

OFFICE OF THE SECRETARY

<p>The Wisconsin Department of Transportation adopts an order to repeal TRANS 254.10 (5) and 255.10 (5); to amend TRANS 254.03 (2) (a), 254.11 (1), (2)(intro.),(3)(intro.) and (b), and (4)(intro.), 254.12 (2), 254.16 (1) and (2), 255.03 (2) (a), 255.11(1),(2)(intro.), and (3)(intro.) and (b), 255.12 (2); to create TRANS 254.02 (2) (c) and (note), 254.03 (1m), 254.11 (4) (c) and (4a) (note), 255.02 (2) (c) and (note), 255.03 (1m), (2) (c) and (note), 255.11 (4) (c) and (4a) (note); to repeal and recreate TRANS 254.03(2)(c) and (3)(note), 254.11(2)(a),(b),(c) and (d), and (4)(a) and (b); and to renumber and amend TRANS 255.11(4); relating to: single and multiple trip permits for oversize or overweight vehicles or loads and affecting small businesses.</p>	<p>ORDER ADOPTING RULE</p>
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Analysis Prepared by the Wisconsin Department of Transportation

Statutes interpreted: ss. 85.16, 227.11, 348.02, 348.05, 348.06, 348.07, 348.08, 348.09, 348.10 (1), 348.11, 348.15, 348.17, 348.18, 349.16, 348.25, 348.26, and 348.27, Stats.

Statutory authority: ss. 85.16, 227.11 (2), 348.25 (3), 348.26 (2), and 348.27 (2), Stats.

Explanation of agency authority: Under s. 85.16, Stats., the Department of Transportation (WisDOT) has the authority to make reasonable and uniform rules for the discharge of its powers, duties and functions. Section 227.11 (2), Stats., identifies areas where rule-making authority is expressly conferred upon agencies, including where necessary to effectuate the purpose of a statute, to prescribe forms and procedures, and to formalize general policies in deciding individual cases.

Sections 348.05 (1), 348.06 (1), 348.07 (1), 343.08, 348.09, 348.10 (1), 348.15 (3) and 348.17 (1), Stats., prohibit the operation of vehicles exceeding certain size and weight limits on highways without a permit. Under ss. 348.26 (2) and 348.27 (2), Stats., the Department is authorized to issue permits for single and multiple trip vehicle loads exceeding these limits. Section 348.25 (3), Stats., requires the Department to prescribe forms for such permits. Chapters Trans 254 and 255 effectuate the purposes of these statutes, prescribe forms and procedures, and formalize general policies in issuing single

and multiple trip permits for the operation of oversize or overweight vehicles on highways under WisDOT's jurisdiction.

Related statute or rule: Chapter 348, Stats., establishes restrictions on the operation of vehicles without a permit, based on vehicle size, weight and load. Chapters Trans 250, Trans 251, Trans 252, Trans 253, Trans 254 (affected by this order), Trans 255 (affected by this order), Trans 256, Trans 257, Trans 258, Trans 259, Trans 260, Trans 261, Trans 262, Trans 263, and Trans 269 establish standards and procedures for various permits under ch. 348, Stats.

Plain language analysis: This rulemaking modifies regulations related to the transportation of oversize vehicles and loads on Wisconsin highways. It is almost impossible to briefly summarize all the various rules and exceptions to rules governing the transportation of oversize loads. In general, trucks and their loads should be 8'-6" or narrower, 13'-6" or shorter, and less than 75' in length. Length requirements, in particular, are highly variable and range from 45' to 75' depending on the configuration of the truck hauling the load. Generally speaking, weight limits depend on the vehicle configuration, the class of highway and the time of year.

Special permission and precautions must be taken to insure that vehicles exceeding size and weight limits do not damage the highway facility or endanger other travelers. In order to operate a vehicle exceeding size or weight limits, state law requires the truck operator to first obtain a permit from the appropriate authority. On state highways, WisDOT is that authority. WisDOT issues oversize permits through the Division of Motor Vehicles (DMV) Motor Carrier Services Section, working in coordination with traffic and safety engineers from the Freight Operations Office of the Division of Transportation System Development (DTSD).

The revisions to chs. Trans 254 and Trans 255 increase the hours oversize vehicles may operate on state highways, relax route limitations to reflect improvements to the Milwaukee County Expressway System, eliminate outdated requirements based on federal laws that have been repealed, and update permit application provisions to reflect WisDOT's current practices.

Hours of operation. One important consideration when issuing an oversize permit is the intended hours of operation (In contrast, vehicles that are *overweight*, but not oversize, may normally operate 24 hours a day). Restricting oversize vehicle travel during a highway's busiest hours increases highway safety. Under existing law, oversize vehicles are prohibited from operating throughout the state during what was once considered peak operating times. However, modern data collection tools used by DTSD and DMV make it possible for WisDOT to adopt more specific restrictions on travel times.

These revisions reduce the duration of weekend and holiday evening travel time restrictions. For smaller oversize permitted vehicles (height no greater than 13'6", width greater than 8' 6" and no more than 12', and up to 150' in length), WisDOT proposes to

make these restrictions only applicable in five counties, lifting evening oversize restrictions in other parts of the state.

