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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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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 01-093

AN ORDER to repeal Trans 260.09 (5), (6) and (7) and 261.09 (6) and (7); to renumber Trans 260.09 (8) and (9) and 261.09 (8) and (9); to amend Trans 260.09 (3) and (4) and 261.09 (3) and (4); and to repeal and recreate Trans 261.09 (5), relating to multiple trip permits for mobile homes and modular building sections.

Submitted by **DEPARTMENT OF TRANSPORTATION**

07-30-01 RECEIVED BY LEGISLATIVE COUNCIL.

08-16-01 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 repeal TRANS 260.09(5), (6) and (7), and 261.09(6) and (7); renumber TRANS 260.09(8) and (9), and 261.09(8) and (9); amend TRANS 260.09(3) and (4), and 261.09(3) and (4); and repeal and recreate TRANS 261.09(5), relating to Multiple Trip Permits for Mobile Homes and Modular Building Sections.

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

NOTICE IS HEREBY GIVEN that pursuant to ss. 85.16(1), 227.11(2)(a), and 348.25(3), Stats., and interpreting ss. 348.26(4) and 348.27(7), Stats., the Department of Transportation will hold a public hearing at the following locations to consider the amendment of Chapters Trans 260 and 261, Wisconsin Administrative Code, relating to single and multiple trip permits for mobile homes and modular building sections:

**Thursday, September 6, 2001**

Hill Farms State Transportation Building  
4802 Sheboygan Avenue, Room 144-B  
Madison, Wisconsin

**9:00 AM**

**Friday, September 7, 2001**

City Council Chambers  
City Hall Plaza  
Marshfield, Wisconsin

**10:00 AM**

**NOTE:** This hearing is being conducted at two locations in order to give the public greater opportunity to present its facts, arguments and opinions. The records from both locations will be combined into a single Hearing Record on which the Department will base its decisions. Individuals need only attend one of the public hearings for their testimony to be fully considered.

An interpreter for the hearing impaired will be available on request for this hearing.

Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

The public record on this proposed rule making will be held open until close of business on Monday, September 17, 2001, 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 comments should be submitted to Kathleen Nichols, Department of Transportation, Motor Carrier Services Section, Room 151, P. O. Box 7981, Madison, WI 53707-7981.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

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**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 85.16(1), 227.11(2)(a), and 348.25(3), Stats.

**STATUTES INTERPRETED:** ss. 348.26(4) and 348.27(7), Stats.

**General Summary of Proposed Rule.** This proposed rule amends ss. Trans 260.09 and 261.09, which establish the dimensions for single and multiple trip permits for oversize mobile homes or modular building sections. The proposed rule will allow a maximum width of 15 feet, and a maximum height of 15 feet for multiple trip permits. The proposed rule will also provide a uniform method for measuring the dimensions of single and multiple trip oversize mobile home or modular building sections. This proposed change was requested by the Wisconsin Manufactured Housing Association.

**Fiscal Effect.** The Department estimates that there will be no fiscal impact from the promulgation of this proposed rule on the liabilities or revenues of any county, city, village, town, school district, technical college district, or sewerage district.

**Initial Regulatory Flexibility Analysis.** This proposed rule will have no adverse impact on small businesses.

**Copies of Proposed Rule.** Copies of this proposed rule may be obtained upon request, without cost, by writing to Kathleen Nichols, Wisconsin Department of Transportation, Division of Motor Vehicles, Motor Carrier Services Section, Room 151, P. O. Box 7981, Madison, WI 53707-7981, or by calling (608) 266-6648. Hearing-impaired individuals may contact the Department using TDD (608) 266-0396. Alternate formats of the proposed rule will be provided to individuals at their request.

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## TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1), 227.11(2)(a), and 348.25(3), Stats., the department of transportation hereby proposes to amend rules interpreting ss. 348.26(4) and 348.27(7), Stats., relating to single and multiple trip mobile home and modular building section permits.

