

CR 95-137

CERTIFICATE

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

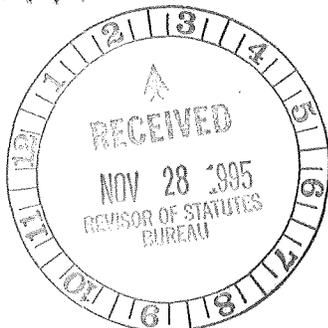
I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **proposed legislation establishing vehicle weight limit exceptions**, was duly approved and adopted by this Department on November 27, 1995.

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.



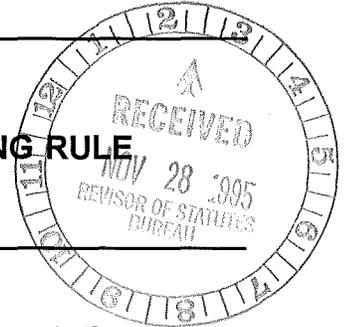
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 27 day of **November**, 1995.

Charles H. Thompson
CHARLES H. THOMPSON
Secretary



2-1-96

The Wisconsin Department of Transportation adopts an order to create ch. TRANS 278, relating to proposed legislation establishing vehicle weight limit exceptions.

ORDER ADOPTING RULE**Analysis Prepared by the Wisconsin Department of Transportation**

STATUTORY AUTHORITY: ss. 13.096(4) and 85.16(1), Stats.

STATUTES INTERPRETED: s. 13.096, Stats.

General Summary of Rule. Effective on November 1, 1994, 1993 Wis. Act 282 created s. 13.096 of the statutes which requires the Department of Transportation to prepare reports for the Legislature concerning introduced bills which directly or indirectly establish exceptions to the vehicle weight limits specified in ch. 348, Stats. The rule establishes the policies and procedures which the Department intends to follow in carrying out its responsibilities under s. 13.096, Stats.

In s. Trans 278.02(2), the Department sets forth its interpretation of which bills fall within the scope of s. 13.096, Stats., and will require that a report be filed. Included are bills which propose to increase axle, group axle or gross weights in existing exceptions; to make additional commodities or vehicles eligible under existing exceptions; to modify restrictions limiting eligibility for existing exceptions; to reduce or eliminate fees or permit requirements under existing exceptions; to modify or eliminate authority to set permit conditions; and to create new exceptions to current weight limitations.

Section Trans 278.03 describes the information which will be contained in reports prepared by the Department. At a minimum, the Department will discuss the factors outlined in s. 13.096(3), Stats., which includes a discussion of the problem addressed by the proposed legislation including whether current vehicle weight limitations create a hardship, the costs of complying with current limitations and any savings which will likely result from a change, other efforts to resolve the problem, and the degree of control motor carriers have over the weight and weight distribution of the vehicle and its load; a description of the proposed exception including any changes in current axle, group axle or gross vehicle weight limitations, width, height and length limitations, transportation of particular commodities, highways or areas of the state affected by the proposed exception and seasonal transportation patterns; and a discussion of other special considerations such as frequency of use of the proposed exception and the support and involvement of businesses and local authorities affected by the proposed exception. In addition, the report may include comments and opinions of federal agencies, a comparison of the proposal to the laws of other surrounding states and other information which the Department determines will assist the Legislature in assessing the impact of the proposed weight exception.

Section Trans 278.04 describes the procedures which the Department intends to follow after receiving notice from the Legislative Reference Bureau that a bill has been introduced which requires a report. The following divisions in the Department will be involved in information gathering and report preparation: the Division of Highways, the Division of Motor Vehicles and the Division of State Patrol. The rule provides that persons, organizations and government units contacted for information will respond to requests within 2 weeks and that the Department will complete its report within 6 weeks of the introduction of the bill.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of the State of Wisconsin or any county, city, village, town, school district, technical college district or sewerage district.

Final Regulatory Flexibility Analysis. The rule will have no adverse impact on small businesses.

Contact Persons and Copies of Rule. Persons having questions about this rule may write or call the following Wisconsin Department of Transportation employees: **Kathleen Nichols** or **Tom Cantwell**, Division of Motor Vehicles, Motor Carrier Tax and Permits Section, P. O. Box 7980, Room 151, at (608) 266-6648 and (608) 267-4541, respectively; or **Mark Morrison**, Regional Traffic Engineer, Division of Highways, Bureau of Highway Engineering, P. O. Box 7916, Room 601, Madison, WI 53707-7916, (608) 266-1675. Copies of this rule may also be obtained, without cost, from Mr. Morrison. Hearing-impaired individuals may contact the Department using TDD (608) 266-0396. Alternate formats of the rule will be provided to individuals at their request.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 13.096(4) and 85.16(1), Stats., the department of transportation hereby adopts an order creating a rule implementing and interpreting s. 13.096, Stats., relating to proposed legislation establishing vehicle weight limit exceptions.

