

CR 90-25

CERTIFICATE

STATE OF WISCONSIN)
) ss.
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 the issuing of permits for vehicles and loads exceeding the size and weight limitations of ch. 348, Wisconsin Statutes, was duly approved and adopted by this Department on October 30th, 1990.

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 30th day of October, 1990.

for Donald H. Jorgensen, Deputy
RONALD R. FIEDLER, P.E.
Secretary

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Bureau

1-1-91

A RULE to repeal ss. Hy 30.02 to 30.04 and Hy 30.10 to 30.21, amend s. Trans 251.05, repeal and recreate Trans 251.06, create chs. Trans 254 to 257 and 259 to 262 and repeal and recreate ch. Trans 269 and 275, Wisconsin Administrative Code, relating to the issuing of permits for vehicles and loads exceeding the size and weight limitations of ch. 348, Wisconsin Statutes.

ORDER ADOPTING RULE

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Analysis Prepared by the Wisconsin Department of Transportation

Revisor of Statutes
Bureau

STATUTORY AUTHORITY: ss. 85.16(1), 227.11(2)(a), and 348.25(3), Stats.

STATUTES INTERPRETED: ss. 348.25, 348.26, 348.27, 348.28, and 349.16, Stats.

General Summary of Rule. The purpose of this rule is to recodify and update portions of Chapter Hy 30. Portions of Ch. Hy 30 are repealed and Chs. Trans 254-257 and 259-262 are created in their place. When the recodification is complete, Ch. Hy 30 will be completely repealed, and replaced by Chs. Trans 250 to 275 referring to all types of permits for oversize and overweight vehicles or loads, as authorized by sections 348.25 to 348.27, stats.

The rule also repeals and recreates 2 chapters relating to oversize and overweight permits, Chs. Trans 269 and 275.

In part this rule is in response to written and oral requests from trucking industry associations, trucking companies, and recreational boaters for increased hours of operation, and for reduction of what they considered burdensome and unnecessary requirements. It also meets the department's desire to make the primary reference materials more clear and more readily accessible to permittees and enforcement personnel.

This rule also assists in the administration of recently enacted legislation. Finally, it incorporates provisions for safety equipment which promote uniformity with nationally accepted standards and with other states.

In summary the rule:

- (1) Repeals certain sections of Chapter Hy 30,
- (2) Amends Chapter Trans 251,
- (3) Creates 8 chapters including Trans 254, 255, 256, 257, 259, 260, 261 and 262,
- (4) Repeals and recreates Chapters Trans 269 and 275.

Substantive provisions in the rule are:

Consistent and extended hours of operation. With 2 exceptions, hours of operation for all permit types are made the same, and hours during which travel is allowed are extended. The exceptions are that vehicles operating with garbage, refuse, and recyclable scrap permits, and with raw forest products, fruits and vegetables permits may operate 24 hours a day, including weekends and holidays.

Travel by oversize vehicles will continue to be generally prohibited on holidays, and during 4 to 11 pm on Sunday, and during 4 to 11 pm on summer Fridays. For vehicles longer than 100 feet, wider than 14 feet, or higher than 13-1/2 feet, travel will continue to be disallowed during darkness, and on Saturday afternoons and on Sundays.

Addition of routes. Overweight vehicles and oversize vehicles with permits which are up to 11 feet wide, 13-1/2 feet high, and 100 feet long will now be allowed to travel on the Milwaukee County Expressway. They will be prohibited from travel during the hours between 6 and 9 a.m. and between 3 and 6 p.m. Monday through Thursday; and between 6 and 9 a.m. and between 3 and 11 p.m. on Friday and Sunday.

Elimination of some restrictions on hours of travel. Certain hours of travel restrictions for oversize mobile homes are eliminated throughout the state. This will make these restrictions for mobile home travel uniform with restrictions for travel by all other oversize/overweight vehicles.

This action includes lifting hours of travel restrictions for mobile homes in the counties of Brown, Dane, Kenosha, Ozaukee, Racine, Rock, Waukesha; and in Milwaukee County except for on the Milwaukee County Expressway as described just above. It includes lifting restrictions within 10 miles of the the cities of Appleton, Ashland, Chippewa Falls, Eau Claire, Fond du Lac, Hudson, Kaukauna, La Crosse, Manitowoc, Menasha, Neenah, Oshkosh, Sheboygan, Stevens Point, Superior, Two Rivers, Watertown, Wausau, West Bend, Whitewater, and Wisconsin Rapids.

Warning lights, flags and signs. The requirements for warning lights, warning flags and "oversize load" signs are changed slightly in order to conform to nationally recognized standards of display. This provides for uniformity with other states, and reduces equipment cost and inconvenience to permittees traveling in more than one state. Because operation during hours of darkness will be allowed under some circumstances, requirements for additional warning lighting are added.

Certain signs no longer required. The requirement to display a "transported by" sign at the rear of mobile homes is eliminated.

Uniform speeds. Speeds are increased to permit travel at the posted speed, up from the current 45 mph for most permit types. Where the shoulder is unpaved, however, vehicles 16 foot wide and greater are limited to 35 miles per hour.

Increased weight and length for telephone issue permits. In Chapter Trans 275, the weight of vehicles which may receive permits by telephone are increased from 120,000 pounds

to 150,000 pounds. The length of vehicles which may receive permits in this manner is increased from 95 feet to 100 feet.

Insurance. The casualty insurance requirement is eliminated. For larger over-size/overweight vehicles, the required level of bodily injury and property damage liability insurance is raised from \$600,000 to \$1 million. For smaller over-size/overweight vehicles, the required level is raised from \$150,000 to \$750,000. This latter higher level is equal to that required of for-hire motor carriers carrying general commodities.

Insurance certification. The requirement that an applicant submit certification by an insurance company of evidence of liability insurance is replaced by a provision allowing the department to require such certification.

Escort requirements. Provisions describing when the department will require escort vehicles to accompany over-size/overweight vehicles are added.

Raw forest products, fruits and vegetables permit. Chapter Trans 259 is created to assist in the administration of the permit type recently enacted for the transport of overweight raw forest products, fruits and vegetables.

Recyclable scrap permit. Chapter Trans 269 is amended to include provisions of the permit type recently enacted for the transport of recyclable scrap.

Backhaul permit. Chapter Trans 262 is created to assist in the administration of the permit type recently enacted for the transport of legal size loads on over-size vehicles when the origin and destination are the same as for an over-size vehicle and load traveling under permit in the opposite direction.

Technical and editorial changes to promote improved clarity or specificity include:

- (1) Throughout, wording is changed to active voice and present tense, where appropriate.
- (2) Certain definitions are created or reworded.
- (3) The sections describing how application for permits and permit amendments may be made is reworded.
- (4) The provisions for suspending and revoking permits are clarified and made more specific.
- (5) The provisions describing how loads and vehicles must be loaded to minimize over-size are reworded.
- (6) The provisions describing the vehicle registration requirements of vehicles operating under permit are clarified.
- (7) The provisions describing the allowable overhangs on mobile homes are clarified.

Final Fiscal Estimate. The department estimates that there will be no direct fiscal impact from this rulemaking upon the state and anticipates no effect upon the fiscal liabilities or revenues of any county, city, village, town, school district, vocational, technical, and adult education school district, or sewerage district.

Copies of Rule. Copies of this rule are available without cost upon request to the Central Office Traffic, Room 601, P.O. Box 7916, Madison, Wisconsin 53707-7916, telephone (608) 266-2375.

Contact persons. Persons having questions about the rule may write or call Mr. Harry O. Price, State Traffic Engineer, Room 601, P.O.Box 7916, Madison, Wisconsin 53707-7916, telephone 608-266-2375; or Mr. Paul Bernander, Permit Unit Supervisor, Room 151, P.O. Box 7980, Madison, Wisconsin 53707-7980, telephone 608-266-7320. Legal questions may also be addressed to Mr. Charles M. Kernats, Office of General Counsel, Room 115B, P.O. Box 7910, Madison, Wisconsin 53707-7910, telephone 608-266-8810.

RULE TEXT

Under the authority vested in the state of Wisconsin, department of transportation, by s. 348.25(3), Stats., the department of transportation adopts a rule interpreting ss. 348.25, 348.26, 348.27, 348.28, and 349.16 relating to issuance of permits for vehicles and loads exceeding the size and weight limitations of ch. 348, Stats.

SECTION 1. Sections Hy 30.02 to Hy 30.05 and Hy 30.10 to Hy 30.21 are repealed.

SECTION 2. Section Trans 251.05(title) is amended to read:

Trans 251.05(title) VEHICLE WEIGHT AUTHORIZED BY TRANSPORTATION OF GARBAGE OR REFUSE PERMITS AND BY THE TRANSPORTATION OF SCRAP PERMITS.

SECTION 3. Section Trans 251.05(1), (2) and (3) are amended to read:

(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., or under a transportation of scrap permit issued under s. 348.27(9r), Stats., may not exceed the lowest of the following weights:

(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 of garbage or refuse permit issued under s. 348.27(12), Stats., or under a transportation of scrap permit issued under s. 348.27(9r), 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 of garbage or refuse permit issued under s. 348.27(12), Stats., or under a transportation of scrap permit issued under s. 348.27(9r), Stats., may not exceed the maximum gross weight shown on the face of the permit or the sum of the weights authorized on the individual axle-groups on the vehicle or combination of vehicles under sub. (1), whichever is less.

SECTION 4. Section Trans 251.06 is repealed and recreated to read:

Trans 251.06 VEHICLE WEIGHT AUTHORIZED BY TRANSPORTATION OF RAW FOREST AND AGRICULTURAL PRODUCTS PERMITS. (1) Unless otherwise provided in the approved permit, the gross weight imposed on the highway by any wheel, axle, or any group of 2 or more consecutive axles of a vehicle or combination of vehicles being operated under a transportation of raw forest and agricultural products permit issued under s. 348.27(9m), Stats., may not exceed the weights authorized in s. 348.15(3) by more than 12.5 percent.

(2) 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 of raw forest and agricultural products permit issued under s. 348.27(9m), Stats., may not exceed the maximum gross weight shown on the face of the permit or 90,000 pounds, whichever is less.

SECTION 5. Chapters Trans 254 to 257 are created to read:

CHAPTER TRANS 254

SINGLE TRIP PERMITS FOR

OVERSIZE OR OVERWEIGHT VEHICLES OR LOADS

Trans 254.01 PURPOSE. The purpose of this chapter is to establish standards and procedures for the issuance of single trip oversize or overweight permits, pursuant to s. 348.26(2), Stats.

Trans 254.02 DEFINITIONS. (1) Unless otherwise stated, the definitions of words and phrases in ss. 340.01 and 348.01(2), Stats., and s. Trans 250.02 apply to this chapter.

(2) As used in this chapter:

(a) "Issuing authority" means the department of transportation or the officer in charge of maintenance of local highways.

Note: The officer in charge of maintenance of local highways varies from jurisdiction to jurisdiction and may include the county highway commissioner; the city, town or village engineer; and the head of a city, town, or village transportation or public works department, or other person.

(b) "Permit" means single trip oversize or overweight permits authorized under s. 348.26(2), Stats.

Trans 254.03 PERMIT APPLICATION. (1) An application for a permit shall be submitted to an issuing authority on a form approved by the department, and in accordance with s. 348.26, Stats.

(2) An application for a permit for the use of a state trunk highway shall be made to the department in any of the following ways:

(a) In person, at the department's central or district offices.

(b) By mail, addressed to the department's central office.

(c) By the telephone call-in procedure, described in ch. Trans 275.

(d) By authorized permit service.

(3) An application for a permit for the use of a highway maintained by a local authority shall be submitted to the applicable local authority in the manner prescribed by the local authority. An application for a permit for the use of a state trunk highway within the geographical boundaries of a local authority shall be submitted to the applicable local authority in the manner prescribed by the local authority.

Note: Permit application procedures are in s. Trans 250.025.

Trans 254.04 PERMIT AMENDMENTS. (1) An application for an amendment to a permit shall be made to the issuing authority which issued the original permit.

(2) An application for an amendment may be made in the same manner as an application for an original permit.

(3) The request shall specify the permit number of the permit to be amended.

(4) A request for an extension of a permit may be made any time until the third day after the expiration date of the permit.

(5) An issuing authority may grant only one extension to a permit.

(6) Except as provided in sub. (7), a permit issued for less than 2 weeks may be extended not more than 2 weeks.

(7) An issuing authority may extend a permit not more than 2 additional weeks where highway or other conditions remain unchanged, or as the issuing authority deems necessary.

Note: Limitations on the amendment of permits are in s. Trans 250.10.

Trans 254.05 ELIGIBILITY. (1) Any vehicle or vehicle and load to be considered as operating under a permit shall satisfy requirements for a permit under s. 348.25, Stats.

(2) An issuing authority may not issue a permit for mobile homes or camping trailers under this chapter.

(3) An issuing authority may not issue a permit for transporting loads or articles which could reasonably be divided in a manner as to allow transporting of loads or articles in 2 or more loads that are not oversize or overweight, or both.

(4) An issuing authority may not issue a permit to transport more than one article if the vehicle, load, or vehicle and load is overweight.

Note: This section prohibits, among other things, the addition of an extra boom section to a load that is transported under a permit for an overweight vehicle, load, or vehicle and load. Transporting necessary blocking for a load, or transporting the necessary blocking on an otherwise empty vehicle to and from the origin or destination of the load is not prohibited.

(5) An issuing authority may not issue a permit for a vehicle and load exceeding 100 feet in overall length when the rear supporting axle is at or near the rear of the load unless the rear support is separately steered.

(6) An issuing authority may issue a permit only for a vehicle equipped with pneumatic tires.

(7) The issuance of a permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

(8) A permit may not authorize the operation of more than 2 vehicles in combination.

Note: This does not prohibit the use of dollies to support or assist in supporting one or both ends of a trailer.

(9) A permit may authorize the operation of vehicle combinations consisting of a truck-tractor and semi-trailer with an earth-mover being transported with its power unit resting on the bed of a semi-trailer and its single rear axle trailing on the roadway behind the semi-trailer, in which case the gross weight of the rear axle of the earth mover may not exceed 35,000 pounds.

Trans 254.06 VALIDITY. (1) A permit is valid only for the vehicle described in the application and permit.

(2) An issuing authority may suspend a permit, or any of its conditions, because of seasonal highway conditions.

Note: Examples of seasonal highway conditions include spring thaw, flooding and traffic congestion.

(3) No condition of a permit may modify any law or regulation limiting loads because of local conditions, including load limits on bridges and highways, seasonal weight restrictions, or load limits imposed because of construction.

(4) A permit is not valid during periods when adverse weather or road conditions, such as fog, smoke, heavy rain, snow or ice, or wind velocity, impair the safety of a movement under the permit.

(5) A permit may not be used in combination with a multiple trip permit to authorize the movement of an oversize or overweight vehicle, load, or vehicle and load.

(6) A permit is valid only on the route specified in the permit.

(7) A permit is valid only for the movement specified in the permit, which may include the return trip on the reverse route if requested and approved, and which includes the movement of the empty vehicle, whether or not oversize or overweight, to and from the place of pickup or delivery of the permitted load.

Trans 254.07 REGISTRATION REQUIREMENTS. (1) A vehicle operating under a permit shall be registered as required by Wisconsin Statutes, and shall be registered at not less than the permit weight or at the maximum available registration weight, whichever is less.

(2) All other operational permits required by the department, the office of the commissioner of transportation, or other agencies having jurisdiction shall be obtained.

Trans 254.08 DRIVER AND OPERATING REQUIREMENTS. (1) The driver of a vehicle operating under a permit shall carry the permit in the vehicle to which it applies and shall

have the permit available for inspection by any police officer, representative of the issuing authority, or person in charge of the maintenance of the highway being used.

(2) The driver of a vehicle operating under a permit shall, whenever reasonable and practicable, maintain a distance of not less than 1,000 feet between the permitted vehicle and any vehicle the driver is following, unless actually engaged in overtaking and passing another vehicle.

(3) The driver of a vehicle operating under a permit shall allow traffic approaching or overtaking the permitted vehicle to pass, where it is safe to do so.

(4) The maximum speed of any vehicle with a load 16 feet or wider operating on highways without paved shoulders shall be 35 miles per hour.

(5) Except as provided in sub. (4), or unless a lower speed is specified in the permit, a vehicle operating under a permit may be operated at the posted speed limit.

(6) The right wheels of the towed unit may not leave the roadway, except to allow traffic to pass.

Note: A "roadway" does not include paved or unpaved shoulders. s. 340.01(54), Stats.

Trans 254.09 MAXIMUM SIZE, WEIGHT AND LOADING LIMITATIONS. (1) The maximum size, axle, axle combination, and total weight limitations authorized by a permit may not be exceeded.

(2) Property transported under a permit shall be loaded to minimize its size and weight.

(3) An oversize vehicle used for transporting loads under a permit shall be reduced to legal size whenever possible when being operated without load.

Note: Legal sizes are set forth in ch. 348 and s. 349.16, Stats.

