

**ROGER BRESKE**

STATE SENATOR

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**MEMORANDUM**

May 30, 2001

TO: Senate Committee on Insurance, Tourism and Transportation  
FR: Senator Roger Breske, Chair  
RE: Proposed Clearinghouse Rule 01-040; *Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.*

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Clearinghouse Rule 01-040 was recently referred to the Senate Committee on Insurance, Tourism and Transportation. For your reference, I have included the analysis from the Department of Transportation. If you would like to request a hearing, please contact Vaughn in my office before ***Friday, June 8, 2001.***



## Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum  
Governor

Terrence D. Mulcahy, P.E.  
Secretary

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The Honorable Senator Roger Breske  
Chairman, Senate Transportation Committee  
Room 18 South  
State Capitol  
Madison, Wisconsin 53707

May 23, 2001

The Honorable Representative Jeff Stone  
Chairman, Assembly Transportation Committee  
Room 306 North, State Capitol  
Madison, Wisconsin 53702

RE: Proposed Administrative Rule **TRANS 276**  
Notification of Legislative Standing Committees  
**CLEARINGHOUSE RULE 01-040**

Dear Senator Breske and Representative Stone:

In accordance with the Department of Transportation's efforts to keep you informed of its ongoing rule making actions, enclosed is a courtesy copy of Final Draft rule **Trans 276**, relating to **allowing the operation of double bottoms and certain other vehicles on certain specified highways**, which is being submitted to the Legislature for committee review.

Sincerely,

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

Julie A. Johnson  
Paralegal

JAJ/dim

Enclosure

cc: Ashwani Sharma

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**CR 01-040**

The Wisconsin Department of Transportation proposes an order to amend TRANS 276.07(10), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

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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 s. 227.19(3), Stats.

Submitted by:



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JOE MAASSEN

Deputy 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) 266-8810

**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(10), Wisconsin Administrative Code, to add one segment of highway to the designated highway system established under s. 348.07(4), Stats. The actual highway segment<sup>1</sup> that this proposed rule adds to the designated highway system is:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 48	STH 53 in Rice Lake	STH 40

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 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 or, if the semi-trailer has a tandem axle, to a point midway between the first and last axles

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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.

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.

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**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(10) is amended to read:

	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(10)	USH 45	IL Line S. of Bristol	CTH B in Eden
	USH 45	USH 41 N. of Oshkosh	STH 150 W. of Menasha
	USH 45	STH 76 at Greenville	MI Line at Land O'Lakes
	STH 46	STH 64 S. of Deer Park	USH 8 S. of Balsam Lake
	STH 47	USH 10 in Appleton	STH 29 in Shawano
	STH 47	USH 45 N. of Aniwa	USH 51 in Woodruff

STH 48 STH 70 in Grantsburg

STH 87 S. of Grantsburg

STH 48 STH 63 in Cumberland

USH 53 in Rice Lake

STH 40

STH 49 USH 41 E. of Brownsville

USH 10 at Weyauwega

**(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 22 day of  
May, 2001.



TERRENCE D. MULCAHY, P.E.

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 01-040

AN ORDER to amend Trans 276.07 (10), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by **DEPARTMENT OF TRANSPORTATION**

04-12-01 RECEIVED BY LEGISLATIVE COUNCIL.

05-01-01 REPORT SENT TO AGENCY.

RNS: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 01-040

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ANALYSIS OF FINAL DRAFT OF TRANS 276

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(a) **Need for Amended Rule.** Federal law requires the Department of Transportation to react within 90 days to requests for changes to the long truck route network. Wisconsin state law requires that the Department use the administrative rule process to deal with changes to the long truck route network. Chapter Trans 276 is an existing rule set up for long truck routes. The Department has received a request from Birchwood Lumber and Veneer Company, Birchwood, WI, to add the highway segment. This proposed rule amends Trans 276.07(10), Wisconsin Administrative Code, to add one segment of highway to the designated highway system established under s. 348.07(4), Stats. The actual highway segment that this proposed rule adds to the designated highway system is:

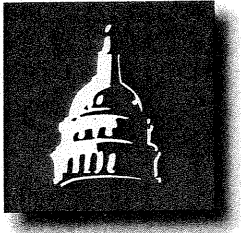
<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 48	STH 53 in Rice Lake	STH 40

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Madison on May 15, 2001. No modifications were made to the proposed rule as a result of testimony at the hearing.

(c) **List of Persons who Appeared or Registered at Public Hearing.** No one appeared at the hearing. A written comment was received from Representative Mary Hubler in favor of the rule.

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

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



## JEFF STONE

STATE REPRESENTATIVE  
82ND DISTRICT

July 17, 2001

Secretary Terrence D. Mulcahy  
Department of Transportation  
4802 Sheboygan Ave.  
Madison, WI  
INTER-D

RE: Clearinghouse Rule 01-040

*Relating to: allowing the operation of double bottoms and certain other vehicles on certain specified highways.*

Dear Secretary Mulcahy:

I wish to thank your agency for meeting with various members of the Assembly Transportation Committee to answer their questions about Clearinghouse Rule 01-040. At this time, I have no plans to schedule committee action on this rule.

Sincerely,

Jeff Stone  
Chairman  
Assembly Transportation Committee

JS/tr

cc: John Scocos, Assembly Chief Clerk  
Senator Roger Breske, Senate Committee on Insurance, Tourism & Transportation  
Dick Sweet, Legislative Council  
Members, Assembly Transportation Committee  
Ashwani Sharma, WisDOT  
Pete Rusch, WisDOT

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**HOME:**  
7424 W. FOREST HOME AVENUE  
GREENFIELD, WISCONSIN 53220  
(414) 321-7299

## Piliouras, Elizabeth

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**From:** Rongstad, Tami  
**Sent:** Tuesday, July 17, 2001 2:00 PM  
**To:** Piliouras, Elizabeth  
**Subject:** RE: CR01-040

One of our committee members had a question on the rule, so we scheduled a meeting with DOT for that reason. Plus the timing of the rule and the budget, once the committee member expressed an interest in meeting with the DOT, there wasn't really time to have a meeting within that 30 days.

The meeting was today. We are sending a letter to Secretary Mulcahy (& cc'ing your boss) indicating that Rep. Stone has no plans to schedule committee action on the rule. It doesn't end our review period any sooner, but then the DOT can be active while they wait for the review period to end. Our Leg. Council Attorney let us know that we *could*, by a vote of the committee, end the review period earlier, but if we were to do that, that exec session would take place on July 26<sup>th</sup> and our review period ends within a week of that. So there isn't much of a benefit to doing that.

We've had no contacts from ANYONE regarding this rule. Just committee members who wanted to ask a few questions. What became apparent during Q&A is that a member of the Assembly asked DOT to write the rule and as written, it would accommodate an employer of 200+. None of the Assembly Transportation Committee members has requested a hearing or exec session to date, so it appears we are cool with it.

Tami

-----Original Message-----

**From:** Piliouras, Elizabeth  
**Sent:** Tuesday, July 17, 2001 1:36 PM  
**To:** Rongstad, Tami  
**Subject:** CR01-040

*Tami -*

*Just wondering if there's a specific reason that Jeff is extending jurisdiction on the double bottoms rule... Roger hasn't been contacted by anyone requesting that we take action on the rule, so he's curious if you have been?*

*Thanks,  
Beth*

*Beth Piliouras*

Legislative Assistant/Committee Clerk  
Office of Senator Roger Breske, 12th District  
Room 18 South, Capitol Building  
608/266-2509  
elizabeth.piliouras@legis.state.wi.us