### **SECTION 1.** Trans 260.09(3) and (4) are amended to read:

Trans 260.09(3) The width authorized by a permit refers to the outside-to-outside dimension ~~of the walls~~ of the towed unit including roof overhang. ~~Windowsills, door knobs, and other hardware, clearance lights and other similar protrusions may extend not more than 6 inches beyond the walls of the towed unit.~~

(4) A permit issued for a ~~towed unit~~ mobile homes and modular building sections having an outside-to-outside dimension ~~of the walls not exceeding 14 15 feet plus in width including roof overhang of not more than 2 feet on the right side of the towed unit~~ are is subject to the permit conditions applying to 14 16 foot wide mobile homes and modular building sections.

### **SECTION 2.** Trans 260.09(5) to (7) are repealed.

### **SECTION 3.** Trans 260.09(8) and (9) are renumbered Trans 260.09(5) and (6).

### **SECTION 4.** Trans 261.09(3) and (4) are amended to read:

Trans 261.09(3) The width authorized by a permit refers to the outside-to-outside dimension ~~of the walls~~ of the towed unit including roof overhang. ~~Windowsills, door knobs, and other hardware, clearance lights and other similar protrusions may extend not more than 6 inches beyond the walls of the towed unit.~~

(4) A permit may be issued for a towed unit mobile homes and modular building sections having an outside-to-outside dimension of ~~the walls~~ not exceeding 14 15 feet plus in width including roof overhang of not more than 2 feet on the right side of the towed unit are ~~subject to the permit conditions applying to 14 foot wide mobile homes and modular building sections.~~

**SECTION 5.** Trans 261.09(5) is repealed and recreated to read:

Trans 261.09(5) A permit may be issued for mobile homes and modular building sections that are not greater than 15 feet in total height.

**SECTION 6.** Trans 261.09(6) and (7) are repealed.

**SECTION 7.** Trans 261.09(8) and (9) are renumbered Trans 261.09(6) and (7).

**(END OF RULE TEXT)**

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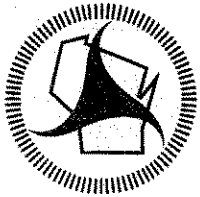
**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 21<sup>st</sup> day of July, 2001.



TERRY MULCAHY, P.E.

*So* Secretary  
Wisconsin Department of Transportation



MAR 06 2001

## 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

March 5, 2001

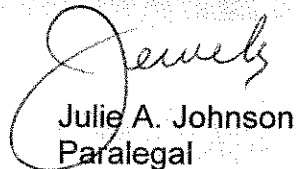
Mr. Gary L. Poulson, Deputy Revisor  
Revisor of Statutes Bureau  
131 West Wilson Street  
Suite 800  
Madison, Wisconsin 53703

RE: **STATEMENT OF SCOPE OF PROPOSED RULEMAKING, TRANS 260/261**

Dear Mr. Poulson:

Enclosed is the Statement of Scope for the proposed amendment of ch. Trans 260/261. Please publish the Scope Statement in accordance with § 227.135(3), Stats., in the Administrative Register.

Sincerely,

  
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  
Roger D. Cross  
Doug Van Buren  
Mike Cass  
Kathleen Nichols  
Carson Frazier  
Pete Rusch

## **STATEMENT OF SCOPE**

### **DESCRIPTION OF THE OBJECTIVE OF THE RULE:**

Chapter Trans 260 governs single trip permits for mobile homes/manufactured homes. Chapter Trans 261 governs multiple trip permits for mobile homes/manufactured homes. The proposed amendments are intended to redefine the dimensions allowable under multiple and single trip permits, and will redefine the way that single and multiple trip mobile home permit dimensions are measured, and consider provisions for escort requirements.

### **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:**

Current allowable dimensions for multiple and single trip permits are outdated, considering recent changes in manufactured housing design. New configurations exceed the dimensions for multiple trip permits, and require single trip permits. By redefining the allowable dimensions, the number of single trip permits needed will decrease. This will reduce workload in DMV and also improve permit turnaround time, which will benefit industry. DOT issues all permits for mobile home transport. To improve consistency of administration and enforcement, the Department wants the way in which dimensions are measured for single and multiple trip permits to be uniform.


