



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 02-056

AN ORDER to amend Trans 276.07 (11), (16), (17), (19), (24), (28) and (38); and to create Trans 276.07 (28m) and (38g), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by **DEPARTMENT OF TRANSPORTATION**

05-01-02 RECEIVED BY LEGISLATIVE COUNCIL.

05-13-02 REPORT SENT TO AGENCY.

RNS:PC:ksm;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



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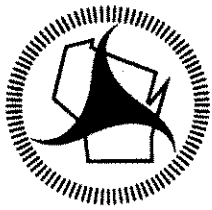
CLEARINGHOUSE RULE 02-056

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

While underscoring is used to create new material in an existing rule unit, it is not used to create an entire rule unit. [See s. 1.06 (1), Manual.] Therefore, the new material in SECTIONS 2 and 4 should not be underscored.



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum
Governor

Thomas E. Carlsen, P.E.
Acting Secretary

Office of General Counsel
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

May 1, 2002

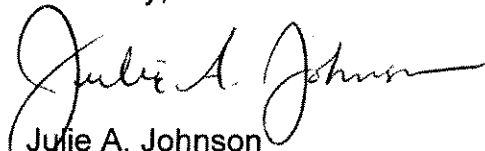
Ronald Sklansky, Director
Rules Clearinghouse
Wisconsin Legislative Council
One East Main Street, P. O. Box 2536
Suite 401
Madison, Wisconsin 53701-2536

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 Mr. Sklansky:

In accordance with § 227.15(1), Stats., I submit the enclosed text of proposed rule for Legislative Council staff review in the above-referenced matter. This document, along with written notice of WisDOT's submittal to joint Legislative Council staff, have also been filed with the Revisor of Statutes to be published in the Administrative Register in accordance with §§ 227.14(4m) 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(11), (16), (17), (19), (24), (28) and (38); and create TRANS 276.07(28m) and (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**

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:

June 14, 2002
Hill Farms State Transportation Building
4802 Sheboygan Avenue
Room 419
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(11), (16), (17), (19), (24), (28) and (38), and creates Trans 276.07(28m) and (38g), Wisconsin Administrative Code, to add eleven 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 54	Port Edwards	STH 80 at Dexterville
STH 78	STH 11 in Gratiot	WI-IL Line
STH 88	STH 35	CTH E
STH 107	STH 29	STH 153
STH 153	STH 51	STH 13
CTH A	CTH E	Dorchester
CTH B	STH 73	STH 64
CTH E	STH 29	CTH O
CTH E	STH 28	STH 67
CTH O	STH 64	STH 13
CTH S	STH 53	STH 124

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

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.

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 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(11), (16), (17), (19), (24) and (28) are amended to

read:

	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(11)	STH 50	USH 12 W. of Lake Geneva	45 th Avenue in Kenosha
	USH 51	S. Corp. Limits of Janesville	USH 14 at Janesville
	USH 51	IH 90 E. of Stoughton	STH 16 S.E. of Portage
	USH 51	IH 39 N. of Portage	USH 2 N. of Hurley
	STH 52	USH 45 N. of Aniwa	USH 45 in Antigo
	USH 53	USH 14-61 in La Crosse	USH 10 in Osseo
	USH 53	IH 94 S.E. of Eau Claire	IH 535 in Superior
	STH 54	STH 71 at Melrose	STH 80 at Dexterville
	STH 54	STH 73 in Port Edwards	USH 41 at Green Bay
	STH 54	IH 43 in Green Bay	STH 42 in Algoma
	STH 55	USH 41 in Kaukauna	STH 54 S. of Seymour
	STH 56	STH 80 N. of Richland Center	USH 14 in Richland Center
(16)	STH 76	USH 10 W. of Appleton	USH 45 in Greenville
	STH 77	USH 53 in Minong	USH 51 in Hurley
	STH 78	STH 11 in Gratiot	Pecatonica River S. of Wiota
		<u>Pecatonica River S. of Wiota</u>	<u>WI-IL Line</u>
	STH 78	USH 14 E. of Mazomanie	USH 12 in Sauk City
	STH 79	USH 12 N.W. of Menomonie	STH 170 at Boyceville
(17)	STH 80	STH 11 S. of Cuba City	STH 13 at Pittsville
	STH 81	STH 35 N.E. of Beetown	STH 23 S. of Darlington

