



**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 01-065

AN ORDER to amend Trans 276.07 (6), (13) and (24), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by **DEPARTMENT OF TRANSPORTATION**

06-04-01 RECEIVED BY LEGISLATIVE COUNCIL.

06-28-01 REPORT SENT TO AGENCY.

RS:WF:jal

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

The Wisconsin Department of Transportation proposes an order to amend TRANS 276.07(6), (13) and (24), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

**NOTICE OF HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to ss. 85.16(1) and 348.07(4), Stats., interpreting s. 348.07(4), Stats., the Department of Transportation will hold a public hearing at the following location to consider the amendment of chapter Trans 276, Wisconsin Administrative Code, relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways:

Friday, June 29, 2001
Hill Farms State Transportation Building
4802 Sheboygan Avenue
Room 144-B
Madison, WI
9:00 AM

(Parking is available for persons with disabilities)

The public record on this proposed rule making will be held open until close of business on the date of the hearing to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such written comments should be submitted to Ashwani K. Sharma, Traffic Operations Engineer, Bureau of Highway Operations, Room 501, P. O. Box 7986, Madison, Wisconsin, 53707-7986.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.16(1) and 348.07(4), Stats.

STATUTE INTERPRETED: s. 348.07(4), Stats.

General Summary of Proposed Rule. This proposed rule amends Trans 276.07(6), (13) and (24), Wisconsin Administrative Code, to add three segments of highway to the designated highway system established under s. 348.07(4), Stats. The actual highway segments¹ that this proposed rule adds to the designated highway system are:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 27	USH 14 S.E. of Viroqua	STH 40 in Radisson
STH 60	USH 12 in Sauk City	IH 43 E. of Grafton
STH 156	STH 22 in Clintonville	STH 29 in Shawano County

The long trucks to which this proposed rule applies are those with 53-foot semitrailers, double bottoms and the vehicles which may legally operate on the federal National Network, but which exceed Wisconsin's regular limits on overall length. Generally, no person may operate any of the following vehicles on Wisconsin's highways without a permit: A single vehicle with an overall length in excess of 40 feet², a combination of vehicles with an overall length in excess of 65 feet, a semitrailer longer than 48 feet, an automobile haulaway longer than 66 feet plus allowed overhangs, or a double bottom. Certain exceptions are provided under s. 348.07(2), Stats., which implements provisions of the federal Surface Transportation Assistance Act in Wisconsin.

The effect of this proposed rule will be to extend the provisions of s. 348.07(2)(f), (fm), (gm) and (gr), and s. 348.08(1)(e), Stats., to the highway segments listed above. As a result, vehicles which may legally operate on the federal National Network in Wisconsin will also be allowed to operate on the newly-designated highways. Specifically, this means there will be no overall length limitation for a tractor-semitrailer combination, a double bottom or an automobile haulaway on the affected highway segments. There also will be no length limitation for a truck tractor or road tractor when operated in a tractor-semitrailer combination or as part of a double bottom or an automobile haulaway. Double bottoms will be allowed to operate on the affected highway segments provided neither trailer is longer than 28 feet, 6 inches. Semitrailers up to 53 feet long may also be operated on these highway segments provided the kingpin to rear axle distance does not exceed 43 feet. This distance is measured from the kingpin to the center of the rear axle

¹ The proposed rule text often achieves these objectives by consolidating individual segments into contiguous segments with new end points. In order to determine the actual highway segment added, it is necessary to compare the combined old designations with the combined new designation.

² 45-foot buses are allowed on the National Network and Interstate system by Federal law. Section 4006(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

or, if the semitrailer has a tandem axle, to a point midway between the first and last axles of the tandem. Otherwise, semitrailers, including semitrailers which are part of an automobile haulaway, are limited to 48 feet in length.

These vehicles and combinations are also allowed to operate on undesignated highways for a distance of 5 miles or less from the designated highway in order to reach fuel, food, maintenance, repair, rest, staging, terminal or vehicle assembly or points of loading or unloading.

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.

Initial Regulatory Flexibility Analysis. The provisions of this proposed rule adding highway segments to the designated system have no direct adverse effect on small businesses, and may have a favorable effect on those small businesses which are shippers or carriers using the newly-designated routes.