(4) A load transported under a permit may not extend beyond the front of the power unit, beyond the left fender line of the transporting vehicle, or more than six inches beyond the right

fender of the transporting vehicle, unless the overhang is minimized by suitable positioning of the load upon the vehicle.

(5) Loads consisting of more than one article, none of which are oversize, may not be transported under the permit.

(6) Vehicles and loads which, when reasonably divided, would not be oversize or overweight, may not be transported under the permit.

(7) Loads which, when reasonably repositioned on the transporting vehicle would not be oversize or overweight, may not be transported under the permit.

(8) Loads consisting of more than one article, one or more of which are oversize, may be transported under a permit only if:

(a) The vehicle and load is not overweight, and

(b) The other articles transported do not cause the vehicle and load to be oversize in any manner differently from the largest single article.

Note: For example, if a storage tank which is overwidth and overheight (but not overlength) is the single largest article transported, then a toolbox which is not wider, and is not higher, and does not make the vehicle and load overlength or overweight may also be transported.

However, a beam placed crosswise which makes the overall width wider than the storage tank may not be transported as an additional article. Similarly, a beam placed lengthwise which makes the vehicle and load overlength may not be transported as an additional article.

Finally, if the vehicle and load were overweight, then no additional article may be transported.

(9) The load shall be properly secured and fastened to the transporting vehicle.

(10) Wheels on one side of a transporting vehicle may not carry more than 60% of the total gross load.

Trans 254.10 EQUIPMENT REQUIREMENTS. (1) LIGHTING. An oversize vehicle, or a vehicle with an oversize load operating during the hours of darkness, shall be equipped with the following additional lamps:

(a) For a vehicle with a load which extends beyond the width of the vehicle:

1. At the outermost extremity of the foremost edge of the projecting load, an amber lamp visible from the front and side.

2. At the outermost extremity at the rearmost edge of the projecting load, a red lamp visible from the rear and side.

3. Any portion of an overwidth load extending beyond the width of the foremost or rearmost edge of the vehicle or load, shall be marked with an amber lamp visible from the front, both sides, and rear.

4. The overwidth portion of a load measuring 3 feet or less from front to rear, shall be marked with an amber lamp visible from the front, both sides and rear, except that if the overwidth projection is located at or near the rear it shall be marked by a red lamp visible from front, side and rear.

(b) For a vehicle with a load which extends more than 4 feet beyond the rear of the vehicle:

1. On each side of the projecting load, 1 red lamp, visible from the side, located so as to indicate maximum overhang.

2. On the rear of the projecting load, 2 red lamps, visible from the rear, 1 at each side; and 2 red reflectors visible from the rear, 1 at each side, located so as to indicate maximum width.

(c) All required lamps shall be illuminated whenever a vehicle is operated during hours of darkness. All lamps shall be visible at a distance of 500 feet.

(2) **WARNING LAMPS.** When required by a permit, warning lamps shall be operated as follows:

(a) All amber flashing or revolving warning lamps shall have a reflector at least six inches in diameter and shall be bright enough to be clearly visible and attention-attracting at a distance of 500 feet under all conditions when the load is on the highway, except when visibility is obstructed by a hillcrest, a curve, or an object such as another vehicle.

(b) All warning lamps shall flash at a rate of 30 to 90 times per minute.

(c) Strobe lamps may be used in lieu of flashing or revolving lamps.

(d) Warning lamps may not be operated when a vehicle is not operating under the permit.

(3) **FLAGS.** (a) When a vehicle, load, or vehicle and load is overlength, a single flag shall be fastened at the extreme rear of the load if the overlength or projecting portion is 2 feet wide or less.

(b) When a vehicle, load, or vehicle and load is overlength, 2 flags shall be fastened at the rear of the load to indicate maximum width if the overlength or projecting portion is wider than 2 feet.

(c) When a vehicle, load, or vehicle and load is overwidth, a flag shall be fastened at each front and rear corner of the load. In addition, if any part of the load is more than 4 inches wider than the width of load or vehicle at the front or rear, a flag shall be placed at the widest point of the load.

(d) Each flag shall be solid red or orange in color, and not less than 18 inches square.

(e) In order to wave freely, flags shall be securely fastened by at least one corner or securely mounted on a staff.

(4) SIGNS. (a) When a vehicle, load, or vehicle and load, is more than 10 feet wide or is overlength, 2 warning signs shall be displayed. One sign shall be fastened at the front of the power unit and the other at either the rear of the towed unit or at the rear of the load.

(b) Each sign shall state, in black letters on a yellow background, "OVERSIZE LOAD," and may not be less than 7 feet long and 18 inches high. The letters of the sign may not be less than 10 inches high with a brush stroke of not less than 1.4 inches.

(c) The sign message may not be displayed when the vehicle is not operating under the permit.

(5) HAZARD MARKERS. (a) When required by the conditions of a permit, black and white or black and yellow diagonally striped reflectorized hazard markers, not less than 12 inches wide by 36 inches high, shall be fastened to, or in front of and behind the load, so as to be fully visible to traffic approaching from both the front and rear of the vehicle.

(b) All hazard markers shall be located at right angles to the centerline of the vehicle so as to indicate the widest part of the load on each side of the vehicle.

Trans 254.11 TIMES OF OPERATION. (1) Except as otherwise specified in a permit, a vehicle, load, or vehicle and load that is overweight, but not oversize, may operate 24 hours a day, including weekends and holidays.

(2) Except as otherwise specified in a permit, no oversize vehicle or vehicle combination operating under a permit that is equal to or less than 12 feet in width, 13 1/2 feet in height, and 100 feet in length, may be operated:

(a) Between 4:00 p.m. and 11:00 p.m. on Sunday.

(b) Between 4:00 p.m. and 11:00 p.m. on Friday between the 4th Friday in May and Labor Day.

(c) Between 4:00 p.m. and 11:00 p.m. on any holiday, or, when Independence Day falls on Sunday, on the following Monday.

(d) Between 4:00 p.m. and 11:00 p.m. on the day before any holiday, except that this restriction does not apply to Independence Day when it falls on a Sunday.

(3) In addition to the conditions provided in sub. (2), no oversize vehicle or vehicle combination operating under a permit that exceeds 12 feet in width, 13 1/2 feet in height, or 100 feet in length, may operate:

(a) During the hours of darkness.

(b) During the period beginning at 12:00 noon on the day preceding and continuing until sunrise on the day following every Sunday and holiday.

(4) In addition to the conditions provided in sub. (2) and sub. (3), no oversize vehicle or vehicle combination may operate on any part of the Milwaukee county expressway system constructed pursuant to s. 59.965, Stats., except on U.S. highway 45 between West Florist Avenue and West Hampton Avenue and on interstate highway 94 between the Waukesha county line and 108th Street:

(a) Between 6:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 6:00 p.m. on Monday through Thursday.

(b) Between 6:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 11:00 p.m. on Friday and Sunday.

(5) An issuing authority may issue a permit for times other than those specified in subs. (1), (2), (3), or (4), under extraordinary circumstances when, in the opinion of the issuing authority, public health and welfare is better served, and may impose additional conditions to promote the safe operation of the vehicle and load.

Trans 254.12 ROUTE LIMITATIONS. (1) No vehicle, vehicle combination, or load exceeding 16 feet in width may be operated or transported upon any portion of the national system of interstate and defense highways unless the permit contains a special condition authorizing movement with a greater width upon the interstate highway system.

(2) No permit allowing the dimensions of a vehicle or load to exceed 11 feet in width, 13 1/2 feet in height or 100 feet in length is valid on any part of the Milwaukee county expressway system constructed pursuant to s. 59.965, Stats., except on U.S. highway 45 between West Florist Avenue and West Hampton Avenue and on interstate highway 94 between the Waukesha county line and 108th Street.

(3) Self-propelled, carry-all scrapers operating under a permit may not be operated on the interstate highway system, the Milwaukee county expressway system, or on U.S. highway 41 between Green Bay and Milwaukee.

(4) An oversize or overweight vehicle may not be operated on a highway, whether loaded or empty, at any time that the permit is not valid.

(5) A permit issued by the department for a movement which is partly on the state trunk highway system and partly on other classes of highways is valid only on state highways.

Trans 254.13 POWER UNIT CHANGE. In the event of a breakdown or unavailability of the power unit listed on the application and permit, another power unit may be substituted, provided that the make and vehicle identification number, or license number and state, of the substitute power unit are written on the permit. The issuing authority shall be advised by telephone prior to operating the substitute power unit with the oversize load. Changes in the terms of the permit, other than the identification of the power unit, require a written request and a written amendment to the permit authorizing the change. The driver of a vehicle operating

under a permit shall have the amended permit in his or her possession prior to the movement of the load.

Trans 254.14 INSURANCE AND LIABILITY CONDITIONS. (1) In applying for and accepting a permit, a permittee agrees to:

(a) Pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.

(b) Hold the state, its subdivisions, officers, employees and agents harmless from any claim which may arise from operation over public highways under the permit.

(2) Whether or not insurance, bond, or deposit as set forth in subsection (7) is required, the permittee shall be liable for all damages which any highway or its appurtenances may sustain by reason of any operation under the permit.

(3) An issuing authority may waive insurance requirements for permits issued to government.

(4) Where a certificate of insurance is required, no insurer may cancel the certificate of insurance without providing the issuing authority 10 days advance written notice of the cancellation.

(5) An issuing authority may require a permittee to provide more bodily injury and property damage liability coverage than is set forth in sub. (6).

(6) The following insurance amounts are required:

(a) When the permitted load does not exceed 12 feet in width, 13 1/2 feet in height, or 100 feet in length and is not overweight by more than 25 percent:

| | | |
|--|-----------|-----------------|
| Bodily injury liability-each person..... | \$150,000 | or \$750,000 |
| Bodily injury liability-each accident..... | \$450,000 | combined single |
| Property damage liability-each accident..... | \$300,000 | limit |

(b) When the permitted load exceeds the size or weight limitations in par. (a):

| | | |
|--|-----------|-----------------|
| Bodily injury liability-each person..... | \$200,000 | or \$1,000,000 |
| Bodily injury liability-each accident..... | \$600,000 | combined single |
| Property damage liability-each accident..... | \$400,000 | limit |

(7) A permittee shall certify, and may be required to present satisfactory written evidence, that the amount of insurance coverage given in sub. (6), or a bond in a form satisfactory to the issuing authority, will be in effect for the vehicle and load designated in the permit while operating on the public highway, unless this requirement is expressly waived by the issuing authority.

Trans 254.15 GENERAL CONDITIONS AND REQUIREMENTS. (1) A permittee shall comply with all applicable statutes, ordinances, rules and policies of any state agency or subdivision of the state, unless they are modified by the conditions of the permit.

(2) When a vehicle operating under a permit is overheight, the permittee shall give prior notice to the owners of overhead wires, cables, or other facilities which may be affected.

(3) A properly equipped escort vehicle as described in ch. Trans 252 shall accompany a vehicle and load:

(a) When any part of a vehicle or load extends beyond the left of the roadway centerline on 2-way roadways,

(b) When any part of a vehicle or load extends beyond the left edge of the right hand lane on highways with more than 2 lanes, or

(c) On a highway designated in the permit.

(4) A vehicle and load that does not require an escort vehicle may, when safe, move to the left of the centerline or beyond the left lane line while crossing a bridge or railroad crossing, but only after yielding to all other traffic.

Trans 254.16 SPECIAL CONDITIONS. (1) When a load is transported under a permit, the permittee may be required by an issuing authority to provide a traffic officer or flagperson to direct traffic, 2 escorts, or police escort.

(2) All loads 16 feet wide or wider shall have 2 properly equipped escorts.

Trans 254.17 DENIAL, SUSPENSION OR REVOCATION OF PERMIT. (1) An issuing authority may deny, suspend, or revoke a permit for good cause, pursuant to s. 348.25(7), Stats. Grounds for the denial, suspension, or revocation of a permit include:

(a) Violation of any condition of a permit.

(b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.

(d) Making a material misstatement in an application for a permit.

(e) Unauthorized alteration of a permit.

(f) Refusal or failure, without just cause, to produce required records.

(g) Payment of an application fee with a worthless check.

(h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked permit to the issuing authority, after receiving notice from the issuing authority of the suspension or revocation of the permit.

Note: If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

CHAPTER TRANS 255
MULTIPLE TRIP PERMITS FOR
OVERSIZE OR OVERWEIGHT VEHICLES OR LOADS

Trans 255.01 PURPOSE. The purpose of this chapter is to establish standards and procedures for the issuance of multiple trip oversize or overweight permits, pursuant to s. 348.27(2), Stats.

Trans 255.02 DEFINITIONS. (1) Unless otherwise stated, the definitions of words and phrases in ss. 340.01 and 348.01(2), Stats., and s. Trans 250.02 apply to this chapter.

(2) As used in this chapter:

(a) "Issuing authority" means the department of transportation.

(b) "Permit" means multiple trip oversize or overweight permits authorized under s. 348.27(2), Stats.

Trans 255.03 PERMIT APPLICATION. (1) An application for a permit shall be submitted to an issuing authority on a form approved by the department, and in accordance with s. 348.27, Stats.

(2) An application for a permit for the use of a state trunk highway shall be made to the department in any of the following ways:

(a) In person, at the department's central or district offices.

(b) By mail, addressed to the department's central office.

Note: Permit application procedures are in s. Trans 250.025.

Trans 255.04 PERMIT AMENDMENTS. (1) An application for an amendment to a permit shall be made to the issuing authority which issued the original permit.

(2) An application for an amendment may be made in the same manner as an application for an original permit.

(3) The request shall specify the permit number of the permit to be amended.

Note: Limitations on the amendment of permits are in s. Trans. 250.10.

Trans 255.05 ELIGIBILITY. (1) Any vehicle or vehicle and load to be considered as operating under a permit shall satisfy requirements for a permit under s. 348.25, Stats.

(2) An issuing authority may not issue a permit for mobile homes or camping trailers under this chapter.

(3) An issuing authority may not issue a permit to transport loads or articles which could reasonably be divided in a manner as to allow transporting of loads or articles in 2 or more loads that are not oversize or overweight, nor may the permit be issued for the transporting of more than one article if the vehicle, load, or vehicle and load is overweight.

Note: This section prohibits, among other things, the addition of an extra boom section to a load that is transported under a permit for an overweight vehicle, load, or vehicle and load. Transporting necessary blocking for a load, or transporting the necessary blocking on an otherwise empty vehicle to and from the origin or destination of the load, is not prohibited.

(4) An issuing authority may not issue a permit for a vehicle and load exceeding 100 feet in overall length when the rear supporting axle is at or near the rear of the load unless the rear support is separately steered.

(5) An issuing authority may issue a permit only for a vehicle equipped with pneumatic tires.

(6) The issuance of a permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

(7) A permit may not authorize the operation of more than 2 vehicles in combination except that a vehicle combination consisting of a truck-tractor and semi-trailer, operating under a permit, may transport a 2-axle carry-all scraper with the axle of the scraper power unit resting

on the bed of the semi-trailer and the rear axle of the scraper resting on the roadway. The gross weight of the rear axle of the scraper may not exceed 35,000 pounds.

Trans 255.06 VALIDITY. (1) A permit is valid only for the vehicle described in the application and permit.

(2) An issuing authority may suspend a permit, or any of its conditions, because of seasonal highway conditions.

(3) No condition of a permit may modify any law or regulation limiting loads because of local conditions, including load limits on bridges and highways, seasonal weight restrictions, or load limits imposed because of construction.

(4) A permit is not valid during periods when adverse weather or road conditions, such as fog, smoke, heavy rain, snow or ice, or wind velocity, impair the safety of a movement under the permit.

(5) Operation under a permit includes the movement of an empty vehicle to and from the place of pickup or delivery of the permitted load.

Trans 255.07 REGISTRATION REQUIREMENTS. (1) A vehicle operating under a permit shall be registered as required by Wisconsin Statutes, and shall be registered at not less than the permit weight or at the maximum available registration weight, whichever is less.

(2) All other operational permits required by the department, the office of the commissioner of transportation, or other agencies having jurisdiction shall be obtained.

Trans 255.08 DRIVER AND OPERATING REQUIREMENTS. (1) The driver of a vehicle operating under a permit shall carry the permit in the vehicle to which it applies and shall have the permit available for inspection by any police officer, representative of the issuing authority, or person in charge of the maintenance of the highway being used.

(2) The driver of a vehicle operating under a permit shall, whenever reasonable and practicable, maintain a distance of not less than 1,000 feet between the permitted vehicle and any vehicle the driver is following, unless actually engaged in overtaking and passing another vehicle.

(3) The driver of a vehicle operating under a permit shall allow traffic approaching or overtaking the permitted vehicle to pass, where it is safe to do so.

(4) The maximum speed of any vehicle with a load 16 feet or wider operating on highways without paved shoulders shall be 35 miles per hour.

(5) Except as provided in sub. (4), or unless a lower speed is specified in the permit, a vehicle operating under a permit may be operated at the posted speed limit.

