

CR 83-32

CERTIFICATE

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STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL TO WHOM THESE PRESENTS COME, GREETINGS:

I, Lowell B. Jackson, Secretary of the Department of Transportation and custodian of the official records of the Department, do hereby certify that the annexed rule relating to establishing general procedures for oversize and overweight permits for vehicles and loads was duly approved and adopted by this Department on August 11th, 1983.

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 hereonto set my hand and affixed the official seal of the Department at the Hill Farms State Office Building in the City of Madison, Wisconsin, this 11th day of August, 1983.

Lowell B. Jackson
LOWELL B. JACKSON, P.E.
Secretary
Wisconsin Department of Transportation

10-1 83

IN THE MATTER OF THE ORDER TO)
 CREATE TRANS 250, WIS. ADMIN. CODE,)
 RELATING TO ESTABLISHING GENERAL)
 PROCEDURES FOR OVERSIZE AND OVER-)
 WEIGHT PERMITS FOR VEHICLES AND)
 LOADS)

ORDER
 ADOPTING
 RULE

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CLEARINGHOUSE RULE 83-32

Analysis by the Wisconsin Department of Transportation
Office of General Counsel

General summary of rule. This rule is part of the Department's on-going project to place all its rules in the TRANS series and to codify any existing procedures not currently in rule format. This rule codifies all general policies and requirements applicable to all types of oversize and overweight permits issued under ss. 348.25 to 348.27, Wis. Stats.

In particular, the rule establishes definitions of terms such as overheight, overlength, oversize, overweight, and overwidth. In addition, the rule sets out the issuance fee mandated by statute as well as fees charged by the Department for amending permits and for special investigations necessary to determine whether a permit may be issued. The rule also codifies the Department's longstanding policy of not charging governmental bodies for permits or copies of permits. The rule repeals Hy 30.22 relating to permit fees since much of that rule has been superceded by recent amendments to s. 348.25(8), Wis. Stats.

Fiscal estimate. The Department anticipates that there will be no fiscal effect from this rule as it merely codifies existing policy and procedure.

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 ss. 348.25 to 348.27, Stats., as follows:

Section 1. Chapter TRANS 250 is created to read:

TRANS 250

GENERAL PROVISIONS

OVERSIZE AND OVERWEIGHT PERMITS

FOR VEHICLES AND LOADS

TRANS 250.01 PURPOSE AND SCOPE. (1) The purpose of this chapter is to establish general policies which apply to all types of permits

authorized by ss. 348.25 to 348.27, Stats. Detailed requirements for individual types of permits are contained in chs. TRANS 251 to 275 and ch. Hy 30.

(2) The scope of this chapter includes all applicable provisions of ss. 348.25 to 348.27, Stats., and requirements contained in chs. 341 to 348, Stats.

TRANS 250.02 DEFINITIONS. (1) The definitions of words and phrases in chs. 340, 348, and 990, except s. 990.01(12), Stats., apply to chs. TRANS 250 to TRANS 275 unless a different definition is specifically provided.

(2) As used in chs. TRANS 250 to TRANS 275:

(a) "District" means the geographical area under the administration of a district office.

(b) "District office" means an office of the division of transportation districts of the department.

(c) "Multiple trip permit" means any of the permits which may be issued under s. 348.27, Stats.

(d) "Overheight" means a height greater than the limitations in s. 348.02 or 348.06, Stats.

(e) "Overlength" means a length greater than the limitations in s. 348.02 or 348.07, Stats., or a projection of a load exceeding the limitations in s. 348.10(1), Stats., or the limitations on length or number of vehicles in combination under s. 348.02 or 348.08, Stats., or any or all of them.

(f) "Oversize" means overheight, overlength, or overwidth or any or all of them.

(g) "Overweight" means a weight exceeding the limitations in ss. 348.02, ss. 348.15 to 348.17, Stats., or s. 348.18, Stats., or any limitation imposed by the Department under s. 348.175, Stats., or s. 349.16, Stats.

(h) "Overwidth" means a width exceeding the limitations of s. 348.02 or 348.05, Stats., or a projection of a load exceeding the limitations of s. 348.09, Stats., or any or all of them.

(i) "Single trip permit" means any of the permits which may be issued under s. 348.26, Stats..

TRANS 250.03 PERMIT FEES. (1) Except as provided in ss. 348.26(5), 348.27(8), and 348.27(11), Stats., the department shall charge the fees specified in s. 348.25(8)(a) to (dm), Stats., for any single trip or multiple trip permit issued. The fee for a multiple trip permit applies regardless of the length of time the permit is valid.

TRANS 250.04 TELEPHONE CALL-IN FEE. In addition to any other applicable fee under this chapter, the department shall charge the telephone call-in fee under s. 348.25(8)(e), Stats., for each permit or amendment which is applied for or issued by the telephone call-in procedure. Only one telephone call-in fee shall be charged when a permit or amendment is applied for and issued by the telephone call-in procedure.

TRANS 250.05 SPECIAL INVESTIGATION FEES. (1) The department shall charge the following special investigation fees:

(a) For each single trip permit for a width exceeding 16 feet, a district review fee of \$10 for each district through which the load is routed to cover the costs incurred by the district office in reviewing the adequacy of the route for the proposed move.