	STH 81	STH 78 in Argyle	CTH H W. of Beloit
	STH 82	STH 80 W. of Hillsboro	USH 51 W. of Montello
	STH 83	STH 167 S. of Hartford	STH 60 in Hartford
	STH 85	USH 10 in Durand	STH 37 S.W. of Eau Claire
	STH 87	USH 8 in St. Croix Falls	STH 48 S. of Grantsburg
	<u>STH 88</u>	<u>STH 35</u>	<u>CTH E S. of Cream</u>
	STH 89	USH 14 N. of Darien	STH 73 in Columbus
(19)	STH 100	IH 94 in Oak Creek	IH 43 in Milwaukee Co.
	STH 103	STH 49 S. of Brandon	USH 151 at LaMartine
	STH 107	CTH A at Little Chicago	STH 64
	<u>STH 107</u>	<u>STH 29</u>	<u>STH 153</u>
(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
	<u>STH 153</u>	<u>STH 51</u>	<u>STH 13</u>
	USH 158	IH 94 W. of Kenosha	STH 31 in Kenosha
	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

(28) CHIPPEWA COUNTY:

CTH S	STH 124 N. of Chippewa Falls <u>STH 53</u>	STH 178 N. of Chippewa Falls
CTH S	Jim Falls	STH 27 E. of Jim Falls
CTH Y	STH 124 W. of Jim Falls	Jim Falls

SECTION 2. Trans 276.07(28m) is created to read:

<u>Route</u>	<u>From</u>	<u>To</u>
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Trans 276.07(28m) CLARK COUNTY:

<u>CTH A</u>	<u>CTH E</u>	<u>Dorchester</u>
<u>CTH E</u>	<u>STH 29</u>	<u>North County Line</u>

SECTION 3. Trans 276.07(38) is amended to read:

Trans 276.07(38) SHEBOYGAN COUNTY:

<u>CTH E</u>	<u>STH 28</u>	<u>STH 67</u>
CTH PP	STH 67 S. of Plymouth	STH 57
CTH RR	STH 57 at Random Lake	IH 43 at Cedar Grove

SECTION 4. Trans 276.07(38g) is created to read:

Trans 276.07(38g) TAYLOR COUNTY:

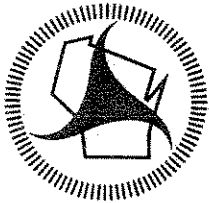
<u>CTH B</u>	<u>STH 73</u>	<u>STH 64</u>
<u>CTH E</u>	<u>South County Line</u>	<u>CTH O</u>
<u>CTH O</u>	<u>STH 64</u>	<u>STH 13</u>

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)(intro.), Stats.

Signed at Madison, Wisconsin, this 30 day of April, 2002.

A handwritten signature in cursive script, appearing to read "Thomas E. Carlsen".

THOMAS E. CARLSEN, P.E.
Acting 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
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March 27, 2002

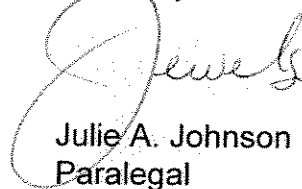
Mr. Gary L. Poulson, Deputy Revisor
Revisor of Statutes Bureau
131 West Wilson Street
Suite 800
Madison, Wisconsin 53703

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,


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 11 highway segments to the network. The actual segments being proposed are:

STH 54 from Port Edwards to Black River Falls
STH 78 from STH 11 in Gratiot to the WI-IL Line
STH 88 from STH 35 to CTH E
STH 107 from STH 29 to STH 153
STH 153 from STH 51 to STH 13
CTH A from CTH E to Dorchester
CTH B from STH 73 to STH 64
CTH E from STH 29 to CTH O
CTH E from STH 28 to STH 67
CTH O from STH 64 to STH 13
CTH S from STH 53 to STH 124

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 requests from Roehl Transport, Inc., and Marathon Cheese Corporation 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.