(6) The right wheels of the towed unit may not leave the roadway, except to allow traffic to pass.

Note: A "roadway" does not include paved or unpaved shoulders. s. 340.01(54), Stats.

Trans 255.09 MAXIMUM SIZE, WEIGHT AND LOADING LIMITATIONS. (1) The maximum size, axle, axle combination, and total weight limitations authorized by a permit may not be exceeded.

(2) Property transported under a permit shall be loaded to minimize its size and weight.

(3) An oversize vehicle used for transporting loads under a permit shall be reduced to legal size whenever possible when being operated without load.

Note: Legal sizes are set forth in ch. 348 and s. 349.16, Stats.

(4) A load transported under a permit may not extend beyond the front of the power unit, beyond the left fender line of the transporting vehicle, or more than six inches beyond the right fender of the transporting vehicle, unless the overhang is minimized by suitable positioning of the load upon the vehicle.

(5) Loads consisting of more than one article, none of which are oversize, may not be transported under the permit.

(6) Vehicles and loads which, when reasonably divided, would not be oversize or overweight, may not be transported under the permit.

(7) Loads which, when reasonably repositioned on the transporting vehicle, would not be oversize or overweight, may not be transported under the permit.

(8) Loads consisting of more than one article, one or more of which are oversize, may be transported under a permit only if:

(a) The vehicle, load, or vehicle and load is not overweight, and

(b) The other articles transported do not cause the vehicle and load to be oversize in any manner differently from the largest single article.

Note: For example, if a storage tank which is overwidth and overheight (but not overlength) is the single largest article transported, then a toolbox which is not wider, and is not higher, and does not make the vehicle and load overlength or overweight may also be transported.

However, a beam placed crosswise which makes the overall width wider than the storage tank may not be transported as an additional article. Similarly, a beam placed lengthwise which makes the vehicle and load overlength may not be transported as an additional article.

Finally, if the vehicle and load were overweight, then no additional article may be transported.

(9) The load shall be properly secured and fastened to the transporting vehicle.

(10) Wheels on one side of a transporting vehicle may not carry more than 60% of the total gross load.

Trans 255.10 EQUIPMENT REQUIREMENTS. (1) LIGHTING. An oversize vehicle, or a vehicle with an oversize load operating during the hours of darkness, shall be equipped with the following additional lamps:

(a) For a vehicle with a load which extends beyond the width of the vehicle:

1. At the outermost extremity of the foremost edge of the projecting load, an amber lamp visible from the front and side.

2. At the outermost extremity at the rearmost edge of the projecting load, a red lamp visible from the rear and side.

3. Any portion of an overwidth load extending beyond the width of the foremost or rearmost edge of the vehicle or load shall be marked with an amber lamp visible from the front, both sides, and rear.

4. If the overwidth portion of a load measures 3 feet or less from front to rear, that portion shall be marked with an amber lamp visible from the front, both sides and rear, except that if the overwidth projection is located at or near the rear it shall be marked by a red lamp visible from front, side and rear.

(b) For a vehicle with a load which extends more than 4 feet beyond the rear of the vehicle:

1. On each side of the projecting load, one red lamp, visible from the side, located so as to indicate maximum overhang.

2. On the rear of the projecting load, 2 red lamps, visible from the rear, one at each side; and 2 red reflectors visible from the rear, one at each side, located so as to indicate maximum width.

(c) All required lamps shall be illuminated whenever a vehicle is operated during hours of darkness. All lamps shall be visible at a distance of 500 feet.

(2) WARNING LAMPS. When required by a permit, warning lamps shall be operated as follows:

(a) All amber flashing or revolving warning lamps shall have a reflector at least six inches in diameter and shall be bright enough to be clearly visible and attention-attracting at a distance

of 500 feet under all conditions when the load is on the highway, except when visibility is obstructed by a hillcrest, a curve, or an object such as another vehicle.

(b) All warning lamps shall flash at a rate of 30 to 90 times per minute.

(c) Strobe lamps may be used in lieu of flashing or revolving lamps.

(d) Warning lamps may not be operated when a vehicle is not operating under the permit.

(3) **FLAGS.** (a) When a vehicle, load, or vehicle and load is overlength, a single flag shall be fastened at the extreme rear of the load if the overlength or projecting portion is 2 feet wide or less.

(b) When a vehicle, load, or vehicle and load is overlength, 2 flags shall be fastened at the rear of the load to indicate maximum width if the overlength or projecting portion is wider than 2 feet.

(c) When a vehicle, load, or vehicle and load is overwidth, a flag shall be fastened at each front and rear corner of the load. In addition, if any part of the load is more than 4 inches wider than the width of load or vehicle at the front or rear, then a flag shall be placed at the widest point of the load.

(d) Each flag shall be solid red or orange in color, and not less than 18 inches square.

(e) In order to wave freely, flags shall be securely fastened by at least one corner or securely mounted on a staff.

(4) **SIGNS.** (a) When a vehicle, load, or vehicle and load is more than 10 feet wide or is overlength, 2 warning signs shall be displayed. One sign shall be fastened at the front of the power unit and the other at either the rear of the towed unit or at the rear of the load.

(b) Each sign shall state, in black letters on a yellow background, "OVERSIZE LOAD," and may not be less than 7 feet long and 18 inches high. The letters of the sign may not be less than 10 inches high with a brush stroke of not less than 1.4 inches.

(c) The sign message may not be displayed when the vehicle is not operating under the permit.

(5) HAZARD MARKERS. (a) When required by the conditions of a permit, black and white or black and yellow diagonally striped reflectorized hazard markers, not less than 12 inches wide by 36 inches high, shall be fastened to, or in front of and behind the load, so as to be fully visible to traffic approaching from both the front and rear of the vehicle.

(b) All hazard markers shall be located at right angles to the centerline of the vehicle so as to indicate the widest part of the load on each side of the vehicle.

Trans 255.11 TIMES OF OPERATION. (1) Except as otherwise specified in a permit, a vehicle, load, or vehicle and load that is overweight, but not oversize, may operate 24 hours a day, including weekends and holidays.

(2) Except as otherwise specified in a permit, no oversize vehicle or vehicle combination operating under a permit that is equal to or less than 12 feet in width, 13 1/2 feet in height, and 100 feet in length may operate:

(a) Between 4:00 p.m. and 11:00 p.m. on Sunday.

(b) Between 4:00 p.m. and 11:00 p.m. on Friday between the 4th Friday in May and Labor Day.

(c) Between 4:00 p.m. and 11:00 p.m. on any holiday, or, when Independence Day falls on Sunday, on the following Monday.

(d) Between 4:00 p.m. and 11:00 p.m. on the day before any holiday, except that this restriction does not apply to Independence Day when it falls on a Sunday.

(3) In addition to the conditions provided in sub. (2), no oversize vehicle or vehicle combination operating under a permit that exceeds 12 feet in width, 13 1/2 feet in height, or 100 feet in length, may operate:

(a) During the hours of darkness.

(b) During the period beginning at 12:00 noon on the day preceding and continuing until sunrise on the day following every Sunday and holiday.

(4) In addition to the conditions provided in sub. (2) and sub. (3), no oversize vehicle or vehicle combination may operate on any part of the Milwaukee county expressway system constructed pursuant to s. 59.965, Stats., except on U.S. highway 45 between West Florist Avenue and West Hampton Avenue and on interstate highway 94 between the Waukesha county line and 108th Street:

(a) Between 6:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 6:00 p.m. on Monday through Thursday.

(b) Between 6:00 a.m. and 9:00 a.m. nor between 3:00 p.m. and 11:00 p.m. on any Friday and Sunday.

(5) An issuing authority may issue a permit for times other than those specified in subs. (1), (2), (3), or (4), under extraordinary circumstances when, in the opinion of the issuing authority, public health and welfare is better served, and may impose additional conditions to promote the safe operation of the vehicle and load.

Trans 255.12 ROUTE LIMITATIONS. (1) No vehicle, vehicle combination, or load exceeding 16 feet in width, may be operated or transported upon any portion of the national system of interstate and defense highways unless the permit contains a special condition authorizing movement with a greater width upon the interstate highway system or portion thereof.

(2) No permit allowing the dimensions of a vehicle or load to exceed 11 feet in width, 13 1/2 feet in height or 100 feet in length is valid on any part of the Milwaukee county expressway system constructed pursuant to s. 59.965, Stats., except on U.S. highway 45 between West

Florist Avenue and West Hampton Avenue and on interstate highway 94 between the Waukesha county line and 108th Street.

(3) Self-propelled carry-all scrapers operating under a permit may not be operated on the interstate highway system, the Milwaukee county expressway system, or on U.S. highway 41 from Green Bay to Milwaukee.

(4) An oversize or overweight vehicle may not be operated on a highway, whether loaded or empty, at any time that the permit is not valid.

(5) A permit authorizes the use of any of the highways of the state, subject to the limitations stated in the permit.

(6) A permit is not valid for the operation of any vehicle upon class "B" highways, as classified in accordance with s. 348.16, Stats., with gross weights exceeding those permitted by statute on class "B" highways unless written permission has first been obtained from the officer in charge of the maintenance of the highway.

Trans 255.13 TRANSFERS. In the event of a breakdown or other circumstance requiring a change of the power unit identified on the permit, transfers to another vehicle, under the control of the permittee, may be made following the completion of a new application and the issuance of a new permit. The words, "This is a transfer from permit # _____," shall be written on the bottom of the application. The original permit shall be sent to the issuing authority with the transfer application.

Trans 255.14 INSURANCE AND LIABILITY CONDITIONS. (1) In applying for and accepting a permit, a permittee agrees to:

(a) Pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.

(b) Hold the state, its subdivisions, officers, employees and agents harmless from any claim which may arise from operation over public highways under the permit.

(2) Whether or not insurance, bond, or deposit as set forth in subsection (7) is required, the permittee shall be liable for all damages which any highway or its appurtenances may sustain by reason of any operation under the permit.

(3) An issuing authority may waive insurance requirements for permits issued to government.

(4) Where a certificate of insurance is required, no insurer may cancel the certificate of insurance without providing the issuing authority 10 days advance written notice of the cancellation.

(5) An issuing authority may require a permittee to provide more bodily injury damage liability coverage than is set forth in sub. (6).

(6) The following insurance amounts are required:

(a) When the permitted load does not exceed 12 feet in width, 13 1/2 feet in height, or 100 feet in length and is not overweight by more than 25 percent:

| | | |
|--|-----------|-----------------|
| Bodily injury liability-each person..... | \$150,000 | or \$750,000 |
| Bodily injury liability-each accident..... | \$450,000 | combined single |
| Property damage liability-each accident..... | \$300,000 | limit |

(b) When the permitted load exceeds the size or weight limitations in par. (a):

| | | |
|--|-----------|-----------------|
| Bodily injury liability-each person..... | \$200,000 | or \$1,000,000 |
| Bodily injury liability-each accident..... | \$600,000 | combined single |
| Property damage liability-each accident..... | \$400,000 | limit |

(7) A permittee shall certify, and may be required to present satisfactory written evidence, that the amount of insurance coverage given in sub. (6), or a bond in a form satisfactory to the issuing authority, will be in effect for the vehicle and load designated in the permit while

operating on the public highway, unless this requirement is expressly waived by the issuing authority.

Trans 255.15 GENERAL CONDITIONS AND REQUIREMENTS. (1) A permittee shall comply with all applicable statutes, ordinances, rules and policies of any state agency or subdivision of the state, unless they are modified by the conditions of the permit.

(2) When a vehicle operating under a permit is overheight, the permittee shall give prior notice to the owners of overhead wires, cables, or other facilities which may be affected.

(3) A properly equipped escort vehicle as described in ch. Trans 252, shall accompany a vehicle and load:

(a) When any part of a vehicle or load extends beyond the left of the roadway centerline on 2-way roadways,

(b) When any part of a vehicle or load, extends beyond the left edge of the right hand lane on highways with more than 2 lanes, or

(c) On a highway designated in the permit.

(4) A vehicle and load that does not require an escort vehicle may, when safe, move to the left of the centerline or beyond the left lane line while crossing a bridge or railroad crossing, but only after yielding to all other traffic.

Trans 255.16 DENIAL, SUSPENSION OR REVOCATION OF PERMIT. (1) An issuing authority may deny, suspend, or revoke a permit for good cause, pursuant to s. 348.25(7), Stats. Grounds for the denial, suspension, or revocation of a permit include:

(a) Violation of any condition of a permit.

(b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.

(d) Making a material misstatement in an application for a permit.

(e) Unauthorized alteration of a permit.

(f) Refusal or failure, without just cause, to produce required records.

(g) Payment of an application fee with a worthless check.

(h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked permit to the issuing authority after receiving notice from the issuing authority of the suspension or revocation of the permit.

Note: If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

CHAPTER TRANS 256

SINGLE TRIP TRAILER-TRAIN PERMITS

Trans 256.01 PURPOSE. The purpose of this chapter is to establish standards and procedures for the issuance of single trip trailer-train permits, pursuant to s. 348.26 (3), Stats.

Trans 256.02 DEFINITIONS. (1) Unless otherwise stated, the definitions of words and phrases in ss. 340.01 and 348.01(2), Stats., and s. Trans 250.02 apply to this chapter.

(2) As used in this chapter:

(a) "Issuing authority" means the department of transportation, or the officer in charge of maintenance of local highways.

Note: The officer in charge of maintenance of local highways varies from jurisdiction to jurisdiction and may include the county highway commissioner; the city, town or village engineer; and the head of a city, town, or village transportation or public works department, or other person.

(b) "Permit" means single trip trailer-train permits authorized under s. 348.26 (3), Stats.

Trans 256.03 PERMIT APPLICATION. (1) An application for a permit shall be submitted to an issuing authority on a form approved by the department, and in accordance with s. 348.26, Stats.

(2) An application for a permit for the use of a state trunk highway shall be made to the department in any of the following ways:

(a) In person, at the department's central or district offices.

(b) By mail, addressed to the department's central office.

(c) By the telephone call-in procedure, described in ch. Trans 275.

(d) By authorized permit service.

(3) An application for a permit for the use of a highway maintained by a local authority shall be submitted to the applicable local authority in the manner prescribed by the local authority. An application for a permit for the use of a state trunk highway within the geographical boundaries of a local authority shall be submitted to the applicable local authority in the manner prescribed by the local authority.

Note: Permit application procedures are in s. Trans 250.025.

Trans 256.04 PERMIT AMENDMENTS. (1) An application for an amendment to a permit shall be made to the issuing authority which issued the original permit.

(2) An application for an amendment may be made in the same manner as an application for an original permit.

(3) The request shall specify the permit number of the permit to be amended.

(4) A request for an extension of a permit may be made any time until the 3rd day after the expiration date of the permit.

(5) An issuing authority may grant only one extension to a permit.

(6) Except as provided in sub. (7), a permit issued for less than 2 weeks may be extended not more than 2 weeks.

(7) An issuing authority may extend a permit not more than 2 additional weeks where highway or other conditions remain unchanged, or as the issuing authority deems necessary.

Note: Limitations on the amendment of permits are in s. Trans 250.10.

Trans 256.05 ELIGIBILITY. (1) Any vehicle or vehicle and load to be considered as operating under a permit shall satisfy the requirements for a permit under s. 348.25, Stats.

(2) An issuing authority may issue a permit for empty trailer trains that are not reasonably divisible for purposes of movements to or from vehicle manufacturing, maintenance, repair, staging or terminal facilities.

(3) An issuing authority may not issue a permit for wagons used in connection with seasonal agricultural industries.

(4) A permit may not authorize the operation of more than 3 vehicles in combination.

(5) An issuing authority may issue a permit only for a vehicle equipped with pneumatic tires.

(6) The issuance of a permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

Trans 256.06 VALIDITY. (1) A permit is valid only for the route specified in the permit, which may include the return trip on the reverse route if requested and approved, and which includes the movement of the empty vehicle, whether or not oversize or overweight, to and from the place of pickup or delivery of the permitted load.

(2) A permit is valid only for the vehicle described in the application and permit.

(3) A permit is valid only on the route specified in the permit.

(4) An issuing authority may suspend a permit, or any of its conditions, because of seasonal highway conditions.

Note: Examples of seasonal highway conditions include spring thaw, flooding, and traffic congestion.

(5) No condition of a permit may modify any law or regulation limiting loads because of local conditions, including load limits on bridges and highways, seasonal weight restrictions, or load limits imposed because of construction.

(6) A permit is not valid during periods when adverse weather or road conditions, such as fog, smoke, heavy rain, snow or ice, or wind velocity, impair the safety of a movement under the permit.

(7) A permit may not be used in combination with a multiple trip permit to authorize the movement of an oversize vehicle, load, or vehicle and load.

Trans 256.07 REGISTRATION REQUIREMENTS. (1) A vehicle operating under a permit shall be registered as required by Wisconsin Statutes, and shall be registered at not less than the permit weight or at the maximum available registration weight, whichever is less.

(2) All other operational permits required by the department, the office of the commissioner of transportation, or other agencies having jurisdiction shall be obtained.