Vehicles that are exceptionally large (that is, vehicles wider than 12', taller than 13' 6", or longer than 150') will continue to be restricted to operating during daylight hours and may not travel on "restricted-travel holidays" from 12:00 noon of the day before the holiday until sunrise of the day after the holiday. Vehicles taller than 13' 6" are more likely to strike overhead wires (which can be difficult to see in the dark) or structures above the roadway. Vehicles wider than 12' are more likely to vary from their intended lane of travel and thereby create a greater danger to other traffic in adjacent lanes. Daytime travel improves visibility of these wide loads to other users of the highway system.

In Milwaukee County, the rule removes restrictions prohibiting operation of both small and large oversize vehicles on the Milwaukee County Expressway system from 6 a.m. to 9 a.m. Sundays.

The days, times and locations under existing law and under the rule are summarized in the following tables.

Smaller Oversized Permitted Vehicles	
<i>“Smaller oversized permitted vehicles” are those with a height no greater than 13’6”, a width greater than 8’6” and no more than 12’, and a:</i>	
Existing law:	This Rule:
Vehicle length greater than 45’ and not more than 100’.	Vehicle length greater than 45’ and not greater than 150’.
Smaller oversized vehicle travel is restricted statewide on the days and times below.	Smaller oversized vehicle travel is restricted only in, Columbia, Dane, Milwaukee, Rock and Waukesha counties (“the 5 counties”) on the days and times below.
<i>The days, times and locations at which smaller oversize vehicles are not permitted to travel are:</i>	
Existing law:	This Rule:
Between 4 p.m. and 11 p.m. on Sunday. (Statewide)	Between 4 p.m. and 8 p.m. on Sunday. (in the 5 counties)
Between 4 p.m. and 11 p.m. on Friday between the 4th Friday in May and Labor Day. (Statewide)	Between 4 p.m. and 8 p.m. on Friday between the 4th Friday in May and Labor Day. (in the 5 counties)
Between 4 p.m. and 11 p.m. on any holiday, or, when Independence Day falls on Sunday, on the following Monday (Statewide)	Between 4 p.m. and 8 p.m. on any “restricted-travel holiday. (in the 5 counties)
Between 4 p.m. and 11 p.m. on the day before any holiday, except that this restriction does not apply to Independence Day when it falls on a Sunday. (Statewide)	Between 4 p.m. and 8 p.m. on the day before any restricted-travel holiday, except on July 3 if that day falls on a Saturday (in the 5 counties)
If the route of travel includes any part of the Milwaukee County Expressway System, additional restrictions applicable to that system also apply.	

Larger Oversized Permitted Vehicles	
<i>“Larger oversized permitted vehicles” are those with a height exceeding 13’6”, a width exceeding 12’ and a:</i>	
Existing law:	This Rule:
Vehicle length greater than 100’.	Vehicle length greater than 150’.
<i>The days, times and locations at which larger oversize vehicles are not permitted to travel in this state include the days times and locations at which smaller oversize vehicles are restricted (table above) and in addition:</i>	
Existing law:	This Rule:
During hours of darkness, statewide.	During hours of darkness, statewide. (no change)
Friday between 4 p.m. and 11 p.m. between the 4 th Friday in May and Labor Day, statewide.	Friday between 4 p.m. and 8 p.m. between the 4 th Friday in May and Labor Day, statewide.
Noon Saturday to sunrise Monday, statewide.	Noon Saturday to sunrise Sunday, and Sunday from 4 pm to 8 pm, statewide. (Allows operation on Sunday between sunrise and 4 p.m. and between 8 p.m. and sunset.)
Noon of the day before any holiday to sunrise the day after the holiday, statewide.	Noon of the day before any restricted travel holiday to sunrise the day after the holiday, statewide.
If the route of travel includes any part of the Milwaukee County Expressway System, additional restrictions applicable to that system also apply.	

Milwaukee County Expressway Restrictions (Smaller and Larger Oversize Vehicles)	
<i>The days, times and locations at which oversize vehicles are not permitted to travel on the Milwaukee County Expressway System, in addition to other time restrictions:</i>	
Existing law:	This Rule:
Monday to Thursday, 6 a.m. to 9 a.m. and 3 p.m. to 6 p.m.	Monday to Thursday, 6 a.m. to 9 a.m. and 3 p.m. to 6 p.m. (no change)
Friday 6 a.m. to 9 a.m.	Friday 6 a.m. to 9 a.m. (no change)
Friday and Sunday, 3 p.m. to 11 p.m.	Friday and Sunday, 3 p.m. to 8 p.m.
Sunday between 6 a.m. and 9 a.m.	Restriction repealed
Maximum dimensions on Milwaukee Expressway System: width 11’; height 13’ 6”; length 100’	Maximum vehicle dimensions on Milwaukee Expressway System: width 14’; height 14’ 6”; length 150’

"Restricted-travel holidays." The revisions to chs. Trans 254 and Trans 255 define a new term, "restricted-travel holidays." The definition simply lists those days that are associated with an increase in traffic that would necessitate oversize travel restrictions. The statutory list of legal holidays defined in s. 995.20, Stats., is not consistent with the days on which motor vehicle travel peaks. Sections Trans 254.02 (2) (c) and 255.02 (2) (c) allow WisDOT to issue an annual list of restricted-travel holidays for each following year. In the event no list is issued, default restricted-travel holidays are designated. As clarified in the added note, WisDOT's list will typically include holidays that generate significant highway traffic, such as Memorial Day, and non-holidays that generate significant traffic, such as peak travel times associated with Wisconsin's gun deer hunting season.

