

CR 90-25

CERTIFICATE

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, RONALD R. FIEDLER, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to the issuing of permits for vehicles and loads exceeding the size and weight limitations of ch. 348, Wisconsin Statutes, was duly approved and adopted by this Department on October 30th, 1990.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 30th day of October, 1990.

*for* Donald H. Jorgensen, Deputy  
RONALD R. FIEDLER, P.E.  
Secretary

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NOV 1 1990  
*3:40 pm*  
Revisor of Statutes  
Bureau

*1-1-91*

A RULE to repeal ss. Hy 30.02 to 30.04 and Hy 30.10 to 30.21, amend s. Trans 251.05, repeal and recreate Trans 251.06, create chs. Trans 254 to 257 and 259 to 262 and repeal and recreate ch. Trans 269 and 275, Wisconsin Administrative Code, relating to the issuing of permits for vehicles and loads exceeding the size and weight limitations of ch. 348, Wisconsin Statutes.

## ORDER ADOPTING RULE

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Analysis Prepared by the Wisconsin Department of TransportationRevisor of Statutes  
Bureau

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

STATUTES INTERPRETED: ss. 348.25, 348.26, 348.27, 348.28, and 349.16, Stats.

General Summary of Rule. The purpose of this rule is to recodify and update portions of Chapter Hy 30. Portions of Ch. Hy 30 are repealed and Chs. Trans 254-257 and 259-262 are created in their place. When the recodification is complete, Ch. Hy 30 will be completely repealed, and replaced by Chs. Trans 250 to 275 referring to all types of permits for oversize and overweight vehicles or loads, as authorized by sections 348.25 to 348.27, stats.

The rule also repeals and recreates 2 chapters relating to oversize and overweight permits, Chs. Trans 269 and 275.

In part this rule is in response to written and oral requests from trucking industry associations, trucking companies, and recreational boaters for increased hours of operation, and for reduction of what they considered burdensome and unnecessary requirements. It also meets the department's desire to make the primary reference materials more clear and more readily accessible to permittees and enforcement personnel.

This rule also assists in the administration of recently enacted legislation. Finally, it incorporates provisions for safety equipment which promote uniformity with nationally accepted standards and with other states.

In summary the rule:

- (1) Repeals certain sections of Chapter Hy 30,
- (2) Amends Chapter Trans 251,
- (3) Creates 8 chapters including Trans 254, 255, 256, 257, 259, 260, 261 and 262,
- (4) Repeals and recreates Chapters Trans 269 and 275.

Substantive provisions in the rule are:

to 150,000 pounds. The length of vehicles which may receive permits in this manner is increased from 95 feet to 100 feet.

Insurance. The casualty insurance requirement is eliminated. For larger over-size/overweight vehicles, the required level of bodily injury and property damage liability insurance is raised from \$600,000 to \$1 million. For smaller over-size/overweight vehicles, the required level is raised from \$150,000 to \$750,000. This latter higher level is equal to that required of for-hire motor carriers carrying general commodities.

Insurance certification. The requirement that an applicant submit certification by an insurance company of evidence of liability insurance is replaced by a provision allowing the department to require such certification.

Escort requirements. Provisions describing when the department will require escort vehicles to accompany over-size/overweight vehicles are added.

Raw forest products, fruits and vegetables permit. Chapter Trans 259 is created to assist in the administration of the permit type recently enacted for the transport of overweight raw forest products, fruits and vegetables.

Recyclable scrap permit. Chapter Trans 269 is amended to include provisions of the permit type recently enacted for the transport of recyclable scrap.

Backhaul permit. Chapter Trans 262 is created to assist in the administration of the permit type recently enacted for the transport of legal size loads on over-size vehicles when the origin and destination are the same as for an over-size vehicle and load traveling under permit in the opposite direction.

Technical and editorial changes to promote improved clarity or specificity include:

- (1) Throughout, wording is changed to active voice and present tense, where appropriate.
- (2) Certain definitions are created or reworded.
- (3) The sections describing how application for permits and permit amendments may be made is reworded.
- (4) The provisions for suspending and revoking permits are clarified and made more specific.
- (5) The provisions describing how loads and vehicles must be loaded to minimize over-size are reworded.
- (6) The provisions describing the vehicle registration requirements of vehicles operating under permit are clarified.
- (7) The provisions describing the allowable overhangs on mobile homes are clarified.

Final Fiscal Estimate. The department estimates that there will be no direct fiscal impact from this rulemaking upon the state and anticipates no effect upon the fiscal liabilities or revenues of any county, city, village, town, school district, vocational, technical, and adult education school district, or sewerage district.

(2) Unless otherwise provided in the approved permit, the gross weight imposed on the highway by the wheels of any two consecutive axle-groups on a vehicle or combination of vehicles being operated under a transportation of garbage or refuse permit issued under s. 348.27(12), Stats., or under a transportation of scrap permit issued under s. 348.27(9r), Stats., may not exceed the sum of the weights authorized on the individual axle-groups under sub. (1).

(3) The overall gross weight imposed on the highway by all of the wheels on a vehicle or combination of vehicles being operated under a transportation of garbage or refuse permit issued under s. 348.27(12), Stats., or under a transportation of scrap permit issued under s. 348.27(9r), Stats., may not exceed the maximum gross weight shown on the face of the permit or the sum of the weights authorized on the individual axle-groups on the vehicle or combination of vehicles under sub. (1), whichever is less.

SECTION 4. Section Trans 251.06 is repealed and recreated to read:

Trans 251.06 VEHICLE WEIGHT AUTHORIZED BY TRANSPORTATION OF RAW FOREST AND AGRICULTURAL PRODUCTS PERMITS. (1) Unless otherwise provided in the approved permit, the gross weight imposed on the highway by any wheel, axle, or any group of 2 or more consecutive axles of a vehicle or combination of vehicles being operated under a transportation of raw forest and agricultural products permit issued under s. 348.27(9m), Stats., may not exceed the weights authorized in s. 348.15(3) by more than 12.5 percent.

(2) The overall gross weight imposed on the highway by all of the wheels on a vehicle or combination of vehicles being operated under a transportation of raw forest and agricultural products permit issued under s. 348.27(9m), Stats., may not exceed the maximum gross weight shown on the face of the permit or 90,000 pounds, whichever is less.

SECTION 5. Chapters Trans 254 to 257 are created to read:

(d) By authorized permit service.

(3) An application for a permit for the use of a highway maintained by a local authority shall be submitted to the applicable local authority in the manner prescribed by the local authority. An application for a permit for the use of a state trunk highway within the geographical boundaries of a local authority shall be submitted to the applicable local authority in the manner prescribed by the local authority.

