

CR 87-39

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CERTIFICATE

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8:40 am
Revisor of Statutes
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STATE OF WISCONSIN)
) s.s.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, RONALD R. FIEDLER, Secretary of the Wisconsin Department of Transportation and custodian of the official records do hereby certify that the rule relating to escort vehicles was duly approved and adopted by this department on May 9th, 1989.

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 of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 9th day of May, 1989.

RONALD R. FIEDLER, P.E.
Secretary

Clearinghouse Rule 87-39

ORDER renumbering s. Hy 30.02 (5) (o) and (p), Wisconsin Administrative Code, renumbering and amending s. Hy 30.02 (5) (h), (i), (l), (m), (n), (q) and (r), Wisconsin Administrative Code and creating Chapter Trans 252, Wisconsin Administrative Code, relating to escort vehicles when required as a condition of an oversize or overweight permit issued pursuant to ss. 348.25 to 348.27, Wisconsin Statutes.

Analysis Prepared by the Wisconsin Department of Transportation

General summary of rule. The rule creates a new chapter of the Wisconsin Administrative Code, which groups and standardizes the conditions, requirements and duties pertaining to escort vehicles. Escort vehicles may be required to accompany any vehicle or load being transported under a permit issued pursuant to ss. 348.25 to 348.27, Stats. The primary purpose of the escort is to provide an advance warning to other traffic. The escort is also expected to assist in guiding the driver of the vehicle operating under permit.

This rule renumbers paragraphs of s. Hy 30.02(5) into a new chapter. Some of these paragraphs are also amended in order to provide gender neutral descriptions and clarify present language.

There are two major substantive changes made by this rule. First, the age requirement for the escort vehicle operator is reduced from 21 years of age to 18 years of age. However, the requirement that the escort vehicle operator also hold a chauffeur's license is retained. In Wisconsin, this license is now available to a person 18 years old. This may be revised again in the future in order to conform to federal regulations on commercial motor vehicle operator licenses adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986, Title XII of Public Law 99-570.

Second, where the renumbered provisions of Hy 30.02(5), Wis. Admin. Code, provided requirements for escort vehicles based on the width or type of load being transported, these load descriptions have been deleted. The effect is to standardize the basic equipment and operating requirements of all escort vehicles.

Chapter Trans 252 does not address the conditions under which the Department, or a local permit-issuing authority, will require an escort vehicle as a condition of issuing the permit. These conditions will depend on several factors including the weight or size of the oversize or overweight

load or vehicle and the specific highways to be travelled. It is the intention of the Department to codify its policies on when an escort will be required within the specific chapter of chs. Trans 250 to 275 which pertains to the type of permit involved.

Final regulatory flexibility analysis. This rule itself does not directly affect small businesses since it primarily codifies present policies and renumbers existing provisions of the administrative code.

Contact person. For free copies of this rule or further information, please contact either: Harry Price, State Traffic Engineer, P.O. Box 7916, Madison, Wisconsin 53707, telephone (608) 266-2375; or, Robert Weber, Office of General Counsel, P.O. Box 7910, Madison, Wisconsin 53707, telephone (608) 266-8810.

TEXT OF RULE

SECTION 1. Hy 30.02 (5) (h) is renumbered s. Trans 252.04 (5) and amended to read:

Trans 252.04 (5) When a single escort vehicle is required by the conditions of the permit and the movement is upon On-two-lane, two way undivided roadways, an the escort vehicle, -when-required, shall precede a mobile-home-or-modular-building-section-over-12-feet-wide the vehicle or load being moved under a permit by a distance of at least 300 feet and sufficient to give advance warning of-the-wide-load to vehicles coming from the opposite direction. Where the road narrows because of a bridge or for any other reason, or at a sharp turn or other point of special hazard because of the weight, width or length of the towed-unit vehicle or load operated under permit, the driver of the escort vehicle shall slow down or stop, as necessary, to give adequate warning to oncoming traffic, utilizing hand flagging methods as necessary with a clean, bright red or orange flag at least 18 inches square. On-one-way-roadways, an-escort-vehicle, -when-practicable, -should-follow-the-towed-unit-at-a distance-of-several-hundred-feet-with-its-required-flasher(s)-and-sign facing-to-the-rear.

SECTION 2. Hy 30.02 (5) (i) is renumbered s. Trans 252.05 (1) and amended to read:

Trans 252.05 (1) An escort vehicle shall be of a size-and-mobility approximating-that-of-a-normal passenger automobile or a small light truck and. The escort vehicle shall be of-such-design so designed as to afford the its driver thereof a clear and unobstructed vision view to both front and rear.