Copies of Rule and Contact Person. Copies of this proposed rule are available without cost upon request to the office of the State Traffic Engineer, P. O. Box 7986, Room 501, Madison, Wisconsin, 53707-7986, telephone (608) 266-1273. For questions about this rule making, please call Ashwani Sharma, Traffic Operations Engineer at (608) 266-1273. Alternate formats of the proposed rule will be provided to individuals at their request.

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1) and 348.07(4), Stats., the department of transportation hereby proposes to amend ch. Trans 276, Wisconsin Administrative Code, interpreting s. 348.07(4), Stats., relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways, as follows:

SECTION 1. Trans 276.07(6), (13) and (24) are amended to read:

	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(6)	STH 25	Minnesota Line	USH 8 in Barron
	STH 26	IH 90 at Janesville	USH 151 S.E. of Waupun
	STH 26	USH 151 N.E. of Waupun	USH 41 S.W. of Oshkosh
	STH 27	USH 18 in Prairie du Chien	STH 171 at Mt. Sterling

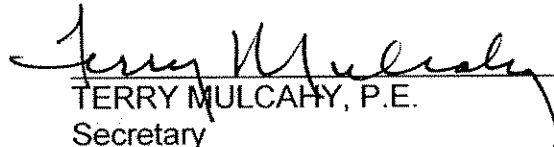
	STH 27	USH 14 S.E. of Viroqua	USH 8 in Ladysmith <u>STH 40 in Radisson</u>
	STH 28	STH 33 in Horicon	USH 45 in Kewaskum
	STH 28	STH 144 S. of Boltonville	STH 57 at Waldo
	STH 29	USH 10 in Prescott	STH 35 in River Falls
	STH 29	IH 94 W. of Elk Mound	USH 53 at Chippewa Falls
	STH 29	STH 124 S. of Chippewa Falls	USH 41 in Green Bay
	STH 29	USH 141 at Bellevue	STH 42 in Kewaunee
(13)	STH 60	STH 113 in Lodi <u>USH 12 in Sauk City</u>	IH 43 E. of Grafton
	USH 61	IA Line at Dubuque, IA	STH 129 S.E. of Lancaster
	USH 61	STH 129 N.E. of Lancaster	MN Line at LaCrosse
	USH 63	MN Line at Red Wing, MN	USH 2 W. of Ashland
	STH 64	STH 65 in New Richmond	USH 41 in Marinette
(24)	STH 150	STH 110 at Winchester	USH 41 at Neenah
	USH 151	IA Line at Dubuque, IA	S. Park St. in Madison
	USH 151	IH 90-94 in Madison	USH 41 in Fond du Lac
	USH 151	STH 23 in Fond du Lac	USH 10 at Manitowoc
	USH 158	IH 94 W. of Kenosha	STH 31 in Kenosha
	<u>STH 156</u>	<u>STH 22 in Clintonville</u>	<u>STH 29 in Shawano County</u>
	STH 164	STH 43 N. of Big Bend	USH 18 E. of Waukesha
	STH 164	IH 94 N. of Waukesha	STH 190 E. of Pewaukee
	STH 164	CTH VV in Sussex	CTH Q W. of Colgate
	STH 165	IH 94 W. of Kenosha	STH 31 in Kenosha

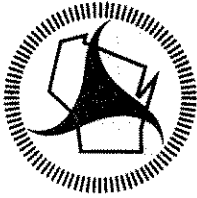
STH 170	STH 128 in Glenwood City	STH 79 in Boyceville
STH 172	USH 41 in Ashwaubenon	IH 43 S.E. of Green Bay
STH 173	STH 21 W. of Wyeville	STH 73 in Nekoosa
STH 175	STH 67 in Lomira	CTH P S. of Theresa
STH 178	CTH S N. of Chippewa Falls	Jim Falls

(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 31 day of
May, 2001.


