
CR 03-117

The Wisconsin Department of Transportation proposes an order to amend TRANS 276.07(13), 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:

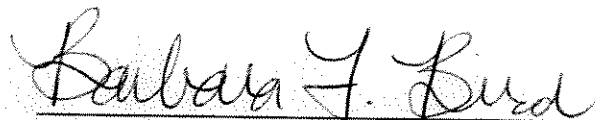
Part 1--Analysis prepared by the Department of Transportation.

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
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Office of General Counsel
Department of Transportation
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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(13), Wisconsin Administrative Code, to add two 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 60	USH 12 at Sauk City	USH 14 at Spring Green
STH 60	USH 18 at Bridgeport	USH 61 at Boscobel

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

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

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.

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(13) is amended to read:


	<u>Route</u>	<u>From</u>	<u>To</u>
Trans 276.07(13)	STH 60	STH 113 in Lodi	IH 43 E. of Grafton
	<u>STH 60</u>	<u>USH 12 at Sauk City</u>	<u>USH 14 at Spring Green</u>
	<u>STH 60</u>	<u>USH 18 at Bridgeport</u>	<u>USH 61 at Boscobel</u>
	USH 61	IA Line at Dubuque, IA	STH 129 S.E. of Lancaster
	USH 61	STH 129 N.E. of Lancaster	MN Line at LaCrosse
	USH 63	MN Line at Red Wing, MN	USH 2 W. of Ashland

STH 64 STH 65 in New Richmond USH 41 in Marinette

(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 14th day of January, 2004.


FRANK J. BUSALACCHI
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 03-117

AN ORDER to amend Trans 276.07 (8) and (13), relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by **DEPARTMENT OF TRANSPORTATION**

12-01-2003 RECEIVED BY LEGISLATIVE COUNCIL.

12-17-2003 REPORT SENT TO AGENCY.

RS:WF

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 03-117

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 has received a request to add three highway segments.

In determining to designate the two 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 segments:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 60	USH 12 at Sauk City	USH 14 at Spring Green
STH 60	USH 18 at Bridgeport	USH 61 at Boscobel

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Madison on January 5, 2004. No modifications were made to the proposed rule as a result of testimony at the hearing. However, the Department originally proposed to add three highway segments to the designated highway system. As a result of the Department's own investigation of the safety of operation of long trucks on the highways originally proposed, the Department has deleted the following highway segment from the list of highways which were proposed in the Notice of Hearing.

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 39	USH 151 at Mineral Point	USH 18 at Edmund

The Department's investigation showed the following summary findings:

"The Department's District 1 office recommends the removal of the proposed designation of STH 39 to the designated highway system. STH 39 at Mineral Point now intersects USH 151 at the new north interchange. STH 39 then goes south through Mineral Point along the old 151 route and then has a pretty sharp 90 degree turn. This route also goes through a residential district. 151/23 and 18 seem to be appropriate routes for this connection."

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

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

Written comments were accepted until close of business the day of the hearing. Written comments were received from the following:

Timothy J. De Bruin, Assistant Plant Manager, Scot Industries, Inc., 810 E. Nebraska Street, Muscoda, WI 53573—in favor of STH 60 from USH 18 at Bridgeport to USH 61 at Boscobel.

Benjamin L. McCullick, Christianson Feed Mill, 210 E. Front Street, Wauzeka, WI 53826—in favor of STH 60 from USH 18 at Bridgeport to USH 61 at Boscobel.

Dennis J. Pelock, Crawford County Highway Commissioner/Highway Department, 21515 STH 27, P. O. Box 39, Seneca, WI 54654—in favor of STH 60 from USH 18 at Bridgeport to USH 61 at Boscobel.

Gerald F. Krachey, President, Gerry Krachey, Inc., P. O. Box 208, Wauzeka, WI 53826—in favor of STH 60 from USH 18 at Bridgeport to USH 61 at Boscobel.

Donald E. Atkinson, D. A. Diggers Trucking & Excavating, Inc., 101 N. Timber Street, Wauzeka, WI 53826—in favor of STH 60 from USH 18 at Bridgeport to USH 61 at Boscobel.

Richard Hackl, Riverway Trucking & Hackl Construction, 301 W. Greentree Trail, Muscoda, WI 53573. Mr. Hackl has requested to extend the STH 60 segment from USH 61 at Boscobel to USH 61 at Gotham. As a result of the Department's own investigation, the Department is recommending against the designation of the requested highway segment. The Department's findings are as follows:

"The segment of STH 60 from USH 61 to USH 14 in it's current condition would not be a good route for a long truck route. The roadway is narrow and has many deficiencies.