### **STATUTORY AUTHORITY FOR THE RULE:**

s. 348.25(3), Stats.

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

Approximately 300 hours

Signed at Madison, Wisconsin, this 02 day  
of **March**, 2001.

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



AUG 01 2001



## 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](mailto: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

July 30, 2001

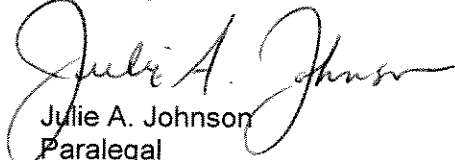
The Honorable Glenn Grothman  
Assembly Chairman  
Joint Committee for Review  
of Administrative Rules  
Room 15 North, State Capitol  
Madison, Wisconsin 53702

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to **multiple trip permits for mobile homes and modular building sections**, Trans 260/261

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  
Roger D. Cross  
Doug Van Buren  
Carson Frazier  
Tom Cantwell  
Kathleen Nichols  
Ashwani Sharma

The Wisconsin Department of Transportation proposes an order to repeal TRANS 260.09(5), (6) and (7), and 261.09(6) and (7); renumber TRANS 260.09(8) and (9), and 261.09(8) and (9); amend TRANS 260.09(3) and (4), and 261.09(3) and (4); and repeal and recreate TRANS 261.09(5), relating to Multiple Trip Permits for Mobile Homes and Modular Building Sections.

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

NOTICE IS HEREBY GIVEN that pursuant to ss. 85.16(1), 227.11(2)(a), and 348.25(3), Stats., and interpreting ss. 348.26(4) and 348.27(7), Stats., the Department of Transportation will hold a public hearing at the following locations to consider the amendment of Chapters Trans 260 and 261, Wisconsin Administrative Code, relating to single and multiple trip permits for mobile homes and modular building sections:

**Thursday, September 6, 2001**

Hill Farms State Transportation Building  
4802 Sheboygan Avenue, Room 144-B  
Madison, Wisconsin

**9:00 AM**

**Friday, September 7, 2001**

City Council Chambers  
City Hall Plaza  
Marshfield, Wisconsin

**10:00 AM**

**NOTE:** This hearing is being conducted at two locations in order to give the public greater opportunity to present its facts, arguments and opinions. The records from both locations will be combined into a single Hearing Record on which the Department will base its decisions. Individuals need only attend one of the public hearings for their testimony to be fully considered.

An interpreter for the hearing impaired will be available on request for this hearing.

Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

The public record on this proposed rule making will be held open until close of business on Monday, September 17, 2001, 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 comments should be submitted to Kathleen Nichols, Department of Transportation, Motor Carrier Services Section, Room 151, P. O. Box 7981, Madison, WI 53707-7981.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

---

**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 85.16(1), 227.11(2)(a), and 348.25(3), Stats.

**STATUTES INTERPRETED:** ss. 348.26(4) and 348.27(7), Stats.

**General Summary of Proposed Rule.** This proposed rule amends ss. Trans 260.09 and 261.09, which establish the dimensions for single and multiple trip permits for oversize mobile homes or modular building sections. The proposed rule will allow a maximum width of 15 feet, and a maximum height of 15 feet for multiple trip permits. The proposed rule will also provide a uniform method for measuring the dimensions of single and multiple trip oversize mobile home or modular building sections. This proposed change was requested by the Wisconsin Manufactured Housing Association.

**Fiscal Effect.** The Department estimates that there will be no fiscal impact from the promulgation of this proposed rule on the liabilities or revenues of any county, city, village, town, school district, technical college district, or sewerage district.