The default list of "restricted-travel holidays" includes the following days on which traffic volumes typically peak in a year:

- New Years day (January 1);
- Easter weekend (Saturday and Sunday);
- Memorial day weekend (The last Monday in May and the immediately preceding Saturday and Sunday);
- July 4 and the Monday after July 4, if July 4 falls on a Sunday;
- Labor day weekend (The first Monday in September and the immediately preceding Saturday and Sunday);
- The Saturday and Sunday initiating the Wisconsin gun deer hunting season;
- Thanksgiving day (The fourth Thursday in November);
- The Saturday and Sunday following Thanksgiving if that Sunday is the final day of the Wisconsin gun deer hunting season;
- Christmas eve and Christmas day (December 24 and 25); and
- New Years eve (December 31).

Route Limitations. Under existing law, an oversize vehicle may not operate on the Milwaukee County Expressway System if the vehicle is wider than 11', taller than 13'-6", or longer than 100'. Since the current rule was adopted, the geometry of the Expressway System has been improved. The revisions adopt restrictions that more accurately reflect the current geometrical restraints: vehicles may not be wider than 14', taller than 14'-6", or longer than 150'.

Outdated Federal Requirements. Under existing law, oversized vehicle permittees may be required to fasten certain reflective black and white or black and yellow hazard markers to their loads. This provision incorporated federal regulations that have since been repealed. WisDOT does not currently require hazard markers under this provision and other load-marking requirements adequately protect the public safety. The revisions to chs. Trans 254 and Trans 255 eliminate the hazard marker provision.

Permit Procedure Updates and Non-Substantive Revisions. Several areas of the current chs. Trans 254 and Trans 255 list steps or procedures that are no longer used by WisDOT when processing single and multiple trip oversize permits. Generally speaking,

WisDOT procedures have been centralized and made electronic to the extent feasible. The revisions to chs. Trans 254 and Trans 255 reflect the current application process.

Additionally, this revision incorporates a change to language involving escort vehicles. Under current s. Trans 254.16 (1), vehicles wider than 8'6" and no wider than 16' may be required to have two escorts. Similarly, current s. Trans 254.16 (2) mandates that larger vehicles exceeding 16' in width have two escorts. These provisions are inconsistent with WisDOT's current practice. Under current practice, WisDOT routinely requires permittees to provide the number of escort vehicles necessary, which may be no escort or one or more escorts. The revisions to s. Trans 254.16 would require one or more escorts for vehicles exceeding 16 feet in width. One or more escorts may be required for oversize vehicles less than 16 feet in width if the permitting authority concludes circumstances warrant the use of escorts. These revisions harmonize the escort provisions of the ch. Trans 254 with provisions in existing ch. Trans 252.03 (1), s. 348.25 (3), Stats., and other laws. The changes reflect current practice, so the escort provisions of the rule will not result in any measurable or meaningful change in agency practice or the processes of carriers. s. 227.135 (4), Stats.

Summary of, and preliminary comparison with, existing or proposed federal statutes and regulations: A good discussion of federal vehicle size limits may be found online at: http://ops.fhwa.dot.gov/freight/publications/size_regs_final_rpt/index.htm.

The Federal Government first enacted size regulations for commercial motor vehicles ("CMVs") with the passage of the Federal-Aid Highway Act of 1956. This Act provided a maximum vehicle width of 96 inches (8 feet or 2.44 meters) on the Interstate Highway System. Subsequently, the Federal-Aid Highway Act of 1976 increased the allowable width for buses to 102 inches (8.5 feet or 2.6 meters). The Surface Transportation Assistance Act of 1982 extended the same bus width requirement of 102 inches to commercial trucks. At the same time, the Surface Transportation Assistance Act of 1982 expanded the highway network (on which the Federal width provision applied) from the Interstate to the National Network of highways.

Loads exceeding these dimensions may only be transported on the National Network with an oversize permit.

The Surface Transportation Assistance Act of 1982 also regulated the length of CMV's. In 1982, Congress established minimum length standards for most commercial truck tractor-semitrailers and for twin trailers pulled behind a truck tractor. Congressional involvement in vehicle length reflected the desire to standardize the enforcement of length along the National Network. This standardization sought to eliminate administrative or operating confusion caused by varying State provisions governing commercial vehicle length.