**Note:** Permit application procedures are in s. Trans 250.025.

Trans 254.04 PERMIT AMENDMENTS. (1) An application for an amendment to a permit shall be made to the issuing authority which issued the original permit.

(2) An application for an amendment may be made in the same manner as an application for an original permit.

(3) The request shall specify the permit number of the permit to be amended.

(4) A request for an extension of a permit may be made any time until the third day after the expiration date of the permit.

(5) An issuing authority may grant only one extension to a permit.

(6) Except as provided in sub. (7), a permit issued for less than 2 weeks may be extended not more than 2 weeks.

(7) An issuing authority may extend a permit not more than 2 additional weeks where highway or other conditions remain unchanged, or as the issuing authority deems necessary.

**Note:** Limitations on the amendment of permits are in s. Trans 250.10.

Trans 254.05 ELIGIBILITY. (1) Any vehicle or vehicle and load to be considered as operating under a permit shall satisfy requirements for a permit under s. 348.25, Stats.

(2) An issuing authority may not issue a permit for mobile homes or camping trailers under this chapter.

(2) An issuing authority may suspend a permit, or any of its conditions, because of seasonal highway conditions.

**Note:** Examples of seasonal highway conditions include spring thaw, flooding and traffic congestion.

(3) No condition of a permit may modify any law or regulation limiting loads because of local conditions, including load limits on bridges and highways, seasonal weight restrictions, or load limits imposed because of construction.

(4) A permit is not valid during periods when adverse weather or road conditions, such as fog, smoke, heavy rain, snow or ice, or wind velocity, impair the safety of a movement under the permit.

(5) A permit may not be used in combination with a multiple trip permit to authorize the movement of an oversize or overweight vehicle, load, or vehicle and load.

(6) A permit is valid only on the route specified in the permit.

(7) A permit is valid only for the movement specified in the permit, which may include the return trip on the reverse route if requested and approved, and which includes the movement of the empty vehicle, whether or not oversize or overweight, to and from the place of pickup or delivery of the permitted load.

Trans 254.07 REGISTRATION REQUIREMENTS. (1) A vehicle operating under a permit shall be registered as required by Wisconsin Statutes, and shall be registered at not less than the permit weight or at the maximum available registration weight, whichever is less.

(2) All other operational permits required by the department, the office of the commissioner of transportation, or other agencies having jurisdiction shall be obtained.

Trans 254.08 DRIVER AND OPERATING REQUIREMENTS. (1) The driver of a vehicle operating under a permit shall carry the permit in the vehicle to which it applies and shall

fender of the transporting vehicle, unless the overhang is minimized by suitable positioning of the load upon the vehicle.

(5) Loads consisting of more than one article, none of which are oversize, may not be transported under the permit.

(6) Vehicles and loads which, when reasonably divided, would not be oversize or overweight, may not be transported under the permit.

(7) Loads which, when reasonably repositioned on the transporting vehicle would not be oversize or overweight, may not be transported under the permit.

(8) Loads consisting of more than one article, one or more of which are oversize, may be transported under a permit only if:

(a) The vehicle and load is not overweight, and

(b) The other articles transported do not cause the vehicle and load to be oversize in any manner differently from the largest single article.

**Note:** For example, if a storage tank which is overwidth and overheight (but not overlength) is the single largest article transported, then a toolbox which is not wider, and is not higher, and does not make the vehicle and load overlength or overweight may also be transported.

However, a beam placed crosswise which makes the overall width wider than the storage tank may not be transported as an additional article. Similarly, a beam placed lengthwise which makes the vehicle and load overlength may not be transported as an additional article.

Finally, if the vehicle and load were overweight, then no additional article may be transported.

(9) The load shall be properly secured and fastened to the transporting vehicle.

(10) Wheels on one side of a transporting vehicle may not carry more than 60% of the total gross load.

(2) WARNING LAMPS. When required by a permit, warning lamps shall be operated as follows:

(a) All amber flashing or revolving warning lamps shall have a reflector at least six inches in diameter and shall be bright enough to be clearly visible and attention-attracting at a distance of 500 feet under all conditions when the load is on the highway, except when visibility is obstructed by a hillcrest, a curve, or an object such as another vehicle.

(b) All warning lamps shall flash at a rate of 30 to 90 times per minute.

(c) Strobe lamps may be used in lieu of flashing or revolving lamps.

(d) Warning lamps may not be operated when a vehicle is not operating under the permit.

(3) FLAGS. (a) When a vehicle, load, or vehicle and load is overlength, a single flag shall be fastened at the extreme rear of the load if the overlength or projecting portion is 2 feet wide or less.

(b) When a vehicle, load, or vehicle and load is overlength, 2 flags shall be fastened at the rear of the load to indicate maximum width if the overlength or projecting portion is wider than 2 feet.

(c) When a vehicle, load, or vehicle and load is overwidth, a flag shall be fastened at each front and rear corner of the load. In addition, if any part of the load is more than 4 inches wider than the width of load or vehicle at the front or rear, a flag shall be placed at the widest point of the load.

(d) Each flag shall be solid red or orange in color, and not less than 18 inches square.

(e) In order to wave freely, flags shall be securely fastened by at least one corner or securely mounted on a staff.



(c) Between 4:00 p.m. and 11:00 p.m. on any holiday, or, when Independence Day falls on Sunday, on the following Monday.

(d) Between 4:00 p.m. and 11:00 p.m. on the day before any holiday, except that this restriction does not apply to Independence Day when it falls on a Sunday.

(3) In addition to the conditions provided in sub. (2), no oversize vehicle or vehicle combination operating under a permit that exceeds 12 feet in width, 13 1/2 feet in height, or 100 feet in length, may operate:

(a) During the hours of darkness.

(b) During the period beginning at 12:00 noon on the day preceding and continuing until sunrise on the day following every Sunday and holiday.

(4) In addition to the conditions provided in sub. (2) and sub. (3), no oversize vehicle or vehicle combination may operate on any part of the Milwaukee county expressway system constructed pursuant to s. 59.965, Stats., except on U.S. highway 45 between West Florist Avenue and West Hampton Avenue and on interstate highway 94 between the Waukesha county line and 108th Street:

(a) Between 6:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 6:00 p.m. on Monday through Thursday.

(b) Between 6:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 11:00 p.m. on Friday and Sunday.

(5) An issuing authority may issue a permit for times other than those specified in subs. (1), (2), (3), or (4), under extraordinary circumstances when, in the opinion of the issuing authority, public health and welfare is better served, and may impose additional conditions to promote the safe operation of the vehicle and load.

under a permit shall have the amended permit in his or her possession prior to the movement of the load.

Trans 254.14 INSURANCE AND LIABILITY CONDITIONS. (1) In applying for and accepting a permit, a permittee agrees to:

(a) Pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.

(b) Hold the state, its subdivisions, officers, employees and agents harmless from any claim which may arise from operation over public highways under the permit.