**Initial Regulatory Flexibility Analysis.** This proposed rule will have no adverse impact on small businesses.

**Copies of Proposed Rule.** Copies of this proposed rule may be obtained upon request, without cost, by writing to Kathleen Nichols, Wisconsin Department of Transportation, Division of Motor Vehicles, Motor Carrier Services Section, Room 151, P. O. Box 7981, Madison, WI 53707-7981, or by calling (608) 266-6648. Hearing-impaired individuals may contact the Department using TDD (608) 266-0396. 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), 227.11(2)(a), and 348.25(3), Stats., the department of transportation hereby proposes to amend rules interpreting ss. 348.26(4) and 348.27(7), Stats., relating to single and multiple trip mobile home and modular building section permits.

**SECTION 1.** Trans 260.09(3) and (4) are amended to read:

Trans 260.09(3) The width authorized by a permit refers to the outside-to-outside dimension ~~of the walls~~ of the towed unit including roof overhang. ~~Windowsills, door knobs, and other hardware, clearance lights and other similar protrusions may extend not more than 6 inches beyond the walls of the towed unit.~~

(4) A permit issued for ~~a towed unit~~ mobile homes and modular building sections having an outside-to-outside dimension ~~of the walls not exceeding 44~~ 15 feet ~~plus in width including roof overhang of not more than 2 feet on the right side of the towed unit~~ are is subject to the permit conditions applying to ~~44~~ 16 foot wide mobile homes and modular building sections.

**SECTION 2.** Trans 260.09(5) to (7) are repealed.

**SECTION 3.** Trans 260.09(8) and (9) are renumbered Trans 260.09(5) and (6).

**SECTION 4.** Trans 261.09(3) and (4) are amended to read:

Trans 261.09(3) The width authorized by a permit refers to the outside-to-outside dimension ~~of the walls~~ of the towed unit including roof overhang. ~~Windowsills, door knobs, and other hardware, clearance lights and other similar protrusions may extend not more than 6 inches beyond the walls of the towed unit.~~

(4) A permit may be issued for a towed unit mobile homes and modular building sections having an outside-to-outside dimension of the walls not exceeding 14 15 feet plus in width including roof overhang of not more than 2 feet on the right side of the towed unit are subject to the permit conditions applying to 14 foot wide mobile homes and modular building sections.

**SECTION 5.** Trans 261.09(5) is repealed and recreated to read:

Trans 261.09(5) A permit may be issued for mobile homes and modular building sections that are not greater than 15 feet in total height.

**SECTION 6.** Trans 261.09(6) and (7) are repealed.


**SECTION 7.** Trans 261.09(8) and (9) are renumbered Trans 261.09(6) and (7).

**(END OF RULE TEXT)**

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**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.

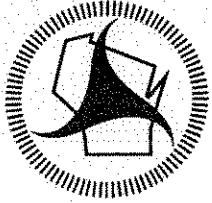
Signed at Madison, Wisconsin, this 21<sup>st</sup> day of July, 2001.



TERRY MULCAHY, P.E.

*So* Secretary

Wisconsin Department of Transportation



## Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum  
Governor

Gene E. Kussart  
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

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

March 26, 2002

The Honorable Scott Jensen  
Speaker, Wisconsin State Assembly  
Room 211 West, State Capitol  
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 260/261**  
Notification of Legislative Standing Committees  
**CLEARINGHOUSE RULE 01-093**

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **01-093**, relating to **multiple trip permits for mobile homes and modular building sections**. 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/Senator Judy Robson/Representative Glenn Grothman/  
Roger Cross/Doug Van Buren/Tom Cantwell/Kathleen Nichols/Carson Frazier/  
Ashwani Sharma

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**CR 01-093**

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The Wisconsin Department of Transportation proposes an order to repeal TRANS 260.09(5) to (7), and 261.09(6) and (7); renumber TRANS 260.09(8) and (9), and 261.09(8) and (9); amend TRANS 260.09(3) and (4), and 261.09(3) and (4); repeal and recreate TRANS 261.09(5); and create TRANS 260.15(3)(am), relating to Single and Multiple Trip Permits for Mobile Homes and Modular Building Sections

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

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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 Wis. Stat. section 227.19(3).