Wisconsin complies with these federal requirements. This rule governs vehicles much larger than the minimum dimensions for which permits are required for operation under federal law.

There is no federal vehicle height requirement or restriction for commercial motor vehicles. Thus, States may set their own height restrictions. Most state height limits range from 13'-6" (4.11 meters) to 14' (4.27 meters), with exceptions granted for lower clearance on particular roads.

Federal standards for construction of interstate highways set minimum vertical clearance under overhead structures (including over paved shoulders) at 16' (4.88 meters) in rural areas, and at 14' (4.27 meters) in urban areas, with allowance for extra layers of pavement. In urban areas, at least one route should have 16' (4.88-meter) clearances. Sign supports and pedestrian overpasses must be at least 17' (5.18 meters) above the road, with exceptions for some urban routes.

Not all freeways and interstate highways in Wisconsin meet these standards. Milwaukee County, in particular, has a concentration of overhead structure clearances that fail to meet these standards.

Comparison with Rules in the Adjacent States of Michigan, Minnesota, Illinois and Iowa:

Michigan. The Michigan Department of Transportation (MDOT) permits oversize vehicles under single and "extended" or annual permits. Oversize vehicles are generally permitted to operate throughout the weekend, except on Sunday evenings past 3 p.m. MDOT processes permit applications electronically. MDOT also maintains an online bulletin of active permit restrictions, detailing limitations on different routes due to conditions. More information on MDOT's oversize vehicle permitting program is available at: http://www.michigan.gov/mdot/0,1607,7-151-9623_26662_26679_27267_48606-182174--,00.html.

Minnesota. The Minnesota Department of Transportation (MnDOT) issues oversize permits for travel over interstate highways and state trunk highways in Minnesota. MnDOT issues both single trip permits and seasonal or annual permits; like Wisconsin, Minnesota offers specific permits for types of loads, including the transport of root vegetable harvests and forest products. MnDOT oversize permits may be obtained online, by fax, or at MnDOT's St. Paul Central Office.

Except in the Twin Cities and Duluth and during summer weekends, loads generally do not face hours-of-operation restrictions unless noted on the permit. In these metro areas, larger oversize vehicles are not allowed to travel during morning or evening rush hours. From Memorial Day to Labor Day, no oversize vehicles may travel after 2 p.m. on Fridays and Sundays. MnDOT maintains a list of holidays with more specific travel restrictions on its website. For larger loads, MnDOT requires permit applicants to perform a pre-survey of the intended route by physically driving the route.

MnDOT also maintains a traffic condition website, <http://www.511mn.org/>. More information on MnDOT's oversize permit program is available at: <http://www.dot.state.mn.us/cvo/oversize/oversize.html>.

Illinois. The Illinois Department of Transportation (IDOT) is authorized by 625 ILCS 5/12 – 301 (the Illinois Vehicle Code) and 92 Ill. Admin. Code 554 to issue oversize permits on IDOT highways. In general, oversize vehicles may operate from a half hour before sunrise to a half hour after sunset, 7 days a week. Larger oversize vehicles may only operate Monday through Friday and until noon on Saturday. Hours of operation are further restricted during specific holidays and holiday weekends. Additional restrictions also apply within the City of Chicago and in Cook County. Operation on Illinois Toll Roads requires the permission of the Illinois Toll Authority.

To order an oversize permit, applicants are directed to use IDOT's "ITAP" online permitting system. Illinois also maintains an online map system that shows obstructions and permit restrictions throughout the states. More information on IDOT's oversize permit program is available at: <https://truckpermits.dot.illinois.gov/>. IDOT's mapping system is available at <http://www.gettingaroundillinois.com/gai.htm?mt=tpr>.

Iowa. The Iowa Department of Transportation issues oversize load permits for travel over interstate highways and state trunk highways. Single trip and annual permits are available, with different limitations on their use. State, county and city oversize load permits must be obtained separately. Except for a state issued All-Systems Permit authorized by a participating county or city, state-issued permits are not valid on county and city highways. County and city permits are also not valid on state highways.

Summary of factual data and analytical methodologies used and how the related findings support the regulatory approach chosen:

Methods of data gathering:

- 1) Discussions with motor carrier representatives who serve on the motor carrier advisory group that meets with Department staff each quarter. These discussions focused on getting detailed information about the ways in which current provisions in Trans 254 and 255 have become impediments to trucking and crane operation.
- 2) Telephone surveys of selected small businesses likely to be affected by amendments to Trans 254 and 255, and in-person interviews with a sub-set of such businesses. The surveys and interviews were performed by consultants from CMQue, a sub-contractor of Cambridge Systematics.
- 3) Telephone interviews with County Highway Commissioners or designees in Brown, Columbia, Dane, Eau Claire, Rock and Waukesha counties conducted by Department staff in the Division of Motor Vehicles (DMV) – Motor Carrier Services Section/Permits Unit.