SECTION 1. Chapter Trans 278 is created to read:

VEHICLE WEIGHT LIMIT EXCEPTIONS

Trans 278.01 PURPOSE AND SCOPE. The purpose of this chapter is to:

(1) Establish general policies and criteria for the analysis of any bill that is introduced in either house of the legislature that indirectly or directly establishes an exception to the vehicle weight limits specified in ch. 348, Stats.

(2) Establish the responsibilities of each division within the department for timely preparation of reports on bills.

Trans 278.02 DEFINITIONS. The words and phrases defined in chs. 340 and 348, Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter:

(1) "Bill" means any bill that requires a report under s. 13.096(2)(a), Stats.

(2) "Establishes an exception to the vehicle weight limits specified in ch. 348, Stats." includes the following:

(a) To increase maximum allowable axle, axle group or gross weights in existing exceptions.

(b) To make additional commodities or vehicle combinations eligible for transport under existing exceptions.

(c) To modify or eliminate special equipment requirements, trip purpose, allowable trip distance, time or season of operation, or other factors limiting eligibility for or operations under existing exceptions.

(d) To reduce or eliminate fees associated with permits required under existing exceptions or to eliminate the requirement that a permit be obtained for movement of overweight loads under existing exceptions.

(e) To modify or eliminate the authority of the state agency or local officer issuing a permit to establish conditions for the grant of a permit and operations under a permit, or to modify or eliminate the authority of the state agency or local authority in charge of

the maintenance of a highway to impose weight limitations on a highway or to suspend the operation of vehicles on a highway.

(f) To create entirely new statutory exceptions.

Trans 278.03 CONTENTS OF REPORTS. (1) Reports of the department required by s. 13.096(2)(a), Stats., shall contain an analysis of the impact of each proposed vehicle weight exception contained in the bill for which the report is prepared.

(2) The analysis shall include the information required by s. 13.096(3)(a), (b) and (c), Stats., and may include the comments or opinions of interested federal agencies, a comparison of the proposed exception to the laws of surrounding states and other information that the department determines will assist the legislature in assessing the impact of the proposed exception.

(3) If the same or a substantially similar bill was introduced in a previous session, the department may fulfill its obligation under s. 13.096(2)(a), Stats., by providing a copy of a previously prepared report and a memorandum addressing any differences in the bills or any factors which may have changed since the prior report was written.

(4) If the department concludes that it has not been able to gather sufficient information to adequately assess the impact of the proposed exception, the department may include in its report a recommendation that no action be taken on the bill until the sponsor can provide additional sources of information to the department to enable the department to complete the required analysis.

Trans 278.04 REPORT PREPARATION. (1) When a bill is introduced, the legislative reference bureau shall submit a copy of the bill to the chief counsel of the department, and to such other officials of the department as the legislative reference bureau deems appropriate.

(2) The chief counsel of the department shall distribute a copy of the bill to the divisions of highways, motor vehicles, and state patrol of the department.

(3) Each division shall make appropriate contact with the following:

(a) Interested parties identified by sponsoring legislators.

(b) Representatives of organizations with a probable interest in the legislation.

(c) Local governments and individuals with a probable interest in the legislation.

(d) Officials in other departments or nearby states who may have reviewed similar legislation.

(4) Individuals, organizations and governments contacted under sub. (3) shall be asked to provide either of the following:

(a) Any information that may assist the department in completion of its report as provided in s. Trans 278.03. Any information pertaining to cost or impact shall describe the method and assumptions used.

(b) A statement that the contacted individuals, organizations or governments do not have the requested information.

(5) Responses to department requests for information under sub. (4) shall be submitted within 2 weeks of the request date.

(6) The department shall prepare its report based on the best available information.

(7) Findings contained in the report shall be derived from reasonable and generally accepted engineering principles and cost calculation methodology.

(8) The department shall submit its report to the legislature within 6 weeks after the bill is introduced.

(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), Stats.

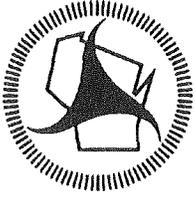
Signed at Madison, Wisconsin, this 27 day of November, 1995.

A handwritten signature in cursive script that reads "Charles H. Thompson". The signature is written in black ink and is positioned above a horizontal line.

CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

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

November 28, 1995

Mr. Gary Poulson
Deputy Revisor of Statutes
131 West Wilson Street, Suite 800
Madison, Wisconsin 53703

RE: **CLEARINGHOUSE RULE 95-137**

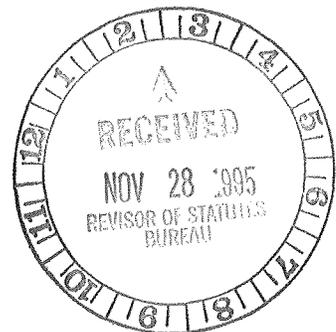
In the Matter of the Adoption of **TRANS 278**, Wisconsin Administrative Code, relating to **proposed legislation establishing vehicle weight limit exceptions.**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 95-137**, 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: Ann Agnew
Dorothy Kapke
Jim McDonnell
Fred Ross
Roger Cross
Mark Morrison
Kathleen Nichols