The STH 60 corridor between CTH "W" to STH 80 has been programmed for an upgrade due to the deteriorated condition of the existing pavement, narrow substandard roadway width, and substandard vertical and horizontal curves. There are 39 vertical curves and 2 horizontal curves that are rated below 55 mph. This project is the next step in the ongoing improvements to the overall STH 60 corridor. Currently, STH 60 has been upgraded and improved to current standards from Prairie du Chien to the start of this project. Currently there are two projects planned on this section between USH 61 and STH 80. These two projects are currently scheduled in 2005 & 2007. Once these two projects are complete this section (61 to 80) would then be considered for a long truck route.

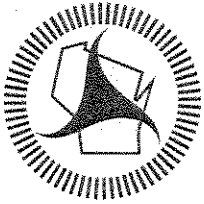
The segment between STH 80 and USH 14 is currently under study for a future improvement project. This section of STH 60 will be the most difficult to update due to physical constraints in this section. The roadway is benched into the side of the bluff

very close to the Wisconsin river. The current section is very narrow and in many places has no shoulder. It may be some time before we can work out all of the environmental issues needed to address this section.

Randy Schoeneberg, Richland County Highway Commissioner, 120 Bowen Circle, Richland Center, WI 53581—in opposition to the request to extend the STH 60 segment from USH 61 at Boscobel to USH 61 at Gotham. Mr. Schoeneberg's comments are as follows: "I feel, and I am sure the District would agree, that this section of STH 60 is not a good choice for these large trucks. This section of STH 60 is narrow and has many sharp curves. It also has very narrow shoulders in many areas. There are a large number of summer homes that border this stretch of highway. For these reasons, I feel that this highway would not be a good candidate for the large truck route."

(d) **Response to Legislative Council Recommendations.** The Legislative Council report contained no recommendations.

(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.



Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle
Governor

Frank J. Busalacchi
Secretary

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The Honorable Alan Lasee
President, Wisconsin State Senate
Room 220 South, State Capitol
Madison, Wisconsin 53707

January 14, 2004

The Honorable John Gard
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 276**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 03-117

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **03-117**, 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/Senator Joseph Leibham/Representative Glenn Grothman/
Ashwani Sharma

Lindstedt, Daniel

From: Lindstedt, Daniel
Sent: Tuesday, February 03, 2004 2:29 PM
To: Kedzie, Neal; Leibham, Joseph; Meyer, Mark; Sen.Breske; Sen.Breske; Sen.Kanavas; Sen.Kedzie; Sen.Leibham; Sen.Meyer
Cc: Boardman, Kristina; Lindstedt, Daniel; Meinholz, Susan; Natzke, Ryan; Phillips, Matt; Piliouras, Elizabeth; Prange, Katy; Shepherd, Jeremy; Smith, Heather; Lovell, David; Salm, Don
Subject: Senate Committee on Transportation and Information Infrastructure: Receipt of Rule 03-117

PLEASE OPEN THE ATTACHED WORD DOCUMENT TO REVIEW THE NOTICE FOR RECEIPT OF: CLEARINGHOUSE RULE 03-117 (CR 03-117).

HARD COPIES WILL NOT BE DISTRIBUTED.



CR 03-117 notice,
DKL, 01.16.0...

Daniel Lindstedt

*Clerk, Senate Committee on Transportation and
Information Infrastructure*

Office of State Senator Joe Leibham

State Capitol, Room 409 South
Madison, WI 53707-7882

(608) 266-2056 (o)

(608) 282-3549 (f)

www.legis.state.wi.us/senate/sen09/news/index.htm

MEMORANDUM

DATE: Monday, February 2, 2004

TO: Honorable Members of the Senate Committee on Transportation and Information Infrastructure

FROM: Senator Joe Leibham, Chair
Senate Committee on Transportation and Information Infrastructure

RE: Receipt of Clearinghouse Rule

The following Clearinghouse Rule has been referred to the Senate Committee on Transportation and Infrastructure:

Clearinghouse Rule 03-117 (CR 03-117) relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

THE DEADLINE FOR ACTION ON THIS RULE IS: Friday, February 16, 2004.

Attached is a copy of CR 03-117 in .pdf format. Hard copies are available from the Committee Clerk, upon request.



CR 03-117, DKL,
01.16.04.pdf