- 4) Meetings with City of Milwaukee and Milwaukee County highway and planning staff conducted by consultants and staff in the Department's Division of Transportation System Development (DTSD).
- 5) Compilation and analysis of "Level of Service" (LOS) data, i.e., traffic congestion data on major highways throughout the state on backbone highway and other state routes, from April through October, broken into hour intervals, and comparing weekday LOS to Friday, Saturday and Sunday LOS. Data compilation and mapping was done by staff in the Department's Division of Transportation Infrastructure Management (DTIM), and analysis of data findings was performed by staff in the Department's DMV – Motor Carrier Services Section and the Freight and Roadside Facilities Section of DTSD.

Advisory group discussions and motor carrier industry surveys and in-person interviews demonstrated that:

- Current restrictions on the size of vehicles allowed on the Milwaukee County Expressway System divert most oversize vehicles to other Milwaukee-area roadways. This diversion adds cost to each trip by usually making routes of travel longer, resulting in greater fuel consumption and inefficient use of personnel and equipment.
- Current restrictions prohibiting operation on Friday, from 4 p.m. to 11 p.m., in summer, make it difficult for crane operators and other transporters to meet contract requirements, usually public works contracts, for arrival on the construction site at 8 p.m. The extraordinary circumstances waiver allowing movement during the restricted hours does not meet the increasingly common need to operate during restricted time.
- Current restrictions prohibiting operation on Sunday, from 4 p.m. to 11 p.m., year-round, no longer seem justified because of improvements in the highway system.

Telephone surveys and discussions with local officials responsible for highway regulation demonstrated that:

- Restriction on maximum vehicle size could be relaxed because of improvement to the Milwaukee County Expressway System since existing law was set over 20 years ago.
- Diversion from the Milwaukee County Expressway System onto other highway and surface streets occasions greater air pollution, noise and traffic hazards in residential neighborhoods and accelerated damage to roads less fit to handle large truck traffic.
- Most county highway officials were unaware of the Friday and Sunday 4 p.m. to 11 p.m. permit curfews. After an initial contact, they reviewed traffic volume with their road superintendents and concluded that a shorter period of restriction would be acceptable as long as the restriction period began no later than under existing law.

Results of mining of data collected by the Department should be considered in two parts during development of the proposed rule and after both public hearings:

- During proposal development, review of Level of Service (traffic) data showed that there were only seven counties (Brown, Columbia, Dane, Eau Claire, Milwaukee, Rock and Waukesha) of 72 counties in which any state roadway, within any given county, showed a Level D or worse after approximately 8 p.m.
- After the public hearings, during which the Department was asked to consider:
 - 1) Further reducing the number of counties in which permits would have Friday and Sunday afternoon and evening curfews;
 - 2) Eliminating restriction on Sunday morning restrictions on the Milwaukee Expressway; and
 - 3) Reducing restrictions on Sunday daytime operation;

Following the public hearings, Department and consultant staff gathered additional level of service traffic data and assessed that data. From the additional data, staff concluded that traffic congestion in Brown and Eau Claire counties was lower than comparable levels in the remaining five of seven counties, and that there is only one short highway segment in LaCrosse County that has any traffic congestion on Sunday between sunrise and 4 p.m.

Analysis and supporting documentation used to determine effect on small businesses:

No supporting documentation was gathered specifically regarding the effect of this rulemaking on small businesses or in preparation of an economic impact analysis. But, much of the data gathered and discussions with businesses described in the preceding section of this rule analysis was gathered from small businesses.

The public hearing draft of this rule proposed to require motor carriers to check an online traffic system prior to beginning a trip to help prevent these large loads from being mired in traffic accident scenes, unexpected road closures and other problems. This is important for oversize vehicles because, unlike cars or standard sized vehicles, these vehicles cannot simply divert onto any available alternative route. Routes are specially devised for these vehicles to insure that the vehicles will fit on the roadways in question and will not strike other vehicles or property adjacent to or above the highway during the trip. Large and small motor carriers believed that mandating the proposed online check would be unduly burdensome to their operations and that provision has been removed from this adopted rule. The Department will continue to recommend the practice because of the difficulties that can result for an oversize vehicle that becomes “stuck” on an impassable route.

The analysis of the effect of this rule-making on small businesses was to compare the before and after effects of the regulation. The regulation significantly reduces regulatory restrictions on the transportation of oversize loads in Wisconsin.

Effect on small business: This rule generally relaxes restrictions in the following ways:

1. It reduces the hours and days during which oversize vehicles are prohibited from operation on state highways under a permit.
2. It increases vehicle size allowed under the permits.
3. It expands use of the Milwaukee County Expressway System.

The department anticipates this rule will reduce costs to motor carriers, including those that are small businesses, by increasing the hours during which oversize vehicles and loads may be transported under a permit, by allowing the transportation of longer loads under the permits, and by shortening trip length and time, particularly in Milwaukee County.

The rule will not change the manner in which applicants obtain permits for oversize vehicles or loads from WisDOT.

Fiscal effect: None for government.

Anticipated costs incurred by private sector: This rule generally relaxes restrictions on the hours and days during which oversize vehicles can be operated under a permit. The department anticipates this rule will save money by increasing the hours during which large loads may be transported under a permit.

