

Chapter Trans 267

EMERGENCY AGRICULTURAL TRANSPORTATION PERMITS

Trans 267.01 Purpose and scope.
 Trans 267.02 Definitions.
 Trans 267.03 Application availability and submission requirements.

Trans 267.04 Conditions precedent to issuance of permits.
 Trans 267.05 Insurance and liability conditions.
 Trans 267.06 General conditions of permit.

Note: Chapter Trans 267 was affected by emergency rule effective 10-25-86 and 1-13-86.

Trans 267.01 Purpose and scope. (1) The purpose of this chapter is to establish the general policies which will apply to emergency agricultural transportation permits issued under emergency rules adopted pursuant to s. 348.17 (4), Stats.

Note: 2005 Wis. Act 364 repealed s. 348.17 (4), Stats., and created s. 348.17 (5), Stats.

(2) The scope of this rule shall include all applicable provisions of s. 348.17 (4), Stats., and applicable requirements contained in chs. 341 and 348, Stats.

Note: 2005 Wis. Act 364 repealed s. 348.17 (4), Stats., and created s. 348.17 (5), Stats.

(3) The purpose of the permits is to authorize the transportation of crops from field to storage or processing facilities during an agricultural transportation emergency in vehicles or combinations of vehicles which exceed the weights authorized by ss. 348.15 and 348.16, Stats.

History: Cr. Register, November, 1982, No. 323, eff. 12-1-82.

Trans 267.02 Definitions. Words and phrases defined in ss. 340.01, 348.01 and 348.15 (1), Stats., have their designated meanings, unless as used in the context of this rule a different meaning is clearly indicated.

History: Cr. Register, November, 1982, No. 323, eff. 12-1-82.

Trans 267.03 Application availability and submission requirements. Applications shall be available at the office of the division of highways and transportation facilities at Madison and at all district transportation offices. Completed applications shall be submitted to the chief traffic engineer, Wisconsin Department of Transportation, P.O. Box 7916, Madison, Wisconsin 53707.

Note: Applications will also be available through U.W. extension at county agent offices.

History: Cr. Register, November, 1982, No. 323, eff. 12-1-82.

Trans 267.04 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 the provisions of statutes, valid ordinances, rules and regulations of any state agency or subdivision of the state, except to the extent that such 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.

History: Cr. Register, November, 1982, No. 323, eff. 12-1-82; correction in (2) made under s. 13.93 (2m) (b) 5., Stats., Register, August, 1996, No. 488.

Trans 267.05 Insurance and liability conditions.

(1) The permittee shall agree 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 hold the state and its subdivisions harmless from any claim which may arise from operations over public highways under the permit.

(2) The issuance of a permit shall not be considered as a guarantee of the sufficiency of any highway or any highway structure upon which permitted transportation takes place.

(3) Whether or not insurance, bond or deposit is required, the permittee shall be liable for all damages which any highway or its appurtenances may sustain by reason of any operation under a permit.

History: Cr. Register, November, 1982, No. 323, eff. 12-1-82; correction in (1) made under s. 13.93 (2m) (b) 5., Register, August, 1996, No. 488.

Trans 267.06 General conditions of permit. All permits issued pursuant to emergency rules promulgated in accordance with s. 348.17 (4), Stats., shall be subject to the following general conditions:

Note: 2005 Wis. Act 364 repealed s. 348.17 (4), Stats., and created s. 348.17 (5), Stats.

(1) The 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 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.

(2) A permit shall not relieve the holder from compliance with the provisions of the statutes, valid ordinances, and rules and regulations of any state agency or subdivision of the state, except to the extent that such statutes, ordinances, and rules and regulations are modified by the conditions of this permit.

(3) The permit shall only cover vehicles or combinations of vehicles which are specifically identified in the permit except that a permit issued for a truck or truck-tractor also covers not more than one trailer or semitrailer when towed by the vehicle under permit.

(4) A copy of the permit shall be carried in the vehicle or combination of vehicles to which it applies, and shall be available for inspection by any police officer or authorized representative of the department of transportation or the authority in charge of the maintenance of the highway being used.

(5) The permit shall allow weights not more than 15 percent greater than the gross axle weight limitations, axle combination weight limitations, and gross weight limitations under ss. 348.15 and 348.16, Stats. In no event shall the permitted gross vehicle weight exceed 92,000 pounds.

(6) Permits do not authorize the operation of more than 2 vehicles in combination.

(7) No permit may set aside any regulation limiting loads because of local conditions, including bridges and highways posted for load limits, seasonal weight restrictions, or under construction.

(8) No vehicle or combination of vehicles may be considered to be operating under the permit when transporting commodities other than those authorized by the permit.

(9) The authority issuing the permit may temporarily suspend the permit in its entirety or in respect to any of the conditions of the permit.

Note: This subsection may be used to suspend operation under a permit due to seasonal changes in roadbed conditions such as wet subgrades, highway construction or maintenance operations, high traffic volumes during holiday periods, and other similar reasons.

(10) The permit shall be valid only for vehicles or combinations of vehicles equipped with pneumatic tires.

(11) Alteration of the permit, false information given in the application, or failure to comply with the conditions of the permit shall be just cause for the summary suspension of the permit upon verbal or written notice. The length of the suspension and other matters pertaining to the suspension of the permit shall be determined by the department. The department may conduct a hearing upon the request of the permittee, but such hearing shall occur subsequent to the suspension.

(12) Any person who violates a condition of a permit under

which the person is operating is subject to the penalties which would be applicable if the person were operating without a permit, except that the penalty for exceeding the weight authorized by the permit shall be calculated according to the applicable statute.

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

History: Cr. Register, November, 1982, No. 323, eff. 12-1-82; cr. (13), Register, September, 1991, No. 429, eff. 10-1-91; correction in (1) and (12) made under s. 13.93 (2m) (b) 6. and 5., Stats., Register, August, 1996, No. 488.