

Chapter Trans 269

TRANSPORTATION OF GARBAGE OR REFUSE PERMITS

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Trans 269.01 Purpose and scope. (1) The purpose of this rule is to establish the general policies which will apply to transportation of garbage and refuse permits issued under s. 348.27 (12), Stats., as created by Ch. 163, Laws of 1981.

(2) The scope of this rule includes all applicable provisions of s. 348.27 (12) and requirements contained in chs. 341 and 348, Stats.

(3) The purpose of the permits is to authorize the transportation of garbage and refuse in vehicles which exceed the length and weights authorized by ch. 348, Stats.

History: Emerg. cr. eff. 5-10-82; cr. Register, October, 1982, No. 322, eff. 11-1-82.

Trans 269.02 Definitions. (1) Words and phrases defined in chs. 340 and 348, Stats., are used in the same sense in this chapter unless a different definition is specifically provided.

(2) "Garbage" means discarded materials resulting from the handling, processing, storage and consumption of food.

Note: Source is s. 144.01 (4), Stats. (1981-82).

(3) "Refuse" means combustible and noncombustible 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.

Note: Source is s. 144.43 (4), Stats. (1981-82).

(4) "Self-compactor equipped vehicle" means a vehicle that is:

(a) specifically designed, constructed and used for the pickup, transportation and disposal of garbage or refuse or both; and

(b) equipped and used with:

1. A blade, plate or other device that mechanically compacts the load;
or

2. A separate garbage or refuse container that is equipped and used with blade, plate, or other device that mechanically compacts the load.

History: Emerg. cr. eff. 5-10-82; cr. Register, October, 1982, No. 322, eff. 11-1-82.

Trans 269.03 Application availability and submission. Application forms are available at the office of the chief traffic engineer, division of highways and transportation facilities, in Madison and at all district transportation offices. Completed applications shall be submitted to the

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chief traffic engineer, department of transportation, 4802 Sheboygan Avenue, post office box 7916, Madison, Wisconsin 53707.

History: Emerg. cr. eff. 5-10-82; cr. Register, October, 1982, No. 322, eff. 11-1-82.

Trans 269.04 Authorization to issue permits. (1) The chief traffic engineer or his authorized representative may issue transportation of garbage or refuse permits.

(2) Permits shall be issued and valid only for the transportation of garbage or refuse or both in a self-compactor equipped vehicle and for the return of the vehicle when empty. Permits are not valid when material other than garbage or refuse is being transported. This does not exclude the transportation of tools and equipment necessary for the safe and efficient pickup and discharge of the garbage and refuse.

(3) Permits shall be issued and valid only for vehicles equipped with pneumatic tires.

(4) Permits shall be issued only for motor trucks, truck tractor, or road tractors. A permit is valid only for the motor vehicle described in the application and permit. Each permit authorizes the towing of not more than one trailer or semi-trailer if the trailer or semi-trailer is a self-compactor equipped vehicle. Permits do not authorize the operation of more than 2 vehicles in combination.

History: Emerg. cr. eff. 5-10-82; cr. Register, October, 1982, No. 322, eff. 11-1-82.

Trans 269.05 Conditions precedent to issuance of permits. (1) The applicant shall, by certification, acknowledge the fact that the permit does not relieve the permittee from compliance with statutes, ordinances, rules and regulations of any state agency or subdivision of the state, except to the extent that the statutes, ordinances, rules and regulations are specifically modified by the conditions of the permit.

(2) The applicant shall also certify that the applicant has read and understands the liability and general conditions of the permit and accepts these conditions.

History: Emerg. cr. eff. 5-10-82; cr. Register, October, 1982, No. 322, eff. 11-1-82.

Trans 269.06 Insurance and liability conditions. (1) In applying for and accepting a permit, the permittee agrees to pay any claim for any bodily injury or property damage for which the permittee is legally responsible resulting from operations under the permit and to indemnify and save the state and its subdivisions harmless from any claim which may arise from operations over public highways under the permit.