Submitted by:



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CHARLES M. KERNATS  
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) 267-7940

## PART 1

### Analysis Prepared by the Wisconsin Department of Transportation

**STATUTORY AUTHORITY:** Wis. Stat. sections 85.16(1), 227.11(2)(a), and 348.25(3).

**STATUTES INTERPRETED:** Wis. Stat. sections 348.26(4) and 348.27(7).

**General Summary of Proposed Rule.** This proposed rule amends ss. Trans 260.09, and 261.09, which establish the dimensions for single and multiple trip permits for oversize mobile homes or modular building sections. The proposed rule will allow a maximum width of 15 feet, and a maximum height of 15 feet for multiple trip permits. The maximum width for the bottom of the roofline will be increased to 16 feet, but the maximum width of the roofline overhang on the left side cannot exceed the maximum width of the roofline overhang on the right side. The proposed rule will also provide a uniform method for measuring the dimensions of single and multiple trip oversize mobile home or modular building sections. The proposed rule also amends s. Trans 260.15 to clarify escort vehicle requirements for single trip permits. Most of these proposed changes were requested by the Wisconsin Manufactured Housing Association.

**Fiscal Effect.** The Department estimates that there will be no fiscal impact from the promulgation of this proposed rule on the liabilities or revenues of any county, city, village, town, school district, technical college district, or sewerage district.

**Copies of Proposed Rule.** Copies of this proposed rule may be obtained upon request, without cost, by writing to Kathleen Nichols, Wisconsin Department of Transportation, Division of Motor Vehicles, Motor Carrier Services Section, Room 151, P. O. Box 7981, Madison, WI 53707-7981, or by calling (608) 266-6648. Hearing-impaired individuals may contact the Department using TDD (608) 266-0396. Alternate formats of the proposed rule will be provided to individuals at their request.

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## PART 2

### TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by Wis. Stat. sections 85.16(1), 227.11(2)(a), and 348.25(3), the department of transportation hereby proposes to amend rules interpreting Wis. Stat. sections 348.26(4) and 348.27(7), relating to single and multiple trip mobile home and modular building section permits.

**SECTION 1.** Trans 260.09(3) and (4) are amended to read:



Trans 260.09(3) The width authorized by a permit refers to the outside-to-outside dimension of the walls of the towed unit not including roof overhang. Windowsills, door knobs, and other hardware, clearance lights and other similar protrusions may extend not more than 6 inches beyond the walls of the towed unit. The width for the bottom of the roofline of the towed unit shall be measured separately.

**NOTE:** The outside-to-outside dimension of the unit encompasses protrusions such as windowsills, door knobs and other hardware.

(4) A permit issued for a towed unit mobile homes and modular building sections having an outside-to-outside dimension of the walls not exceeding 44 15 feet plus in width, not including roof overhang of not more than 2 feet on the right side of the towed unit are or having a maximum width for the bottom of the roofline of the towed unit equal to or exceeding 16 feet is subject to the permit conditions applying to 44 16 foot wide mobile homes and modular building sections in s. Trans 260.16.

**SECTION 2.** Trans 260.09(5) to (7) are repealed.

**SECTION 3.** Trans 260.09(8) and (9) are renumbered Trans 260.09(5) and (6).

**SECTION 4.** Trans 260.15(3)(am) is created to read:

Trans 260.15(3)(am) When the maximum width of a mobile home or modular building section, not including roof overhang, exceeds 15 feet, or the maximum width for the bottom of the roofline exceeds 16 feet.

**SECTION 5.** Trans 261.09(3) and (4) are amended to read:

Trans 261.09(3) The width authorized by a permit refers to the outside-to-outside dimension of the walls of the towed unit not including roof overhang. Windowsills, door knobs, and other hardware, clearance lights and other similar protrusions may extend not

~~more than 6 inches beyond the walls of the towed unit. The maximum width for the bottom of the roofline of the towed unit shall be measured separately.~~

**NOTE:** The outside-to-outside dimension of the unit encompasses protrusions such as windowsills, door knobs and other hardware.

