

## Chapter Trans 263

### MULTIPLE TRIP OVERWEIGHT PERMITS FOR VEHICLES TRANSPORTING GRANULAR ROOFING MATERIALS

|              |                              |
|--------------|------------------------------|
| Trans 263.01 | Purpose.                     |
| Trans 263.02 | Definitions.                 |
| Trans 263.03 | Overweight permits; general. |
| Trans 263.04 | Permit application.          |
| Trans 263.05 | Eligibility.                 |

|               |   |
|---------------|---|
| Trans 263.06  | Validity.                                   |
| Trans 263.065 | Times of operation.                         |
| Trans 263.07  | Transfers.                                  |
| Trans 263.08  | Insurance and liability conditions.         |
| Trans 263.09  | Denial, suspension or revocation of permit. |

**Trans 263.01 Purpose.** The purpose of this chapter is to establish standards and procedures for the issuance of overweight permits for the transportation of granular roofing materials, pursuant to s. 348.27 (15), Stats.

**History:** EmR0818: emerg. cr. eff. 7-1-08; CR 08-058: cr. Register November 2008 No. 635, eff. 12-1-08.

**Trans 263.02 Definitions.** 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. In this chapter:

(1) "Granular roofing materials" means small grains, pellets, and particles of naturally occurring mineral product transported in bulk from a mine to a processing plant where the product is processed or stored for sale, and to be used solely for the manufacture of roofing materials, including roofing shingles.

(2) "Permit" means multiple trip overweight permits authorized under s. 348.27 (15), Stats., which includes permit pages, copies of all written approvals for movement on local highways, a copy of this chapter, a copy of ch. Trans 251, and any other written conditions of movement issued by the department.

**History:** EmR0818: emerg. cr. eff. 7-1-08; CR 08-058: cr. Register November 2008 No. 635, eff. 12-1-08.

**Trans 263.03 Overweight permits; general.** (1) The department may issue annual or consecutive month permits for the transportation of overweight loads in vehicles meeting the requirements of this chapter.

(2) A permit issued under this chapter is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle or load, or both.

**History:** EmR0818: emerg. cr. eff. 7-1-08; CR 08-058: cr. Register November 2008 No. 635, eff. 12-1-08.

**Trans 263.04 Permit application.** An application for a permit shall be submitted on a department form and shall include all of the following:

(1) The name, address, telephone number, and electronic mail address of the applicant motor carrier on whose behalf the load is to be transported.

(2) The name and address of the applicant's insurer, and the applicant's policy number and policy expiration date.

(3) The date on which the applicant seeks to have the permit first become valid, not more than 60 days later than the date of application.

(4) The gross weight of the vehicle.

(5) An indication of whether the vehicle is a combination vehicle and the type of combination, the make, year, and vehicle identification number for the vehicle.

(6) An affirmation that the owner has insurance in the amounts required by this chapter or such higher amount as may be required by the department and that the person accepts the terms of the issuance of a permit under this chapter.

(7) The location of the origin and the location of the destination of the load, and the designated route over which the load will be transported.

(8) For each local road or county highway permitted under s. Trans 263.06 (4) on which the applicant seeks authority to operate, a copy of every resolution adopted by the governing body of each municipality or county having jurisdiction over such streets or highways approving the transportation of the load over that portion of the designated route that is on streets or highways under the jurisdiction of that municipality or county.

**Note:** Applications are available upon request from the Motor Carrier Services Section Permit Unit of the Wisconsin Department of Transportation, 4802 Sheboygan Avenue, P.O. Box 7980, Madison, WI 53707.

**Note:** Permit application procedures are specified in s. Trans 250.025. A permit application may be submitted in person or by mail to the Motor Carrier Services Section Permit Unit. The Motor Carrier Services Section Permit Unit of the Wisconsin Department of Transportation is located at 4802 Sheboygan Avenue, Room 151, P.O. Box 7980, Madison, WI 53707.

**History:** EmR0818: emerg. cr. eff. 7-1-08; CR 08-058: cr. Register November 2008 No. 635, eff. 12-1-08.

**Trans 263.05 Eligibility.** The department may issue permits for vehicles under this chapter only to applicants that meet all of the following requirements:

(1) STATUTORY REQUIREMENTS. The vehicle and any load satisfy the requirements for a permit under ss. 348.25 and 348.27 (15), Stats.

