

CR 82-97

C E R T I F I C A T E

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STATE OF WISCONSIN)
)
DEPARTMENT OF TRANSPORTATION)

DEC 14 1982
8:00 am
Revisor of Statutes
Bureau

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 permits for overweight or oversized vehicles equipped with a self-compactor and transporting garbage and refuse were duly approved and adopted by this Department on December 10, 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 10th day of December, 1982.



Owen Ayres

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

OFFICE OF THE SECRETARY
WISCONSIN DEPARTMENT OF TRANSPORTATION

Proposed Order of the Wisconsin Department of Transportation to renumber TRANS 251.05, and to create TRANS 251.05 and TRANS 269, relating to permits for overweight or oversized vehicles equipped with a self-compactor and transporting garbage and refuse.

CLEARINGHOUSE RULE 82-97

Analysis Prepared by Department of Transportation

Wisconsin Law, Chapter 348, Stats., and Federal Law, 23 U.S.C. sec. 127, limit the size and weight of vehicles and loads that may be operated on Wisconsin highways.

However, a permit may be issued for the transport of a single article or vehicle that exceeds statutory size and weight limitations that cannot reasonably be divided or reduced to comply with statutory size and weight limitations. The permit may contain conditions or restrictions necessary for the safety of travel and the protection of highways.

Chapter 163, Laws of 1981, published April 8, 1982, authorizes the Department of Transportation to issue an annual permit for the transportation of garbage or refuse in a self-compactor equipped vehicle that exceeds statutory weight and length limitations and for the return of the vehicle when empty. A permit may be issued by the Department for operation on any highway within the state.

The Department is authorized to adopt rules for permit operations. This rule establishes the conditions under which the Department may issue permits for the transportation of garbage or refuse in a self-compactor equipped vehicle.

Major provisions of the rule are:

- Limitations on maximum weights on axles in axle groups on Class A and Class B highways.
- Limitations on the overall gross weight of the vehicle and load.
- Definitions of "self-compactor equipped vehicle," "garbage," and "refuse."
- Procedures for obtaining permits.
- Insurance and liability requirements.

- Limitations on operations under permits.
- Fees for permits of \$200 each annually. Publicly owned vehicles are exempt from fees.

Operation of vehicles with greater loads increases highway damage. In the case of self-compactor equipped garbage and refuse trucks, greater loads can reduce the number of miles traveled by publicly owned vehicles and reduce public expenditures for vehicle operations.

Text of Proposed Rule

Pursuant to authority vested in the department of transportation by ss. 110.06(1) and 348.25(3), Stats., the department of transportation hereby adopts rules interpreting s. 348.27(12) and s. 348.25(3), Stats., as follows:

SECTION 1. TRANS 251.05, Wis. Admin. Code, is renumbered as TRANS 251.06.

SECTION 2. TRANS 251.05, Wis. Admin. Code, is created to read:

TRANS 251.05 VEHICLE WEIGHT AUTHORIZED BY TRANSPORTATION OF GARBAGE OR REFUSE PERMITS. (1) Unless otherwise provided in the approved permit, the gross weight imposed on the highway by the wheels of any axle group or by any axle or combination of 2 or more consecutive axles within an axle group on a vehicle or combination of vehicles being operated under a transportation of garbage or refuse permit issued under s. 348.27(12), Stats, may not exceed the lowest of the following weights:

(a) The sum of the manufacturer's rated weight-carrying capacity of the tires on the axle, combination of axles, or axle-group;

(b) The sum of the manufacturer's rated weight-carrying capacity of the axle or axles in the combination of axles or axle-group; or

(c) The weights shown in the following table:

<u>Number of Axles in Axle-Group</u>	Weight in Pounds		<u>Limitations</u>
	<u>On Class A Highways</u>	<u>On Class B Highways</u>	
1	20,000	14,000	If the axle has less than 4 tires
1	25,000	17,000	If the axle has 4 or more tires
2	42,000	28,400	
3 or more	55,000	38,200	

(2) Unless otherwise provided in the approved permit, the gross weight imposed on the highway by the wheels of any two consecutive axle-groups on a vehicle or combination of vehicles being operated under a transportation or garbage or refuse permit issued under s. 348.27(12), Stats., may not exceed the sum of the weights authorized on the individual axle-groups under sub. (1).