(4) A permit may be issued for a towed unit mobile homes and modular building sections having an outside-to-outside dimension of the walls not exceeding 14 15 feet plus in width, not including roof overhang of not more than 2 feet on the right side of the towed unit are subject to the permit conditions applying to 14 foot wide mobile homes and modular building sections. The maximum width for the bottom of the roofline of the towed unit shall be measured separately and may not exceed 16 feet. The maximum width of the roofline overhang on the left side of the towed unit may not exceed the maximum width of the roofline overhang on the right side of the towed unit.

**SECTION 6.** Trans 261.09(5) is repealed and recreated to read:

Trans 261.09(5) A permit may be issued for mobile homes and modular building sections that are not greater than 15 feet in total height.

**SECTION 7.** Trans 261.09(6) and (7) are repealed.

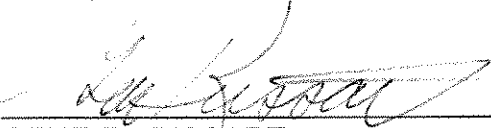
**SECTION 8.** Trans 261.09(8) and (9) are renumbered Trans 261.09(6) and (7).

**(END OF RULE TEXT)**

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**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 25<sup>th</sup> day of March, 2002.

  
\_\_\_\_\_  
GENE E. KUSSART

Secretary

Wisconsin Department of Transportation



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**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 01-093

AN ORDER to repeal Trans 260.09 (5), (6) and (7) and 261.09 (6) and (7); to renumber Trans 260.09 (8) and (9) and 261.09 (8) and (9); to amend Trans 260.09 (3) and (4) and 261.09 (3) and (4); and to repeal and recreate Trans 261.09 (5), relating to multiple trip permits for mobile homes and modular building sections.

Submitted by **DEPARTMENT OF TRANSPORTATION**

07-30-01 RECEIVED BY LEGISLATIVE COUNCIL.

08-16-01 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 01-093

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ANALYSIS OF FINAL DRAFT OF TRANS 260/261

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(a) **Need for Amended Rule.** This proposed rule amends ss. Trans 260.09 and 261.09, which establish the dimensions for single and multiple trip permits for oversize mobile homes or modular building sections. The proposed rule will allow a maximum width of 15 feet, and a maximum height of 15 feet for multiple trip permits. For multiple trip permits, the maximum width for the bottom of the roofline will be increased to 16 feet, but the maximum width of the roofline overhang on the left side cannot exceed the maximum width of the roofline overhang on the right side. The proposed rule will also provide a uniform method for measuring the dimensions of single and multiple trip oversize mobile home or modular building sections. The proposed rule also amends s. Trans 260.15 to clarify escort vehicle requirements for single trip permits. Most of these proposed changes were requested by the Wisconsin Manufactured Housing Association.

(b) **Modifications as a Result of Testimony at Public Hearing.** A public hearing was held in Madison on September 6, 2001 and another in Marshfield on September 7, 2001. The following changes were made as a result of oral and written comments from interested persons:

Section Trans 260.09(3) was amended to provide that the maximum width for the bottom of the roofline shall be measured separately.

Section Trans 260.09(4) was amended to provide that the requirements of section 260.16 apply if the dimensions of the unit exceed 15 feet or the maximum width for the bottom of the roofline equals or exceeds 16 feet.

Section 260.15(3) was amended to require escort vehicles for single trip mobile homes and modular building sections if the dimensions of the unit exceed 15 feet or if the maximum width for the bottom of the roofline exceeds 16 feet.

Section Trans 261.09(3) was amended to provide that the maximum width for the bottom of the roofline shall be measured separately.

Section Trans 261.09(4) was amended to provide that the maximum width for the bottom of the roofline will be increased to 16 feet, but the maximum width of the roofline overhang on the left side cannot exceed the maximum width of the roofline overhang on the right side.

Sections Trans 260.09 and 261.09 include a note explaining that the outside-to-outside dimensions of a mobile home or modular building section include protrusions like windowsills and door knobs.

Requests to increase maximum width to 18 feet, and to eliminate certain requirements for escort vehicles have been rejected for safety reasons.