(2) TRANSPORTATION OF SPECIFIC COMMODITY. The application may not seek authority to transport any commodity or goods other than granular roofing materials, as provided in s. 348.27 (15), Stats.

(3) MAXIMUM SIZE. The vehicle may not exceed 8 feet 6 inches in width, nor 13 feet 6 inches in height. Semi-tractor and semi-trailer combinations may not exceed 75 feet in overall length. Motor truck and trailer combinations may not exceed 65 feet in overall length. Single vehicles, not operating in combination, may not exceed 40 feet in length. Vehicle combinations consisting of a semi-tractor and semi-trailer exceeding 65 feet in overall length may not travel on state highways identified by the department as limiting operation to 65 feet or less in length, and may travel only on local roads and highways designated as long truck routes in ch. Trans 276.

(4) PNEUMATIC TIRES. The vehicle shall be equipped with pneumatic tires.

(5) MAXIMUM GROSS WEIGHT. The vehicle, including any load, may not exceed the maximum gross weight limitations under s. 348.15 (3) (c), Stats., by more than 10,000 pounds, and the vehicle, including any load, may not exceed 90,000 pounds gross weight.

(6) MAXIMUM AXLE WEIGHTS. Axle weights may not exceed those specified in s. Trans 251.06.

(7) BALANCED LOAD. Wheels on one side of the vehicle may not carry more than 60% of the load.

**History:** EmR0818: emerg. cr. eff. 7-1-08; CR 08-058: cr. Register November 2008 No. 635, eff. 12-1-08.

**Trans 263.06 Validity.** A permit issued under this chapter is valid only if all of the following conditions are met:

(1) **PERMITTED VEHICLE ONLY.** It is used for the vehicle described in the application and permit.

(2) **PERMIT CONDITIONS FOLLOWED.** All conditions of the permit are met, including all maximum axle, axle combination, total weight limitations, and restrictions on speed, time or route of travel.

(3) **VEHICLE ELIGIBLE FOR PERMIT.** The vehicle meets all the requirements of this chapter.

(4) **AREA OF OPERATION.** The vehicle is operated in Wisconsin on the route designated in the permit.

(5) **OPERATION ON INTERSTATE HIGHWAYS PROHIBITED.** This permit is not valid on highways designated as part of the national system of interstate and defense highways.

(6) **OPERATION ON STATE TRUNK HIGHWAYS RESTRICTED.** This permit is valid for operation on not more than 2.5 miles of any state trunk highway.

(7) **LAWFUL OPERATION.** The driver of the vehicle is obeying all Wisconsin laws contained in chs. 194 and 340 to 349, Stats., and chs. Trans 305 and 325 to 327.

(8) **PERMIT CARRIED ON VEHICLE.** The driver carries the permit with attached local road approval resolutions in the vehicle and available for inspection by any police officer, representative of the department or any local authority or person in charge of maintaining the highway being used.

(9) **OBEY POSTED WEIGHT AND SPEED LIMITS.** The vehicle does not exceed any posted weight limit for a bridge or highway or any temporary weight restriction due to construction or seasonal conditions, and does not exceed any posted speed limits.

(10) **MINIMUM FOLLOWING DISTANCE MAINTAINED.** The driver maintains a distance of 500 feet between the vehicle and any preceding vehicle on the highway, whenever reasonable and practical.

(11) **ALLOW PASSING.** The driver allows approaching or overtaking traffic to pass.

(12) **INSURANCE MAINTAINED.** Insurance on the vehicle is maintained in accordance with s. Trans 263.08.

(13) **PROPER REGISTRATION.** If the vehicle is required to be registered by Wisconsin law, registration shall be at not less than the permit weight or at the maximum available registration weight, whichever is less.

(14) **OPERATION ON PAVEMENT SURFACE.** The right wheels of the vehicle do not leave the roadway.

(15) **ALCOHOL USE PROHIBITED.** The driver may not do any of the following:

(a) Consume any alcohol beverage within 4 hours of being on duty time, regardless of alcohol content.

