

CR 91-47

CERTIFICATE

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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 **prohibiting the operation on interstate highways by vehicles operating under certain types of overweight permits**, was duly approved and adopted by this Department on **July 30th, 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 30th day of **July, 1991**.



RONALD R. FIEDLER, P.E.
Secretary

Clearinghouse Rule 91-47

IN THE MATTER OF a Rule to
CREATE s. Trans 267.06(13) and ch.
Trans 268, Wis. Admin. Code, relating
to prohibiting the operation on
interstate highways by vehicles
operating under certain types of
overweight permits.

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ORDER ADOPTING RULE

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Analysis Prepared by the Wisconsin Department of Transportation

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

STATUTES INTERPRETED: ss. 348.27(8) and (11), Stats.

General Summary of Rule. The Federal Highway Administration has advised the Department that it is out of compliance with 23 U.S.C. 127, relating to the weight of vehicles allowed to operate on the National System of Interstate and Defense Highways (Interstate System), in that overweight vehicles operating under Emergency Agricultural Transportation Permits and Emergency Energy Conservation Permits, both of which allow the operation of overweight vehicles with divisible loads, are allowed to operate on the Interstate System. 23 U.S.C. 127 provides that the penalty to a state which is not in compliance is loss of Federal Aid Highway monies. This rule would prohibit the operation of vehicles under these permits on the Interstate System.

Final Regulatory Flexibility Analysis. The Department anticipates that the provisions of this rule will have only minimal, if any, effect on holders of Emergency Agricultural Transportation Permits since the use of those permits is limited by law to transporting farm products from the farm to the first point of processing or storage, which would seldom necessitate the use of Interstate Highways. However, holders of Emergency Energy Conservation Permits would be required to use other highways paralleling the Interstate System which may require more travel time with consequent increased cost. However, the Department finds that the rule will not have a significant economic impact on a substantial number of small businesses. (Emergency Energy Conservation Permits can be issued only when there is a Governor's Proclamation of an Energy Emergency. No such proclamations have been issued for several years.)

Final Fiscal Estimate. The Department anticipates no effect on the fiscal liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education school district or sewerage district.

Failure to adopt this rule, thus leaving the Department out of compliance with 23 U.S.C. 127, could cost the Department \$223,000,000 in annual Federal Aid Highway apportionments.

Copies of Rule and Contact Persons. Copies of this rule are available without cost upon request to the office of the Regional Chief Traffic Engineer, P.O. Box 7916, Madison, Wisconsin 53707, telephone (608) 266-2375. For questions about this rulemaking, please call Peter Rusch, Regional Chief Traffic Engineer, at (608) 266-2375.

Hearing-impaired individuals may contact the Department using
TDD (608) 266-6880.

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 creates s. Trans 267.06(13) and ch. Trans 268, Wisconsin Administrative Code, interpreting ss. 348.27(8) and (11), Stats., as follows:

SECTION 1. Trans 267.06(13) is created to read:

Trans 267.06(13) A permit is not valid on any part of the national system of interstate and defense highways in Wisconsin.

SECTION 2. Chapter Trans 268 is created to read:

CHAPTER TRANS 268

EMERGENCY ENERGY CONSERVATION PERMITS

Trans 268.01 PURPOSE. The purpose of this chapter is to establish the general policies which are applicable to emergency energy conservation permits issued in accordance with s. 348.27(8), Stats.

Trans 268.02 DEFINITIONS. (1) Unless otherwise stated, the definition of "energy emergency" in s. 340.01(15s), Stats., applies to this chapter.

(2) As used in this chapter, "permit" means an emergency energy conservation permit authorized under s. 348.27(8), Stats.

Trans 268.03 ROUTE LIMITATIONS. A permit is not valid on any part of the national system of interstate and defense highways in Wisconsin.

(END OF RULE TEXT)


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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 30th
day of July, 1991.



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

July 30, 1991

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

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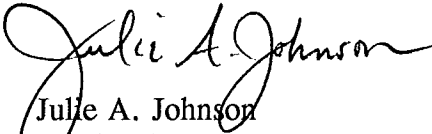
RE: **CLEARINGHOUSE RULE 91-47**

In the Matter of the Adoption of **TRANS 267-268**, Wisconsin Administrative Code, relating to **prohibiting the operation on interstate highways by vehicles operating under certain types of overweight permits.**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 91-47**, 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