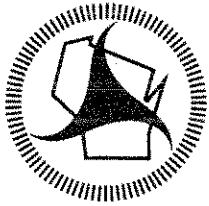
Signed at Madison, Wisconsin, this 27th day of March, 2002.



GENE E. KUSSART

Secretary

Wisconsin Department of Transportation



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum
Governor

Thomas E. Carlsen, P.E.
Acting Secretary

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

May 1, 2002

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,

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

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(11), (16), (17), (19), (24), (28) and (38); and create TRANS 276.07(28m) and (38g), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

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June 14, 2002

Hill Farms State Transportation Building

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Room 419

Madison, WI

9:00 AM

(Parking is available for persons with disabilities)

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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(11), (16), (17), (19), (24), (28) and (38), and creates Trans 276.07(28m) and (38g), Wisconsin Administrative Code, to add eleven 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 54	Port Edwards	STH 80 at Dexterville
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CTH B	STH 73	STH 64
CTH E	STH 29	CTH O
CTH E	STH 28	STH 67
CTH O	STH 64	STH 13
CTH S	STH 53	STH 124

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

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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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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	USH 53	USH 14-61 in La Crosse	USH 10 in Osseo
	USH 53	IH 94 S.E. of Eau Claire	IH 535 in Superior
	STH 54	STH 71 at Melrose	STH 80 at Dexterville
	STH 54	STH 73 in Port Edwards	USH 41 at Green Bay
	STH 54	IH 43 in Green Bay	STH 42 in Algoma
	STH 55	USH 41 in Kaukauna	STH 54 S. of Seymour
	STH 56	STH 80 N. of Richland Center	USH 14 in Richland Center
(16)	STH 76	USH 10 W. of Appleton	USH 45 in Greenville
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	STH 78	STH 11 in Gratiot	Pecatonica River S. of Wiota
		<u>Pecatonica River S. of Wiota</u>	<u>WI-IL Line</u>
	STH 78	USH 14 E. of Mazomanie	USH 12 in Sauk City
	STH 79	USH 12 N.W. of Menomonie	STH 170 at Boyceville
(17)	STH 80	STH 11 S. of Cuba City	STH 13 at Pittsville
	STH 81	STH 35 N.E. of Beetown	STH 23 S. of Darlington

STH 81	STH 78 in Argyle	CTH H W. of Beloit
STH 82	STH 80 W. of Hillsboro	USH 51 W. of Montello
STH 83	STH 167 S. of Hartford	STH 60 in Hartford
STH 85	USH 10 in Durand	STH 37 S.W. of Eau Claire
STH 87	USH 8 in St. Croix Falls	STH 48 S. of Grantsburg
<u>STH 88</u>	<u>STH 35</u>	<u>CTH E S. of Cream</u>
STH 89	USH 14 N. of Darien	STH 73 in Columbus
(19) STH 100	IH 94 in Oak Creek	IH 43 in Milwaukee Co.
STH 103	STH 49 S. of Brandon	USH 151 at LaMartine
STH 107	CTH A at Little Chicago	STH 64
<u>STH 107</u>	<u>STH 29</u>	<u>STH 153</u>
(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
<u>STH 153</u>	<u>STH 51</u>	<u>STH 13</u>
USH 158	IH 94 W. of Kenosha	STH 31 in Kenosha
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

(28) CHIPPEWA COUNTY:

CTH S	STH 124 N. of Chippewa Falls <u>STH 53</u>	STH 178 N. of Chippewa Falls
CTH S	Jim Falls	STH 27 E. of Jim Falls
CTH Y	STH 124 W. of Jim Falls	Jim Falls

SECTION 2. Trans 276.07(28m) is created to read:

<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(28m) <u>CLARK COUNTY:</u>		
<u>CTH A</u>	<u>CTH E</u>	<u>Dorchester</u>
<u>CTH E</u>	<u>STH 29</u>	<u>North County Line</u>

SECTION 3. Trans 276.07(38) is amended to read:

Trans 276.07(38) SHEBOYGAN COUNTY:

<u>CTH E</u>	<u>STH 28</u>	<u>STH 67</u>
CTH PP	STH 67 S. of Plymouth	STH 57
CTH RR	STH 57 at Random Lake	IH 43 at Cedar Grove

SECTION 4. Trans 276.07(38g) is created to read:

Trans 276.07(38g) TAYLOR COUNTY:

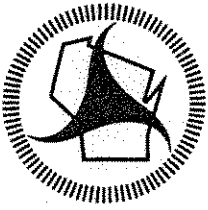
<u>CTH B</u>	<u>STH 73</u>	<u>STH 64</u>
<u>CTH E</u>	<u>South County Line</u>	<u>CTH O</u>
<u>CTH O</u>	<u>STH 64</u>	<u>STH 13</u>

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)(intro.), Stats.

