

Chapter Trans 269

TRANSPORTATION OF GARBAGE OR REFUSE PERMITS

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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 chs. 341 and 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.

History: Emerg. cr. eff. 5-10-82; cr. Register, January, 1983, No. 325, eff. 2-1-83.

Trans 269.02 Definitions. (1) The definitions of words and phrases defined 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.

History: Emerg. cr. eff. 5-10-82; cr. Register, January, 1983, No. 325, eff. 2-1-83.

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.

History: Emerg. cr. eff. 5-10-82; cr. Register, January, 1983, No. 325, eff. 2-1-83.

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 pick-up 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 2 vehicles in combination.

History: Emerg. cr. eff. 5-10-82; cr. Register, January, 1983, No. 325, eff. 2-1-83.

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.

History: Emerg. cr. eff. 5-10-82; cr. Register, January, 1983, No. 325, eff. 2-1-83.

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 par. (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).

History: Emerg. cr. eff. 5-10-82; cr. Register, January, 1983, No. 325, eff. 2-1-83.

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, except those in the national system of interstate and defense highways under s. 84.29, Stats., 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 shall be considered to set aside or supercede 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)

History: Emerg. cr. eff. 5-10-82; cr. Register, January, 1983, No. 325, eff. 2-1-83; am. (2), Register, April, 1985, No. 352, eff. 5-1-85.