TERRY MULCAHY, P.E.
Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum
Governor

Terrence D. Mulcahy, P.E.
Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P.O. Box 7910
Madison, WI 53707-7910

Telephone: 608-266-8810
FAX: 608-267-6734
E-Mail: ogc.exec@dot.state.wi.us

APR 30 2001

APR 30 2001

April 25, 2001

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

RE: **STATEMENT OF SCOPE OF PROPOSED RULEMAKING, TRANS 276**

Dear Mr. Poulson:

Enclosed is the Statement of Scope for the proposed amendment of ch. Trans 276. Please publish the Scope Statement in accordance with § 227.135(3), Stats., in the Administrative Register.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie A. Johnson".

Julie A. Johnson
Paralegal

Enclosures

cc: Richard G. Chandler/DOA State Budget Director
Senator Judy Robson, Co-Chair/JCRAR
Representative Glenn Grothman, Co-Chair/JCRAR
Alice Morehouse
Mike Goetzman
Ashwani Sharma

STATEMENT OF SCOPE

DESCRIPTION OF THE OBJECTIVE OF THE RULE:

This proposal will amend ch. Trans 276, which establishes a network of highways on which long combination vehicles may operate, by adding three highway segments to the network. The actual segments being proposed are: State Trunk Highway 27 from USH 14 S.E. of Viroqua to STH 40 in Radisson; STH 60 from USH 12 in Sauk City to IH 43 E. of Grafton; and STH 156 from STH 22 in Clintonville to STH 29 in Shawano County.

DESCRIPTION OF EXISTING POLICIES RELEVANT TO THE RULE AND OF NEW POLICIES PROPOSED TO BE INCLUDED IN THE RULE AND AN ANALYSIS OF POLICY ALTERNATIVES:

Federal law requires the Department of Transportation to react within 90 days to requests for changes to the long truck route network. Wisconsin state law requires that the Department use the administrative rule process to deal with changes to the long truck route network. Chapter Trans 276 is an existing rule set up for long truck routes. The Department has received three requests from Walters Brothers Lumber Manufacturing, Inc., in Radisson, WI, Roadway Express in Green Bay, WI, and Fuchs Trucking in Sauk City, WI, to add these highway segments.


STATUTORY AUTHORITY FOR THE RULE:

s. 348.07(4), Stats.

ESTIMATES OF THE AMOUNT OF TIME THAT STATE EMPLOYEES WILL SPEND DEVELOPING THE RULE AND OF OTHER RESOURCES NECESSARY TO DEVELOP THE RULE:

It is estimated that state employees will spend 40 hours on the rule-making process, including research, drafting and conducting a public hearing.

Signed at Madison, Wisconsin, this 24 day of
April, 2001.


TERRENCE D. MULCAHY, P.E.
Secretary
Wisconsin Department of Transportation

JUN 06 2001



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum
Governor

Terrence D. Mulcahy, P.E.
Secretary

Office of General Counsel
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P.O. Box 7910
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E-Mail: ogc.exec@dot.state.wi.us

The Honorable Judy Robson
Senate Chairman
Joint Committee for Review
of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin 53702

June 4, 2001


The Honorable Glenn Grothman
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 15 North, State Capitol
Madison, Wisconsin 53702

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to **allowing the operation of double bottoms and certain other vehicles on specified highways, Trans 276**

Dear Senator Robson and Representative Grothman:

Enclosed for your information is a Notice of Public Hearing and Text of Proposed Rulemaking relating to the above-entitled matter. These documents have also been filed with the Revisor of Statutes, the Legislative Council, and the Department of Administration in accordance with the requirements of §§ 227.15 and 227.17, Stats.

Sincerely,


Julie A. Johnson
Paralegal

Enclosure

cc: Alice Morehouse
Mike Goetzman
Ashwani Sharma

The Wisconsin Department of Transportation proposes an order to amend TRANS 276.07(6), (13) and (24), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

**NOTICE OF HEARING
AND
TEXT OF PROPOSED RULE**

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Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.16(1) and 348.07(4), Stats.

STATUTE INTERPRETED: s. 348.07(4), Stats.