Agency contact person and copies of the rule: Copies of this rule may be obtained without cost by writing to:

Kathleen Nichols
Motor Carrier Services Section, Division of Motor Vehicles
Wisconsin Department of Transportation
4802 Sheboygan Avenue, Room 151
P. O. Box 7980,
Madison, WI 53707-7980.
Phone: (608) 261-0393
E-mail: Kathleen.Nichols@dot.wi.gov

Statement of Scope Approval:

The scope statement for this rule, SS091-12, was approved by the Governor on November 13, 2012, published in Register No. 683 on November 30, 2012, and approved by Secretary Mark Gottlieb as required by s. 227.135 (2) on December 12, 2012.

Rule Approval:

This rule was approved by the Governor on March 25, 2014, for submission to the Wisconsin Legislature.

TEXT OF RULE

Under the authority vested in the Wisconsin department of transportation by Wis. Stat. ss. 85.16, 227.11 (2), 348.25 (3), 348.26 (2), and 348.27 (2), in order to implement ,Wis. Stat. ss. 348.02, 348.05, 348.06, 348.07, 348.08, 348.09, 348.10 (1), 348.11, 348.15, 348.17, 348.18, 349.16, 348.25, 348.26, and 348.27, the department of transportation hereby repeals TRANS 254.10 (5) and 255.10 (5); amends TRANS 254.03 (2) (a), 254.11 (1), (2)(intro.),(3)(intro.) and (b), and (4)(intro.), 254.12 (2), 254.16 (1) and (2), 255.03 (2) (a), 255.11(1),(2)(intro.), and (3)(intro.) and (b), 255.12 (2); creates TRANS 254.02 (2) (c) and (note), 254.03 (1m), 254.11 (4) (c) and (4a) (note), 255.02 (2) (c) and (note), 255.03 (1m), (2) (c) and (note), 255.11 (4) (c) and (4a) (note); repeals and recreates TRANS 254.03(2)(c) and (3)(note), 254.11(2)(a),(b),(c) and (d), and (4)(a) and (b); and renumbers and amends TRANS 255.11(4), as follows:

SECTION 1. Trans 254.02 (2) (c) and (2) (c) (note) are created to read:

Trans 254.02 (2) (c) “Restricted-travel holidays” means days on which the department restricts the travel of oversize vehicles in anticipation of significantly increased traffic volume. The department shall issue and make available a list of restricted-travel holidays for each year by no later than November 30 of the prior year. In the event no list is published, “restricted-travel holidays” means January 1; the Saturday and Sunday of Easter weekend; the last Monday in May and the immediately preceding Saturday and Sunday; July 4; the Monday after July 4, if July 4 falls on a Sunday; the first Monday in September and the immediately preceding Saturday and Sunday; the Saturday and Sunday initiating the Wisconsin gun deer hunting season; the fourth Thursday in November; the Saturday and Sunday following the fourth Thursday in November if that Sunday is the final day of the Wisconsin gun deer hunting season; December 24; December 25; and December 31.

Note: Oversize travel will typically be restricted on the peak travel days associated with the holidays listed in par. (c), as well as peak travel times associated with the department of natural resources traditional statewide gun deer hunting season. The list of restricted-travel holidays is available at <http://www.dot.wisconsin.gov> or by request to the DMV Motor Carrier Services Permit Unit, 4802 Sheboygan Avenue, Room 151, P.O. Box 7980, Madison, WI 53707-7980.

SECTION 2. Trans 254.03 (1m) is created to read:

Trans 254.03 (1m) The application shall include all requested information, including the applicant’s electronic mail address.

SECTION 3. Trans 254.03 (2) (a) is amended to read:

Trans 254.03 (2) (a) In person, at the department’s central ~~or region offices~~ office.

SECTION 4. Trans 254.03 (2) (c) is repealed and recreated to read:

Trans 254.03 (2) (c) Online through the department's oversize/overweight automated issuance system.

SECTION 5. Trans 254.03 (3) (note) is repealed and recreated to read:

Trans 254.03 (3) (note) Note: Permit application procedures are established in s. Trans 250.025.

Forms used by the department in administering this rule are MV2600 oversize/overweight single trip permit information; MV2604 single trip application; MV2605 single trip permit general conditions; MV2926 military permit application; MV2955 buildings(s) transport application. These forms may be obtained in person at or by written request to the DMV Motor Carrier Services Section, Permit Unit, 4802 Sheboygan Avenue, Room 151, P.O. Box 7980, Madison, Wisconsin 53707-7980. These forms are also available online at <http://www.dot.wisconsin.gov>. Forms used by issuing authorities other than the department may be obtained from those authorities.

The department's oversize/overweight automated issuance system is available online at <http://www.dot.wisconsin.gov/business/carriers/osow-autosys.htm>.

SECTION 6. Trans 254.10 (5) is repealed.

SECTION 7. Trans 254.11 (1), and (2) (intro.) are amended to read:

Trans 254.11 (1) Except as otherwise specified in a permit, a vehicle, load, or vehicle and load that is overweight, but not oversize, may operate 24 hours a day, including weekends and restricted-travel holidays.