SECTION 3. Hy 30.02 (5) (1) is renumbered s. Trans 252.04 (2) and amended to read:

Trans 252.04 (2) ~~The operator of~~ No person may operate an escort or towing vehicle unless the person is ~~shall be over 21~~ at least 18 years of age and shall have has in his or her immediate possession a chauffeur's license issued to him the escort vehicle operator and valid in Wisconsin.

SECTION 4. Hy 30.02 (5) (m) is renumbered s. Trans 252.05 (2), and amended to read:

Trans 252.05 (2) (title) FLAGS. Two clean bright red or orange flags in good condition shall be mounted on the front bumper of each escort vehicle ~~and each towing vehicle~~, one on each side. The flags shall ~~be not~~ may not be less than 18 inches square and shall be supported on a short staff so as to wave freely.

SECTION 5. Hy 30.02 (5) (n) is renumbered s. Trans 252.05 (3), and amended to read:

Trans 252.05 (3) (title) OVERSIZE LOAD SIGN. An escort vehicle escorting an oversize vehicle shall have an "OVERSIZE LOAD" sign as ~~described in Hy-30-02-(5)-(a)~~, mounted above the roof of the escort vehicle and above any equipment mounted on the vehicle which would obscure an approaching driver's clear view of the sign ~~at a minimum height of 6 feet above the roadway to the bottom of the sign~~. The lettering on the sign shall be 10 inches high in black on an amber background and may not a stroke width of less than one and five-eighths inches. The sign may not be less than 6 feet wide or 18 inches high. The sign shall be visible only to traffic approaching from the front of an escort vehicle preceding a load, ~~or in~~. In the case of an escort vehicle operating to the rear of the load being transported, the sign

shall be visible only to traffic approaching from the rear. No sign message shall may be visible displayed to traffic when the escort vehicle is not escorting an oversize load, ~~nor shall a sign message be displayed to traffic which has passed the oversize load.~~

SECTION 6. Hy 30.02 (5) (o) is renumbered s. Trans 252.03 (4).

SECTION 7. Hy 30.02 (5) (p) is renumbered s. Trans 252.04 (1).

SECTION 8. Hy 30.02 (5) (q) is renumbered s. Trans 252.03 (2) and amended to read:

Trans 252.03 (2) When required by the terms of a permit, the permittee shall secure escort by a uniformed ~~police~~ police officer using a marked squad car, and shall pay all charges therefor. A permittee may at his or her option utilize a police escort in lieu of an escort vehicle and shall pay the charges therefor.

SECTION 9. Hy 30.02 (5) (r) is renumbered s. Trans 252.03 (3) and amended to read:

Trans 252.03 (3) Private One or more escort vehicles, including or police escort vehicles, may be required by the permit issuing authority to accompany ahead-of-and-behind the towed-unit oversize or overweight vehicle or load for unusual conditions such as extremely winding or hilly roads or where traffic is very heavy or when the permitted vehicle or load is unusually wide.

SECTION 10. Chapter Trans 252 (title) is created to read:

CHAPTER TRANS 252

ESCORT VEHICLES

SECTION 11. Trans 252.01, 252.02 and 252.03 (1) are created to read:

Trans 252.01 AUTHORITY, PURPOSE AND SCOPE. (1) This chapter is adopted pursuant to the authority of the department under s. 348.25 (3), Stats.

(2) The purpose of this chapter is to interpret and implement s. 348.25 (3), Stats., by establishing the general policies which apply to escort vehicles.

(3) This chapter applies to the operation of escort vehicles required as a condition for operating under a permit issued under the authority of ss. 348.25 to 348.27, Stats., specifically including the applicable provisions of chs. Hy 30 and Trans 250 to Trans 275, Wis. Admin. Code.

Trans 252.02 DEFINITIONS. (1) Words and phrases defined in s. Trans 250.02, Wis. Admin. Code, shall have the same meaning in this chapter unless a different definition is specifically provided.

(2) "Chauffeur's license" means a license issued to a Wisconsin resident pursuant to ss. 343.125 or 343.126, Stats. In the case of a nonresident it means a commercial drivers license or a license issued by another jurisdiction if that license would allow the holder to be employed to operate, in that jurisdiction, a vehicle of the same size, weight and configuration as the vehicle operated under permit.

(3) "Commercial drivers license" means a license issued by a state in compliance with the federal Commercial Motor Vehicle Safety Act of 1986 and federal regulations adopted thereunder.