Signed at Madison, Wisconsin, this 30 day of April, 2002.

A handwritten signature in cursive script, appearing to read "Thomas E. Carlsen".

THOMAS E. CARLSEN, P.E.
Acting Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum
Governor

Thomas E. Carlsen, P.E.
Acting Secretary

Office of General Counsel
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Madison, WI 53707-7910

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FAX: 608-267-6734
E-mail: ogc.exec@dot.state.wi.us

June 19, 2002

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 315 North, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 276**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 02-056

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **02-056**, 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)/Senator Judy Robson/
Representative Glenn Grothman/Ashwani Sharma

CR 02-056

The Wisconsin Department of Transportation proposes an order to amend TRANS 276.07(17), 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 (17), 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:

Hwy.	From	To
STH 88	STH 35	CTH E S. of Cream

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. Semi-trailers 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.

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(17) is amended to read:

	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(17)	STH 80	STH 11 S. of Cuba City	STH 13 at Pittsville
	STH 81	STH 35 N.E. of Beetown	STH 23 S. of Darlington
	STH 81	STH 78 in Argyle	CTH H W. of Beloit
	STH 82	STH 80 W. of Hillsboro	USH 51 W. of Montello
	STH 83	STH 167 S. of Hartford	STH 60 in Hartford

STH 85	USH 10 in Durand	STH 37 S.W. of Eau Claire
STH 87	USH 8 in St. Croix Falls	STH 48 S. of Grantsburg
<u>STH 88</u>	<u>STH 35</u>	<u>CTH E S. of Cream</u>
STH 89	USH 14 N. of Darien	STH 73 in Columbus

(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)(intro.), Stats.

Signed at Madison, Wisconsin, this 19 day of June, 2002.



THOMAS E. CARLSEN, P.E.
Acting 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 **02-056**

AN ORDER to amend Trans 276.07 (11), (16), (17), (19), (24), (28) and (38); and to create Trans 276.07 (28m) and (38g), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by **DEPARTMENT OF TRANSPORTATION**

05-01-02 RECEIVED BY LEGISLATIVE COUNCIL.

05-13-02 REPORT SENT TO AGENCY.

RNS:PC:ksm;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



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 RULE 02-056

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

While underscoring is used to create new material in an existing rule unit, it is not used to create an entire rule unit. [See s. 1.06 (1), Manual.] Therefore, the new material in SECTIONS 2 and 4 should not be underscored.

PART 4
CR 02-056

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 make changes to the long truck route network. Chapter Trans 276 is the existing rule designating the long truck network. The Department received requests to add eleven highway segments.

In determining to designate one of the highway segments 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 88	STH 35	CTH E S. of Cream

(b) **Modifications as a Result of Testimony at Public Hearing.** The hearing was held in Madison on June 14, 2002. The Department originally proposed to add eleven highway segments to the designated highway system. At the time of the public hearing, negative comments were received from both the Taylor and Clark County Highway Commissioners. The county is the operating and maintaining authorities of the sections requested in Taylor and Clark counties. Due to these comments, written comments received and the Department's own investigation, the Department is recommending against the designation of the following requested highway segments:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 54	Port Edwards	STH 80 at Dexterville
STH 78	STH 11 in Gratiot	WI-IL Line
STH 107	STH 29	STH 153
STH 153	STH 51	STH 13
CTH A	CTH E	Dorchester
CTH B	STH 73	STH 64
CTH E	STH 29	CTH O
CTH E	STH 28	STH 67
CTH O	STH 64	STH 13
CTH S	STH 53	STH 124

(c) **List of Persons who Appeared or Registered at Public Hearing.** Persons who appeared/registered at the hearing are listed below:

Steve Gitzlaff, Vice President Fleet Operations, Marathon Cheese Corporation, P. O. Box 185, 304 East Street, Marathon, WI 54448—spoke in favor of the rule.

