. The certification would be maintained with the vehicle but would not be a part of the registration process.

- The increase in the maximum weight applies only to non-permitted vehicles, not to vehicles that hold a permit for excess weight under ch. 348, Wis. Stats. For vehicles operated under an oversized/overweight (OSOW) permit, the maximum permitted weight is still the maximum weight shown in the permit even if the vehicle is natural gas powered. This would also apply to vehicles identified as Implements of Husbandry (IoH). A natural gas powered IoH vehicle would not be authorized to operate with up to 2,000 pounds additional weight beyond its permitted weight.
- While the Federal Fast Act natural gas provision only applies to federal roadways, the Department's proposed state law would apply to the national system of interstate and defense highways, state highways, and any roadway maintained by a local maintaining authority. Enforcement of the provisions would be left up to each jurisdiction.
- Notwithstanding the increased vehicle weight allowances, vehicles would remain subject to posted bridge weight limits.
- The natural gas vehicle (NGV) additional weight is in addition to the idle reduction technology weight limit increase. If a NGV with a 2,000-pound allowance for a fuel system has a 550 pound idle reduction Auxiliary Power Unit (APU), the total weight of the allowances would be 2,550 pounds.

This proposed change would lead to greater harmonization of motor carrier regulations between states. There may also be positive environmental benefits of natural gas use and improved idling technology especially in ozone non-attainment zones.

In addition to the law changes, other issues will need to be considered by the Department and local governments including:

- New weight provisions may impact bridge and load rating and posting. Engineering staff at the local and state level would need to evaluate the capacity of each bridge to ensure the safety of the traveling public.
- Outreach would be needed to the motor carrier industry regarding new load postings at bridges, and to clarify that, regardless of this provision, weights over the posted limit are not allowed on posted bridges.
- Enforcement oversight both at the state and local levels would be needed.

How these issues relate to a MAPSS performance measure:

Accountability: This effort will contribute to the continuous effort to use public dollars in the most efficient and cost effective way.



INSERT

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

500
gen
1 AN ACT ...; relating to: the budget *INS 1-1*

INS A
Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

This bill increases the amount by which a heavy-duty vehicle with idle reduction technology may exceed certain weight limits from 400 to 550 pounds. This bill also authorizes vehicles fueled primarily by natural gas to exceed certain weight limits by an amount equal to the difference between the weight of the natural gas fuel system and a comparable diesel fuel system.

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

2 SECTION 1. 348.15 (3) (f) 2. of the statutes is amended to read:

3 348.15 (3) (f) 2. Notwithstanding pars. (a) to (c) and (g), sub. (4), and ss. 348.17
4 and 349.16, and subject to subd. 3., in the case of a heavy-duty vehicle equipped with
5 idle reduction technology, the gross weight of the vehicle, and the gross weight
6 imposed on the highway by the wheels of any one axle or axle group of the vehicle,

1 may exceed the applicable weight limitation specified in pars. (a) to (c) or (g) or posted
2 as provided in s. 348.17 (1) by not more than 400 550 pounds or the weight of the idle
3 reduction technology, whichever is less.

4 **SECTION 2.** 348.15 (3) (h) of the statutes is created to read:

5 348.15 (3) (h) Notwithstanding pars. (a) to (c) and (g), sub. (4), and ss. 348.17
6 and 349.16, in the case of a vehicle operated by an engine fueled primarily by natural
7 gas, the gross weight of the vehicle, and the gross weight imposed on the highway
8 by the wheels of any one axle or axle group of the vehicle, may exceed the applicable
9 weight limitation specified in pars. (a) to (c) or (g) or posted as provided in s. 348.17
10 (1) by not more than 2,000 pounds, or an amount equal to the difference between the
11 weight of the natural gas tank and fueling system and the weight of a comparable
12 diesel tank and fueling system, whichever is less.

13 **SECTION 9145. Nonstatutory provisions; Transportation.**

14 (1) EXCEPTION TO REVIEW BY THE DEPARTMENT OF TRANSPORTATION.

15 Notwithstanding section 13.096 (2) of the statutes, for the treatment of section
16 348.15 (3) (f) 2. and (h) of the statutes, the department of transportation may not
17 prepare a report under section 13.096 (2) and (3) of the statutes.

18 (END)

2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB
ZDW:...

INS 1-1

weight limit exceptions for vehicles equipped with idle reduction technology or natural gas fuel systems

INS A

This bill provides that heavy-duty vehicles with idle reduction technology and vehicles that operate on natural gas may exceed certain weight limits.

Under current law, with limited exceptions, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory weight limits unless the person obtains a permit issued by the Department of Transportation or a local authority.

Under current law, a heavy-duty vehicle equipped with idle reduction technology may exceed statutory weight limits by 400 pounds or the weight of the idle reduction technology, whichever is less. This bill increases the amount by which these vehicles may exceed statutory weight limits to 550 pounds. This bill also provides that vehicles fueled primarily by natural gas may exceed statutory weight limits by an amount equal to the difference between the weight of the natural gas fuel system and a comparable diesel fuel system or 2,000 pounds, whichever is less.

Under current law, for any bill that establishes an exception to vehicle weight limits, DOT must prepare a report containing specified information within six weeks after the bill is introduced. This bill directs DOT not to prepare a report for this bill.

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



NO CHANGES

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT** *to amend* 348.15 (3) (f) 2.; and *to create* 348.15 (3) (h) of the statutes;
2 **relating to:** weight limit exceptions for vehicles equipped with idle reduction
3 technology or natural gas fuel systems.

Analysis by the Legislative Reference Bureau

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15 (1) by not more than 2,000 pounds, or an amount equal to the difference between the
16 weight of the natural gas tank and fueling system and the weight of a comparable
17 diesel tank and fueling system, whichever is less.

18 **SECTION 3. Nonstatutory provisions.**

19 (1) EXCEPTION TO REVIEW BY THE DEPARTMENT OF TRANSPORTATION.
20 Notwithstanding section 13.096 (2) of the statutes, for the treatment of section

