

CR 82-114

C E R T I F I C A T E

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

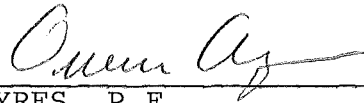
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TO ALL TO WHOM THESE PRESENTS COME, GREETINGS:

I, Owen Ayres, Secretary of the Department of Transportation and custodian of the official records of the Department, do hereby certify that the annexed rules relating to emergency agricultural transportation permits (CR 82-114) were duly approved and adopted by this Department on October 4, 1982.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Hill Farms State Office Building in the City of Madison, this 11th day of October, 1982.



OWEN AYRES, P.E.
Secretary
Wisconsin Department of
Transportation

12-1-82

STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

AN ORDER of the Department of Transportation adopting a rule,
Ch. TRANS 267, Wisconsin Administrative Code, relating to
emergency agricultural transportation permits.

CR 82-114

Analysis Prepared by the Department of Transportation

General summary of the proposed rule. Section 348.27(11), Stats., created by Chapter 69, Laws of 1981, authorizes the Secretary of Transportation, after consultation with the Secretary of Agriculture, Trade and Consumer Protection, to determine that an agricultural transportation emergency exists and to promulgate emergency rules allowing for the issuance of permits for the emergency transportation of crops on Class A and B highways in excess of weight limitations.

This rule promulgates the various exemptions and conditions of the emergency agricultural transportation permits to be issued pursuant to emergency rules adopted in accordance with s. 348.27(11), Stats.

Authority for rule. Sections 110.06(1), 227.014, and 348.25(3), Stats., vest authority in the Department of Transportation to promulgate any rules deemed necessary to implement and enforce s. 348.27(11), Stats.

Fiscal estimate. It is estimated that the net fiscal impact on the Department will be \$11,800 annually, principally in highway damage which will result in a corresponding reduction in general maintenance activities. Impact on local governments is estimated at \$10,300 annually in highway damage.

Forms. The Department of Transportation will create the forms necessary to implement the provisions of this rule. Copies of these forms may be obtained from the DOT Division of Highways and Transportation Facilities, P.O. Box 7916, Madison, Wisconsin 53707, or through the University of Wisconsin Extension-County Agent Offices.

This analysis has been prepared by DOT Chief Traffic Engineer Harry O. Price, (608) 266-2375, and DOT Attorney Joe Maassen, (608) 266-8810.

ORDER ADOPTING RULE

Pursuant to the authority vested in the state of Wisconsin department of transportation by ss. 110.06(1), 227.014, and 348.25(3), Stats., the department of transportation hereby adopts rules for emergency agricultural transportation permits issued pursuant to s. 348.27(11), Stats., as created by ch. 69, laws of 1981.

RULE TEXT

Section 1. TRANS 267, Wisconsin Administrative Code, is created to read:

TRANS 267

EMERGENCY AGRICULTURAL
TRANSPORTATION PERMITS

TRANS 267.01 PURPOSE AND SCOPE. (1) The purpose of this chapter is to establish the general policies which will apply to emergency agricultural transportation permits issued under emergency rules adopted pursuant to s. 348.27(11), Stats.

(2) The scope of this rule shall include all applicable provisions of s. 348.27(11), and applicable requirements contained in chapter 341 and chapter 348, Stats.

(3) The purpose of the permits is to authorize the transportation of crops from field to storage or processing facilities during an agricultural transportation emergency in vehicles or combinations of vehicles which exceed the weights authorized by ss. 348.15 and 348.16, Stats.

TRANS 267.02 DEFINITIONS. Words and phrases defined in ss. 340.01, 348.01 and 348.15(1), Stats., have their designated

meanings, unless as used in the context of this rule a different meaning is clearly indicated.

TRANS 267.03 APPLICATION AVAILABILITY AND SUBMISSION REQUIREMENTS. Applications shall be available at the office of the division of highways and transportation facilities at Madison and at all district transportation offices. Completed applications shall be submitted to the chief traffic engineer, Wisconsin department of transportation, p.o. box 7916, Madison, Wisconsin 53707. [NOTE: Applications will also be available through U.W. Extension at County Agent offices.]

TRANS 267.04 CONDITIONS PRECEDENT TO ISSUANCE OF PERMITS. (1) The applicant shall, by certification, acknowledge the fact that the permit does not relieve the permittee from compliance with the provisions of statutes, valid ordinances, rules and regulations of any state agency or subdivision of the state, except to the extent that such statutes, ordinances, rules and regulations are specifically modified by the conditions of the permit.

(2) The applicant shall also certify that he has read and understands the liability and general conditions of the permit.

