

## Chapter Trans 269

### TRANSPORTATION OF GARBAGE OR REFUSE PERMITS AND TRANSPORTATION OF RECYCLABLE SCRAP PERMITS

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**Note:** Chapter Trans 269 as it existed on December 31, 1990 was repealed and a new Chapter Trans 269 was created effective January 1, 1991.

**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.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**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 (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.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**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 region offices.

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

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

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91; correction in (2) (a) made under s. 13.92 (4) (b) 6., Stats., Register February 2013 No. 686.

**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.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**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 a roll-off equipped truck or roll-off trailer that uses all axles while transporting garbage or refuse, 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.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91; 2017 Wis. Act 59: am. (2) Register October 2017 No. 742, eff. 11-1-17.

**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.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**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 or other agencies having jurisdiction shall be obtained.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91; correction in (2) made under s. 13.93 (2m) (b) 6., Stats., Register, August, 1996, No. 488.

**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 [upon].

(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.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**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.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**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.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**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) Except as provided in sub. (2a), a permit is not valid on any part of the national system of interstate and defense highways in Wisconsin.

(2a) Notwithstanding sub. (2), permits issued by the department for the transportation of scrap, garbage or refuse authorize the use of that portion of U.S. highway 51 between Wausau and state trunk highway 78 and that portion of state trunk highway 78 between U.S. highway 51 and the interstate highway 90/94 interchange near Portage upon their federal designation as interstate highway 39.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (2), cr. (2a), Register, January, 1991, No. 421, eff. 2-1-91; emerg. am. (2a), eff. 9-9-96; am. (2a), Register, January, 1997, No. 493, eff. 2-1-97.

**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.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**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:

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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.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**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.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**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 employe 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 employe 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 division of hearings and appeals, pursuant to s. 348.25 (9), Stats.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.