Trans 252.03 GENERAL CONDITIONS. (1) The department or local authority issuing a permit may require the use of an escort vehicle, or

escort vehicles, as a condition of operation under any oversize or overweight permit.

SECTION 12. Trans 252.04 (title) is created to read:

Trans 252.04 OPERATOR QUALIFICATIONS AND DUTIES.

SECTION 13 Trans 252.04 (3) is created to read:

Trans 252.04 (3) (a) Before movement of the oversize or overweight vehicle or load begins, the escort operator shall read the permit which authorizes the movement and any and all conditions imposed by the permitting authority for operation under the permit, including but not limited to specific routes to be followed, the speed of movement, or the times of day during which the movement is permitted or restricted.

(b) The escort operator shall observe all conditions imposed on operation under the permit.

SECTION 14. Trans 252.04 (4) is created to read:

Trans 252.04 (4) The escort vehicle headlamps shall be lighted in the low beam position and the warning lamps required by s. Trans 252.05 (4) shall be lighted when accompanying the movement of a vehicle operated under permit. The escort vehicle's amber warning lamps may not be operated when the vehicle is not engaged as an escort.

SECTION 15. Trans 252.04 (6) and (7) are created to read:

Trans 252.04 (6) When a single escort vehicle is required as a condition of the permit and the movement is upon one-way roadways, including divided highways with one or more lanes of travel in the same direction, the escort vehicle shall follow the vehicle or load being transported under permit at a distance of 300 to 500 feet with its required warning lamps and sign visible from the rear.

(7) When more than one escort vehicle is used or required as a condition of the permit, then one escort shall precede the permitted vehicle as required in sub. (5) and one escort shall follow the permitted vehicle as required in sub. (6) regardless of the type of highway.

SECTION 16. Trans 252.05 (title), and (1) (title) are created to read:

Trans 252.05 VEHICLE AND EQUIPMENT REQUIREMENTS. (1) VEHICLE.

SECTION 17. Trans 252.05 (4) and (5) and 252.06 are created to read:

Trans 252.05 (4) WARNING LAMPS. (a) An escort vehicle shall be equipped with two amber warning lamps mounted on or above the vehicle roof. Each such warning lamp shall be equipped with a reflector at least 7 inches in diameter and shall flash, oscillate or rotate between 30 and 90 times per minute. Each such warning lamp shall have sufficient intensity to be clearly visible and attention-attracting at a distance of 500 feet, under all conditions when the oversize or overweight vehicle or load is on the highway, except when visibility of the lamp is temporarily obstructed by a hill crest, a curve or an object such as another vehicle.

(b) The two amber warning lamps shall be mounted at the same level, shall be separated laterally as much as possible and shall flash, oscillate or rotate simultaneously.

(5) RADIO. The department or local authority issuing an oversize or overweight permit may require that each escort vehicle be equipped with a radio transceiver, maintained in good working order, with which each escort vehicle operator can communicate with the other escorts and the operator of the vehicle being operated under permit. When radio equipment is required, the authority issuing the permit shall state the requirement on the oversize or overweight permit.


Trans 252.06 POLICE ESCORTS EXEMPTED. (1) An escort vehicle which is a marked police squad car is exempt from the vehicle, flag and sign requirements of s. Trans 252.05 (1), (2) and (3). Normal police red or blue emergency lights shall be deemed to satisfy the warning lamps requirement of s. Trans 252.05 (4).

(2) The police officer operating a police escort vehicle is exempt from s. Trans 252.04 (2). Compliance with s. Trans 252.04 (1), (4), (5), (6) and (7) shall be at the discretion of the officer.

(END OF RULE TEXT)

Effective Date: This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Wis. Stats.

Signed at Madison, Wisconsin this 9th day of May, 1989.



Ronald R. Fiedler, P.E.
Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Ronald R. Fiedler, PE
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

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MAY 12 1989

May 10, 1989

Revisor of Statutes
Bureau

— Mr. Gary Poulson
Assistant Revisor of Statutes
30 West Mifflin Street
Suite 702
Madison, Wisconsin 53703

RE: Clearinghouse Rule 87-39
In the Matter of the Adoption of Trans 252, Wisconsin Admin-
istrative Code, Relating to Escort Vehicles

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.20, Wis. Stats.,
is a certified copy of CR 87-39, an administrative rule relating
to escort vehicles. This rule is submitted by the Wisconsin
Department of Transportation.

Sincerely,

Robert F. Weber
Assistant General Counsel

RFW/jj

Enclosure

cc: Tom Walker
Maynard Schneider
Harry Price
Tom Cantwell
Jim VanSistine
Jerome Blied
George Wenzel
Marcia Wiley