Trans 256.08 DRIVER AND OPERATING REQUIREMENTS. (1) The driver of a vehicle operating under a permit shall carry the permit in the vehicle to which it applies and shall have the permit available for inspection by any police officer, representative of the issuing authority, or person in charge of the maintenance of the highway being used.

(2) The driver of a vehicle operating under a permit shall, whenever reasonable and practicable, maintain a distance of not less than 1,000 feet between the vehicle with the permit and any vehicle the driver is following, unless actually engaged in overtaking and passing another vehicle.

(3) The driver of a vehicle operating under a permit shall allow traffic approaching or overtaking the permitted vehicle to pass, where it is safe to do so.

(4) Unless a lower speed is specified in the permit, a vehicle operating under a permit may be operated at the posted speed limit.

(5) The right wheels of the towed unit may not leave the roadway, except to allow traffic to pass.

Note: A "roadway" does not include paved or unpaved shoulders. s. 340.01(54), Stats.

Trans 256.09 MAXIMUM SIZE AND LOADING LIMITATIONS. (1) The maximum size limitations authorized by a permit may not be exceeded.

(2) The total length of trailer-trains consisting of truck-tractors, tractors, trailers, or semi-trailers operating under the terms of a permit, and the number of vehicles in the trailer-train authorized by the issuing authority may not be exceeded.

(3) The overall length of the train of vehicles may not exceed 100 feet.

(4) No vehicle in a trailer-train may be overheight or overwidth.

Trans 256.10 FLAG REQUIREMENTS. (1) When a vehicle, load, or vehicle and load is overlength, 2 flags shall be fastened at the rear corners of the vehicle.

(2) Each flag shall be solid red or orange in color, and not less than 18 inches square.

(3) In order to wave freely, flags shall be securely fastened by at least one corner or securely mounted on a staff.

Trans 256.11 TIMES OF OPERATION. (1) Except as otherwise specified in a permit, no vehicle or vehicle combination operating under a permit may operate:

(a) Between 4:00 p.m. and 11:00 p.m. on Sunday.

(b) Between 4:00 p.m. and 11:00 p.m. on Friday between the 4th Friday in May and Labor Day.

(c) Between 4:00 p.m. and 11:00 p.m. on any holiday, or, when Independence Day falls on Sunday, on the following Monday.

(d) Between 4:00 p.m. and 11:00 p.m. on the day before any holiday, except that this restriction does not apply to Independence Day when it falls on a Sunday.

(2) An issuing authority may issue a permit for times other than those specified in sub. (1), under extraordinary circumstances when, in the opinion of the issuing authority, public health and welfare is better served, and may impose additional conditions necessary to promote the safe operation of the vehicle and load.

Trans 256.12 ROUTE LIMITATIONS. (1) A permit issued by the department for a movement which is partly on the state trunk highway system and partly on other classes of highways is valid only on state trunk highways.

(2) An oversize vehicle or vehicle-train may not be operated on a highway at any time that a permit is not valid.

Trans 256.13 POWER UNIT CHANGE. In the event of a breakdown or unavailability of the power unit listed on the application and permit, another power unit may be substituted, provided that the make and vehicle identification number, or license number and state, of the substitute power unit are written on the permit. The issuing authority shall be advised by telephone prior to operating the substitute power unit with the oversize load. Changes in the terms of the permit, other than the identification of the power unit, require a written request and a written amendment to the permit authorizing the change. The driver of a vehicle operating under a permit shall have the amended permit in his or her possession prior to the movement of the load.

Trans 256.14 INSURANCE AND LIABILITY CONDITIONS. (1) In applying for and accepting a permit, a permittee agrees to:

(a) Pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.

(b) Hold the state, its subdivisions, officers, employees and agents harmless from any claim which may arise from operation over public highways under the permit.

(2) Whether or not insurance, bond, or deposit as set forth in sub. (7) is required, the permittee shall be liable for all damages which any highway or its appurtenances may sustain by reason of any operation under the permit.

(3) An issuing authority may waive insurance requirements for permits issued to government.

(4) Where a certificate of insurance is required, no insurer may cancel the certificate of insurance without providing the issuing authority 10 days advance written notice of the cancellation.

(5) An issuing authority may require a permittee to provide more bodily injury and property damage liability coverage than is set forth in sub. (6).

(6) The following insurance amounts are required:

| | | |
|--|-----------|-----------------|
| Bodily injury liability-each person..... | \$150,000 | or \$750,000 |
| Bodily injury liability-each accident..... | \$450,000 | combined single |
| Property damage liability-each accident..... | \$300,000 | limit |

(7) A permittee shall certify, and may be required to present satisfactory written evidence, that the amount of insurance coverage given in sub. (6), or a bond in a form satisfactory to the issuing authority, will be in effect for the vehicle and load designated in the permit while operating on a public highway, unless this requirement is expressly waived by the issuing authority.

Trans 256.15 GENERAL CONDITIONS AND REQUIREMENTS. A permittee shall comply with all applicable statutes, ordinances, rules and policies of any state agency or subdivision of the state, unless they are modified by the conditions of the permit.

Trans 256.16 DENIAL, SUSPENSION OR REVOCATION OF PERMIT. (1) An issuing authority may deny, suspend, or revoke a permit for good cause, pursuant to s. 348.25(7), Stats. Grounds for the denial, suspension, or revocation of a permit include:

(a) Violation of any condition of a permit.

(b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.

(d) Making a material misstatement in an application for a permit.

(e) Unauthorized alteration of a permit.

(f) Refusal or failure, without just cause, to produce required records.

(g) Payment of an application fee with a worthless check.

(h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked permit to the issuing authority after receiving notice from the issuing authority of the suspension or revocation of the permit.

Note: If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

CHAPTER TRANS 257

POLE AND PIPE TRANSPORTATION PERMITS

Trans 257.01 PURPOSE. The purpose of this chapter is to establish standards and procedures for the issuance of pole and pipe transportation permits, pursuant to s. 348.27(5), Stats.

Trans 257.02 DEFINITIONS. (1) Unless otherwise stated, the definitions of words and phrases in ss. 340.01 and 348.01(2), Stats., and s. Trans 250.02 apply to this chapter.

(2) As used in this chapter:

(a) "Issuing authority" means the department of transportation.

(b) "Permit" means pole and pipe transportation permits authorized under s. 348.27(5), Stats.

Trans 257.03 PERMIT APPLICATION. (1) An application for a permit shall be submitted to an issuing authority on a form approved by the department, and in accordance with s. 348.27, Stats.

(2) An application for a permit for the use of a state trunk highway shall be made to the department in any of the following ways:

(a) In person, at the department's central or district offices.

(b) By mail, addressed to the department's central office.

Note: Permit application procedures are in s. Trans 250.025.

Trans 257.04 ELIGIBILITY. (1) Any vehicle or vehicle and load to be considered as operating under a permit shall satisfy the requirements for a permit under s. 348.25, Stats.

(2) An issuing authority may issue a permit only to:

(a) Public service corporations.

(b) Pipeline companies or operators.

(c) Municipal utilities.

(d) Public utility cooperatives.

(3) An issuing authority may not issue a permit to a contractor, or to the owner of a vehicle under lease to, any of the business entities listed in sub. (2).

(4) An issuing authority may issue a permit only for articles which are overlength.

(5) A permit may not authorize the operation of more than 2 vehicles in combination.

(6) An issuing authority may issue a permit only for a vehicle equipped with pneumatic tires.

(7) A permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

Trans 257.05 VALIDITY. (1) An issuing authority may suspend a permit, or any of its conditions, because of seasonable highway conditions.

Note: Examples of seasonal highway conditions include spring thaw, flooding, and traffic congestion.

(2) No condition of a permit may modify any law or regulation limiting loads because of local conditions, including load limits on bridges and highways, seasonal weight restrictions, or load limits imposed because of construction.

(3) Operation under a permit includes the movement of an empty vehicle, to and from the place of pickup or delivery of the permitted load.

Trans 257.06 REGISTRATION REQUIREMENTS. (1) A vehicle operating under a permit shall be registered as required by Wisconsin statutes, and shall be registered at not less than the permit weight or at the maximum available registration weight, whichever is less.

(2) All other operational permits required by the department, the office of the commissioner of transportation, or other agencies having jurisdiction shall be obtained.

Trans 257.07 DRIVER AND OPERATING REQUIREMENTS. (1) The driver of a vehicle operating under a permit shall carry the permit in the vehicle to which it applies and shall have the permit available for inspection by any police officer, representative of the issuing authority, or person in charge of the maintenance of the highway being used.

(2) The driver of a vehicle operating under a permit shall, whenever reasonable and practicable, maintain a distance of not less than 1,000 feet between the vehicle with the permit and any vehicle the driver is following, unless actually engaged in overtaking and passing another vehicle.

(3) The driver of a vehicle operating under a permit shall allow traffic approaching or overtaking the permitted vehicle to pass, where it is safe to do so.

(4) Unless a lower speed is specified in the permit, a vehicle operating under a permit may be operated at the posted speed limit.

(5) The right wheels of the towed unit may not leave the roadway, except to allow traffic to pass.

Note: A "roadway" does not include paved or unpaved shoulders. s. 340.01(54), Stats.

Trans 257.08 MAXIMUM SIZE AND LOADING LIMITATIONS. (1) The maximum size limitations authorized by a permit may not be exceeded.

(2) Property transported under a permit shall be loaded to minimize its size and weight.

(3) An oversize vehicle used for transporting loads under a permit shall be reduced to legal size whenever possible when being operated without load.

Note: Legal sizes are set forth in ch. 348 and s. 349.16, Stats.

(4) A load transported under a permit may not extend beyond the front of the power unit, beyond the left fender line of the transporting vehicle, or more than six inches beyond the right

fender of the transporting vehicle, unless the overhang is minimized by suitable positioning of the load upon the vehicle.

(5) Loads consisting of more than one article, none of which are oversize, may not be transported under the permit.

(6) Vehicles and loads which, when reasonably divided, would not be oversize or overweight, may not be transported under the permit.

(7) Loads which, when reasonably repositioned on the transporting vehicle would not be oversize or overweight, may not be transported under the permit.

(8) Loads consisting of more than one article, one or more of which are oversize, may be transported under a permit only if:

(a) The vehicle, load, or vehicle and load is not overweight, and

(b) The additional articles transported do not cause the vehicle and load to be oversize in any manner differently from the largest single article.

Note: For example, if a storage tank which is overwidth and overheight (but not overlength) is the single largest article transported, then a toolbox which is not wider, and is not higher, and does not make the vehicle and load overlength or overweight may also be transported.

However, a beam placed crosswise which makes the overall width wider than the storage tank may not be transported as an additional article. Similarly, a beam placed lengthwise which makes the vehicle and load overlength may not be transported as an additional article.

Finally, if the vehicle and load were overweight, then no additional article may be transported.

(9) The load shall be properly secured and fastened to the transporting vehicle.

(10) Wheels on one side of a transporting vehicle may not carry more than 60% of the total gross load.

Trans 257.09 EQUIPMENT REQUIREMENTS. (1) LIGHTING. An overlength vehicle or load, operating during the hours of darkness, which extends more than 4 feet beyond the rear of the vehicle shall be equipped with the following additional lamps.

(a) On each side of the projecting load, one red lamp, visible from the side, located so as to indicate maximum overhang.

(b) On the rear of the projecting load, 2 red lamps, visible from the rear, one at each side; and 2 red reflectors visible from the rear, one at each side, located so as to indicate maximum width.

(c) All required lamps shall be illuminated whenever the vehicle is operated during hours of darkness. All lamps shall be visible at a distance of 500 feet.

(2) FLAGS. (a) When a vehicle, load, or vehicle and load is overlength, a single flag shall be fastened at the extreme rear of the load if the overlength or projecting portion is 2 feet wide or less.

(b) When a vehicle, load, or vehicle and load is overlength, 2 flags shall be fastened at the rear of the load to indicate maximum width if the overlength or projecting portion is wider than 2 feet.

(c) Each flag shall be solid red or orange in color, and not less than 18 inches square.

(d) In order to wave freely, flags shall be securely fastened by at least one corner or securely mounted on a staff.

Trans 257.10 TIMES OF OPERATION. Except as otherwise specified in a permit, a vehicle or vehicle combination operating under a permit may operate 24 hours a day, including weekends and holidays.

Trans 257.11 ROUTE LIMITATIONS. (1) A permit issued by an issuing authority authorizes the use of any of the highways in the state, subject to the limitations stated in the permit.

(2) No permit, allowing the dimensions of a vehicle or load to exceed 11 feet in width, 13 1/2 feet in height, or 100 feet in length, is valid on any part of the Milwaukee county expressway system constructed pursuant to s. 59.965, Stats., except on U.S. highway 45 between West Florist Avenue and West Hampton Avenue and from the West end of the expressway to 108th Street.

(3) An overlength vehicle may not be operated on the highway, whether loaded or empty, at any time that a permit is not valid.

Trans 257.12 GENERAL CONDITIONS AND REQUIREMENTS. A permittee shall comply with all applicable of the statutes, ordinances, rules and policies of any state agency or subdivision of the state, unless they are modified by the conditions of the permit.

Trans 257.13 DENIAL, SUSPENSION OR REVOCATION OF PERMIT. (1) An issuing authority may deny, suspend, or revoke a permit for good cause, pursuant to s. 348.25(7), Stats. Grounds for the denial, suspension, or revocation of a permit include:

- (a) Violation of any condition of a permit.
- (b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.
- (c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.
- (d) Making a material misstatement in an application for a permit.
- (e) Unauthorized alteration of a permit.

(f) Refusal or failure, without just cause, to produce required records.

(g) Payment of an application fee with a worthless check.

(h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked permit to the issuing authority after receiving notice from the issuing authority of the suspension or revocation of the permit.

Note: If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

SECTION 6. Chapters Trans 259 to 262 are created to read:

CHAPTER TRANS 259

RAW FOREST PRODUCTS, FRUITS OR VEGETABLES PERMITS

Trans 259.01 PURPOSE. The purpose of this chapter is to establish standards and procedures for the issuance of raw forest products, fruits or vegetables permits, pursuant to s. 348.27(9m), Stats.

Trans 259.02 DEFINITIONS. (1) Unless otherwise stated, the definitions of words and phrases in ss. 340.01 and 348.01(2), Stats., and s. Trans 250.02 apply to this chapter.

(2) As used in this chapter:

(a) "Fruit or vegetable" means the edible part of a plant cultivated for human consumption and the inedible part of plants which are commonly harvested and sold with the edible part, and includes sweet corn but does not include field corn, grains, nuts, herbs, and spices.

(b) "Issuing authority" means department of transportation.

(c) "Permit" means raw forest, fruits or vegetables permits authorized under s. 348.27(9m), Stats.

(d) "Raw forest products" means forest products not altered by a manufacturing process off the land from which they are taken, and includes logs, pilings, posts, poles and cordwood products, pulpwood, fuel wood and Christmas trees.

Trans 259.03 PERMIT APPLICATION. (1) An application for a permit shall be submitted to an issuing authority on a form approved by the department, and in accordance with s. 348.27, Stats.

(2) An application for a permit for the use of a state trunk highway shall be made to the department in any of the following ways:

(a) In person, at the department's central or district offices.

(b) By mail, addressed to the department's central office.

Note: Permit application procedures are in s. Trans 250.025.

Trans 259.04 ELIGIBILITY. (1) Any vehicle or vehicle and load to be considered as operating under a permit shall satisfy the requirements for a permit under s. 348.25, Stats.

(2) An issuing authority may issue a permit only for an overweight vehicle or an overweight vehicle combination.

(3) A permit may be issued for the transportation of raw forest products only from the land on which they are cut but not from another location where they are further altered by any manufacturing process. Operation under a permit may include movement from a location where raw forest products are stored but not processed.

(4) A permit may be issued for the transportation of fruits or vegetables from the field to storage or processing facilities.

(5) An issuing authority may issue a permit only for a vehicle equipped with pneumatic tires.

(6) A permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

Trans 259.05 VALIDITY. (1) A permit is valid only for the vehicle described in the application and permit.

(2) No condition of a permit may modify any law or regulation limiting loads because of local conditions, including load limits on bridges and highways, seasonal weight restrictions, or load limits imposed because of construction.

(3) An issuing authority may suspend a permit, any of its conditions, due to seasonal highway conditions.

Note: Examples of seasonal highway conditions include spring thaw, flooding, and traffic congestion.

(4) Operation under a permit includes the movement of an empty vehicle to and from the place of pickup or delivery of the permitted load.

Trans 259.06 REGISTRATION REQUIREMENTS. (1) A vehicle or operating under a permit shall be registered as required by Wisconsin statutes, and shall be registered at not less than the permit weight or at the maximum available registration weight, whichever is less.

(2) All other operational permits required by the department, the office of the commissioner of transportation, or other agencies having jurisdiction shall be obtained.