(2) Whether or not insurance, bond, or deposit as set forth in subsection (7) is required, the permittee shall be liable for all damages which any highway or its appurtenances may sustain by reason of any operation under the permit.

(3) An issuing authority may waive insurance requirements for permits issued to government.

(4) Where a certificate of insurance is required, no insurer may cancel the certificate of insurance without providing the issuing authority 10 days advance written notice of the cancellation.

(5) An issuing authority may require a permittee to provide more bodily injury and property damage liability coverage than is set forth in sub. (6).

(6) The following insurance amounts are required:

(a) When the permitted load does not exceed 12 feet in width, 13 1/2 feet in height, or 100 feet in length and is not overweight by more than 25 percent:

Bodily injury liability-each person.....	\$150,000	or \$750,000
Bodily injury liability-each accident.....	\$450,000	combined single
Property damage liability-each accident.....	\$300,000	limit

Trans 254.16 SPECIAL CONDITIONS. (1) When a load is transported under a permit, the permittee may be required by an issuing authority to provide a traffic officer or flagperson to direct traffic, 2 escorts, or police escort.

(2) All loads 16 feet wide or wider shall have 2 properly equipped escorts.

Trans 254.17 DENIAL, SUSPENSION OR REVOCATION OF PERMIT. (1) An issuing authority may deny, suspend, or revoke a permit for good cause, pursuant to s. 348.25(7), Stats. Grounds for the denial, suspension, or revocation of a permit include:

(a) Violation of any condition of a permit.

(b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.

(d) Making a material misstatement in an application for a permit.

(e) Unauthorized alteration of a permit.

(f) Refusal or failure, without just cause, to produce required records.

(g) Payment of an application fee with a worthless check.

(h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked permit to the issuing authority, after receiving notice from the issuing authority of the suspension or revocation of the permit.

**Note:** If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

(3) The request shall specify the permit number of the permit to be amended.

**Note:** Limitations on the amendment of permits are in s. Trans. 250.10.

Trans 255.05 ELIGIBILITY. (1) Any vehicle or vehicle and load to be considered as operating under a permit shall satisfy requirements for a permit under s. 348.25, Stats.

(2) An issuing authority may not issue a permit for mobile homes or camping trailers under this chapter.

(3) An issuing authority may not issue a permit to transport loads or articles which could reasonably be divided in a manner as to allow transporting of loads or articles in 2 or more loads that are not oversize or overweight, nor may the permit be issued for the transporting of more than one article if the vehicle, load, or vehicle and load is overweight.

**Note:** This section prohibits, among other things, the addition of an extra boom section to a load that is transported under a permit for an overweight vehicle, load, or vehicle and load. Transporting necessary blocking for a load, or transporting the necessary blocking on an otherwise empty vehicle to and from the origin or destination of the load, is not prohibited.

(4) An issuing authority may not issue a permit for a vehicle and load exceeding 100 feet in overall length when the rear supporting axle is at or near the rear of the load unless the rear support is separately steered.

(5) An issuing authority may issue a permit only for a vehicle equipped with pneumatic tires.

(6) The issuance of a permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

(7) A permit may not authorize the operation of more than 2 vehicles in combination except that a vehicle combination consisting of a truck-tractor and semi-trailer, operating under a permit, may transport a 2-axle carry-all scraper with the axle of the scraper power unit resting

(2) The driver of a vehicle operating under a permit shall, whenever reasonable and practicable, maintain a distance of not less than 1,000 feet between the permitted vehicle and any vehicle the driver is following, unless actually engaged in overtaking and passing another vehicle.

(3) The driver of a vehicle operating under a permit shall allow traffic approaching or overtaking the permitted vehicle to pass, where it is safe to do so.

(4) The maximum speed of any vehicle with a load 16 feet or wider operating on highways without paved shoulders shall be 35 miles per hour.

(5) Except as provided in sub. (4), or unless a lower speed is specified in the permit, a vehicle operating under a permit may be operated at the posted speed limit.

(6) The right wheels of the towed unit may not leave the roadway, except to allow traffic to pass.

**Note:** A "roadway" does not include paved or unpaved shoulders. s. 340.01(54), Stats.

Trans 255.09 MAXIMUM SIZE, WEIGHT AND LOADING LIMITATIONS. (1) The maximum size, axle, axle combination, and total weight limitations authorized by a permit may not be exceeded.

(2) Property transported under a permit shall be loaded to minimize its size and weight.

(3) An oversize vehicle used for transporting loads under a permit shall be reduced to legal size whenever possible when being operated without load.

**Note:** Legal sizes are set forth in ch. 348 and s. 349.16, Stats.

(4) A load transported under a permit may not extend beyond the front of the power unit, beyond the left fender line of the transporting vehicle, or more than six inches beyond the right fender of the transporting vehicle, unless the overhang is minimized by suitable positioning of the load upon the vehicle.

1. At the outermost extremity of the foremost edge of the projecting load, an amber lamp visible from the front and side.

2. At the outermost extremity at the rearmost edge of the projecting load, a red lamp visible from the rear and side.

3. Any portion of an overwidth load extending beyond the width of the foremost or rearmost edge of the vehicle or load shall be marked with an amber lamp visible from the front, both sides, and rear.

4. If the overwidth portion of a load measures 3 feet or less from front to rear, that portion shall be marked with an amber lamp visible from the front, both sides and rear, except that if the overwidth projection is located at or near the rear it shall be marked by a red lamp visible from front, side and rear.

(b) For a vehicle with a load which extends more than 4 feet beyond the rear of the vehicle:

1. On each side of the projecting load, one red lamp, visible from the side, located so as to indicate maximum overhang.

2. On the rear of the projecting load, 2 red lamps, visible from the rear, one at each side; and 2 red reflectors visible from the rear, one at each side, located so as to indicate maximum width.

(c) All required lamps shall be illuminated whenever a vehicle is operated during hours of darkness. All lamps shall be visible at a distance of 500 feet.

(2) WARNING LAMPS. When required by a permit, warning lamps shall be operated as follows:

(a) All amber flashing or revolving warning lamps shall have a reflector at least six inches in diameter and shall be bright enough to be clearly visible and attention-attracting at a distance

(c) The sign message may not be displayed when the vehicle is not operating under the permit.

(5) HAZARD MARKERS. (a) When required by the conditions of a permit, black and white or black and yellow diagonally striped reflectorized hazard markers, not less than 12 inches wide by 36 inches high, shall be fastened to, or in front of and behind the load, so as to be fully visible to traffic approaching from both the front and rear of the vehicle.

(b) All hazard markers shall be located at right angles to the centerline of the vehicle so as to indicate the widest part of the load on each side of the vehicle.