(c) List of Persons who Appeared or Registered at Public Hearing. The following persons appeared/registered at the September 6 hearing:

Ross Kinzler, Executive Director, Wisconsin Manufactured Housing Association, 202 State Street, Suite 200, Madison, WI 53703 (**spoke in favor of the rule**).

Jim Rasmussen, Support Services, Steenberg Homes, Inc., P. O. Box 1257, Fond du Lac, WI 54936 (**spoke in opposition to the rule**).

Robert Moreau, Moreau Homes, LLC, W8146 Hemlach Road, Beaver Dam, WI 53916 (**spoke in favor of the rule**).

The following persons appeared/registered at the September 7 hearing:

Ross Kinzler, Executive Director, Wisconsin Manufactured Housing Association, 202 State Street, Suite 200, Madison, WI 53703 (**spoke in favor of the rule**).

Randy J. Kloes, Karcz Home Sales, P. O. Box 80, Aniwa, WI 54408 (**registered in favor of the rule, with exceptions**).

Harris Berg, Vice President/General Manager, Wick Building Systems, 2301 East 4<sup>th</sup> Street, Marshfield, WI 54449 (**spoke in favor of the rule**).

Mary Britten, Convoy Manager, Wick Building Systems, Inc., 2301 East 4<sup>th</sup> Street, Marshfield, WI 54449 (**registered in favor of the rule, with the exception of the 2 foot right side overhang issue**).

Sherry A. Kujawa, The Home Front, 10475 Hwy. 13 South, Marshfield, WI 54449 (**registered in favor of the rule**).

George Sigsworth, Manager, Budget Homes, 1658 13½ Avenue, Barron, WI 54812 (**registered in favor of the rule**).

Warren E. Hodge, Owner, Budget Homes, P. O. Box 333, Turtle Lake, WI 54885 (**spoke in favor of the rule**).

John Barwick, President, Medford Homes, Inc., W5424 Apple Avenue, Medford, WI 54451 (**registered in favor of the rule, with reservation on the 2 foot overhang issue**).

Conrad Parrish, GSM, Steenberg Homes, 300 North Rolling Meadows Drive, Fond du Lac, WI 54936-1257 (**registered in favor of the rule, with the exception of the 2 foot overhang issue**).

Thomas E. Norwood, Jr., Manager, Steenberg Homes, 10870 Hwy. 13 South, Marshfield, WI 54449 (**spoke in favor of the rule, with one exception**).

Barbara Wensch, Dispatcher, Stratford Homes, 402 South Weber, Stratford, WI 54484 (**registered in opposition to the rule**).

Lyle Pospyhalla, Engineer Department Manager, Stratford Homes Ltd., 402 South Weber Avenue, Stratford, WI 54484 (**registered in opposition to the rule**).

Bud Holbrook, Independent Owner Operator, M.T.S., 611 East 4<sup>th</sup> Street, Suite A, Marshfield, WI 54449 (**registered in opposition to the rule**).

Donna K. Domine, Office Manager, Mobile Transport Services, 611 East 4<sup>th</sup> Street, Suite A, Marshfield, WI 54449 (**registered in opposition to the rule**).

David Kempfert, General Manager, Wisconsin Homes, Inc., P. O. Box 250, Marshfield, WI 54494 (**registered in opposition to the rule**).

Dan Frey, Transportation Manager, Wisconsin Homes, P. O. Box 250, Marshfield, WI 54449 (**registered in opposition to the rule**).

Harold Wolfgram, Attorney, Stauber, Juncer, Wolfgram & Gamoke, S.C., representing Wisconsin Homes, 115 West 15<sup>th</sup> Street, P. O. Box 1178, Marshfield, WI 54449 (**spoke in opposition to the rule**).

(d) **Response to Legislative Council Recommendations**. The Legislative Council report contained no recommendations for the proposed rule.

(e) **Final Regulatory Flexibility Analysis**. This proposed rule will have no adverse impact on small businesses.