Trans 259.07 DRIVER AND OPERATING REQUIREMENTS. (1) The driver of a vehicle operating under a permit shall carry the permit in the vehicle to which it applies and shall have the permit available for inspection by any police officer, representative of the issuing authority, or person in charge of the maintenance of the highway being used.

(2) The driver of a vehicle operating under a permit shall, whenever reasonable and practicable, maintain a distance of not less than 1,000 feet between the vehicle with the permit and any vehicle the driver is following, unless actually engaged in overtaking and passing another vehicle.

(3) The driver of a vehicle operating under a permit shall allow traffic approaching or overtaking the permitted vehicle to pass, where it is safe to do so.

(4) Unless a lower speed is specified in the permit, vehicle operating under a permit may be operated at the posted speed limit.

(5) The right wheels of the towed unit may not leave the roadway, except to allow traffic to pass.

Note: A "roadway" does not include paved or unpaved shoulders. s. 340.01(54), Stats.

Trans 259.08 MAXIMUM SIZE, WEIGHT AND LOADING LIMITATIONS. (1) The maximum axle, axle combination, and total weight limitations authorized by a permit may not be exceeded.

(2) Wheels on one side of the transporting vehicle may not carry more than 60% of the total gross load.

Trans 259.09 TIMES OF OPERATION. Except as otherwise specified in a permit, a vehicle, load, or vehicle and load that is overweight may operate 24 hours a day, including weekends and holidays.

Trans 259.10 ROUTE LIMITATIONS. A permit is valid on all public highways in the state which are not posted for weight limits, except that a permit is not valid on the national system of interstate and defense highways.

Trans 259.11 TRANSFERS. In the event of a breakdown or other circumstance requiring a change of the power unit identified on the permit, transfers to another vehicle, under the control of the permittee, may be made following the completion of a new application and the issuance of a new permit. The words, "This is a transfer from permit #___," shall be written on the bottom of the application. The original permit shall be sent to the issuing authority with the transfer application.

Trans 259.12 INSURANCE AND LIABILITY CONDITIONS. (1) In applying for and accepting a permit, a permittee agrees to:

(a) Pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.

(b) Hold the state, its subdivisions, officers, employees and agents harmless from any claim which may arise from operation over public highways under the permit.

(2) Whether or not insurance, bond, or deposit as set forth in sub. (7) is required, the permittee shall be liable for all damage which any highway or its appurtenances may sustain by reason of any operation under the permit.

(3) An issuing authority may waive insurance requirements for permits issued to government.

(4) Where a certificate of insurance is required, no insurer may cancel the certificate of insurance without providing the issuing authority 10 days advance written notice of the cancellation.

(5) An issuing authority may require a permittee to provide more bodily injury damage liability coverage than is set forth in sub. (6).

(6) The following insurance amounts are required:

| | | |
|--|-----------|-----------------|
| Bodily injury liability-each person..... | \$150,000 | or \$750,000 |
| Bodily injury liability-each accident..... | \$450,000 | combined single |
| Property damage liability-each accident..... | \$300,000 | limit |

(7) A permittee shall certify, and may be required to present satisfactory written evidence, that the amount of insurance coverage given in sub. (6), or a bond in a form satisfactory to the issuing authority, will be in effect for the vehicle and load designated in the permit while operating on the public highway, unless this requirements is expressly waived by the issuing authority.

Trans 259.13 GENERAL CONDITIONS AND REQUIREMENTS. A permittee shall comply with all applicable statutes, ordinances, rules and policies of any state agency or subdivision of the state, unless they are modified by the conditions of the permit.

Trans 259.14 DENIAL, SUSPENSION OR REVOCATION OF PERMIT. (1) An issuing authority may deny, suspend, or revoke a permit for good cause, pursuant to s. 348.25(7), Stats. Grounds for the denial, suspension, or revocation of a permit include:

(a) Violation of any condition of a permit.

(b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.

(d) Making a material misstatement in an application for a permit.

(e) Unauthorized alteration of a permit.

(f) Refusal or failure, without just cause, to produce required records.

(g) Payment of an application fee with a worthless check.

(h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked permit to the issuing authority, after receiving notice from the issuing authority of the suspension or revocation of the permit.

Note: If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

CHAPTER TRANS 260

SINGLE TRIP PERMITS FOR

MOBILE HOMES AND MODULAR BUILDING SECTIONS

Trans 260.01 PURPOSE. The purpose of this chapter is to establish standards and procedures for the issuance of single trip mobile home and modular building section permits, pursuant to 348.26(4), Stats.

Trans 260.02 DEFINITIONS. (1) Unless otherwise stated, the definitions of words and phrases in ss. 340.01 and 348.01(2), Stats., and s. Trans 250.02 apply to this chapter.

(2) As used in this chapter:

(a) "Issuing authority" means the department of transportation.

(b) "Permit" means single trip mobile home and modular building section permits authorized under s. 348.26(4), Stats.

Trans 260.03 PERMIT APPLICATION. (1) An application for a permit shall be submitted to an issuing authority on a form approved by the department, and in accordance with s. 348.26, Stats.

(2) An application for a permit for the use of a state trunk highway shall be made to the department in any of the following ways:

(a) In person, at the department's central or district offices.

(b) By mail, addressed to the department's central office.

(c) By the telephone call-in procedure, described in ch. Trans 275.

(d) By authorized permit service.

Note: Permit application procedures are in s. Trans 250.025.

Trans 260.04 PERMIT AMENDMENTS. (1) An application for an amendment to a permit shall be made to the issuing authority which issued the original permit.

(2) An application for an amendment may be made in the same manner as an application for an original permit.

(3) The request shall specify the permit number of the permit to be amended.

(4) A request for an extension of a permit may be made any time until the 3rd day after the expiration date of the permit.

(5) An issuing authority may grant only one extension to a permit.

(6) Except as provided in sub. (7), a permit issued for less than 2 weeks may be extended not more than 2 weeks.

(7) An issuing authority may extend a permit not more than 2 additional weeks where highway or other conditions remain unchanged, or as the issuing authority deems necessary.

Note: Limitations on the amendment of permits are in s. Trans 250.10.

Trans 260.05 ELIGIBILITY. (1) Any vehicle or vehicle and load to be considered as operating under a permit shall satisfy the requirements for a permit under s. 348.25, Stats.

(2) A permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

(3) A permit may not authorize the operation of more than 2 vehicles in combination.

Trans 260.06 VALIDITY. (1) A permit is valid only for the route specified in the permit, which may include the return trip on the reverse route if requested and approved, and which includes the movement of the empty vehicle, whether or not oversize or overweight, to and from the place of pickup or delivery of the permitted load.

(2) A permit may not be used in combination with a multiple trip permit to authorize the movement of an oversize load.

(3) A permit is valid only for the vehicle described in the application and permit.

(4) An issuing authority may suspend a permit, or any of its conditions, because of seasonal highway conditions.

Note: Examples of seasonal highway conditions include spring thaw, flooding, and traffic congestion.

(5) No condition of a permit may modify any law or regulation limiting loads because of local conditions, including load limits on bridges and highways, seasonal weight restrictions, or load limits imposed because of construction.

(6) A permit is not valid during periods when adverse weather or road conditions, such as fog, smoke, heavy rain, snow or ice, or wind velocity, impair the safety of a movement under the permit.

Trans 260.07 REGISTRATION REQUIREMENTS. (1) A vehicle operating under a permit shall be registered as required by Wisconsin statutes, and shall be registered at not less than the permit weight or at the maximum available registration weight, whichever is less.

(2) All other operational permits required by the department, the office of the commissioner of transportation, or other agencies having jurisdiction shall be obtained.

Trans 260.08 DRIVER AND OPERATING REQUIREMENTS. (1) The driver of a vehicle operating under a permit shall carry the permit in the vehicle to which the permit applies and shall have the permit available for inspection by any police officer, representative of the issuing authority, or person in charge of maintenance of the highway being used.

(2) The driver of a vehicle operating under a permit shall, whenever reasonable and practicable, maintain a distance of not less than 1,000 feet between the vehicle with the permit and any vehicle the driver is following, unless actually engaged in overtaking and passing another vehicle.

(3) The driver of a vehicle operating under a permit shall allow traffic approaching or overtaking the permitted vehicle to pass, where it is safe to do so.

(4) Unless a lower speed is specified in the permit, a vehicle operating under a permit may be operated at the posted speed limit.

Trans 260.09 MAXIMUM SIZE AND LOADING LIMITATIONS. (1) A mobile home or modular building section may extend beyond the front, the left and right sides, and the rear of the undercarriage, if the overhang is minimized.

(2) Wheels on one side of a transporting vehicle may not carry more than 60% of the total gross load.

(3) The width authorized by a permit refers to the outside-to-outside dimension of the walls of the towed unit. Windowsills, door knobs, and other hardware, clearance lights and other similar protrusions may extend not more than six inches beyond the walls of the towed unit.

(4) A permit issued for a towed unit having an outside-to-outside dimension of the walls not exceeding 14 feet plus roof overhang of not more than 2 feet on the right side of the towed unit are subject to the permit conditions applying to 14 foot wide mobile homes and modular building sections.

(5) A permit issued for a towed unit having an outside-to-outside dimension of the walls not exceeding 14 feet plus roof overhang of not more than 2 feet on the left side of the towed unit are subject to the conditions applying to 16 foot wide mobile homes and modular building sections.

(6) A permit issued for a towed unit having an outside-to-outside dimension of the walls not exceeding 14 feet plus roof overhang of not more than 6 inches on each side of the towed

unit are subject to the permit conditions applying to 14 foot wide mobile homes and modular building sections.

(7) The total overall width, the total wall-to-wall width, and the total wall-to-wall and roof overhang dimensions shall be given in the application for a permit.

(8) Vehicles and loads which when reasonably divided would not be oversize or overweight may not be transported under the permit.

(9) Loads which, when reasonably repositioned on the transporting vehicle, would not be oversize or overweight, may not be transported under the permit.

Trans 260.10 EQUIPMENT REQUIREMENTS. (1) LIGHTING. An oversize vehicle, or a vehicle with an oversize load operating during the hours of darkness, shall be equipped with the following additional lamps:

(a) For a vehicle with a load which extends beyond the width of the vehicle:

1. At the outermost extremity of the foremost edge of the projecting load, an amber lamp visible from the front and side.

2. At the outermost extremity at the rearmost edge of the projecting load, a red lamp visible from the rear and side.

3. Any portion of an overwidth load extending beyond the width of the foremost or rearmost edge of the vehicle or load, shall be marked with an amber lamp visible from the front, both sides, and rear.

4. If the overwidth portion of the load measures 3 feet or less from front to rear, that portion shall be marked with an amber lamp visible from the front, both sides and rear, except that if the overwidth projection is located at or near the rear it shall be marked by a red lamp visible from front, side and rear.

(b) For a vehicle with a load which extends more than 4 feet beyond the rear of the vehicle:

1. On each side of the projecting load, one red lamp, visible from the side, located so as to indicate maximum overhang.

2. On the rear of the projecting load, 2 red lamps, visible from the rear, one at each side; and 2 red reflectors visible from the rear, one at each side, located so as to indicate maximum width.

(c) All required lamps shall be illuminated whenever a vehicle is operated during hours of darkness. All lamps shall be visible at a distance of 500 feet.

(2) **WARNING LAMPS.** When required by a permit, warning lamps shall be operated as follows:

(a) All mobile homes and modular building sections over 12 feet in width shall have an operating amber flashing or revolving warning lamp a minimum of 8 feet above the roadway at the rear of the towed unit near its center point, visible 500 feet to the rear, or 2 such operating amber flashing or revolving warning lamps, at the left and right rear extremities of the towed unit located a minimum of 8 feet above the roadway and visible 500 feet to the rear.

(b) All amber flashing or revolving warning lamps shall have a reflector at least six inches in diameter and shall be bright enough to be clearly visible and attention-attracting at a distance of 500 feet under all conditions when the load is on the highway, except when visibility is obstructed by a hillcrest, a curve, or an object such as another vehicle.

(c) All power units, when transporting a mobile home or modular building section over 8 1/2 feet in width shall have 2 amber flashing or revolving warning lamps mounted above the cab. Flashers shall be mounted at least 8 feet above the roadway and shall be visible to the

front. When 2 lamps are provided, they shall be mounted at the same level, shall be separated laterally as much as possible, and shall flash simultaneously.

(d) All warning lamps shall flash at a rate of 30 to 90 times per minute.

(e) Strobe lamps may be used in lieu of flashing or revolving lamps.

(f) Warning lamps may not be operated when a vehicle is not operating under the permit.

(3) **FLAGS.** (a) When a vehicle, load, or vehicle and load is overlength, a single flag shall be fastened at the extreme rear of the load if the overlength or projecting portion is 2 feet wide or less.

(b) When a vehicle, load, or vehicle and load overlength, 2 flags shall be fastened at the rear of the load to indicate maximum width if the overlength or projecting portion is wider than 2 feet.

(c) When a vehicle, load, or vehicle and load is overwidth, a flag shall be fastened at each front and rear corner of the load. In addition, if any part of the load is more than 4 inches wider than the width of load or vehicle at the front or rear, a flag shall be placed at the widest point of the load.

(d) Each flag shall be solid red or orange in color, and not less than 18 inches square.

(e) In order to wave freely, flags shall be securely fastened by at least one corner or securely mounted on a staff.

(4) **SIGNS.** (a) When a vehicle, load, or vehicle and load is more than 10 feet in wide or is overlength, 2 warning signs shall be displayed. One sign shall be fastened at the front of the power unit and the other at either the rear of the towed unit or at the rear of the load.

(b) Each sign shall state, in black letters on a yellow background, "OVERSIZE LOAD," and may not be less than 7 feet long and 18 inches high. The letters of the sign may not be less than 10 inches high with a brush stroke of not less than 1.4 inches.

(c) The sign message may not be displayed when the vehicle is not operating under the permit.

(5) TRUCK WEIGHT AND TIRES. Unless otherwise specified in a permit:

(a) A vehicle towing a mobile home or modular building section more than 8 1/2 feet in width but less than 12 feet in width shall be a truck of not less than 16,000 pounds manufacturer's gross vehicle weight rating. The power unit shall be equipped with dual wheels on the drive axle and the minimum size of the tires shall be 10 ply 8.25 x 20, or equivalent.

(b) A vehicle towing a mobile home or modular building section 12 feet in width, but not more than 16 feet in width, shall be a truck of not less than 19,200 pounds manufacturers' gross vehicle weight rating. The power unit shall be equipped with dual wheels on the drive axle and the minimum size of the tires shall be 10 ply 8.25 x 20, or equivalent.

(6) MUDGUARDS. Mobile home and modular building sections and the power unit operating under a permit shall be equipped with rear fenders or mudguards of such material and constructed and placed as to restrict to a minimum the splashing of water, mud, stones, and other material which may be thrown up by the rear wheels. If mudguards are provided, they shall be at least as wide as the tire and shall cover the tire or multiple tires they are guarding starting at the top from a line drawn vertically through the center of the axle and extending rearward and downward so that the fender or mudguard under any condition of operation or loading of the vehicle has a ground clearance of not more than 1/3 of the horizontal distance from the center of the rearmost axle to the fender or mudguard.

Trans 260.11 TIMES OF OPERATION. (1) Except as otherwise specified in a permit, no vehicle, or vehicle combination operating under a permit that is equal to or less than 12 feet in width, 13 1/2 feet in height, and 100 feet in length, may operate:

(a) Between 4:00 p.m. and 11:00 p.m. on Sunday.

(b) Between 4:00 p.m. and 11:00 p.m. on Friday between the 4th Friday in May and Labor Day.

(c) Between 4:00 p.m. and 11:00 p.m. on any holiday, or, when Independence Day falls on Sunday, on the following Monday.

(d) Between 4:00 p.m. and 11:00 p.m. on the day before any holiday, except that this restriction does not apply to Independence Day when it falls on a Sunday.

(2) In addition to the conditions provided in sub. (1), no vehicle combination operating under a permit than exceeds 12 feet in width, 13 1/2 feet in height, or 100 feet in length, may be operated:

(a) During the hours of darkness.

(b) During the period beginning at 12:00 noon on the day preceding and continuing until sunrise on the day following every Sunday and holiday.

(3) In addition to the conditions provided in subs. (1) and (2), no oversize vehicle or vehicle combination may operate on any part of the Milwaukee county expressway system constructed pursuant to s. 59.965, Stats., except on U.S. highway 45 between West Florist Avenue and West Hampton Avenue and on interstate highway 94 between the Waukesha county line and 108th Street:

(a) Between 6:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 6:00 p.m. on Monday through Thursday.

(b) Between 6:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 11:00 p.m. on Friday and Sunday.

(4) An issuing authority may issue a permit for times other than those specified in subs. (1), (2), or (3), under extraordinary circumstances when, in the opinion of the issuing authority,

public health and welfare is better served, and may impose additional conditions to promote the safe operation of the vehicle and load.

Trans 260.12 ROUTE LIMITATIONS. (1) A permit is valid only on the route specified in the permit.