Trans 255.11 TIMES OF OPERATION. (1) Except as otherwise specified in a permit, a vehicle, load, or vehicle and load that is overweight, but not oversize, may operate 24 hours a day, including weekends and holidays.

(2) Except as otherwise specified in a permit, no oversize vehicle or vehicle combination operating under a permit that is equal to or less than 12 feet in width, 13 1/2 feet in height, and 100 feet in length may operate:

(a) Between 4:00 p.m. and 11:00 p.m. on Sunday.

(b) Between 4:00 p.m. and 11:00 p.m. on Friday between the 4th Friday in May and Labor Day.

(c) Between 4:00 p.m. and 11:00 p.m. on any holiday, or, when Independence Day falls on Sunday, on the following Monday.

(d) Between 4:00 p.m. and 11:00 p.m. on the day before any holiday, except that this restriction does not apply to Independence Day when it falls on a Sunday.

(3) In addition to the conditions provided in sub. (2), no oversize vehicle or vehicle combination operating under a permit that exceeds 12 feet in width, 13 1/2 feet in height, or 100 feet in length, may operate:

Florist Avenue and West Hampton Avenue and on interstate highway 94 between the Waukesha county line and 108th Street.

(3) Self-propelled carry-all scrapers operating under a permit may not be operated on the interstate highway system, the Milwaukee county expressway system, or on U.S. highway 41 from Green Bay to Milwaukee.

(4) An oversize or overweight vehicle may not be operated on a highway, whether loaded or empty, at any time that the permit is not valid.

(5) A permit authorizes the use of any of the highways of the state, subject to the limitations stated in the permit.

(6) A permit is not valid for the operation of any vehicle upon class "B" highways, as classified in accordance with s. 348.16, Stats., with gross weights exceeding those permitted by statute on class "B" highways unless written permission has first been obtained from the officer in charge of the maintenance of the highway.

Trans 255.13 TRANSFERS. In the event of a breakdown or other circumstance requiring a change of the power unit identified on the permit, transfers to another vehicle, under the control of the permittee, may be made following the completion of a new application and the issuance of a new permit. The words, "This is a transfer from permit # \_\_\_\_\_," shall be written on the bottom of the application. The original permit shall be sent to the issuing authority with the transfer application.

Trans 255.14 INSURANCE AND LIABILITY CONDITIONS. (1) In applying for and accepting a permit, a permittee agrees to:

(a) Pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.



operating on the public highway, unless this requirement is expressly waived by the issuing authority.

Trans 255.15 GENERAL CONDITIONS AND REQUIREMENTS. (1) A permittee shall comply with all applicable statutes, ordinances, rules and policies of any state agency or subdivision of the state, unless they are modified by the conditions of the permit.

(2) When a vehicle operating under a permit is overheight, the permittee shall give prior notice to the owners of overhead wires, cables, or other facilities which may be affected.

(3) A properly equipped escort vehicle as described in ch. Trans 252, shall accompany a vehicle and load:

(a) When any part of a vehicle or load extends beyond the left of the roadway centerline on 2-way roadways,

(b) When any part of a vehicle or load, extends beyond the left edge of the right hand lane on highways with more than 2 lanes, or

(c) On a highway designated in the permit.

(4) A vehicle and load that does not require an escort vehicle may, when safe, move to the left of the centerline or beyond the left lane line while crossing a bridge or railroad crossing, but only after yielding to all other traffic.

Trans 255.16 DENIAL, SUSPENSION OR REVOCATION OF PERMIT. (1) An issuing authority may deny, suspend, or revoke a permit for good cause, pursuant to s. 348.25(7), Stats. Grounds for the denial, suspension, or revocation of a permit include:

(a) Violation of any condition of a permit.

(b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.

## CHAPTER TRANS 256

### SINGLE TRIP TRAILER-TRAIN PERMITS

Trans 256.01 PURPOSE. The purpose of this chapter is to establish standards and procedures for the issuance of single trip trailer-train permits, pursuant to s. 348.26 (3), Stats.

Trans 256.02 DEFINITIONS. (1) Unless otherwise stated, the definitions of words and phrases in ss. 340.01 and 348.01(2), Stats., and s. Trans 250.02 apply to this chapter.

(2) As used in this chapter:

(a) "Issuing authority" means the department of transportation, or the officer in charge of maintenance of local highways.

**Note:** The officer in charge of maintenance of local highways varies from jurisdiction to jurisdiction and may include the county highway commissioner; the city, town or village engineer; and the head of a city, town, or village transportation or public works department, or other person.

(b) "Permit" means single trip trailer-train permits authorized under s. 348.26 (3), Stats.

Trans 256.03 PERMIT APPLICATION. (1) An application for a permit shall be submitted to an issuing authority on a form approved by the department, and in accordance with s. 348.26, Stats.

(2) An application for a permit for the use of a state trunk highway shall be made to the department in any of the following ways:

(a) In person, at the department's central or district offices.

(b) By mail, addressed to the department's central office.

(c) By the telephone call-in procedure, described in ch. Trans 275.

(d) By authorized permit service.

(3) An issuing authority may not issue a permit for wagons used in connection with seasonal agricultural industries.

(4) A permit may not authorize the operation of more than 3 vehicles in combination.

(5) An issuing authority may issue a permit only for a vehicle equipped with pneumatic tires.

(6) The issuance of a permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

Trans 256.06 VALIDITY. (1) A permit is valid only for the route specified in the permit, which may include the return trip on the reverse route if requested and approved, and which includes the movement of the empty vehicle, whether or not oversize or overweight, to and from the place of pickup or delivery of the permitted load.

(2) A permit is valid only for the vehicle described in the application and permit.

(3) A permit is valid only on the route specified in the permit.

(4) An issuing authority may suspend a permit, or any of its conditions, because of seasonal highway conditions.

**Note: Examples of seasonal highway conditions include spring thaw, flooding, and traffic congestion.**

(5) No condition of a permit may modify any law or regulation limiting loads because of local conditions, including load limits on bridges and highways, seasonal weight restrictions, or load limits imposed because of construction.

(6) A permit is not valid during periods when adverse weather or road conditions, such as fog, smoke, heavy rain, snow or ice, or wind velocity, impair the safety of a movement under the permit.

(2) The total length of trailer-trains consisting of truck-tractors, tractors, trailers, or semi-trailers operating under the terms of a permit, and the number of vehicles in the trailer-train authorized by the issuing authority may not be exceeded.

(3) The overall length of the train of vehicles may not exceed 100 feet.

(4) No vehicle in a trailer-train may be overweight or overwidth.

Trans 256.10 FLAG REQUIREMENTS. (1) When a vehicle, load, or vehicle and load is overlength, 2 flags shall be fastened at the rear corners of the vehicle.