Tom Howells, President, Wisconsin Motor Carriers Association, P. O. Box 44849, Madison, WI 53744-4849—spoke in favor of the rule.

Randy J. Anderson, Clark County Highway Commissioner, Clark County Highway Department, 801 Clay Street, Neillsville, WI 54456—spoke in opposition to the segments in Clark County.

Thomas R. Toepfer, Highway Commissioner, Taylor County Highway Commissioner, P. O. Box 89, Medford, WI 54411—spoke in opposition to the segments in Taylor County.

The written comment period was held open until the close of business on June 14, 2002. Written comments were received from the following people:

Randy J. Anderson, Clark County Highway Commissioner, Clark County Highway Department, 801 Clay Street, Neillsville, WI 54456. Mr. Anderson's comments cites safety and maintenance issues, and alternate routes currently exist as reasons for opposing the segments in Clark County.

Thomas R. Toepfer, Highway Commissioner, Taylor County Highway Commissioner, P. O. Box 89, Medford, WI 54411. Mr. Toepfer's opposition relates to increased maintenance, safety issues and that alternative routes currently exist.

Kurt F. Schadewalt, Highway Commissioner, Lafayette County Highway Department, P. O. Box 100, 12016 Hill Street, Darlington, WI 53530. Mr. Schadewalt opposes designating STH 78 from STH 11 in Gratiot to the WI-IL Line. He cites narrow shoulders, wheel track rutting and needing the approach of STH 78 to STH 11 to be paved with concrete to reduce pushing and shoving of the asphalt of the intersection.

Deputy Jerry Jacobs, Wood County Sheriff's Department, 400 Market Street, P. O. Box 8095, Wisconsin Rapids, WI 54495-8095. Deputy Jacobs cites safety issues for opposing designation of the segment STH 54 from Port Edwards to STH 80 at Dexterville.

Roger Laning, Highway Commissioner, Sheboygan County Highway Department, P. O. Box 716, 1211 North 23rd Street, Sheboygan, WI 53081. Mr. Laning cites safety reasons for opposing the designation of the segment CTH E from STH 28 to STH 67.

Bruce G. Stelzner, Chippewa County Highway Commissioner (e-mail). Mr. Stelzner cites safety issues for opposing the designation of the segment CTH S from STH 53 to STH 124. Mr. Stelzner expressed concern about high crash rates at the intersection of CTH S and STH 124. This intersection is being proposed for HES funding and reconstruction within the next couple of years.

Glenn Speich, Marathon County Highway Commissioner (e-mail). Mr. Speich cites safety and winter maintenance issues for opposing designation of the segment STH 107 from STH 29 to STH 153.

The Department's investigation from the District 4 office in Wisconsin Rapids showed the following summary findings:

STH 54 from Port Edwards to STH 80 at Dexterville. This highway is unacceptable as a long truck route. Much of this segment of STH 54 has poor geometrics, poor pavement structure and a narrow bridge, making it unsuitable to long truck traffic. There is another existing long truck route, STH 173, paralleling STH 54 only 2-3 miles to the south. With only minor additional inconvenience to motor carriers, STH 173 is a reasonable alternative to designating STH 54 as a long truck route.

Most of STH 54 has 11' wide traffic lanes with 4' shoulders (none of the shoulder width is paved). There are several sharp turns and curves on STH 54. There are one 90 degree 20 mph turn, three 90 degree 25 mph turns, one 35 mph curve, one 40 mph curve, one set of 40 mph reverse curves and one 50 mph curve. There is an old narrow bridge with approaches at a "skewed" angle to the rest of the highway centerline. The bridge deck width between the trusses is only 22' wide.

Every spring, most of this segment is posted with restricted weigh limits due to the poor soils and poor pavement structure. The pavement is in poor condition. Much of this section of STH 54 runs through wetlands and cranberry bogs.