(2) No permit allowing the dimensions of a vehicle or load to exceed 11 feet in width, 13 1/2 feet in height or 100 feet in length is valid on any part of the Milwaukee county expressway system constructed pursuant to s. 59.965, Stats., except on U.S. highway 45 between West Florist Avenue and West Hampton Avenue and on interstate highway 94 between the Waukesha county line and 108th Street.

(3) A permit issued by an issuing authority authorizes the use of any of the highways of the state, subject to the limitations stated in permit.

(4) An oversize vehicle may not be operated on a highway, whether loaded or empty, at any time that the permit is not valid.

Trans 260.13 POWER UNIT CHANGE. In the event of a breakdown or unavailability of the power unit listed on the application and permit, another power unit may be substituted, provided that the make and vehicle identification number, or license number and state, of the substitute power unit are written on the permit. The issuing authority shall be advised by telephone prior to operating the substitute power unit with the oversize load. Changes in the terms of the permit other than the identification of the power unit require a written request and a written amendment to the permit authorizing the change. The driver of a vehicle operating under a permit shall have the amended permit in his or her possession prior to the movement of the load.

Trans 260.14 INSURANCE AND LIABILITY CONDITIONS. (1) In applying for and accepting a permit, permittee agrees to:

(a) Pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.

(b) Hold the state, its subdivisions, officers, employees and agents harmless from any claim which may arise from operation over public highways under the permit.

(2) Whether or not insurance, bond, or deposit as set forth in sub. (7) is required, the permittee shall be liable for all damages which any highway or its appurtenances may sustain by reason of any operation under the permit.

(3) An issuing authority may waive insurance requirements for permits issued to government.

(4) Where a certificate of insurance is required, no insurer may cancel the certificate of insurance without providing the issuing authority 10 days advance written notice of the cancellation.

(5) An issuing authority may require a permittee to provide more bodily injury and property damage liability coverage than is set forth in sub. (6).

(6) The following insurance amounts are required:

(a) When the permitted power unit and mobile home or modular building section combination does not exceed 12 feet in width, and 13-1/2 feet in height or 100 feet in length:

| | | |
|--|-----------|-----------------|
| Bodily injury liability-each person..... | \$150,000 | or \$750,000 |
| Bodily injury liability-each accident..... | \$450,000 | combined single |
| Property damage liability-each accident..... | \$300,000 | limit |

(b) When the permitted load exceeds the size limitations in par. (a):

| | | |
|--|-----------|-----------------|
| Bodily injury liability-each person..... | \$200,000 | or \$1,000,000 |
| Bodily injury liability-each accident..... | \$600,000 | combined single |
| Property damage liability-each accident..... | \$400,000 | limit |

(7) A permittee shall certify, and may be required to present satisfactory written evidence, that the amount of insurance coverage given in sub. (6), or a bond in a form satisfactory to the

issuing authority, will be in effect for the vehicle and load designated in the permit while operating on the public highway, unless this requirement is expressly waived by the issuing authority.

Trans 260.15 GENERAL CONDITIONS AND REQUIREMENTS. (1) A permittee shall comply with all applicable statutes, ordinances, rules and policies of any state agency or subdivision of the state, unless they are modified by the conditions of the permit.

(2) When a vehicle operating under a permit is overheight, the permittee shall give prior notice to the owners of overhead wires, cables or other facilities which may be affected.

(3) A properly equipped escort vehicle as described in ch. Trans 252 shall accompany a vehicle and load:

(a) When any part of a vehicle or load extends beyond the left of the roadway centerline on 2-way roadways,

(b) When any part of a vehicle or load extends beyond the left edge of the right hand lane on highways with more than 2 lanes, or

(c) On a highway designated in a permit.

(4) A vehicle and load that does not require an escort vehicle may, when safe, move to the left of the centerline or beyond the left lane line while crossing a bridge or railroad crossing, but only after yielding to all other traffic.

Trans 260.16 SINGLE TRIP 16 FOOT WIDE MOBILE HOME AND MODULAR BUILDING SECTIONS. (1) On routes other than on state trunk highways, a permit for a 16 foot wide mobile home or modular building section may be issued only upon presentation of written approval from the authority maintaining the highway, or oral approval in the form of a telephone call from the authority maintaining the highway to the department.

(2) When transporting a 16 foot wide mobile home, the power unit shall be stopped when necessary by the driver to allow traffic to pass from either direction without delay.

(3) The wheels of a 16 foot wide mobile home or undercarriage shall be operated as close to the right edge of the shoulder as possible in order to provide minimum interference with the left lane of traffic. However, to minimize damage to the shoulder in the area immediately adjacent to the pavement, the right wheels may not be operated on the shoulder within 2 feet of the edge of the pavement except to cross this area.

(4) The maximum speed of a 16 foot wide mobile home or modular building section operating on highways without paved shoulders shall be 35 miles per hour.

(5) In addition to the amber flashing or revolving lamps specified in s. Trans 260.10(2), each 16 foot wide mobile home or modular building section shall be equipped with a similar lamp visible from the front of the vehicle when operated on 2-way roadways.

(6) A permittee shall certify, and may be required to present satisfactory written evidence, that the amount of insurance coverage given in s. Trans 260.14(6)(b), or a bond in a form satisfactory to the issuing authority, will be in effect for the vehicle and load designated in the permit while operating on the public highway, unless this requirement is expressly waived by the issuing authority.

Trans 260.17 DENIAL, SUSPENSION OR REVOCATION OF PERMIT. (1) An issuing authority may deny, suspend, or revoke a permit for good cause, pursuant to s. 348.25(7), Stats. Grounds for the denial, suspension, or revocation of a permit include:

(a) Violation of any condition of a permit.

(b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.

(d) Making a material misstatement in an application for a permit.

(e) Unauthorized alteration of a permit.

(f) Refusal or failure, without just cause, to produce required records.

(g) Payment of an application fee with a worthless check.

(h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked permit to the issuing authority after receiving notice from the issuing authority of the suspension or revocation of the permit.

Note: If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

CHAPTER TRANS 261

MULTIPLE TRIP PERMITS FOR

MOBILES HOME AND MODULAR BUILDING SECTIONS

Trans 261.01 PURPOSE. The purpose of this chapter is to establish standards and procedures for the issuance of multiple trip mobile home and modular building section permits, pursuant to s. 348.27(7), Stats.

Trans 261.02 DEFINITIONS. (1) Unless otherwise stated, the definitions of words and phrases in ss. 340.01 and 348.01(2), Stats., and s. Trans 250.02 apply to this chapter.

(2) As used in this chapter:

(a) "Issuing authority" means the department of transportation.

(b) "Permit" means multiple trip mobile home and modular building section permits authorized under s. 348.27(7), Stats.

Trans 261.03 PERMIT APPLICATION. (1) An application for a permit shall be submitted to an issuing authority on a form approved by the department, and in accordance with s. 348.27, Stats.

(2) An application for a permit for the use of a state trunk highway shall be made to the department in any of the following ways:

(a) In person, at the department's central or district offices.

(b) By mail, addressed to the department's central office.

Note: Permit application procedures are in s. Trans 250.025.

Trans 261.04 PERMIT AMENDMENTS. (1) An application for an amendment to a permit shall be made to the authority which issued the original permit.

(2) An application for an amendment may be made in the same manner as an application for an original permit.

(3) The request shall specify the permit number of the permit to be amended.

Note: Limitations on the amendment of permits are in s. Trans 251.10.

Trans 261.05 ELIGIBILITY. (1) Any vehicle or vehicle and load to be considered as operating under a permit shall satisfy the requirements for a permit under s. 348.25, Stats.

(2) A permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

(3) A permit may not authorize the operation of more than 2 vehicles in combination.

(4) A permit for a power unit used to transport an oversize mobile home may be issued only to mobile home transportation companies, licensed mobile home manufacturers and licensed dealers over highways in the ordinary course of their business.

Trans 261.06 VALIDITY. (1) A permit is valid only for the vehicle described in the application and permit.

(2) An issuing authority may suspend a permit, or any of its conditions, because of seasonal highway conditions.

Note: Examples of seasonal highway conditions include spring thaw, flooding, and traffic congestion.

(3) No condition of a permit may modify any law or regulation limiting loads because of local conditions, including load limits on bridges and highways, seasonal weight restrictions, or load limits imposed because of construction.

(4) A permit is not valid during periods when adverse weather or road conditions, such as fog, smoke, heavy rain, snow or ice, or wind velocity, impair the safety of a movement under the permit.

(5) Operation under a permit includes the movement of an empty vehicle to and from the place of pickup or delivery of the permitted load.

Trans 261.07 REGISTRATION REQUIREMENTS. (1) A vehicle operating under a permit shall be registered as required by Wisconsin statutes, and shall be registered at not less than the permit weight or at the maximum available registration weight, whichever is less.

(2) All other operational permits required by the department, the office of the commissioner of transportation, or other agencies having jurisdiction shall be obtained.

Trans 261.08 DRIVER AND OPERATING REQUIREMENTS. (1) The driver of a vehicle operating under a permit shall carry the approved permit in the vehicle to which it applies and shall have the permit available for inspection by any police officer, representative of the issuing authority, or person in charge of maintenance of the highway being used.

(2) The driver of a vehicle operating under a permit shall, whenever reasonable and practicable, maintain a distance of not less than 1,000 feet between the vehicle with the permit and any vehicle the driver is following, unless actually engaged in overtaking and passing another vehicle.

(3) The driver of a vehicle operating under a permit shall allow traffic approaching or overtaking the permitted vehicle to pass, where it is safe to do so.

(4) Unless a lower speed is specified in the permit, a vehicle operating under a permit may be operated at the posted speed limit.

Trans 261.09 MAXIMUM SIZE AND LOADING LIMITATIONS. (1) A mobile home or modular building section may extend beyond the front, the left and right sides, and the rear of the undercarriage, if the overhang is minimized.

(2) Wheels on one side of a transporting vehicle may not carry more than 60% of the total gross load.

(3) The width authorized by a permit refers to the outside-to-outside dimension of the walls of the towed unit. Windowsills, door knobs, and other hardware, clearance lights and other similar protrusions may extend not more than 6 inches beyond the walls of the towed unit.

(4) A permit issued for a towed unit having an outside-to-outside dimension of the walls not exceeding 14 feet plus roof overhang of not more than 2 feet on the right side of the towed unit are subject to the permit conditions applying to 14 foot wide mobile homes and modular building sections.

(5) A permit issued for a towed unit having an outside-to-outside dimension of the walls not exceeding 14 feet plus roof overhang of not more than 2 feet on the left side of the towed unit, are subject to the conditions applying to 16 foot wide mobile homes and modular building sections.

(6) A permit issued for a towed unit having an outside-to-outside dimension of the walls not exceeding 14 feet plus roof overhang of not more than 6 inches on each side of the towed unit, are subject to the permit conditions applying to 14 foot wide mobile homes and modular building sections.

(7) The total overall width, the total wall-to-wall width, and the total wall-to-wall and roof overhang dimensions shall be given in the application for a permit.

(8) Vehicles and loads which, when reasonably divided, would not be oversize or overweight, may not be transported under the permit.

(9) Loads which, when reasonably repositioned on the transporting vehicle, would not be oversize or overweight, may not be transported under the permit.

Trans 261.10 EQUIPMENT REQUIREMENTS. (1) LIGHTING. An oversize vehicle, or a vehicle with an oversize load operating during the hours of darkness, shall be equipped with the following additional lamps:

(a) For a vehicle with a load which extends beyond the width of the vehicle:

1. At the outermost extremity of the foremost edge of the projecting load, an amber lamp visible from the front and side.

2. At the outermost extremity at the rearmost edge of the projecting load, a red lamp visible from the rear and side.

3. Any portion of an overwidth load extending beyond the width of the foremost or rearmost edge of the vehicle or load, shall be marked with an amber lamp visible from the front, both sides, and rear.

4. If the overwidth portion of the load measures 3 feet or less from front to rear, that portion shall be marked with an amber lamp visible from the front, both sides and rear, except that if the overwidth projection is located at or near the rear it shall be marked by a red lamp visible from front, side and rear.

(b) For a vehicle with a load which extends more than 4 feet beyond the rear of the vehicle:

1. On each side of the projecting load, one red lamp, visible from the side, located so as to indicate maximum overhang.

2. On the rear of the projecting load, 2 red lamps, visible from the rear, one at each side; and 2 red reflectors visible from the rear, one at each side, located so as to indicate maximum width.

(c) All required lamps shall be illuminated whenever a vehicle is operated during hours of darkness. All lamps shall be visible at a distance of 500 feet.

(2) WARNING LAMPS. When required by a permit, warning lamps shall be operated as follows:

(a) All mobile homes and modular building sections over 12 feet in width shall have an operating amber flashing or revolving warning lamp a minimum of 8 feet above the roadway at the rear of the towed unit near its center point, visible 500 feet to the rear, or 2 such operating amber flashing or revolving warning lamps, at the left and right rear extremities of the towed unit located a minimum of 8 feet above the roadway and visible 500 feet to the rear.

(b) All amber flashing or revolving warning lamps shall have a reflector at least six inches in diameter and shall be bright enough to be clearly visible and attention-attracting at a distance of 500 feet under all conditions when the load is on the highway, except when visibility is obstructed by a hillcrest, a curve, or an object such as another vehicle.

(c) All power units, when transporting a mobile home or modular building section over 8 1/2 feet in width shall have 2 amber flashing or revolving warning lamps mounted above the cab. Flashers shall be mounted at least 8 feet above the roadway and shall be visible to the front. When 2 lamps are provided, they shall be mounted at the same level, shall be separated laterally as much as possible, and shall flash simultaneously.

(d) All warning lamps shall flash at a rate of 30 to 90 times per minute.

(e) Strobe lamps may be used in lieu of flashing or revolving lamps.

(f) Warning lamps may not be operated when a vehicle is not operating under the permit.

(3) FLAGS. (a) When a vehicle, load, or vehicle and load is overlength, a single flag shall be fastened at the extreme rear of the load if the overlength or projecting portion is 2 feet wide or less.

(b) When a vehicle, load, or vehicle and load is overlength, 2 flags shall be fastened at the rear of the load to indicate maximum width if the overlength or projecting portion is wider than 2 feet.

(c) When a vehicle, load, or vehicle and load is overwidth, a flag shall be fastened at each front and rear corner of the load. In addition, if any part of the load is more than 4 inches wider than the width of load or vehicle at the front or rear, a flag shall be placed at the widest point of the load.

(d) Each flag shall be solid red or orange in color, and not less than 18 inches square.

(e) In order to wave freely, flags shall be securely fastened by at least one corner or securely mounted on a staff.

(4) SIGNS. (a) When a vehicle, load, or vehicle and load is more than 10 feet wide or is overlength, 2 warning signs shall be displayed. One sign shall be fastened at the front of the power unit and the other at either the rear of the towed unit or at the rear of the load.

(b) Each sign shall state, in black letters on a yellow background, "OVERSIZE LOAD," and may not be less than 7 feet long and 18 inches high. The letters of the sign may not be less than 10 inches high with a brush stroke of not less than 1.4 inches.

(c) The sign message may not be displayed when the vehicle is not operating under the permit.

(5) TRUCK WEIGHT AND TIRES. Unless otherwise provided in a permit:

(a) The vehicle towing a mobile home or modular building section more than 8 1/2 feet in width but less than 12 feet in width shall be a truck of not less than 16,000 pounds manufacturer's gross vehicle weight rating. The power unit shall be equipped with dual wheels on the drive axle and the minimum size of the tires shall be 10 ply 8.25 x 20, or equivalent.

(b) The vehicle towing a mobile home or modular building section 12 feet in width, but not more than 16 feet in width, shall be a truck of not less than 19,200 pounds manufacturers' gross vehicle weight rating. The power unit shall be equipped with dual wheels on the drive axle and the minimum size of the tires shall be 10 ply 8.25 x 20, or equivalent.

(6) MUDGUARDS. Mobile home and modular building sections and the power unit operating a permit shall be equipped with rear fenders or mudguards of such material and constructed and placed as to restrict to a minimum the splashing of water, mud, stones, and other material which may be thrown up by the rear wheels. If mudguards are provided, they shall be at least as wide as the tire and shall cover the tire or multiple tires they are guarding starting at the top from a line drawn vertically through the center of the axle and extending rearward and downward so that the fender or mudguard under any condition of operation or loading of the vehicle has a ground clearance of not more than 1/3 of the horizontal distance from the center of the rearmost axle to the fender or mudguard.

Trans 261.11 TIMES OF OPERATION. (1) Except as otherwise specified in a permit, no vehicle or vehicle combination operating under a permit that is equal to or less than 12 feet in width, 13 1/2 feet in height, and 100 feet in length, may operate:

(a) Between 4:00 p.m. and 11:00 p.m. on Sunday.

(b) Between 4:00 p.m. and 11:00 p.m. on Friday between the 4th Friday in May and Labor Day.

(c) Between 4:00 p.m. and 11:00 p.m. on any holiday, or, when Independence Day falls on Sunday, on the following Monday.

