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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 01-149

AN ORDER to amend Trans 276.07 (34m); and to create Trans 276.07 (38g), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by **DEPARTMENT OF TRANSPORTATION**

12-13-01 RECEIVED BY LEGISLATIVE COUNCIL.

01-10-02 REPORT SENT TO AGENCY.

RS:WF:tlu

**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

Clearinghouse Rule 01-149

STATE OF WISCONSIN

DEPARTMENT OF TRANSPORTATION{PRIVATE }  
OFFICE OF THE SECRETARY

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{PRIVATE }The Wisconsin Department of Transportation proposes an order to amend TRANS 276.07(34m); and create TRANS 276.07(38g), 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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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:

**January 18, 2002**  
Marathon County Highway Department  
Office of Highway Commissioner  
1430 West Street  
Wausau, WI  
**11:00 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.

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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(34m), and creates Trans 276.07(38g), Wisconsin Administrative Code, to add five segments of highway to the designated highway system established under s. 348.07(4), Stats. The actual highway segments<sup>1</sup> that this proposed rule adds to the designated highway system are:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
CTH "A"	STH 13 in Stetsonville	Marathon County Line
CTH "F"	West County Line	CTH "M"
CTH "M"	CTH "F"	STH 97 in Athens
CTH "A"	STH 13 E. of Dorchester	STH 97 S. of Athens
Corlad Road	CTH "A"	CTH "M" W. of Athens

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 feet<sup>2</sup>, 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

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<sup>1</sup> 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.

<sup>2</sup> 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.

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 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(34m) is amended to read:

<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(34m) MARATHON COUNTY:		
CTH"A"	STH 97	CTH "K"

<u>CTH "A"</u>	<u>STH 13 E. of Dorchester</u>	<u>STH 97 S. of Athens</u>
<u>CTH "F"</u>	<u>West County Line</u>	<u>CTH "M"</u>
<u>CTH "K"</u>	<u>USH 51 N. of Warren</u>	<u>North County Line</u>
<u>CTH "M"</u>	<u>CTH "F"</u>	<u>STH 97 in Athens</u>
<u>Corlad Road</u>	<u>CTH "A"</u>	<u>CTH "M" W. of Athens</u>

**SECTION 2.** Trans 276.07(38g) is created to read:

<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(38g) TAYLOR COUNTY:		
CTH "A"	STH 13 in Stetsonville	Marathon County Line

**(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. {PRIVATE }

Signed at Madison, Wisconsin, this \_\_\_\_ day of December, 2001.

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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

November 13, 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:

*Gary*  
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: David Schmiedicke/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 5 highway segments to the network. The actual segments being proposed are:

#### Taylor County

CTH "A" from STH 13 in Stetsonville to Marathon County Line

#### Marathon County

CTH "F" from West County Line to CTH "M"

CTH "M" from CTH "F" to STH 97 in Athens

CTH "A" from STH 13 East of Dorchester to STH 97 South of Athens

Corlad Road from CTH "A" to CTH "M" West of Athens

### 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 a request from E. J. Peter Trucking, Inc., in Marathon County, to add these highway segments.

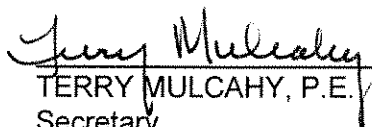
### STATUTORY AUTHORITY FOR THE RULE:

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 rulemaking process, including research, drafting and conducting a public hearing.

Signed at Madison, Wisconsin, this 13 day of November, 2001.

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



DEC 18 2001



## Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum  
Governor

Terrence D. Mulcahy, P.E.  
Secretary

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

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FAX: 608-267-6734  
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

December 13, 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

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The Wisconsin Department of Transportation proposes an order to amend TRANS 276.07(34m); and create TRANS 276.07(38g), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

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**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:

**January 18, 2002**  
Marathon County Highway Department  
Office of Highway Commissioner  
1430 West Street  
Wausau, WI  
**11:00 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(34m), and creates Trans 276.07(38g), Wisconsin Administrative Code, to add five segments of highway to the designated highway system established under s. 348.07(4), Stats. The actual highway segments<sup>1</sup> that this proposed rule adds to the designated highway system are:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
CTH "A"	STH 13 in Stetsonville	Marathon County Line
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CTH "M"	CTH "F"	STH 97 in Athens
CTH "A"	STH 13 E. of Dorchester	STH 97 S. of Athens
Corlad Road	CTH "A"	CTH "M" W. of Athens

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 feet<sup>2</sup>, 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

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<sup>1</sup> 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.

<sup>2</sup> 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.

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 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.

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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) 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(34m) is amended to read:

<u>Route</u>	<u>From</u>	<u>To</u>
--------------	-------------	-----------

Trans 276.07(34m) MARATHON COUNTY:

CTH "A"	STH 97	CTH "K"
<u>CTH "A"</u>	<u>STH 13 E. of Dorchester</u>	<u>STH 97 S. of Athens</u>
<u>CTH "F"</u>	<u>West County Line</u>	<u>CTH "M"</u>
CTH "K"	USH 51 N. of Warren	North County Line
<u>CTH "M"</u>	<u>CTH "F"</u>	<u>STH 97 in Athens</u>
<u>Corlad Road</u>	<u>CTH "A"</u>	<u>CTH "M" W. of Athens</u>


**SECTION 2.** Trans 276.07(38g) is created to read:

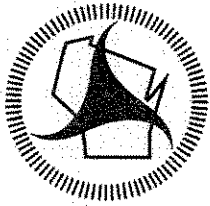
<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(38g) TAYLOR COUNTY:		
CTH "A"	STH 13 in Stetsonville	Marathon County Line

**(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 12<sup>th</sup> day of December, 2001.

  
 \_\_\_\_\_  
 TERRY MULCAHY, P.E.  
 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

March 22, 2002

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

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


**RE: CLEARINGHOUSE RULE 01-149 AFFECTING CH. TRANS 276, WIS. ADMIN. CODE**

Gentlemen:

The Wisconsin Department of Transportation hereby withdraws **CR 01-149** which was intended to amend s. Trans 276.07(34m) and create s. Trans 276.07(38g), Wis. Admin. Code, relating to allowing the operation of double bottoms and certain other combination vehicles on specified highways.

Clearinghouse Rule 01-149 was proposed to designate CTH A from STH 13 in Stetsonville to Marathon County Line, CTH F from West County Line to CTH M, CTH M from CTH F to STH 97 in Athens, CTH A from STH 13 East of Dorchester to STH 97 South of Athens, and Corlad Road from CTH A to CTH M West of Athens. The public hearing was held on January 18, 2002 at the Marathon County Highway Department in Wausau. At the time of the public hearing, negative comments were received from both the Taylor and Marathon County Highway Commissioners. They are the operating and maintaining authorities of the sections requested. The Department also has reservations about the designation of Corlad Road. Due to the comments received and the Department's own investigation, the Department has decided that designation of these highway segments for use by long trucks is not in the public interest and is now formally withdrawing the proposed rule, pursuant to s. 227.14(6)(b), Stats.

Sincerely,

  
Julie A. Johnson  
Paralegal

cc: Senator Judy Robson/Representative Glenn Grothman/Senator Roger Breske/  
Representative Jeff Stone/Ron Sklansky/Gary Poulson/Ashwani Sharma