(2) (intro.) Except as otherwise specified in a permit, no oversize vehicle or vehicle combination operating under a permit ~~that is equal to or less than 12 feet in width, 13 ½ feet in height, and 100 feet in length~~ issued under this chapter may be operated in Columbia, Dane, Milwaukee, Rock and Waukesha counties between the hours of 4:00 p.m. and 8:00 p.m. on any of the following days:

SECTION 7m. Trans 254.11 (2) (a) to (d) are repealed and recreated to read:

Trans 254.11 (2) (a) Sunday.

(b) Any Friday in the period beginning on the 4th Friday in May and ending on Labor Day.

(c) Any restricted-travel holiday.

(d) The day before any restricted-travel holiday, except July 3 if that day falls on a Saturday.

SECTION 7r. Trans 254.11 (3) (intro.) and (b) are amended to read:

Trans 254.11 (3) (intro.) In addition to the conditions provided in sub. (2), no oversize vehicle or vehicle combination operating under a permit issued under this chapter and that exceeds 12 feet in width, 13 1/2 feet in height, or 150 feet in length, may operate in any county:

(b) During the period beginning at 12:00 noon on ~~the day preceding~~ Saturday and continuing until sunrise on ~~the day following every~~ Sunday and holiday.

SECTION 7s. Trans 254.11 (3) (c) and (d) are created to read:

Trans 254.11 (3) (c) Between 4:00 p.m. and 8:00 p.m. on Sunday.

(d). During the period beginning at 12:00 noon on the day preceding and continuing until sunrise on the day following every restricted-travel holiday.

SECTION 7u. Trans 254.11 (4) (intro.) is amended to read:

Trans 254.11 (4) (intro.) In addition to the conditions provided in subs. (2) and (3), no oversize vehicle or vehicle combination may operate on any part of the Milwaukee county expressway system constructed pursuant to s. 59.84, Stats. at the following days and times:

SECTION 8. Trans 254.11 (4) (a) and (b) are repealed and recreated to read:

Trans 254.11 (4) (a) Monday through Thursday at the following times:

1. Between 6:00 a.m. and 9:00 a.m.
 2. Between 3:00 p.m. and 6:00 p.m.
- (b) Friday between 6:00 a.m. and 9:00 a.m.

SECTION 8m. Trans 254.11 (4) (c) is created to read:

Trans 254.11 (4) (c) Friday or Sunday between 3:00 p.m. and 8:00 p.m.

SECTION 9. Trans 254.11 (4a) (note) is created to read:

Trans 254.11 (4a) (note) **Note:** 108th Street is also known as Mayfair Road or State Highway 100 at the described location.

SECTION 10. Trans 254.12 (2) is amended to read:

Trans 254.12 (2) No permit allowing the dimensions of a vehicle or load to exceed 44 14 feet in width, ~~43 ½~~ 14 ½ feet in height or ~~400~~ 150 feet in length is valid on any part of the Milwaukee county expressway system constructed pursuant to s. 59.84, Stats., except on U.S. highway 45 between West Florist Avenue and West Hampton Avenue and on interstate highway 94 between the Waukesha County line and 108th Street.

SECTION 11. Trans 254.16 (1) is amended to read:

Trans 254.16 (1) When a load is transported under a permit, the permittee may be required by an issuing authority to provide a traffic officer or flagperson to direct traffic, ~~2~~ one or more escorts, or police ~~escort~~ escorts, or any combination thereof.

SECTION 12. Section 254.16 (2) is amended to read:

Trans 254.16 (2) All loads exceeding 16 feet ~~wide or wider~~ in width shall have 2 one or more properly equipped escorts.

SECTION 13. Sections 255.02 (2) (c) and 255.02 (2) (c) (note) are created to read:

Trans 255.02 (2) (c) “Restricted-travel holidays” means days on which the department restricts the travel of oversize vehicles in anticipation of significantly increased traffic volume. The department shall issue and make available a list of restricted-travel holidays for each year by no later than November 30 of the prior year. In the event no list is published, “restricted-travel holidays” means January 1; the Saturday and Sunday of Easter weekend; the last Monday in May and the immediately preceding Saturday and Sunday; July 4; the Monday after July 4, if July 4 falls on a Sunday; the first Monday in September and the immediately preceding Saturday and Sunday; the Saturday and Sunday initiating the Wisconsin gun deer hunting season; the fourth Thursday in November; the Saturday and Sunday following the fourth Thursday in November if that Sunday is the final day of the Wisconsin gun deer hunting season; December 24; December 25; and December 31.

Note: Oversize travel will typically be restricted on the peak travel days associated with the holidays listed in par. (c), as well as peak travel times associated with the department of natural resources traditional statewide gun deer hunting season. The list of restricted-travel holidays is available at <http://www.dot.wisconsin.gov> or by request to the DMV Motor Carrier Services Permit Unit, 4802 Sheboygan Avenue, Room 151, P.O. Box 7980, Madison, WI 53707-7980.