(d) Between 4:00 p.m. and 11:00 p.m. on the day before any holiday, except that this restriction does not apply to Independence Day when it falls on a Sunday.

(2) In addition to the conditions provided in sub. (1), no vehicle or vehicle combination operating under a permit that exceeds 12 feet in width, 13 1/2 feet in height, or 100 feet in length, may operate:

(a) During the hours of darkness.

(b) During the period beginning at 12:00 noon on the day preceding and continuing until sunrise on the day following every Sunday and holiday.

(3) In addition to the conditions provided in subs. (1) and (2), no oversize vehicle or vehicle combination may operate on any part of the Milwaukee county expressway system constructed pursuant to s. 59.965, Stats., except on U.S. highway 45 between West Florist Avenue and West Hampton Avenue and on interstate highway 94 between the Waukesha county line and 108th Street:

(a) Between 6:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 6:00 p.m. on Monday through Thursday.

(b) Between 6:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 11:00 p.m. on Friday and Sunday.

(4) An issuing authority may issue a permit for times other than those specified in subs. (1), (2), or (3), under extraordinary circumstances when, in the opinion of the issuing authority, public health and welfare is better served, and may impose additional conditions to promote the safe operation of the vehicle and load.

Trans 261.12 ROUTE LIMITATIONS. (1) No permit allowing the dimensions of a vehicle or load to exceed 11 feet in width, 13 1/2 feet in height or 100 feet in length is valid on any part of the Milwaukee county expressway system constructed pursuant to s. 59.965, Stats., except on U.S. highway 45 between West Florist Avenue and West Hampton Avenue and on Interstate highway 94 between the Waukesha county line and 108th Street.

(2) A permit issued by the department authorizes the use of any highways of the state, subject to the limitations stated the permit.

(3) An oversize vehicle may not be operated on a highway, whether loaded or empty, at any time that a permit is not valid.

Trans 261.13 TRANSFERS. In the event of a breakdown or other circumstance requiring a change of the power unit stated on the permit, transfers to another vehicle, under the control of the permittee, may be made following the completion of a new application and the issuance of a new permit. The words, "This is a transfer from permit # __," shall be written on the bottom of the application. The original permit shall be sent to the issuing authority with the transfer application.

Trans 261.14 INSURANCE AND LIABILITY CONDITIONS. (1) In applying for and accepting a permit, a permittee agrees to:

(a) Pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.

(b) Hold the state, its subdivisions, officers, employees and agents harmless from any claim which may arise from operation over public highways under the permit.

(2) Whether or not insurance, bond, or deposit as set forth in sub. (7) is required, the permittee shall be liable for all damages which any highway or its appurtenances may sustain by reason of any operation under the permit.

(3) An issuing authority may waive insurance requirements for permits issued to government.

(4) Where a certificate of insurance is required, no insurer may cancel the certificate of insurance without providing the issuing authority 10 days advance written notice of the cancellation.

(5) An issuing authority may require a permittee to provide more bodily injury damage liability coverage than is set forth in sub. (6).

(6) The following insurance amounts are required:

(a) When the permitted power unit and mobile home or modular building section combination does not exceed 12 feet in width, and 13 1/2 feet in height or 100 feet in length:

| | | |
|--|-----------|-----------------|
| Bodily injury liability-each person..... | \$150,000 | or \$750,000 |
| Bodily injury liability-each accident..... | \$450,000 | combined single |
| Property damage liability-each accident..... | \$300,000 | limit |

(b) When the permitted load exceeds the size limitations in par. (a):

| | | |
|--|-----------|-----------------|
| Bodily injury liability-each person..... | \$200,000 | or \$1,000,000 |
| Bodily injury liability-each accident..... | \$600,000 | combined single |
| Property damage liability-each accident..... | \$400,000 | limit |

(7) A permittee shall certify, and may be required to present satisfactory written evidence, that the amount of insurance coverage given in sub. (6), or a bond in a form satisfactory to the issuing authority, will be in effect for the vehicle and load designated in the permit while operating on the public highway, unless this requirement is expressly waived by the issuing authority.

Trans 261.15 GENERAL CONDITIONS AND REQUIREMENTS. (1) A permittee shall comply with all applicable statutes, ordinances, rules and policies of any state agency or subdivision of the state, unless they are modified by the conditions of the permit.

(2) When a vehicle operating under a permit is overheight, the permittee shall give prior notice to the owners of overhead wires, cables or other facilities which may be affected.

(3) A properly equipped escort vehicle as described in ch. Trans 252 shall accompany a vehicle and load:

(a) When any part of a vehicle or load extends beyond the left of the roadway centerline on 2-way roadways,

(b) When any part of a vehicle or load extends beyond the left edge of the right hand lane on highways with more than 2 lanes, or

(c) On a highway designated in a permit.

(4) A vehicle and load that does not require an escort vehicle may, when safe, move to the left of the centerline or beyond the left lane line while crossing a bridge or railroad crossing, but only after yielding to all other traffic.

Trans 261.16 DENIAL, SUSPENSION OR REVOCATION OF PERMIT. (1) An issuing authority may deny, suspend, or revoke a permit for good cause, pursuant to s. 348.25(7), Stats. Grounds for the denial, suspension, or revocation of a permit include:

(a) Violation of any condition of a permit.

(b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.

(d) Making a material misstatement in an application for a permit.

(e) Unauthorized alteration of a permit.

(f) Refusal or failure, without just cause, to produce required records.

(g) Payment of an application fee with a worthless check.

(h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked permit to the issuing authority after receiving notice from the issuing authority of the suspension or revocation of the permit.

Note: If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

CHAPTER TRANS 262

BACKHAUL PERMITS

Trans 262.01 PURPOSE. The purpose of this chapter is to establish standards and procedures for the issuance of backhaul permits, pursuant to s. 348.26 (6), Stats.

Trans 262.02 DEFINITIONS. (1) Unless otherwise stated, the definitions of words and phrases in ss. 340.01 and 348.01(2), Stats., and s. Trans 250.02 apply to this chapter.

(2) As used in this chapter:

(a) "Backhaul" means to transport different loads by the same motor vehicle on the trip to its original destination and on its return trip.

(b) "Issuing authority" means the department of transportation.

(c) "Permit" means a backhaul permit authorized under s. 348.26 (6), Stats.

Trans 262.03 PERMIT APPLICATION. (1) An application for a permit shall be submitted to an issuing authority on a form approved by the department, and in accordance with s. 348.26, Stats.

(2) An application for a permit for the use of a state trunk highway shall be made to the department in any of the following ways:

(a) In person, at the department's central or district offices.

(b) By mail, addressed to the department's central office.

(c) By the telephone call in-procedure, described in ch. Trans 275.

(d) By authorized permit service.

Note: Permit application procedures are in s. Trans 250.025.

Trans 262.04 ELIGIBILITY. (1) An issuing authority may issue a permit for the transportation of a legal size and legal weight load on an oversize vehicle or combination of vehicles, provided that the vehicle or combination of vehicles has a multiple or single trip

oversize permit for the transportation of an oversize load in the direction opposite to the backhaul permit and actually transports an oversize load in that direction.

Note: Legal sizes are set forth in ch. 348 and s. 349.16, Stats.

Note: As an example, if an overwide crawler tractor is transported under permit between a storage area and a job site, then a backhaul permit may be issued for the transportation of an industrial air compressor in the opposite direction.

The overwide crawler must actually be transported. The 2 trips must be part of the same round trip by the permitted vehicle. The transportation of the air compressor may be in either direction, but must be in the direction opposite to that of the movement of the crawler. The transportation of the air compressor may precede or follow in time the transportation of the crawler tractor.

(2) A permit may not authorize the operation of more than 2 vehicles in combination.

(3) An issuing authority may issue a permit only for a vehicle equipped with pneumatic tires.

(4) A permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

Trans 262.05 VALIDITY. (1) A permit is valid only for the vehicle described in the application and permit.

(2) A permit is valid only on the route specified in the permit.

(3) An issuing authority may suspend a permit, or any of its conditions, because of seasonal highway conditions.

Note: Examples of seasonal highway conditions include spring thaw, flooding, and traffic congestion.

(4) No condition of a permit may modify any law or regulation limiting loads because of local conditions, including load limits on bridges and highways, seasonal weight restrictions, or load limits imposed because of construction.

(5) A permit is not valid during periods when adverse weather or road conditions, such as fog, smoke, heavy rain, snow or ice, or wind velocity, impair the safety of a movement under the permit.

Trans 262.06 REGISTRATION REQUIREMENTS. (1) A vehicle operating under a permit shall be registered as required by Wisconsin statutes, and shall be registered at not less than the permit weight or at the maximum available registration weight, whichever is less.

(2) All other operational permits required by the department, the office of the commissioner of transportation, or other agencies having jurisdiction shall be obtained.

Trans 262.07 DRIVER AND OPERATING REQUIREMENTS. (1) The driver of a vehicle operating under a permit shall carry the permit in the vehicle to which applies and shall have the permit available for inspection by any police officer, representative of the issuing authority, or person in charge of the maintenance of the highway being used.

(2) The driver of a vehicle operating under a permit shall carry proof that transportation of an oversize or overweight load has been made to the origin of the backhaul movement or will be made from the destination of the backhaul movement. This proof may be a freight bill, a bill of lading, or similar document, or a signed order from the employer ordering the driver to transport a specific oversize load between specified locations.

(3) The driver of a vehicle operating under a permit shall, whenever reasonable and practicable, maintain a distance of not less than 1,000 feet between the vehicle with the permit and any vehicle the driver is following, unless actually engaged in overtaking and passing another vehicle.

(4) The driver of a vehicle operating under a permit shall allow traffic approaching or overtaking the permitted vehicle to pass, where it is safe to do so.

(5) Unless a lower speed is specified in the permit, a vehicle operating under a permit may be operated at the posted speed limit.

(6) The right wheels of the towed unit may not leave the roadway, except to allow traffic to pass.

Note: A "roadway" does not include paved or unpaved shoulders. s. 340.01(54), Stats.

Trans 262.08 MAXIMUM SIZE, WEIGHT AND LOADING LIMITATIONS. (1) A load transported under a permit may not be overweight.

(2) A load transported under a permit may not be oversize.

Trans 262.09 EQUIPMENT REQUIREMENTS. (1) FLAGS. (a) When a vehicle or trailer is overlength, a single flag shall be fastened at each of the rear corners of the trailer.

(b) When a vehicle or trailer is overwidth, a flag shall be fastened at the left and right extremities of both the front and rear of the vehicle or trailer, whichever is wider.

(c) Each flag shall be solid red or orange in color, and not less than 18 inches square.

(d) In order to wave freely, flags shall be securely fastened by at least one corner or securely mounted on a staff.

(2) SIGNS. (a) When a vehicle or trailer is more than 10 feet wide or is overlength, 2 warning signs shall be displayed. One sign shall be fastened at the front of the power unit and the other at either the rear of the towed unit or at the rear of the load.

(b) Each sign shall state, in black letters on a yellow background, "OVERSIZE LOAD," and may not be less than 7 feet long and 18 inches high. The letters of the sign may not be less than 10 inches high with a brush stroke of not less than 1.4 inches.

(c) The sign message may not be displayed when the vehicle is not operating under the permit.

Trans 262.10 TIMES OF OPERATION. (1) Except as otherwise specified in a permit, no vehicle or vehicle combination operating under a permit that is equal to or less than 12 feet in width, 13 1/2 feet in height, or 100 feet in length, may operate:

(a) Between 4:00 p.m. and 11:00 p.m. on Sunday.

(b) Between 4:00 p.m. and 11:00 p.m. on Friday between the 4th Friday in May and Labor Day.

(c) Between 4:00 p.m. and 11:00 p.m. on any holiday, or, when Independence Day falls on Sunday, on the following Monday.

(d) Between 4:00 p.m. and 11:00 p.m. on the day before any holiday, except that this restriction does not apply to Independence Day when it falls on a Sunday.

(2) In addition to the conditions provided in sub. (1), no vehicle or vehicle combination operating under a permit that exceeds 12 feet in width, 13 1/2 feet in height, or 100 feet in length, may operate:

(a) During the hours of darkness.

(b) During the period beginning at 12:00 noon on the day preceding and continuing until sunrise on the day following every Sunday and holiday.

(3) In addition to the conditions provided in subs. (1) and (2), no oversize vehicle or vehicle combination may operate on any part of the Milwaukee county expressway system constructed pursuant to s. 59.965, Stats., except on U.S. highway 45 between West Florist Avenue and West Hampton Avenue and on interstate highway 94 between the Waukesha county line and 108th Street:

(a) Between 6:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 6:00 p.m. on Monday through Thursday.

(b) Between 6:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 11:00 p.m. on Friday and Sunday.

(4) An issuing authority may issue a permit for times other than those specified in subs. (1), (2), or (3), under extraordinary circumstances when, in the opinion of the issuing authority, public health and welfare is better served, and may impose additional conditions to promote the safe operation of the vehicle and load.

Trans 262.11 POWER UNIT CHANGE. In the event of a breakdown or unavailability of the power unit listed on the application and permit, another power unit may be substituted, provided that the make and vehicle identification number, or license number and state, of the substitute power unit are written on the permit. The issuing authority shall be advised by telephone prior to operating the substitute power unit with the permitted load. Changes in the terms of the permit other than the identification of the power unit require a written request and a written amendment to the permit authorizing the change. The driver of a vehicle operating under a permit shall have the amended permit in his or her possession prior to the movement of the load.

Trans 262.12 INSURANCE AND LIABILITY CONDITIONS. (1) In applying for and accepting a permit, a permittee agrees to:

(a) Pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.

(b) Hold the state, its subdivisions, officers, employees and agents harmless from any claim which may arise from operation over public highways under the permit.

(2) Whether or not insurance, bond, or deposit as set forth in sub. (7) is required, the permittee shall be liable for all damages which any highway or its appurtenances may sustain by reason of any operation under the permit.

(3) An issuing authority may waive insurance requirements for permits issued to government.

(4) Where a certificate of insurance is required, no insurer may cancel the certificate of insurance without providing the issuing authority 10 days advance written notice of the cancellation.

(5) An issuing authority may require a permittee to provide more bodily injury damage liability coverage than is set forth in sub. (6).

(6) The following insurance amounts are required:

(a) When the permitted vehicle or vehicle combination does not exceed 12 feet in width, 13 1/2 feet in height, or 100 feet in length and is not overweight:

| | | |
|--|-----------|-----------------|
| Bodily injury liability-each person..... | \$150,000 | or \$750,000 |
| Bodily injury liability-each accident..... | \$450,000 | combined single |
| Property damage liability-each accident..... | \$300,000 | limit |

(b) When the permitted vehicle or vehicle combination exceeds the size limitations in par. (a):

| | | |
|--|-----------|-----------------|
| Bodily injury liability-each person..... | \$200,000 | or \$1,000,000 |
| Bodily injury liability-each accident..... | \$600,000 | combined single |
| Property damage liability-each accident..... | \$400,000 | limit |

Trans 262.13 GENERAL CONDITIONS AND REQUIREMENTS. (1) A permittee shall comply with all applicable statutes, ordinances, rules and policies of any state agency or subdivision of the state, unless they are modified by the conditions of the permit.

(2) When a vehicle operating under a permit is overheight, the permittee shall give prior notice to the owners of overhead wires, cables, or other facilities which may be affected.

Trans 262.14 DENIAL, SUSPENSION OR REVOCATION OF PERMIT. (1) An issuing authority may deny, suspend, or revoke a permit for good cause, pursuant to s. 348.25(7), Stats. Grounds for the denial, suspension, or revocation of a permit include:

(a) Violation of any condition of a permit.

(b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.

(d) Making a material misstatement in an application for a permit.

(e) Unauthorized alteration of a permit.

(f) Refusal or failure, without just cause, to produce required records.

(g) Payment of an application fee with a worthless check.

(h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked permit to the issuing authority, after receiving notice from the issuing authority of the suspension or revocation of the permit.

Note: If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

SECTION 7. Chapter Trans 269 is repealed and recreated to read:

CHAPTER TRANS 269

TRANSPORTATION OF GARBAGE OR REFUSE PERMITS

AND

TRANSPORTATION OF RECYCLABLE SCRAP PERMITS

Trans 269.01 PURPOSE AND SCOPE. The purpose of this chapter is to establish standards and procedures for the issuance of transportation of garbage or refuse permits, pursuant to s. 348.27(12), Stats., and transportation of recyclable scrap permits, pursuant to s. 348.27(9r), Stats.

Trans 269.02 DEFINITIONS: (1) Unless otherwise stated, the definitions of words and phrases in ss. 340.01 and 348.01(2), Stats., and s. Trans 250.02 apply to this chapter.

(2) As used in this chapter:

(a) "Garbage" means discarded materials resulting from the handling, processing, storage and consumption of food.

(b) "Issuing authority" means the department of transportation.

(c) "Permit" means transportation of garbage, refuse, or recyclable scrap permits authorized under s. 348.27(9r) and s. 348.27(12), Stats.