General Summary of Proposed Rule. This proposed rule amends Trans. 276.07(6), (13) and (24), Wisconsin Administrative Code, to add three segments of highway to the designated highway system established under s. 348.07(4), Stats. The actual highway segments¹ that this proposed rule adds to the designated highway system are:

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The long trucks to which this proposed rule applies are those with 53-foot semitrailers, double bottoms and the vehicles which may legally operate on the federal National Network, but which exceed Wisconsin's regular limits on overall length. Generally, no person may operate any of the following vehicles on Wisconsin's highways without a permit: A single vehicle with an overall length in excess of 40 feet², a combination of vehicles with an overall length in excess of 65 feet, a semitrailer longer than 48 feet, an automobile haulaway longer than 66 feet plus allowed overhangs, or a double bottom. Certain exceptions are provided under s. 348.07(2), Stats., which implements provisions of the federal Surface Transportation Assistance Act in Wisconsin.

The effect of this proposed rule will be to extend the provisions of s. 348.07(2)(f), (fm), (gm) and (gr), and s. 348.08(1)(e), Stats., to the highway segments listed above. As a result, vehicles which may legally operate on the federal National Network in Wisconsin will also be allowed to operate on the newly-designated highways. Specifically, this means there will be no overall length limitation for a tractor-semi-trailer combination, a double bottom or an automobile haulaway on the affected highway segments. There also will be no length limitation for a truck tractor or road tractor when operated in a tractor-semi-trailer combination or as part of a double bottom or an automobile haulaway. Double bottoms will be allowed to operate on the affected highway segments provided neither trailer is longer than 28 feet, 6 inches. Semitrailers up to 53 feet long may also be operated on these highway segments provided the kingpin to rear axle distance does not exceed 43 feet. This distance is measured from the kingpin to the center of the rear axle

¹ The proposed rule text often achieves these objectives by consolidating individual segments into contiguous segments with new end points. In order to determine the actual highway segment added, it is necessary to compare the combined old designations with the combined new designation.

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or, if the semitrailer has a tandem axle, to a point midway between the first and last axles of the tandem. Otherwise, semitrailers, including semitrailers which are part of an automobile haulaway, are limited to 48 feet in length.

These vehicles and combinations are also allowed to operate on undesignated highways for a distance of 5 miles or less from the designated highway in order to reach fuel, food, maintenance, repair, rest, staging, terminal or vehicle assembly or points of loading or unloading.

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.

Initial Regulatory Flexibility Analysis. The provisions of this proposed rule adding highway segments to the designated system have no direct adverse effect on small businesses, and may have a favorable effect on those small businesses which are shippers or carriers using the newly-designated routes.

Copies of Rule and Contact Person. Copies of this proposed rule are available without cost upon request to the office of the State Traffic Engineer, P. O. Box 7986, Room 501, Madison, Wisconsin, 53707-7986, telephone (608) 266-1273. For questions about this rule making, please call Ashwani Sharma, Traffic Operations Engineer at (608) 266-1273. Alternate formats of the proposed rule will be provided to individuals at their request.

TEXT OF PROPOSED RULE

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SECTION 1. Trans 276.07(6), (13) and (24) are amended to read:

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	STH 27	USH 18 in Prairie du Chien	STH 171 at Mt. Sterling

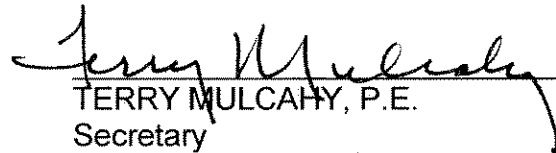
	STH 27	USH 14 S.E. of Viroqua	USH 8 in Ladysmith <u>STH 40 in Radisson</u>
	STH 28	STH 33 in Horicon	USH 45 in Kewaskum
	STH 28	STH 144 S. of Boltonville	STH 57 at Waldo
	STH 29	USH 10 in Prescott	STH 35 in River Falls
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(13)	STH 60	STH 113 in Lodi <u>USH 12 in Sauk City</u>	IH 43 E. of Grafton
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	USH 61	STH 129 N.E. of Lancaster	MN Line at LaCrosse
	USH 63	MN Line at Red Wing, MN	USH 2 W. of Ashland
	STH 64	STH 65 in New Richmond	USH 41 in Marinette
(24)	STH 150	STH 110 at Winchester	USH 41 at Neenah
	USH 151	IA Line at Dubuque, IA	S. Park St. in Madison
	USH 151	IH 90-94 in Madison	USH 41 in Fond du Lac
	USH 151	STH 23 in Fond du Lac	USH 10 at Manitowoc
	USH 158	IH 94 W. of Kenosha	STH 31 in Kenosha
	<u>STH 156</u>	<u>STH 22 in Clintonville</u>	<u>STH 29 in Shawano County</u>
	STH 164	STH 43 N. of Big Bend	USH 18 E. of Waukesha
	STH 164	IH 94 N. of Waukesha	STH 190 E. of Pewaukee
	STH 164	CTH VV in Sussex	CTH Q W. of Colgate
	STH 165	IH 94 W. of Kenosha	STH 31 in Kenosha