(2) The permittee shall present evidence on a form furnished by the department that at least the following insurance coverage, or in lieu thereof a bond in a form satisfactory to the department, is or will be in full force and effect on the vehicle and load designated in the permit while operating on the public highway, except when insurance requirements are specifically waived by the department:

(a) When the permitted vehicle and load do not exceed 60 feet in length and do not exceed statutory gross weight limits:

Bodily injury liability—each person\$50,000

Bodily injury liability—each accident\$100,000

Property damage liability—each accident.....	25,000
Casualty insurance in the required form— each accident.....	25,000 or
Combined single limit	\$150,000

(b) When the permitted load exceeds the length and weight limitations in (a) above:

Bodily injury liability—each person	\$100,000
Bodily injury liability—each accident	300,000
Property damage liability—each accident.....	100,000
Casualty insurance in the required form— each accident.....	200,000 or
Combined single limit	\$600,000

(3) The permittee shall furnish casualty insurance of an approved type, a bond, or deposit a certified check with the department in the amount indicated above to protect the state and its subdivisions against any damage which any highway, highway structure, or highway appurtenance may sustain by reason of operation under the permit.

(4) The chief traffic engineer shall be given 10 days advance notice in writing of the cancellation or termination of any insurance required by the terms of a permit.

(5) Regardless of whether or not insurance, bond, or deposit as set forth in this section is required, the permittee shall be liable for all damage which any highway, highway structure, or highway appurtenance may sustain by reason of any operation under a permit.

(6) Insurance requirements may be waived for permits issued to the United States government and the armed forces and for such other permittees as may be determined by the department.

(7) The permittee upon request shall provide greater bodily injury and property damage liability coverage than is specifically set forth herein as may be required by the department.

History: Emerg. cr. eff. 5-10-82; cr. Register, October, 1982, No. 322, eff. 11-1-82.

Trans 269.07 General conditions. (1) The maximum size limitations and the maximum axle, axle combination and vehicle weights authorized by a permit shall not be exceeded.

(2) Permits issued by the department authorize the use of any of the highways of the state, subject to the limitations stated in the permit.

(3) No permit shall be considered to set aside any regulation, order, declaration, resolution, or ordinance limiting loads because of local conditions, including bridges and highways posted for load limits, seasonal weight restrictions, or under construction.

(4) No permit shall be considered to set aside or supercede any action by a town under s. 60.72, 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) The granting of a permit shall not be considered as a guarantee of the sufficiency of any highway or structure thereon for the permitted operation.

(6) The driver shall carry the approved permit in the vehicle to which it applies and shall have it available for inspection by any police officer, representative of the department or the authority in charge of the maintenance of the highway being used.

(7) Transporting vehicle or vehicles under a permit shall be registered as required by Wisconsin Statutes, and any operational permits required by the state of Wisconsin department of transportation, transportation commission, or other agencies having jurisdiction shall be obtained. Wisconsin registration may be waived for vehicles registered in another state where such registration meets the requirements of the state of Wisconsin department of transportation.

(8) The holder of a permit shall not be relieved of compliance with statutes, valid ordinances, rules and regulations of any state agency or subdivision of the state, except to the extent that the statutes, ordinances, rules and regulations are modified by the conditions of the permit.

(9) The department may temporarily suspend a permit, either in its entirety or with respect to certain of its conditions, due to seasonal or other special conditions.

(10) Alteration of a permit, false information given in the application, or failure to comply with conditions of a permit shall be just cause for the summary suspension, upon notice verbally or in writing, of the permit, and for the suspension, upon notice in writing, of other permits held by the permittee. The department may revoke a permit for good cause after providing the permittee a reasonable opportunity for a hearing. The length of the suspension, and other matters pertaining to the suspension or revocation of a permit shall be determined by the department. Suspended and revoked permits shall be returned to the department.

(11) The maximum speed of all vehicles being operated under any permit issued pursuant to this chapter shall be 45 miles per hour, but the speed shall be reduced as necessitated by roadway, traffic, wind and weather conditions, unless another speed is specified in the permit or is required for obedience to a lower speed limit established by statute or indicated by official signs.

(12) No wheels of a vehicle or combination of vehicles being operated under a permit shall leave the roadway except while the vehicle or combination of vehicles is stopped and at speeds not exceeding 15 miles per hour immediately prior to or following a stop.

Note: "Roadway" does not include the berm or shoulder. Reference s. 340.01 (54), Stats.

History: Emerg. cr. eff. 5-10-82; cr. Register, October, 1982, No. 322, eff. 11-1-82.