(3) The overall gross weight imposed on the highway by all of the wheels on a vehicle or combination of vehicles being operated under a transportation or garbage or refuse permit issued under s. 348.27(12), Stats., may not exceed the maximum gross weight shown on the face of the permit or the sum of weights authorized on the individual axle-groups on the vehicle or combination of vehicles under sub. (1), whichever is less.

SECTION 3. TRANS 269, Wis. Admin. Code, is created to read:

TRANS 269

Transportation of Garbage or

Refuse Permits

TRANS 269.01 PURPOSE AND SCOPE. (1) The purpose of this rule is to establish the general policies which apply to transportation of garbage and refuse permits issued under s. 348.27 (12), Stats.

(2) The scope of this rule includes all applicable provisions of s. 348.27(12) and requirements contained in ch. 341 and ch. 348, Stats.

(3) The purpose of the permits is to authorize the transportation of garbage and refuse in vehicles which exceed the length and weights authorized by ch. 348, Stats.

TRANS 269.02 DEFINITIONS. (1) The definitions of words and phrases in chs. 340 and 348, Stats., apply to this chapter unless a different definition is specifically provided.

(2) As used in this chapter: (a) "Garbage" means discarded materials resulting from the handling, processing, storage, and consumption of food.

Note: Source is s. 144.01(4), Stats. (1981-82).

(b) "Refuse" means combustible and noncombustible rubbish, including, but not limited to, paper, wood, metal, glass, cloth, and products thereof; litter and street rubbish, ashes; and lumber, concrete, and other debris resulting from the construction or demolition of structures.

Note: Source is s. 144.43(4), Stats. (1981-82).

(c) "Self-compactor equipped vehicle" means a vehicle that is:

1. Specifically designed, constructed, and used for the pick-up, transportation, and disposal of garbage, refuse, or both; and

2. Equipped and used with:

a. a blade, plate, or other device that mechanically compacts the load; or

b. a separate garbage or refuse container that is designed, constructed, and used with an integral or separate blade, plate, or other device that mechanically compacts the load.

TRANS 269.03 APPLICATION AVAILABILITY AND SUBMISSION. Application forms are available at the office of the chief traffic engineer, division of highways and transportation facilities, in Madison and at all district transportation offices. Completed applications shall be submitted to the chief traffic engineer, department of transportation, 4802 Sheboygan Avenue, post office box 7916, Madison, Wisconsin 53707.

TRANS 269.04 AUTHORIZATION TO ISSUE PERMITS. (1) The chief traffic engineer or his authorized representative may issue transportation of garbage or refuse permits.

(2) Permits shall be issued and valid only for the transportation of garbage, refuse, or both in a self-compactor equipped vehicle, the transportation of tools and equipment necessary for the safe and efficient pickup and discharge of the garbage and refuse, and for the return of the vehicle when empty.

(3) Permits shall be issued and valid only for vehicles equipped with pneumatic tires.

(4) Permits shall be issued only for motor trucks, truck tractors, or road tractors. A permit is valid only for the motor vehicle

described in the application and permit. Each permit authorizes the towing of not more than one trailer or semi-trailer if the trailer or semi-trailer is a self-compactor equipped vehicle. Permits shall not authorize the operation of more than two vehicles in combination.

TRANS 269.05 CONDITIONS PRECEDENT TO ISSUANCE OF PERMITS.

(1) The applicant shall, by certification, acknowledge that the permit shall not relieve the permittee from compliance with statutes, ordinances, rules, and regulations of any state agency or subdivision of the state, except to the extent the conditions of the permit expressly affect the application of statutes, ordinances, rules, and regulations.

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

TRANS 269.06 INSURANCE AND LIABILITY CONDITIONS. (1) In applying for and accepting a permit, the permittee shall agree to pay any claim for any bodily injury or property damage for which the permittee is legally responsible resulting from operations under the permit and to indemnify and hold the state and its subdivisions harmless from any claim which may arise from operations over public highways under the permit.