(b) For each single trip permit for a gross weight exceeding 150,000 pounds, a bridge review fee of \$10 per hour for each employee-hour or fraction thereof required to review the adequacy of the bridges to support the proposed load to cover the costs incurred by the department for this review.

(c) For any other special investigation deemed necessary by the department because of the size or weight of the load or of the route to be travelled, the actual cost incurred by the department in making the investigation.

(2) The fees under sub. (1) shall be charged regardless of whether the special investigation is conducted before or after a permit application is received and regardless of whether a permit is issued or denied.

TRANS 250.06 FEEES FOR AMENDING PERMITS. (1) The department shall charge the following fees for amending a permit after it is issued: (a) If the size or weight of the vehicle or vehicles and load is changed, the fee calculated under s. TRANS 250.03 for the permit as amended less the fee under that section originally paid but not less than \$10.

(b) If the origin or destination of the trip or the route is changed, the fee calculated under s. TRANS 250.03 for the permit as amended.

(c) If the expiration date of a single trip permit is changed and if the permit has not been used, \$10, except that if the permit was originally issued for less than 15 calendar days including holidays and weekends and the amendment would extend the validity of the permit to a total of not more than 15 days, the amendment shall be issued without charge.

(d) If the towing unit on a single trip permit is changed before the permit is used, the permit may be amended once without a fee, but a fee of \$10 shall be charged for the second and each subsequent change.

(e) If the permit is changed in any other way, the same fee as in par. (a).

(f) If the permit is changed in the same amendment in more than one of the ways under pars. (a) to (e), only the greatest fee under par. (a), (b), (c), (d), or (e), as applicable, shall be charged.

(2) The fees under sub. (1) are not applicable if the amendment is necessitated because of an error by the department or its employees in issuing the permit.

TRANS 250.07 FEEES FOR ADDITIONAL COPIES OF PERMITS. (1) The department shall charge \$0.25 per page for copies of permits after the time of original issuance and for copies of permits in excess of two, including the original, at the time of original issuance.

(2) In addition to the fee under sub. (1), the department shall charge a fee of \$2 per permit if the copies are certified.

TRANS 250.08 GOVERNMENTS EXEMPT FROM FEES. No fee under ss. TRANS 250.03 or TRANS 250.05 to TRANS 250.07 shall be charged to any department of a state nor to any county, town, or municipality nor to any branch of the United States government or any foreign government for any type of single trip or multiple trip permit issued to any of them in their name nor to any law enforcement agency or other local, state, or federal officials for copies of permits required for their use for official business.

TRANS 250.09 EFFECTIVE AND EXPIRATION DATES OF PERMITS. (1) Permits and amendments to permits issued prior to the effective date shown in the permit become effective at 12:01 a.m. on the effective date shown, unless a different time is shown in the permit.

(2) Permits and amendments to permits issued on the effective date shown on the permit become effective at the time of issuance, unless a different time is shown in the permit.

(3) Permits and amendments to permits expire at 11:59 p.m. on the expiration date shown in the permit unless a different time is shown in the permit.

NOTE: This section is not to be interpreted as allowing movements at times during which the permit is suspended by its own terms, or by a rule applicable to the permit, or by other action of the department. Such times may include, but are not limited to, hours of darkness, weekends, and holidays.

TRANS 250.10 LIMITATIONS ON AMENDMENTS TO PERMITS. (1) No permit may be amended to change the permittee from one person to another.

(2) No multiple trip permit may be amended to change the vehicle for which the permit is valid.

(3) A permit may not be amended to increase the size or weight authorized by a permit or to change the route authorized a permit after a citation has been issued alleging that the terms of the permit were violated. Any such amendment issued in good faith by a person authorized to issue such an amendment but who lacked knowledge that a citation had been issued is void. In the case of multiple trip permits, this subsection applies only to an amendment which would affect the movement being made at the time the citation was issued but does not restrict the issuance of an amendment which would affect a subsequent movement.

TRANS 250.11 VALIDITY OF BRIDGE AND DISTRICT REVIEWS. Bridge and district reviews conducted for an applicant are valid for 90 days and shall not be repeated for subsequent permit applications from that appli-

cant during that period unless the department has knowledge that highway conditions have changed if:

(1) The size and weight of the vehicle and load under the subsequent application is no greater than under the application for which the review was conducted and the route is the same; and

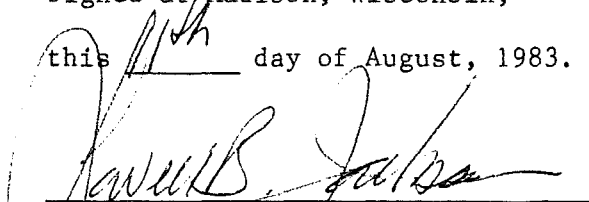
(2) The applicant includes the permit number of the permit for which the review was conducted or other description sufficient for the department to locate its copy of the review in the subsequent application.

Section 2. Section Hy 30.22 is repealed.

(End)

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

Signed at Madison, Wisconsin,
this 11th day of August, 1983.



LOWELL B. JACKSON, P.E.
Secretary
Wisconsin Department of
Transportation