(b) Have an alcohol concentration above 0.0.

(c) Possess an intoxicating beverage, regardless of alcohol content.

**Note:** Section 346.63 (7) (a), Stats., is applicable to all drivers of commercial motor vehicles.

(16) **DRIVER PROPERLY LICENSED.** The driver holds all required licenses bearing the proper classes and endorsements needed to operate the vehicle.

(17) **ALL OTHER NEEDED PERMITS OBTAINED.** All other operational permits required by the department or other agencies having jurisdiction over the highways used by the permittee are obtained.

(18) **ADVERSE WEATHER AND ROAD CONDITIONS.** A permit 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.

(19) **MOTOR CARRIER AND DESIGNATED ROUTE.** As stated in s. 348.27 (15) (b), Stats., this permit is valid only for the motor car-

rier on behalf of which the load is carried; only from the origin and to the destination cited in the permit application; and only on the route designated in the permit application.

**History:** EmR0818: emerg. cr. eff. 7-1-08; CR 08-058: cr. Register November 2008 No. 635, eff. 12-1-08.

**Trans 263.065 Times of operation.** (1) Except as otherwise specified in a permit, a vehicle or load, or both, that is overweight, but not oversize, may operate 24 hours a day, including weekends and holidays.

(2) The department may issue a permit for times other than those specified in sub. (1), under extraordinary circumstances when, in the opinion of the department, public health and welfare is better served, and may impose additional conditions to promote the safe operation of the vehicle and load and to reflect conditions deemed necessary by local officials in view of local conditions.

**History:** EmR0818: emerg. cr. eff. 7-1-08; CR 08-058: cr. Register November 2008 No. 635, eff. 12-1-08.

**Trans 263.07 Transfers.** In the event of a breakdown or other circumstance requiring a change of the power unit or trailer identified on the permit, the permit holder may transfer the permit to another vehicle, under the control of the permittee, following the completion of a new application and the issuance of a new permit. The words, "This is a transfer from permit #<original permit number>," shall be written on the bottom of the application.

**History:** EmR0818: emerg. cr. eff. 7-1-08; CR 08-058: cr. Register November 2008 No. 635, eff. 12-1-08.

**Trans 263.08 Insurance and liability conditions.**

(1) A permittee shall do all of the following:

(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 that may arise from operation over public highways under the permit.

(c) Be liable for all damage which any highway or its appurtenances may sustain by reason of any operation under the permit.

(2) The department may waive insurance requirements for permits issued to units of government.

(3) Where a certificate of insurance is required, no insurer may cancel the certificate of insurance without providing the department 10 days advance written notice of the cancellation.

(4) Unless different amounts are required under sub. (5), the permittee shall carry insurance in either of the following minimum amounts:

(a) When the permitted load is not overweight by more than 25%:

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

(b) When the permitted load exceeds the weight limitations in par. (a):

Bodily injury liability — each person \$200,000 or \$1,000,000

Bodily injury liability — each accident \$600,000 combined single

Property damage liability — each accident \$400,000 limit

(5) The department may require a permittee to provide more bodily injury or damage liability coverage than the minimum amounts specified in sub. (4).

(6) A permittee shall certify, and may be required to present satisfactory written evidence, that the amount of insurance coverage required under sub. (4) or (5), or a bond in a form satisfactory to the department, shall be in effect for the vehicle and load design-

nated in the permit while operating on the public highway, unless this requirement is expressly waived by the department.

**History:** EmR0818: emerg. cr. eff. 7-1-08; CR 08-058: cr. Register November 2008 No. 635, eff. 12-1-08.

**Trans 263.09 Denial, suspension or revocation of permit. (1)** The department 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 the following:

- (a) Violation of any condition of a permit.
- (b) Preventing an employee of the department 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 employee of the department 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) Nonpayment of the application fee or payment by a check that is subsequently dishonored by the drawee or bank.

(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 department after receiving notice from the department 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 Department of Administration Division of Hearings and Appeals, s. 348.25 (9), Stats.

**History:** EmR0818: emerg. cr. eff. 7-1-08; CR 08-058: cr. Register November 2008 No. 635, eff. 12-1-08.