SECTION 14. Trans 255.03 (1m) is created to read:

Trans 255.03 (1m) The application shall include all requested information, including the applicant’s electronic mail address.

SECTION 15. Trans 255.03 (2) (a) is amended to read:

Trans 255.03 (2) (a) In person, at the department’s central ~~or region~~ office.

SECTION 15m. Trans 255.03 (2) (c), and 255.03 (2) (c) (note) are created to read:

Trans 255.03 (2) (c) Online through the department's oversize/overweight automated issuance system.

Note: Forms used by the department in administering this rule are MV2612 multiple trip permit application and MV 2614 multiple trip permit information. These forms may be obtained in person at or by written request to the DMV Motor Carrier Services Section, Permit Unit, 4802 Sheboygan Avenue, Room 151, P.O. Box 7980, Madison, WI 53707-7980. These forms are also available online at <http://www.dot.wisconsin.gov>. Forms used by issuing authorities other than the department may be obtained from those authorities.

The department's oversize/ overweight automated issuance system is available online at <http://www.dot.wisconsin.gov/business/carriers/osow-autosys.htm>.

SECTION 16. Trans 255.10 (5) is repealed.

SECTION 17. Trans 255.11 (1) and (2) (intro.) are amended to read:

Trans 255.11 (1) Except as otherwise specified in a permit, a vehicle load, or vehicle and load that is overweight, but not oversize, may operate 24 hours a day, including weekends and restricted-travel holidays.

(2) (intro.) Except as otherwise specified in a permit, no oversize vehicle or vehicle combination operating under a permit issued under this chapter ~~that is equal to or less than 12 feet in width, 13 ½ feet in height, and 100 feet in length~~ may operate in Columbia, Dane, Milwaukee, Rock and Waukesha counties between the hours of 4:00 p.m. and 8:00 p.m. on any of the following days:

SECTION 17m. Trans 255.11 (2) (a) to (d) are repealed and recreated to read:

Trans 255.11 (2) (a) Sunday.

(b) Any Friday in the period beginning on the 4th Friday in May and ending on Labor Day.

(c) Any restricted-travel holiday.

(d) The day before any restricted-travel holiday, except July 3 if that day falls on a Saturday.

SECTION 19. Trans 255.11 (3) (intro.) and (3) (b) are amended to read:

Trans 255.11 (3) (intro.) In addition to the conditions provided in sub. (2), no oversize vehicle or vehicle combination operating under a permit issued under this chapter that exceeds 12 feet in width, 13 ½ feet in height, or ~~400~~ 150 feet in length, may operate in any county:

(b) During the period beginning at 12:00 noon on ~~the day preceding~~ Saturday and continuing until sunrise on ~~the day following every Sunday and holiday~~.

SECTION 19f. Trans 255.11 (3) (c) and (3) (d) are created to read:

Trans 255.11 (3) (c) Between 4:00 p.m. and 8:00 p.m. on Sunday.

(d) During the period beginning at 12:00 noon on the day preceding and continuing until sunrise on the day following every restricted-travel holiday.

SECTION 19m. Trans 255.11 (4) is renumbered Trans 255.11 (4) (intro.) and amended to read:

Trans 255.11 (4) (intro.) In addition to the conditions provided in subs. (2) and (3), no oversize vehicle or vehicle combination may operate on any part of the Milwaukee county expressway system constructed pursuant to s. 59.84, Stats.:

SECTION 20. Trans 255.11 (4) (a) and (b) are repealed and recreated to read:

Trans 255.11 (4) (a) Monday through Thursday in any week at the following times:

(1) Between 6:00 a.m. and 9:00 a.m.

(2) Between 3:00 p.m. and 6:00 p.m.

(b) On any Friday between 6:00 a.m. and 9:00 a.m.

SECTION 20m. Trans 255.11 (4) (c) is created to read:

Trans 255.11 (4) (c) On any Friday or Sunday between 3:00 p.m. and 8:00 p.m.

SECTION 21. Trans 255.11 (4a) (note) is created to read:

Note: 108th Street is also known as Mayfair Road or State Highway 100 at the described location.

SECTION 22. Trans 255.12 (2) is amended to read:

Trans 255.12 (2) No permit allowing the dimensions of a vehicle or load to exceed ~~44~~ 14 feet in width, ~~13-½~~ 14 ½ feet in height or ~~400~~ 150 feet in length is valid on any part of the Milwaukee county expressway system constructed pursuant to s. 59.84, Stats., except on U.S. highway 45 between West Florist Avenue and West Hampton Avenue and on interstate highway 94 between Waukesha County line and 108th Street.

(END OF RULE TEXT)

INITIAL APPLICABILITY. This rule shall apply to all permits issued under ch. Trans 254 or 255 in existence as of the effective date of this rule and to all permits issued under those chapters on or after that date.

EFFECTIVE DATE. This rule shall take effect on the first day of the month beginning after publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

Signed at Madison, Wisconsin, this ____ day of June, 2014.

MARK GOTTLIEB, P.E.
Secretary
Wisconsin Department of Transportation