TRANS 267.05 INSURANCE AND LIABILITY CONDITIONS. (1) The permittee shall agree to pay any claim for any bodily injury or property damage for which he is legally responsible resulting from operations under the permit and to hold the state and its subdivisions harmless from any claim which may arise from operations over public highways under the permit.

(2) The issuance of a permit shall not be considered as a guarantee of the sufficiency of any highway or any highway structure upon which permitted transportation takes place.

(3) Whether or not insurance, bond or deposit is required, the permittee shall be liable for all damages which any highway or its appurtenances may sustain by reason of any operation under a permit.

TRANS 267.06 GENERAL CONDITIONS OF PERMIT. All permits issued pursuant to emergency rules promulgated in accordance with s. 348.27(11), Stats., shall be subject to the following general conditions:

(1) The transporting vehicle or vehicles under a permit shall be registered as required by Wisconsin statutes, and any operational permits required by the state of Wisconsin department of transportation, transportation commission, or other agencies having jurisdiction shall be obtained. Wisconsin registration may be waived for vehicles registered in another state where such registration meets the requirements of the state of Wisconsin department of transportation.

(2) A permit shall not relieve the holder from compliance with the provisions of the statutes, valid ordinances, and rules and regulations of any state agency or subdivision of the state, except to the extent that such statutes, ordinances, and rules and regulations are modified by the conditions of this permit.

(3) The permit shall only cover vehicles or combinations of vehicles which are specifically identified in the permit except

that a permit issued for a truck or truck-tractor also covers not more than one trailer or semitrailer when towed by the vehicle under permit.

(4) A copy of the permit shall be carried in the vehicle or combination of vehicles to which it applies, and shall be available for inspection by any police officer or authorized representative of the department of transportation or the authority in charge of the maintenance of the highway being used.

(5) The permit shall allow weights not more than 15 percent greater than the gross axle weight limitations, axle combination weight limitations, and gross weight limitations under ss. 348.15 and 348.16, Stats. In no event shall the permitted gross vehicle weight exceed 92,000 pounds.

(6) Permits do not authorize the operation of more than 2 vehicles in combination.

(7) No permit may set aside any regulation limiting loads because of local conditions, including bridges and highways posted for load limits, seasonal weight restrictions, or under construction.

(8) No vehicle or combination of vehicles may be considered to be operating under the permit when transporting commodities other than those authorized by the permit.

(9) The authority issuing the permit may temporarily suspend the permit in its entirety or in respect to any of the conditions of the permit.

[NOTE: This subsection may be used to suspend operation under a permit due to seasonal changes in roadbed conditions such

as wet subgrades, highway construction or maintenance operations, high traffic volumes during holiday periods, and other similar reasons.]

(10) The permit shall be valid only for vehicles or combinations of vehicles equipped with pneumatic tires.

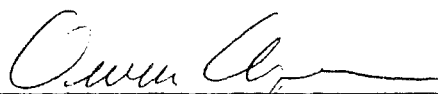
(11) Alteration of the permit, false information given in the application, or failure to comply with the conditions of the permit shall be just cause for the summary suspension of the permit upon verbal or written notice. The length of the suspension and other matters pertaining to the suspension of the permit shall be determined by the department. The department may conduct a hearing upon the request of the permittee, but such hearing shall occur subsequent to the suspension.

(12) Any person who violates a condition of a permit under which he is operating is subject to the penalties which would be applicable if the person were operating without a permit, except that the penalty for exceeding the weight authorized by the permit shall be calculated according to the applicable statute.

(END OF RULE TEXT)

This rule shall take effect upon publication as provided in sec. 227.026(1)(into.), Stats.

Dated at Madison, Wisconsin, this
11th day of Oct, 1982.



OWEN AYRES, P.E.
Secretary
Wisconsin Department of
Transportation



State of Wisconsin \

DEPARTMENT OF TRANSPORTATION



PLEASE REPLY TO:

OFFICE OF GENERAL COUNSEL

4802 Sheboygan Avenue
P. O. Box 7910
Madison, WI 53707

Telephone: (608) 266-8810

October 8, 1982

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Revisor of Statutes
Bureau

Mr. Gary L. Poulson
Assistant Revisor of Statutes
411 West, State Capitol
Madison, WI 53702

Re: TRANS 267 (CR 82-114)
Emergency Agricultural Transportation Permits

Dear Mr. Poulson:

Enclosed please find two copies of Ch. TRANS 267, Wis. Admin. Code (CR 82-114), as adopted by the Department of Transportation.

Sincerely,

Joe Maassen
Assistant General Counsel

LJM:hml
Enclosure
cc: Harry Price