(2) Each flag shall be solid red or orange in color, and not less than 18 inches square.

(3) In order to wave freely, flags shall be securely fastened by at least one corner or securely mounted on a staff.

Trans 256.11 TIMES OF OPERATION. (1) Except as otherwise specified in a permit, no vehicle or vehicle combination operating under a permit may operate:

(a) Between 4:00 p.m. and 11:00 p.m. on Sunday.

(b) Between 4:00 p.m. and 11:00 p.m. on Friday between the 4th Friday in May and Labor Day.

(c) Between 4:00 p.m. and 11:00 p.m. on any holiday, or, when Independence Day falls on Sunday, on the following Monday.

(d) Between 4:00 p.m. and 11:00 p.m. on the day before any holiday, except that this restriction does not apply to Independence Day when it falls on a Sunday.

(2) An issuing authority may issue a permit for times other than those specified in sub. (1), under extraordinary circumstances when, in the opinion of the issuing authority, public health and welfare is better served, and may impose additional conditions necessary to promote the safe operation of the vehicle and load.

(3) An issuing authority may waive insurance requirements for permits issued to government.

(4) Where a certificate of insurance is required, no insurer may cancel the certificate of insurance without providing the issuing authority 10 days advance written notice of the cancellation.

(5) An issuing authority may require a permittee to provide more bodily injury and property damage liability coverage than is set forth in sub. (6).

(6) The following insurance amounts are required:

Bodily injury liability-each person.....	\$150,000	or \$750,000
Bodily injury liability-each accident.....	\$450,000	combined single
Property damage liability-each accident.....	\$300,000	limit

(7) A permittee shall certify, and may be required to present satisfactory written evidence, that the amount of insurance coverage given in sub. (6), or a bond in a form satisfactory to the issuing authority, will be in effect for the vehicle and load designated in the permit while operating on a public highway, unless this requirement is expressly waived by the issuing authority.

Trans 256.15 GENERAL CONDITIONS AND REQUIREMENTS. A permittee shall comply with all applicable statutes, ordinances, rules and policies of any state agency or subdivision of the state, unless they are modified by the conditions of the permit.

Trans 256.16 DENIAL, SUSPENSION OR REVOCATION OF PERMIT. (1) An issuing authority may deny, suspend, or revoke a permit for good cause, pursuant to s. 348.25(7), Stats. Grounds for the denial, suspension, or revocation of a permit include:

(a) Violation of any condition of a permit.

## CHAPTER TRANS 257

### POLE AND PIPE TRANSPORTATION PERMITS

Trans 257.01 PURPOSE. The purpose of this chapter is to establish standards and procedures for the issuance of pole and pipe transportation permits, pursuant to s. 348.27(5), Stats.

Trans 257.02 DEFINITIONS. (1) Unless otherwise stated, the definitions of words and phrases in ss. 340.01 and 348.01(2), Stats., and s. Trans 250.02 apply to this chapter.

(2) As used in this chapter:

(a) "Issuing authority" means the department of transportation.

(b) "Permit" means pole and pipe transportation permits authorized under s. 348.27(5), Stats.

Trans 257.03 PERMIT APPLICATION. (1) An application for a permit shall be submitted to an issuing authority on a form approved by the department, and in accordance with s. 348.27, Stats.

(2) An application for a permit for the use of a state trunk highway shall be made to the department in any of the following ways:

(a) In person, at the department's central or district offices.

(b) By mail, addressed to the department's central office.

**Note:** Permit application procedures are in s. Trans 250.025.

Trans 257.04 ELIGIBILITY. (1) Any vehicle or vehicle and load to be considered as operating under a permit shall satisfy the requirements for a permit under s. 348.25, Stats.

(2) An issuing authority may issue a permit only to:

(a) Public service corporations.

(b) Pipeline companies or operators.

Trans 257.07 DRIVER AND OPERATING REQUIREMENTS. (1) The driver of a vehicle operating under a permit shall carry the permit in the vehicle to which it applies and shall have the permit available for inspection by any police officer, representative of the issuing authority, or person in charge of the maintenance of the highway being used.

(2) The driver of a vehicle operating under a permit shall, whenever reasonable and practicable, maintain a distance of not less than 1,000 feet between the vehicle with the permit and any vehicle the driver is following, unless actually engaged in overtaking and passing another vehicle.

(3) The driver of a vehicle operating under a permit shall allow traffic approaching or overtaking the permitted vehicle to pass, where it is safe to do so.

(4) Unless a lower speed is specified in the permit, a vehicle operating under a permit may be operated at the posted speed limit.

(5) The right wheels of the towed unit may not leave the roadway, except to allow traffic to pass.

**Note:** A "roadway" does not include paved or unpaved shoulders. s. 340.01(54), Stats.

Trans 257.08 MAXIMUM SIZE AND LOADING LIMITATIONS. (1) The maximum size limitations authorized by a permit may not be exceeded.

(2) Property transported under a permit shall be loaded to minimize its size and weight.

(3) An oversize vehicle used for transporting loads under a permit shall be reduced to legal size whenever possible when being operated without load.

**Note:** Legal sizes are set forth in ch. 348 and s. 349.16, Stats.

(4) A load transported under a permit may not extend beyond the front of the power unit, beyond the left fender line of the transporting vehicle, or more than six inches beyond the right

Trans 257.09 EQUIPMENT REQUIREMENTS. (1) LIGHTING. An overlength vehicle or load, operating during the hours of darkness, which extends more than 4 feet beyond the rear of the vehicle shall be equipped with the following additional lamps.

(a) On each side of the projecting load, one red lamp, visible from the side, located so as to indicate maximum overhang.

(b) On the rear of the projecting load, 2 red lamps, visible from the rear, one at each side; and 2 red reflectors visible from the rear, one at each side, located so as to indicate maximum width.

(c) All required lamps shall be illuminated whenever the vehicle is operated during hours of darkness. All lamps shall be visible at a distance of 500 feet.

(2) FLAGS. (a) When a vehicle, load, or vehicle and load is overlength, a single flag shall be fastened at the extreme rear of the load if the overlength or projecting portion is 2 feet wide or less.

(b) When a vehicle, load, or vehicle and load is overlength, 2 flags shall be fastened at the rear of the load to indicate maximum width if the overlength or projecting portion is wider than 2 feet.

(c) Each flag shall be solid red or orange in color, and not less than 18 inches square.

(d) In order to wave freely, flags shall be securely fastened by at least one corner or securely mounted on a staff.

Trans 257.10 TIMES OF OPERATION. Except as otherwise specified in a permit, a vehicle or vehicle combination operating under a permit may operate 24 hours a day, including weekends and holidays.



(f) Refusal or failure, without just cause, to produce required records.

(g) Payment of an application fee with a worthless check.