(d) "Recyclable-scrap" means metallic or non-metallic material in waste for which there exists a commercially demonstrated processing or manufacturing technology which uses the material as a raw material, and which is transported for use as such a raw material.

(e) "Refuse" means any combustible and non-combustible 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.

(f) "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.

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 PERMIT APPLICATION. (1) An application for a permit shall be submitted to an issuing authority on a form approved by the department, and in accordance with s. 348.27, Stats.

(2) An application for a permit for the use of a state trunk highway shall be made to the department in any of the following ways:

(a) In person, at the department's central or district offices.

(b) By mail, addressed to the department's central office.

Note: Permit application procedures are in s. Trans 250.025.

Trans 269.04 PERMIT AMENDMENTS. (1) An application for an amendment to a permit shall be made to the issuing authority which issued the original permit.

(2) An application for an amendment may be made in the same manner as an application for an original permit.

(3) The request shall specify the permit number of the permit to be amended.

Note: Limitations on the amendment of permits are in s. Trans 250.10.

Trans 269.05 ELIGIBILITY. (1) Any vehicle or vehicle and load to be considered as operating under a permit shall satisfy the requirements for a permit under s. 348.25, Stats.

(2) An issuing authority may issue a permit only for the transportation of garbage or refuse, in a self-compactor equipped vehicle or for the transportation of recyclable scrap. This includes the transportation of tools and equipment necessary for the safe and efficient pick-up and discharge of the garbage or refuse, or recyclable scrap, and for the return of the vehicle when empty.

(3) An issuing authority may issue a permit only for a vehicle equipped with pneumatic tires.

(4) An issuing authority may issue a permit only for motor trucks, truck tractors, or road tractors.

(5) A permit authorizes the towing of not more than one trailer or semi-trailer. A permit may not authorize the operation of more than 2 vehicles in combination.

(6) The issuance of a permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

Trans 269.06 VALIDITY. (1) A permit is valid only for the vehicle described in the application and permit.

(2) An issuing authority may suspend a permit, or any of its conditions, because of seasonal highway conditions.

Note: Examples of seasonal highway conditions include spring thaw, flooding, and traffic congestion.

(3) No condition of a permit may modify any law or regulation limiting loads because of local conditions, including load limits on bridges and highways, seasonal weight restrictions, or load limits imposed because of construction.

(4) No condition of a permit may modify or supersede any action by a town under s. 60.54, 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) A permit issued for an overlength vehicle is not valid during periods when adverse weather or road conditions, such as fog, smoke, heavy rain, snow or ice, or wind velocity, impair the safety of a movement under the permit.

(6) Operation under a permit includes the movement of an empty vehicle to and from the place of pickup or delivery of the permitted load.

Trans 269.07 REGISTRATION REQUIREMENTS. (1) A vehicle operating under a permit shall be registered as required by Wisconsin statutes, and shall be registered at not less than the permit weight or at the maximum available registration weight, whichever is less.

(2) All other operational permits required by the department, the office of the commissioner of transportation, or other agencies having jurisdiction shall be obtained.

Trans 269.08 DRIVER AND OPERATING REQUIREMENTS. (1) The driver of a vehicle operating under a permit shall carry the approved permit in the vehicle to which it applies and shall have the permit available for inspection by any police officer, representative of the issuing authority, or person in charge of the maintenance of the highway being operated.

(2) The driver of a vehicle operating under a permit shall, whenever reasonable and practicable, maintain a distance of not less than 1,000 feet between the vehicle with the permit and any vehicle the driver is following, unless actually engaged in overtaking and passing another vehicle.

(3) The driver of a vehicle operating under a permit shall allow traffic approaching or overtaking the permitted vehicle to pass, where it is safe to do so.

(4) Unless a lower speed is specified in the permit, a vehicle operating under a permit may be operated at the posted speed limit.

(5) The wheels of a vehicle or combination of vehicles being operated under a permit may not leave the roadway except while the vehicle or combination of vehicles is stopped or at speeds less than 15 miles per hour immediately prior to or following a stop.

Note: A "roadway" does not include paved or unpaved shoulders. s. 340.01(54), Stats.

Trans 269.09 MAXIMUM SIZE AND LOADING LIMITATIONS. The maximum size axle, axle combination, and total weight limitations authorized by a permit may not be exceeded.

Trans 269.10 TIMES OF OPERATION. (1) Except as otherwise specified in a permit, a vehicle, load, or vehicle and load that is overweight, but not oversize, may operate 24 hours a day, including weekends and holidays.

(2) Except as otherwise specified in the permit, no vehicle or vehicle combination operating under a permit that is overlength may be operated:

(a) Between 4:00 p.m. and 11:00 p.m. on Sunday.

(b) Between 4:00 p.m. and 11:00 p.m. on Friday between the 4th Friday in May and Labor Day.

(c) Between 4:00 p.m. and 11:00 p.m. on any holiday, or, when Independence Day falls on Sunday, on the following Monday.

(d) Between 4:00 p.m. and 11:00 p.m. on the day before any holiday, except that this restriction does not apply to Independence Day when it falls on a Sunday.

(3) An issuing authority may issue a permit for times other than those specified in sub. (1) or (2), under extraordinary circumstances when, in the opinion of the issuing authority, public health and welfare is better served, and may impose additional conditions necessary to promote the safe operation of the vehicle and load.

Trans 269.11 ROUTE LIMITATIONS. (1) A permit issued by the department authorizes the use of any of the highways of the state, subject to the limitations stated in the permit.

(2) A permit is not valid on any part of the national system of interstate and defense highways in Wisconsin.

Trans 269.12 TRANSFERS. In the event of a breakdown or other circumstance requiring a change of the power unit identified on the permit, transfers to another vehicle, under the control of the permittee, may be made following the completion of a new application and the issuance of a new permit. The words, "This is a transfer from permit #___," shall be written on the bottom of the application. The original permit shall be sent to the issuing authority with the transfer application.

Trans 269.13 INSURANCE AND LIABILITY CONDITIONS. (1) In applying for and accepting a permit, the permittee agrees to:

(a) Pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.

(b) Hold the state, its subdivisions, officers, employees and agents harmless from any claim which may arise from operation over public highways under the permit.

(2) Whether or not insurance, bond, or deposit as set forth in sub. (7) is required, the permittee shall be liable for all damages which any highway or its appurtenances may sustain by reason of any operation under the permit.

(3) An issuing authority may waive insurance requirements for permits issued to government.

(4) Where a certificate of insurance is required, no insurer may cancel the certificate of insurance without providing the issuing authority 10 days advance written notice of the cancellation.

(5) An issuing authority may require a permittee to provide more bodily injury damage liability coverage than is set forth in sub. (6).

(6) The following insurance amounts are required:

| | | |
|--|-----------|-----------------|
| Bodily injury liability-each person..... | \$150,000 | or \$750,000 |
| Bodily injury liability-each accident..... | \$450,000 | combined single |
| Property damage liability-each accident..... | \$300,000 | limit |

(7) A permittee shall certify, and may be required to present satisfactory written evidence, that the amount of insurance coverage given in sub. (6), or a bond in a form satisfactory to the issuing authority, will be in effect for the vehicle and load designated in the permit while operating on the public highway, unless this requirement is expressly waived by the issuing authority.

Trans 269.14 GENERAL CONDITIONS AND REQUIREMENTS. A permittee shall comply with all applicable statutes, ordinances, rules and policies of any state agency or subdivision of the state, unless they are modified by the conditions of the permit.

Trans 269.15 DENIAL, SUSPENSION OR REVOCATION OF PERMIT. (1) An issuing authority may deny, suspend, or revoke a permit for good cause, pursuant to s. 348.25(7), Stats. Grounds for the denial, suspension, or revocation of a permit include:

(a) Violation of any condition of a permit.

(b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.

(d) Making a material misstatement in an application for a permit.

(e) Unauthorized alteration of a permit.

(f) Refusal or failure, without just cause, to produce required records.

(g) Payment of an application fee with a worthless check.

(h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked permit to the issuing authority, after receiving notice from the issuing authority of the suspension or revocation of the permit.

Note: If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

SECTION 8. Chapter Trans 275 is repealed and recreated to read:

CHAPTER TRANS 275

APPLICATION FOR AND ISSUANCE OF
SINGLE TRIP PERMITS BY TELEPHONE

Trans 275.01 PURPOSE. The purpose of this chapter is to establish procedures for the application and issuance of single trip permits by telephone as authorized under s. 348.26(1m), Stats.

Trans 275.02 DEFINITIONS. Unless otherwise stated, the definitions of words and phrases in ss. Trans 340.01 and Trans 348.01(2), Stats., and s. Trans 250.02 apply to this chapter.

Trans 275.03 PERSONS AUTHORIZED TO USE TELEPHONE PROCEDURE.

(1) The department may accept an application for a single trip permit by telephone from, and may issue a permit to, only a person who has received prior approval from the department to use the telephone procedure.

(2) An application for prior approval to use the telephone procedure shall be submitted to the department of transportation, motor carrier permit unit, p.o. box 7980, Madison, Wisconsin 53707-7980, on a form approved the department. An application shall include:

(a) An acknowledgement that, if approval is granted, the applicant will pay all permit fees within 21 days after receipt of the department's invoice.

(b) The address to which invoices and other correspondence concerning permits issued by telephone may be sent. An applicant may request separate invoices. The department shall assign a separate account number to each address.

Trans 275.04 BOND. (1) An applicant for prior approval for use of the telephone procedure shall deposit with the department a surety bond guaranteeing payment of fees for

permits issued by the department by telephone to the applicant. The amount of the bond shall be not less than twice the total fees which the applicant estimates may be incurred in any calendar month. The form of the bond and the surety shall be in a form approved by the department.

(2) Any bond filed with the department under this section shall contain a clause stating that the bonding company shall notify the department at least 30 days prior to the effective date of any suspension, revocation or cancellation of a bond. No suspension, revocation or cancellation of a bond under this section is effective until 30 days after the date it is received by the department.

(3) Any bond filings, notices of suspension, revocation or cancellation of bonds and any correspondence relating to bonds shall be submitted to the department of transportation, motor carrier permit unit, p.o. box 7980, Madison, Wisconsin 53707-7980.

(4) In lieu of a bond, an applicant may deposit a sum of money not less than twice the total fees which the applicant estimates may be incurred in any calendar month. The deposit may be in the form of cash, certified check, cashiers check, corporate check or personal check. The invoice and payment provisions of ss. Trans 275.08 and 275.09 apply to an applicant utilizing this subsection. A deposit made under this subsection shall be returned to the applicant upon the applicant's request, less any unpaid invoices. An applicant's authority to use the telephone procedure shall be immediately terminated upon the department's receipt of a request for the return of the deposit.

Note: The department does not have a standard form for this bond. Standard forms normally used by bonding companies should be used.

Trans 275.05 AUTHORIZATION CODE. (1) An applicant shall select an authorization code consisting of any combination of letters or numerals, or both, and shall consist of any 5

digits, but may not include the numeral zero. An applicant shall notify the department in writing of the code selected before applying for any permit. If more than one address has been designated under s. Trans 275.03(2)(c), different authorization codes shall be selected for each address.

(2) When a permit is requested by telephone, the department shall ask the caller for the authorization code and no permit may be issued unless the authorization code is correctly provided.

(3) After an application is approved, an applicant may change the authorization code at any time by notifying the department in writing of the new authorization code for each account number assigned under s. Trans 275.07(1).

Trans 275.06 CALLER CODE. In addition to assigning an authorization code to each account, an applicant may assign up to 35 caller codes to individuals who are authorized by an applicant to request permits on the applicant's behalf. Each caller code shall consist of a single letter or single numeral from 1 to 9. If caller codes are assigned, the department's invoices shall show the caller code for each permit used.

Note: The caller codes are intended to assist the applicant in reviewing the invoices and permits issued. The department will not determine the validity of a caller code before issuing permits.

Trans 275.07 APPROVAL FOR USE OF TELEPHONE PROCEDURE. Upon receipt of an application to use the telephone procedure which complies with ss. Trans 275.03 and 275.04, the department may approve the application and may notify the applicant in writing. If an application is approved, the department shall:

(1) Assign an account number for each billing address the applicant has requested and notify the applicant of the number or numbers.

(2) Notify the applicant of the telephone number to be used in applying for permits.

(3) Furnish the applicant with a supply of approved forms to be used when a permit is issued by telephone.

Trans 275.08 INVOICES. The department shall mail monthly invoices to each applicant issued a permit during the preceding billing period. All invoices shall include the permit number of each permit issued, the caller code, if any, of the person who requested the permit, the fee for each permit, and the total amount payable to the department.

Trans 275.09 PAYMENT OF INVOICES. An applicant shall pay each invoice within 21 days of its receipt.

Trans 275.10 LIMITATIONS ON APPLYING FOR PERMITS. (1) Applications by telephone for single trip permits may be received by the department between 7:45 a.m. and 3:30 p.m. Monday through Friday except on New Year's Day, Dr. Martin Luther King Jr.'s Day, Good Friday afternoon, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve Day, Christmas Day, and New Year's Eve Day. When any of these holidays fall on Sunday and is celebrated on the following Monday, permit applications may not be received on the day celebrated as the holiday.

(2) Approved applicants may apply for single trip permits by telephone provided the overall size and weight of the loaded vehicle or vehicles do not exceed:

- (a) Length of 100 feet for a combination of vehicles.
- (b) Length of 80 feet for a trailer, semi-trailer, mobile home, or modular building section.
- (c) Length of 50 feet for a single motor vehicle, except 60 feet for a mobile crane.
- (d) Width of 14 feet.
- (e) Height of 15 feet.
- (f) Gross weight of 150,000 pounds.

(3) The department may decline to accept applications for more than 2 permits during a single telephone call.

Note: This provision is intended to allow the department to free its telephone lines for use by other applicants during periods of high workloads. If workload is low and other telephone lines are free, additional applications may be accepted.

(4) An approved applicant may only apply for permits for loads to be carried on a vehicle which is owned, leased or controlled by the applicant and not on a vehicle which is controlled by any other person. Application may be made only by the applicant or its authorized employee, but not by any other agent.

(5) A permit which is requested by telephone may be issued only by telephone.

(6) No permit which is requested by any means other than by telephone may be issued by telephone.

(7) The department may not accept collect telephone calls.

Trans 275.11 PERMIT APPLICATION PROCEDURE. (1) To request a single trip permit, an applicant shall telephone the department using the number provided under s. Trans 275.07(2) and shall provide the assigned account number. All calls may be tape-recorded by the department.

(2) When requested by the department as required under s. Trans 275.05 (2), an applicant shall provide any required authorization code and caller code.

(3) When requested by the department, an applicant shall provide all other information regarding the proposed transportation as shown on the department's permit application form.

(4) When a permit is issued, the applicant shall copy all relevant information dictated by the department, on the form provided under s. Trans 275.07 (3), and shall sign and date the form.

Trans 275.12 PERMIT RETRANSMITTAL. An applicant may retransmit an approved permit by telephone provided that the person to whom it is retransmitted copies it on the form provided under s. Trans 275.07(3), or may transmit the permit by facsimile.

Trans 275.13 PERMIT TO BE CARRIED. A copy of the permit, on the form provided under s. Trans 275.07(3), shall be carried in the vehicle to which it applies whenever it is operated under the permit.

Trans 275.14 DENIAL, SUSPENSION OR REVOCATION OF PERMIT. (1) The department may deny, suspend, or revoke approval to use the telephone procedure, pursuant to s. 348.25(7), Stats. Grounds for the denial, suspension, or revocation of approval to use the telephone procedure include:

- (a) Violation of any condition of a permit.
- (b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.
- (c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.
- (d) Making a material misstatement in an application for a permit.
- (e) Unauthorized alteration of a permit.
- (f) Refusal or failure, without just cause, to produce required records.
- (g) Payment of an application fee with a worthless check.
- (h) Cancellation, suspension, revocation, or expiration of a bond.
- (i) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked approval form to the issuing authority, after receiving notice from the issuing authority of the suspension or revocation approved to use the telephone procedure.

Note: If approval is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

Trans 275.15 PERMIT SERVICES. For persons whose business is obtaining permits for others and who have entered into a contract with the department for placing communication equipment in the department's office and guaranteeing payment of fees, the department may waive the requirements of ss. Trans 275.04 and 275.10(4).

(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 30th day of October, 1990.

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

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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

October 30, 1990

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Revisor of Statutes
Bureau

Mr. Gary Poulson
Assistant Revisor of Statutes
119 Martin Luther King, Jr. Blvd.
2nd Floor
Madison, Wisconsin 53703


RE: **CLEARINGHOUSE RULE 90-25**

In the Matter of the Adoption of **TRANS 250-275**, Wisconsin Administrative Code, relating to the issuing of permits for vehicles and loads exceeding the size and weight limitations of ch. 348, Wisconsin Statutes

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 90-25**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Tom Walker
Linda Thelke
Sandy Beaupre
Marv Schaeffer
Harry Price