STH 170	STH 128 in Glenwood City	STH 79 in Boyceville
STH 172	USH 41 in Ashwaubenon	IH 43 S.E. of Green Bay
STH 173	STH 21 W. of Wyeville	STH 73 in Nekoosa
STH 175	STH 67 in Lomira	CTH P S. of Theresa
STH 178	CTH S N. of Chippewa Falls	Jim Falls

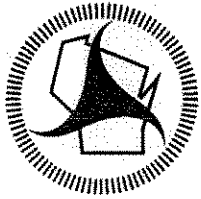
(END OF RULE TEXT)

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 31 day of May, 2001.


TERRY MULCAHY, P.E.
Secretary
Wisconsin Department of Transportation

STH 27



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum
Governor

Terrence D. Mulcahy, P.E.
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E-Mail: ogc.exec@dot.state.wi.us

The Honorable Fred Risser
President, Wisconsin State Senate
Room 220 South, State Capitol
Madison, Wisconsin 53707

July 16, 2001

The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Room 315 North, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 276**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 01-065

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **01-065**, relating to **allowing the operation of double bottoms and certain other vehicles on certain specified highways**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson (Deputy Revisor of Statutes)/Legislative Rules
Clearinghouse/Senator Judy Robson/Representative Glenn Grothman/
Ashwani Sharma

CR 01-065

The Wisconsin Department of Transportation proposes an order to amend TRANS 276.07(6), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:


Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



BARBARA F. BIRD
Assistant General Counsel
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
Transportation Building
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-8807

PART 1

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.16(1) and 348.07(4), Stats.

STATUTE INTERPRETED: s. 348.07(4), Stats.

General Summary of Proposed Rule. This proposed rule amends Trans 276.07(6), Wisconsin Administrative Code, to add one segment of highway to the designated highway system established under s. 348.07(4), Stats. The actual highway segment¹ that this proposed rule adds to the designated highway system is:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
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or, if the semitrailer has a tandem axle, to a point midway between the first and last axles of the tandem. Otherwise, semitrailers, including semitrailers which are part of an automobile haulaway, are limited to 48 feet in length.

These vehicles and combinations are also allowed to operate on undesignated highways for a distance of 5 miles or less from the designated highway in order to reach fuel, food, maintenance, repair, rest, staging, terminal or vehicle assembly or points of loading or unloading.

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.

Copies of Rule and Contact Person. Copies of this proposed rule are available without cost upon request to the office of the State Traffic Engineer, P. O. Box 7986, Room 501, Madison, Wisconsin, 53707-7986, telephone (608) 266-1273. For questions about this rule making, please call Ashwani Sharma, Traffic Operations Engineer at (608) 266-1273. Alternate formats of the proposed rule will be provided to individuals at their request.

PART 2
TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1) and 348.07(4), Stats., the department of transportation hereby proposes to amend ch. Trans 276, Wisconsin Administrative Code, interpreting s. 348.07(4), Stats., relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways, as follows:

SECTION 1. Trans 276.07(6) is amended to read:


	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(6)	STH 25	Minnesota Line	USH 8 in Barron
	STH 26	IH 90 at Janesville	USH 151 S.E. of Waupun
	STH 26	USH 151 N.E. of Waupun	USH 41 S.W. of Oshkosh
	STH 27	USH 18 in Prairie du Chien	STH 171 at Mt. Sterling
	STH 27	USH 14 S.E. of Viroqua	USH 8 in Ladysmith

		<u>STH 40 in Radisson</u>
STH 28	STH 33 in Horicon	USH 45 in Kewaskum
STH 28	STH 144 S. of Boltonville	STH 57 at Waldo
STH 29	USH 10 in Prescott	STH 35 in River Falls
STH 29	IH 94 W. of Elk Mound	USH 53 at Chippewa Falls
STH 29	STH 124 S. of Chippewa Falls	USH 41 in Green Bay
STH 29	USH 141 at Bellevue	STH 42 in Kewaunee

(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 13 day of July, 2001.