(h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked permit to the issuing authority after receiving notice from the issuing authority of the suspension or revocation of the permit.

**Note:** If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

(a) In person, at the department's central or district offices.

(b) By mail, addressed to the department's central office.

**Note:** Permit application procedures are in s. Trans 250.025.

Trans 259.04 ELIGIBILITY. (1) Any vehicle or vehicle and load to be considered as operating under a permit shall satisfy the requirements for a permit under s. 348.25, Stats.

(2) An issuing authority may issue a permit only for an overweight vehicle or an overweight vehicle combination.

(3) A permit may be issued for the transportation of raw forest products only from the land on which they are cut but not from another location where they are further altered by any manufacturing process. Operation under a permit may include movement from a location where raw forest products are stored but not processed.

(4) A permit may be issued for the transportation of fruits or vegetables from the field to storage or processing facilities.

(5) An issuing authority may issue a permit only for a vehicle equipped with pneumatic tires.

(6) A permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

Trans 259.05 VALIDITY. (1) A permit is valid only for the vehicle described in the application and permit.

(2) No condition of a permit may modify any law or regulation limiting loads because of local conditions, including load limits on bridges and highways, seasonal weight restrictions, or load limits imposed because of construction.

(3) An issuing authority may suspend a permit, any of its conditions, due to seasonal highway conditions.

Trans 259.08 MAXIMUM SIZE, WEIGHT AND LOADING LIMITATIONS. (1) The maximum axle, axle combination, and total weight limitations authorized by a permit may not be exceeded.

(2) Wheels on one side of the transporting vehicle may not carry more than 60% of the total gross load.

Trans 259.09 TIMES OF OPERATION. Except as otherwise specified in a permit, a vehicle, load, or vehicle and load that is overweight may operate 24 hours a day, including weekends and holidays.

Trans 259.10 ROUTE LIMITATIONS. A permit is valid on all public highways in the state which are not posted for weight limits, except that a permit is not valid on the national system of interstate and defense highways.

Trans 259.11 TRANSFERS. In the event of a breakdown or other circumstance requiring a change of the power unit identified on the permit, transfers to another vehicle, under the control of the permittee, may be made following the completion of a new application and the issuance of a new permit. The words, "This is a transfer from permit #\_\_\_," shall be written on the bottom of the application. The original permit shall be sent to the issuing authority with the transfer application.

Trans 259.12 INSURANCE AND LIABILITY CONDITIONS. (1) In applying for and accepting a permit, a permittee agrees to:

(a) Pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.

(b) Hold the state, its subdivisions, officers, employees and agents harmless from any claim which may arise from operation over public highways under the permit.

(a) Violation of any condition of a permit.

(b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.

(d) Making a material misstatement in an application for a permit.

(e) Unauthorized alteration of a permit.

(f) Refusal or failure, without just cause, to produce required records.

(g) Payment of an application fee with a worthless check.

(h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked permit to the issuing authority, after receiving notice from the issuing authority of the suspension or revocation of the permit.

**Note:** If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

(2) An application for an amendment may be made in the same manner as an application for an original permit.

(3) The request shall specify the permit number of the permit to be amended.

(4) A request for an extension of a permit may be made any time until the 3rd day after the expiration date of the permit.

(5) An issuing authority may grant only one extension to a permit.

(6) Except as provided in sub. (7), a permit issued for less than 2 weeks may be extended not more than 2 weeks.

(7) An issuing authority may extend a permit not more than 2 additional weeks where highway or other conditions remain unchanged, or as the issuing authority deems necessary.

**Note: Limitations on the amendment of permits are in s. Trans 250.10.**

Trans 260.05 ELIGIBILITY. (1) Any vehicle or vehicle and load to be considered as operating under a permit shall satisfy the requirements for a permit under s. 348.25, Stats.

(2) A permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

(3) A permit may not authorize the operation of more than 2 vehicles in combination.

Trans 260.06 VALIDITY. (1) A permit is valid only for the route specified in the permit, which may include the return trip on the reverse route if requested and approved, and which includes the movement of the empty vehicle, whether or not oversize or overweight, to and from the place of pickup or delivery of the permitted load.

(2) A permit may not be used in combination with a multiple trip permit to authorize the movement of an oversize load.

(3) A permit is valid only for the vehicle described in the application and permit.

(3) The driver of a vehicle operating under a permit shall allow traffic approaching or overtaking the permitted vehicle to pass, where it is safe to do so.

(4) Unless a lower speed is specified in the permit, a vehicle operating under a permit may be operated at the posted speed limit.

Trans 260.09 MAXIMUM SIZE AND LOADING LIMITATIONS. (1) A mobile home or modular building section may extend beyond the front, the left and right sides, and the rear of the undercarriage, if the overhang is minimized.

(2) Wheels on one side of a transporting vehicle may not carry more than 60% of the total gross load.

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

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

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

(6) A permit issued for a towed unit having an outside-to-outside dimension of the walls not exceeding 14 feet plus roof overhang of not more than 6 inches on each side of the towed

(b) For a vehicle with a load which extends more than 4 feet beyond the rear of the vehicle:

1. On each side of the projecting load, one red lamp, visible from the side, located so as to indicate maximum overhang.

2. On the rear of the projecting load, 2 red lamps, visible from the rear, one at each side; and 2 red reflectors visible from the rear, one at each side, located so as to indicate maximum width.

(c) All required lamps shall be illuminated whenever a vehicle is operated during hours of darkness. All lamps shall be visible at a distance of 500 feet.

(2) WARNING LAMPS. When required by a permit, warning lamps shall be operated as follows:

(a) All mobile homes and modular building sections over 12 feet in width shall have an operating amber flashing or revolving warning lamp a minimum of 8 feet above the roadway at the rear of the towed unit near its center point, visible 500 feet to the rear, or 2 such operating amber flashing or revolving warning lamps, at the left and right rear extremities of the towed unit located a minimum of 8 feet above the roadway and visible 500 feet to the rear.

(b) All amber flashing or revolving warning lamps shall have a reflector at least six inches in diameter and shall be bright enough to be clearly visible and attention-attracting at a distance of 500 feet under all conditions when the load is on the highway, except when visibility is obstructed by a hillcrest, a curve, or an object such as another vehicle.

(c) All power units, when transporting a mobile home or modular building section over 8 1/2 feet in width shall have 2 amber flashing or revolving warning lamps mounted above the cab. Flashers shall be mounted at least 8 feet above the roadway and shall be visible to the

(c) The sign message may not be displayed when the vehicle is not operating under the permit.

(5) TRUCK WEIGHT AND TIRES. Unless otherwise specified in a permit:

(a) A vehicle towing a mobile home or modular building section more than 8 1/2 feet in width but less than 12 feet in width shall be a truck of not less than 16,000 pounds manufacturer's gross vehicle weight rating. The power unit shall be equipped with dual wheels on the drive axle and the minimum size of the tires shall be 10 ply 8.25 x 20, or equivalent.