(2) The permittee shall present evidence on a form furnished by the department that the following minimum insurance coverage, or a bond in a form satisfactory to the department, will be in full force and effect on the vehicle and load designated in the permit

while operating on the public highway, except when insurance requirements are specifically waived by the department:

(a) When the permitted vehicle and load do not exceed 60 feet in length and do not exceed statutory gross weight limits:

Bodily injury liability--each person	\$ 50,000
Bodily injury liability--each accident	100,000
Property damage liability--each accident	25,000
Casualty insurance in the required form--each accident ..	25,000, or
Combined single limit	150,000

(b) When the permitted load exceeds the length and weight limitations in (a) above:

Bodily injury liability--each person	\$100,000
Bodily injury liability--each accident	300,000
Property damage liability--each accident	100,000
Casualty insurance in the required form--each accident ..	200,000, or
Combined single limit	600,000

(3) The permittee shall be liable for any damage which any highway, highway structure, or highway appurtenance may sustain by reason of operation under the permit. The permittee shall furnish casualty insurance of an approved type, a bond, or deposit a certified check with the department for the applicable amounts indicated in sub. (2) to protect the state and its subdivisions against this damage.

(4) The chief traffic engineer shall be given 10 days' advance notice in writing of the cancellation or termination of any insurance required by the terms of a permit.

(5) Insurance requirements may be waived for permits issued to the United States government and the armed forces and for such other permittees as may be determined by the department.

(6) Upon request of the department, the permittee shall provide greater bodily injury and property damage liability coverage than the amounts specified in sub. (2).

TRANS 269.07 GENERAL CONDITIONS. (1) The maximum size limitations and the maximum axle, axle combination, and vehicle weights authorized by a permit shall not be exceeded.

(2) Permits issued by the department authorize the use of any of the highways of the state, subject to the limitations stated in the permit.

(3) No permit may be considered to set aside any regulation, order, declaration, resolution, or ordinance limiting loads because of local conditions, including bridges and highways posted for load limits, seasonal weight restrictions or under construction.

(4) No permit may be considered to set aside or supersede any action by a town under s. 60.72, Stats., to designate town highways as appropriate for the transportation of solid waste, or to prohibit the use of other town highways for that purpose.

(5) The granting of a permit shall not be considered as a guarantee of the sufficiency of any highway or structure thereon for the permitted operation.

(6) The driver shall carry the approved permit in the appropriate vehicle and shall have it available for inspection by any police officer, representative of the department, or the authority in charge of the maintenance of the highway being used.

(7) 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.

(8) The holder of a permit shall comply with statutes, ordinances, rules, and regulations of any state agency or subdivision of the state, except to the extent that the statutes, ordinances, rules, and regulations are modified by the conditions of the permit.

(9) The department may temporarily suspend a permit, either in its entirety or with respect to certain of its conditions, due to seasonal or other special conditions.

(10) Alteration of a permit, false information given in the application, or failure to comply with conditions of a permit shall be good cause for the summary suspension, upon notice verbally or in writing, of the permit and for the suspension, upon notice in writing, of other permits held by the permittee. The department may revoke a permit for good cause after providing the permittee a reasonable opportunity for a hearing. The length of the suspension and other matters pertaining to the suspension or revocation of a permit shall be determined by the department. Suspended and revoked permits shall be returned to the department.

(11) The maximum speed of all vehicles being operated under any permit issued pursuant to this chapter shall be 55 miles per

hour on highways with more than one lane available for traffic in each direction and 45 miles per hour on all other highways. The maximum speed shall be reduced as necessitated by roadway, traffic, wind, and weather conditions, unless another speed is specified in the permit or is required for obedience to a lower speed limit established by statute or indicated by official signs.

(12) No wheels of a vehicle or combination of vehicles being operated under a permit may leave the roadway except while the vehicle or combination of vehicles is stopped and at speeds not exceeding 15 miles per hour immediately prior to or following a stop.

Note: "Roadway" does not include the berm or shoulder. Reference s. 340.01(54), Stats. (1981-82).

The rules and renumbering contained in this order shall take effect as provided in s. 227.026(1)(intro.), Stats.

Dated in Madison, Wisconsin, this 12th day of July, 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

December 10, 1982

Mr. Orlan L. Prestegard
Revisor of Statutes
Room 411 West, State Capitol
Madison, Wisconsin 53702

Re: Clearinghouse Rule 82-97

Dear Mr. Prestegard:

Enclosed for filing, pursuant to sec. 227.023, Wis. Stats., please find a certified copy of CR 82-97, an administrative rule relating to permits for overweight or oversized vehicles equipped with a self-compactor and transporting garbage and refuse. An additional copy of CR 82-97, not certified, is enclosed to be used for a printer's copy.

This is the final rule; this rule replaces the one that was certified on August 30, 1982, which was sent to you in error.

Sincerely,

James S. Thiel
Director
Attorney

JST:hml
Enclosure
cc: Harry Price