 TERRY MULCAHY, P.E.
 Secretary

Wisconsin Department of Transportation



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

PART 3

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 01-065

AN ORDER to amend Trans 276.07 (6), (13) and (24), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by **DEPARTMENT OF TRANSPORTATION**

06-04-01 RECEIVED BY LEGISLATIVE COUNCIL.

06-28-01 REPORT SENT TO AGENCY.

RS:WF:jal

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO

PART 4
CR 01-065

ANALYSIS OF FINAL DRAFT OF TRANS 276

(a) **Need for Amended Rule.** Federal law requires the Department of Transportation to react within 90 days to requests for changes to the long truck route network. Wisconsin state law requires that the Department use the administrative rule process to deal with changes to the long truck route network. Chapter Trans 276 is an existing rule set up for long truck routes. The Department has received a request to add one highway segment.

In determining to designate the one highway segment identified in Part 1 of this Final Draft Report, the Department has considered the factors of safety, economics, energy savings, industry productivity and competition as required by s. 348.07(4), Stats. The above factors were found to justify the designation of the following highway segment:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 27	USH 8 in Ladysmith	STH 40 in Radisson

The added segment is needed to provide safer access for long trucks to serve businesses in communities in the area, thus promoting the economics of the area and promoting energy savings.

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Madison on June 29, 2001. The Department originally proposed to add three highway segments to the designated highway system. In addition to the one mentioned in par. (a), the other two were:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 60	USH 12 in Sauk City	STH 113 in Lodi
STH 156	STH 22 in Clintonville	STH 29 in Shawano County

As a result of opposition registered at the hearing, opposition received from numerous phone calls, and the Department's own investigation of the safety of operation of long trucks on the highways originally proposed, the Department has deleted the two above-mentioned highway segments from the list of highways which were proposed in the Notice of Hearing.

(c) **List of Persons who Appeared or Registered at Public Hearing.** Persons who registered/attended the hearing and those who contacted the Department concerning the originally proposed long truck routes are listed below:

Glen M. Melius, Police Chief City of Lodi 113 South Main Street Lodi, WI 53555 (608) 592-5401	Registered in opposition to the STH 60 segment
Tom Howells, President Wisconsin Motor Carrier Association P. O. Box 44849 Madison, WI 53744-4849 (608) 833-8200	Spoke in favor of all three segments originally proposed
Paul F. Fisk, Mayor City of Lodi	Written resolution opposing STH 60 segment
Louise Back Home Spuns Prairie du Sac, WI	Phone call opposing the STH 60 segment
Mary Mozman Dacore & Moor Prairie du Sac, WI	Phone call opposing the STH 60 segment
Don Meise Private Citizen Prairie du Sac, WI	Phone call opposing the STH 60 segment
Pamela Zigler Zigler Photography 575 Water Street Prairie du Sac, WI	Phone call opposing the STH 60 segment
Della _____ (last name unknown) Lock Tight Security & Satellite 521 Water Street Prairie du Sac, WI	Phone call opposing the STH 60 segment
Mike Eannelli Madison Job Pharmacy Prairie du Sac, WI	Phone call opposing the STH 60 segment
Representative Gene Hahn Room 15 West State Capitol	Opposes STH 60 segment
John Guyette Terminal Manager Roadway Express 318 South Market Street Green Bay, WI 54304 (920) 336-5133	Spoke in favor of the STH 156 segment

(d) **Response to Legislative Council Recommendations.** The Legislative Council Rules Clearinghouse made no recommendations to the proposed rule.

(e) **Final Regulatory Flexibility Analysis**. The provisions of this proposed rule adding highway segments to the designated system have no direct adverse effect on small businesses, and may have a favorable effect on those small businesses which are shippers or carriers using the newly-designated routes.