(b) A vehicle towing a mobile home or modular building section 12 feet in width, but not more than 16 feet in width, shall be a truck of not less than 19,200 pounds manufacturers' gross vehicle weight rating. The power unit shall be equipped with dual wheels on the drive axle and the minimum size of the tires shall be 10 ply 8.25 x 20, or equivalent.

(6) MUDGUARDS. Mobile home and modular building sections and the power unit operating under a permit shall be equipped with rear fenders or mudguards of such material and constructed and placed as to restrict to a minimum the splashing of water, mud, stones, and other material which may be thrown up by the rear wheels. If mudguards are provided, they shall be at least as wide as the tire and shall cover the tire or multiple tires they are guarding starting at the top from a line drawn vertically through the center of the axle and extending rearward and downward so that the fender or mudguard under any condition of operation or loading of the vehicle has a ground clearance of not more than 1/3 of the horizontal distance from the center of the rearmost axle to the fender or mudguard.

Trans 260.11 TIMES OF OPERATION. (1) Except as otherwise specified in a permit, no vehicle, or vehicle combination operating under a permit that is equal to or less than 12 feet in width, 13 1/2 feet in height, and 100 feet in length, may operate:

(a) Between 4:00 p.m. and 11:00 p.m. on Sunday.



public health and welfare is better served, and may impose additional conditions to promote the safe operation of the vehicle and load.

Trans 260.12 ROUTE LIMITATIONS. (1) A permit is valid only on the route specified in the permit.

(2) No permit allowing the dimensions of a vehicle or load to exceed 11 feet in width, 13 1/2 feet in height or 100 feet in length is valid on any part of the Milwaukee county expressway system constructed pursuant to s. 59.965, Stats., except on U.S. highway 45 between West Florist Avenue and West Hampton Avenue and on interstate highway 94 between the Waukesha county line and 108th Street.

(3) A permit issued by an issuing authority authorizes the use of any of the highways of the state, subject to the limitations stated in permit.

(4) An oversize vehicle may not be operated on a highway, whether loaded or empty, at any time that the permit is not valid.

Trans 260.13 POWER UNIT CHANGE. In the event of a breakdown or unavailability of the power unit listed on the application and permit, another power unit may be substituted, provided that the make and vehicle identification number, or license number and state, of the substitute power unit are written on the permit. The issuing authority shall be advised by telephone prior to operating the substitute power unit with the oversize load. Changes in the terms of the permit other than the identification of the power unit require a written request and a written amendment to the permit authorizing the change. The driver of a vehicle operating under a permit shall have the amended permit in his or her possession prior to the movement of the load.

Trans 260.14 INSURANCE AND LIABILITY CONDITIONS. (1) In applying for and accepting a permit, permittee agrees to:

issuing authority, will be in effect for the vehicle and load designated in the permit while operating on the public highway, unless this requirement is expressly waived by the issuing authority.

Trans 260.15 GENERAL CONDITIONS AND REQUIREMENTS. (1) A permittee shall comply with all applicable statutes, ordinances, rules and policies of any state agency or subdivision of the state, unless they are modified by the conditions of the permit.

(2) When a vehicle operating under a permit is overheight, the permittee shall give prior notice to the owners of overhead wires, cables or other facilities which may be affected.

(3) A properly equipped escort vehicle as described in ch. Trans 252 shall accompany a vehicle and load:

(a) When any part of a vehicle or load extends beyond the left of the roadway centerline on 2-way roadways,

(b) When any part of a vehicle or load extends beyond the left edge of the right hand lane on highways with more than 2 lanes, or

(c) On a highway designated in a permit.

(4) A vehicle and load that does not require an escort vehicle may, when safe, move to the left of the centerline or beyond the left lane line while crossing a bridge or railroad crossing, but only after yielding to all other traffic.

Trans 260.16 SINGLE TRIP 16 FOOT WIDE MOBILE HOME AND MODULAR BUILDING SECTIONS. (1) On routes other than on state trunk highways, a permit for a 16 foot wide mobile home or modular building section may be issued only upon presentation of written approval from the authority maintaining the highway, or oral approval in the form of a telephone call from the authority maintaining the highway to the department.

(c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.

(d) Making a material misstatement in an application for a permit.

(e) Unauthorized alteration of a permit.

(f) Refusal or failure, without just cause, to produce required records.

(g) Payment of an application fee with a worthless check.

(h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked permit to the issuing authority after receiving notice from the issuing authority of the suspension or revocation of the permit.

**Note:** If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

(3) The request shall specify the permit number of the permit to be amended.

**Note:** Limitations on the amendment of permits are in s. Trans 251.10.

Trans 261.05 ELIGIBILITY. (1) Any vehicle or vehicle and load to be considered as operating under a permit shall satisfy the requirements for a permit under s. 348.25, Stats.

(2) A permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

(3) A permit may not authorize the operation of more than 2 vehicles in combination.

(4) A permit for a power unit used to transport an oversize mobile home may be issued only to mobile home transportation companies, licensed mobile home manufacturers and licensed dealers over highways in the ordinary course of their business.

Trans 261.06 VALIDITY. (1) A permit is valid only for the vehicle described in the application and permit.

(2) An issuing authority may suspend a permit, or any of its conditions, because of seasonal highway conditions.

**Note:** Examples of seasonal highway conditions include spring thaw, flooding, and traffic congestion.

(3) No condition of a permit may modify any law or regulation limiting loads because of local conditions, including load limits on bridges and highways, seasonal weight restrictions, or load limits imposed because of construction.

(4) A permit is not valid during periods when adverse weather or road conditions, such as fog, smoke, heavy rain, snow or ice, or wind velocity, impair the safety of a movement under the permit.

(5) Operation under a permit includes the movement of an empty vehicle to and from the place of pickup or delivery of the permitted load.

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

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

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

(6) A permit issued for a towed unit having an outside-to-outside dimension of the walls not exceeding 14 feet plus roof overhang of not more than 6 inches on each side of the towed unit, are subject to the permit conditions applying to 14 foot wide mobile homes and modular building sections.

(7) The total overall width, the total wall-to-wall width, and the total wall-to-wall and roof overhang dimensions shall be given in the application for a permit.

(8) Vehicles and loads which, when reasonably divided, would not be oversize or overweight, may not be transported under the permit.

(9) Loads which, when reasonably repositioned on the transporting vehicle, would not be oversize or overweight, may not be transported under the permit.