Recommendation: Reject this section of STH 54 as a long truck route. There is a convenient and reasonable alternative long truck route, STH 173 to the south.

STH 107 from STH 29 to STH 153. The Marathon City downtown section of STH 107, and the steep hill on STH 107 on the south side of Marathon City, are not suitable for a long truck route. There are 2 - 12' traffic lanes (one lane in each direction) with parking lanes on both sides in the downtown area. There are a lot of pedestrians, and turning traffic to and from the sidestreets, in this area. It would not be desirable to run long truck route traffic through an area such as this.

The long, steep hill on the south side of Marathon City is a major concern with regards to making STH 107 a long truck route. There is about a 10% uphill grade for 500 ft. followed by about 2500' of 6% uphill grade in the southbound direction. The roadway has only 1 traffic lane with a parking lane in each direction. For southbound travel, large trucks will be at a crawl speed to climb this hill with traffic queuing up behind the trucks. The result will be some congestion and following drivers becoming frustrated, possibly leading to aggressive passing maneuvers downstream. In the northbound direction, the problem is reversed; with about 2500' of a 6% downhill grade followed by about 500' of a 10% downhill grade with the downtown Marathon City area at the bottom of the hill. There is a 15 mph school zone speed limit in the middle of this

steep hill area. It will be difficult for large trucks to decelerate and stop on this steep hill in the northbound direction.

There are alternative existing long truck routes. STH 97 and USH 51 parallel STH 107 to the west and east respectively. STH 107 only connects to STH 153 in the south. STH 153 leads either to STH 97 to the west, or Mosinee and USH 51 to the east. Thus, the combination of STH 29 and either STH 97 to the west or USH 51 to east, could be used as alternatives to using STH 107 and STH 153 as long truck routes.

Recommendation: Given the safety concerns with the steep hill (especially with the downtown area at the bottom of the hill in the northbound direction) and school zone speed limit, we have reservations and concerns about making STH 107 a long truck route.

STH 153 from USH 51 to STH 13: From the south junction of old Hwy 51 (Mosinee paper mill) there are several geometric features undesirable on a long truck route. There are two intersections where STH 153 makes a 90 degree turn along the paper mill property. The bridges over the Wisconsin River are somewhat narrow with only two 12' traffic lanes (one in each direction) and no shoulders on the bridges. The downtown Mosinee area has 12' traffic lanes (one in each direction) with parking lanes. There are a lot of pedestrians, and turning traffic to and from the sidestreets. It would be undesirable to run a long truck route through this area.

The signalized STH 153 and CTH B intersection in downtown Mosinee presents additional concern. STH 153 makes a 90 degree turn at this intersection. The existing downtown buildings limited the size of the intersection. It is a tight turn (limited space) for large westbound trucks to make the left turn to continue westbound on STH 153, without encroaching on opposing traffic lanes. Larger, longer trucks could cause safety and operational problems. There is also a 20 mph curve/turn on the west side of Mosinee.

Although horizontal and vertical alignment is generally good from STH 97 to STH 13, the roadway is much narrower than desirable for long truck routes. There are 11' wide traffic lanes and only 4' wide gravel shoulders. There are no paved shoulders and the pavement is in poor condition.

Recommendation: STH 153 from STH 51 to STH 13 should not be considered as a long truck route. It is undesirable to run a long truck route through a downtown area such as Mosinee especially with an intersection where the state trunk highway makes a 90 degree turn. The roadway from STH 97 to STH 13 will continue to be too narrow to be desirable as a long truck route.

The Department's investigation from the District 3 office in Green Bay made the following comment for segment CTH E from STH 28 to STH 67: The intersection of STH 67 and CTH E is not very good; it would be a problem looking west through trees.

The Department's investigation from the District 5 office in LaCrosse made the following comment for segment STH 88 from STH 35 to CTH E: The district did not oppose designation of this proposed route. Although there was some concern about the tight radii on some curves on this section of highway, the AADT on this section of highway is less than 1000. With the low AADT, long trucks can navigate the roadway in a safe manner with a reasonable amount of caution.

(d) **Response to Legislative Council Recommendations.** The Legislative Council report contained only one comment which has been incorporated into 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.