

CR 91-17

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 **issuing permits for the operation of vehicles and loads which exceed the size or weight limits or both specified in ch. 348, Stats.**, was duly approved and adopted by this Department on May 31st, 1991.

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 31st day of May, 1991.

Donald R. Fiedler, Deputy

for RONALD R. FIEDLER, P.E.
Secretary

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Clearinghouse Rule 91-17 *
 *
 IN THE MATTER OF a Rule to AMEND *
 Trans 252.02(2), 252.04(2), 254.11(4) *
 255.11(4), 257.11(2), 260.11(3), *
 261.11(3) and 262.10(3), to REPEAL *
 Trans 252.02(3) and to CREATE *
 Trans 254.11(4a), 255.11(4a), 260.11(3a), *
 261.11(3a) and 262.10(3a), Wis. Admin. *
 Code, relating to issuing permits for *
 the operation of vehicles and loads *
 which exceed the size or weight limits *
 or both specified in Ch. 348, Stats. *

ORDER ADOPTING RULE

Analysis Prepared by the Wisconsin Department of Transportation

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

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

General Summary of Rule. This rule amends ss. Trans 254.11(4), 255.11(4), 257.11(2), 260.11(3), 261.11(3) and 262.10(3) and creates ss. Trans 254.11(4a), 255.11(4a), 260.11(3a), 261.11(3a) and 262.10(3a), Wis. Admin. Code, in order to clarify the Department's intent concerning the hours of operation of oversize vehicles and loads on the Milwaukee County Expressway System and the portions of the expressway system on which those limitations apply.

The Department intended to prohibit the operation of oversize vehicles and loads on the expressway system during certain high traffic volume periods of time, specifically 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 and 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. But the Department did not intend that this prohibition apply to the portions of the expressway system on U.S. Highway 45 between West Florist Avenue and West Hampton Avenue or on Interstate Highway 94 between the Waukesha County Line and 108th Street. This intended meaning is not clearly expressed in the language of the existing rules and this rulemaking is needed to clarify the originally intended meaning.

In addition, s. Trans 257.11(2), Wis. Admin. Code, does not clearly specify the portions of the expressway system to which it does not apply which should have been the same portions described above. This rulemaking clarifies the portions of the expressway which are excluded from this provision.

Final Regulatory Flexibility Analysis. This rule has no adverse impact on small businesses.

Final Fiscal Impact. 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 and Contact Persons. Copies of this proposed rule are available without cost upon request to the office of the State Traffic Engineer, P.O. Box 7916, Madison, Wisconsin 53707, telephone (608) 266-2375. For questions about this rulemaking, please call Harry Price, State Traffic Engineer, at (608) 266-2375.

TEXT OF RULE

Under the authority vested in the Wisconsin department of transportation by ss. 85.16(1) and 348.25(3), Stats., the department of transportation hereby adopts a rule interpreting ss. 348.25, 348.26 and 348.27, Stats., relating to the issuance of permits for vehicles and loads exceeding the size and weight limitations of ch. 348, Stats.

SECTION 1. Section Trans 252.02(2) is amended to read:

Trans 252.02(2). "~~Chauffeur's~~ Operator's license" means a license issued to a Wisconsin resident pursuant to ~~ss. 343.125 or 343.126,~~ ch. 343, Stats. In the case of a nonresident it means ~~a commercial drivers license or~~ a license issued by another jurisdiction if that license would allow the holder to be employed to operate, in that jurisdiction, a vehicle of the same size, weight and configuration as the escort vehicle being operated ~~under permit.~~

SECTION 2. Section Trans 252.02(3) is repealed.

SECTION 3. Section Trans 252.04(2) is amended to read:

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

SECTION 4. Section Trans 254.11(4)(intro.) is amended to read:

Trans 254.11(4). In addition to the conditions provided in subs. (2) and (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:~~

SECTION 5. Section Trans 254.11(4a) is created to read:

Trans 254.11(4a). Subsection (4) does not apply to U. S. highway 45 between West Florist Avenue and West Hampton Avenue or to interstate highway 94 between the Waukesha county line and 108th Street.

SECTION 6. Section Trans 255.11(4)(intro.) is amended to read:

Trans 255.11(4). In addition to the conditions provided in subs. (2) and (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:~~

SECTION 7. Section Trans 255.11(4a) is created to read:

Trans 255.11(4a). Subsection (4) does not apply to U. S. highway 45 between West Florist Avenue and West Hampton Avenue or to interstate highway 94 between the Waukesha county line and 108th Street.

SECTION 8. Section 257.11(2) is amended to read:

Trans 257.11(2). No permit, allowing the dimensions of a vehicle or load to exceed 11 feet in width, 13½ 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~~ on interstate highway 94 between the Waukesha county line and 108th Street.

SECTION 9. Section Trans 260.11(3)(intro.) is amended to read:

Trans 260.11(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:~~

SECTION 10. Section Trans 260.11(3a) is created to read:

Trans 260.11(3a). Subsection (3) does not apply to U. S. highway 45 between West Florist Avenue and West Hampton Avenue or to interstate highway 94 between the Waukesha county line and 108th Street.

SECTION 11. Section Trans 261.11(3)(intro.) is amended to read:

Trans 261.11(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:~~

SECTION 12. Section Trans 261.11(3a) is created to read:

Trans 261.11(3a). Subsection (3) does not apply to U. S. highway 45 between West Florist Avenue and West Hampton Avenue or to interstate highway 94 between the Waukesha county line and 108th Street.

SECTION 13. Section Trans 262.10(3)(intro.) is amended to read:

Trans 262.10(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:~~

SECTION 14. Section Trans 262.10(3a) is created to read:

Trans 262.10(3a). Subsection (3) does not apply to U. S. highway 45 between West Florist Avenue and West Hampton Avenue or to interstate highway 94 between the Waukesha county line and 108th Street.

(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.), Stats.

Signed at Madison, Wisconsin this 31st day of May, 1991.

Donald H. Janssen, Deputy
for 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

June 3, 1991

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Bureau

Mr. Gary Poulson
Assistant Revisor of Statutes
119 Martin Luther King, Jr. Blvd.
2nd Floor
Madison, Wisconsin 53703

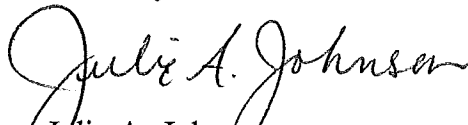
RE: **CLEARINGHOUSE RULE 91-17**

In the Matter of the Adoption of **TRANS 252-262**, Wisconsin Administrative Code, relating to **issuing permits for the operation of vehicles and loads which exceed the size or weight limits or both specified in ch. 348, Stats.**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 91-17**, 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
Fred Ross
Harry Price