

Clearinghouse Rule 96-155

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 **transportation of garbage or refuse permits**, was duly approved and adopted by this Department on December 11, 1996.

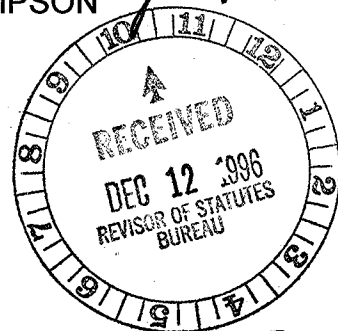
I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



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 11 day of **December**, 1996.



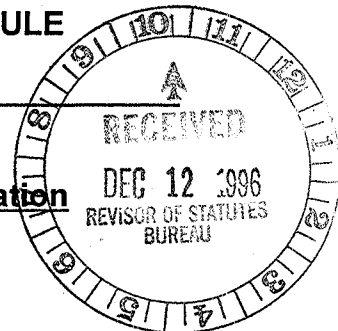
CHARLES H. THOMPSON
Secretary



2-1-97

The Wisconsin Department of Transportation adopts an order to amend s. TRANS 269.11(2a), relating to transportation of garbage or refuse permits.

ORDER ADOPTING RULE



Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 348.27(9r) and (12), Stats.

STATUTE INTERPRETED: s. 348.27(9r) and (12), Stats.

General Summary of Rule. An act of Congress declared a portion of USH 51 and STH 78 to be part of Interstate I-39. By this act, Congress also allowed the continued operation of overweight, divisible loads which are customarily prohibited from movement on Interstate highways. Corresponding changes in state statute were made in the 1995-97 Transportation Biennial Budget, 1995 Wis. Act 113. However, for one type of overweight, divisible permit - garbage and refuse - the prohibition on Interstate movement appears only in the administrative rule. In order to allow overweight movement on the portion of I-39 which had been USH 51/STH 78, we need to revise the administrative rule.

This rule will amend Trans 269 to clarify that overweight movement of scrap is allowed on that portion of I-39 that had been USH 51; this makes the rule consistent with statutory change.

Finally, since Trans 269 must be amended for the above reasons, the Department is eliminating wording which is no longer relevant. This wording allows specific overweight movement on a portion of I-43, and this permission expired September 30, 1994.

The rule change will benefit municipalities and counties by avoiding increased cost for removal of garbage and by avoiding increased travel on local roads by heavy vehicles. It will benefit the public by keeping heavy trucks off surface streets, avoiding traffic hazard. It will benefit the waste hauling industry by continuing most efficient transport routes. It will benefit law enforcement by maintaining status quo usage and keep this permit type parallel with all other similar permits.

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

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

Copies of Rule. Copies of this rule are available without cost upon request by writing to Kathleen Nichols, Overweight Permit Supervisor, Motor Carrier Services Section, Department of Transportation, Room 151, P. O. Box 7980, Madison, WI 53707-7980, or by calling (608) 266-6648. 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 s. 348.27(9r) and (12), Stats., the department of transportation hereby adopts an order amending ch. Trans 269, Wisconsin Administrative Code, interpreting s. 348.27(9r) and (12), Stats., relating to transportation of garbage or refuse permits.


SECTION 1. Trans 269.11(2a) is amended to read:

Trans 269.11(2a) Notwithstanding sub. (2), permits issued by the department for the transportation of scrap, garbage or refuse authorize the use of ~~interstate highway 43 between its interchange with interstate highway 90 in Rock county and its interchange with interstate highway 894 and U.S. highway 45 in Milwaukee county. No permit issued under this chapter authorizes use of any portion of interstate highway 43 after September 30, 1994~~ 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.

(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 11 day of December, 1996.


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

December 12, 1996

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

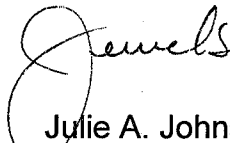
RE: **CLEARINGHOUSE RULE 96-155**

In the Matter of the Adoption of **TRANS 269**, Wisconsin Administrative Code,
relating to **transportation of garbage or refuse permits**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 96-155**, an administrative rule relating to the above-mentioned matter.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Ann Agnew
Dorothy Kapke
Jim McDonnell
Roger Cross
James Gruendler
Kathleen Nichols
Mark Morrison
Carson Frazier