Trans 261.10 EQUIPMENT REQUIREMENTS. (1) LIGHTING. An oversize vehicle, or a vehicle with an oversize load operating during the hours of darkness, shall be equipped with the following additional lamps:

(a) All mobile homes and modular building sections over 12 feet in width shall have an operating amber flashing or revolving warning lamp a minimum of 8 feet above the roadway at the rear of the towed unit near its center point, visible 500 feet to the rear, or 2 such operating amber flashing or revolving warning lamps, at the left and right rear extremities of the towed unit located a minimum of 8 feet above the roadway and visible 500 feet to the rear.

(b) All amber flashing or revolving warning lamps shall have a reflector at least six inches in diameter and shall be bright enough to be clearly visible and attention-attracting at a distance of 500 feet under all conditions when the load is on the highway, except when visibility is obstructed by a hillcrest, a curve, or an object such as another vehicle.

(c) All power units, when transporting a mobile home or modular building section over 8 1/2 feet in width shall have 2 amber flashing or revolving warning lamps mounted above the cab. Flashers shall be mounted at least 8 feet above the roadway and shall be visible to the front. When 2 lamps are provided, they shall be mounted at the same level, shall be separated laterally as much as possible, and shall flash simultaneously.

(d) All warning lamps shall flash at a rate of 30 to 90 times per minute.

(e) Strobe lamps may be used in lieu of flashing or revolving lamps.

(f) Warning lamps may not be operated when a vehicle is not operating under the permit.

(3) FLAGS. (a) When a vehicle, load, or vehicle and load is overlength, a single flag shall be fastened at the extreme rear of the load if the overlength or projecting portion is 2 feet wide or less.

(b) When a vehicle, load, or vehicle and load is overlength, 2 flags shall be fastened at the rear of the load to indicate maximum width if the overlength or projecting portion is wider than 2 feet.

(6) MUDGUARDS. Mobile home and modular building sections and the power unit operating a permit shall be equipped with rear fenders or mudguards of such material and constructed and placed as to restrict to a minimum the splashing of water, mud, stones, and other material which may be thrown up by the rear wheels. If mudguards are provided, they shall be at least as wide as the tire and shall cover the tire or multiple tires they are guarding starting at the top from a line drawn vertically through the center of the axle and extending rearward and downward so that the fender or mudguard under any condition of operation or loading of the vehicle has a ground clearance of not more than 1/3 of the horizontal distance from the center of the rearmost axle to the fender or mudguard.

Trans 261.11 TIMES OF OPERATION. (1) Except as otherwise specified in a permit, no vehicle or vehicle combination operating under a permit that is equal to or less than 12 feet in width, 13 1/2 feet in height, and 100 feet in length, may operate:

(a) Between 4:00 p.m. and 11:00 p.m. on Sunday.

(b) Between 4:00 p.m. and 11:00 p.m. on Friday between the 4th Friday in May and Labor Day.

(c) Between 4:00 p.m. and 11:00 p.m. on any holiday, or, when Independence Day falls on Sunday, on the following Monday.

(d) Between 4:00 p.m. and 11:00 p.m. on the day before any holiday, except that this restriction does not apply to Independence Day when it falls on a Sunday.

(2) In addition to the conditions provided in sub. (1), no vehicle or vehicle combination operating under a permit that exceeds 12 feet in width, 13 1/2 feet in height, or 100 feet in length, may operate:

(a) During the hours of darkness.

Trans 261.13 TRANSFERS. In the event of a breakdown or other circumstance requiring a change of the power unit stated on the permit, transfers to another vehicle, under the control of the permittee, may be made following the completion of a new application and the issuance of a new permit. The words, "This is a transfer from permit #\_\_\_," shall be written on the bottom of the application. The original permit shall be sent to the issuing authority with the transfer application.

Trans 261.14 INSURANCE AND LIABILITY CONDITIONS. (1) In applying for and accepting a permit, a permittee agrees to:

(a) Pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.

(b) Hold the state, its subdivisions, officers, employees and agents harmless from any claim which may arise from operation over public highways under the permit.

(2) Whether or not insurance, bond, or deposit as set forth in sub. (7) is required, the permittee shall be liable for all damages which any highway or its appurtenances may sustain by reason of any operation under the permit.

(3) An issuing authority may waive insurance requirements for permits issued to government.

(4) Where a certificate of insurance is required, no insurer may cancel the certificate of insurance without providing the issuing authority 10 days advance written notice of the cancellation.

(5) An issuing authority may require a permittee to provide more bodily injury damage liability coverage than is set forth in sub. (6).

(6) The following insurance amounts are required:



(4) A vehicle and load that does not require an escort vehicle may, when safe, move to the left of the centerline or beyond the left lane line while crossing a bridge or railroad crossing, but only after yielding to all other traffic.

Trans 261.16 DENIAL, SUSPENSION OR REVOCATION OF PERMIT. (1) An issuing authority may deny, suspend, or revoke a permit for good cause, pursuant to s. 348.25(7), Stats. Grounds for the denial, suspension, or revocation of a permit include:

(a) Violation of any condition of a permit.

(b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.

(d) Making a material misstatement in an application for a permit.

(e) Unauthorized alteration of a permit.

(f) Refusal or failure, without just cause, to produce required records.

(g) Payment of an application fee with a worthless check.

(h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked permit to the issuing authority after receiving notice from the issuing authority of the suspension or revocation of the permit.

**Note:** If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

oversize permit for the transportation of an oversize load in the direction opposite to the backhaul permit and actually transports an oversize load in that direction.

**Note:** Legal sizes are set forth in ch. 348 and s. 349.16, Stats.

**Note:** As an example, if an overwide crawler tractor is transported under permit between a storage area and a job site, then a backhaul permit may be issued for the transportation of an industrial air compressor in the opposite direction.

The overwide crawler must actually be transported. The 2 trips must be part of the same round trip by the permitted vehicle. The transportation of the air compressor may be in either direction, but must be in the direction opposite to that of the movement of the crawler. The transportation of the air compressor may precede or follow in time the transportation of the crawler tractor.

(2) A permit may not authorize the operation of more than 2 vehicles in combination.

(3) An issuing authority may issue a permit only for a vehicle equipped with pneumatic tires.

(4) A permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

Trans 262.05 VALIDITY. (1) A permit is valid only for the vehicle described in the application and permit.

(2) A permit is valid only on the route specified in the permit.

(3) An issuing authority may suspend a permit, or any of its conditions, because of seasonal highway conditions.

**Note:** Examples of seasonal highway conditions include spring thaw, flooding, and traffic congestion.

(4) No condition of a permit may modify any law or regulation limiting loads because of local conditions, including load limits on bridges and highways, seasonal weight restrictions, or load limits imposed because of construction.

(5) Unless a lower speed is specified in the permit, a vehicle operating under a permit may be operated at the posted speed limit.

(6) The right wheels of the towed unit may not leave the roadway, except to allow traffic to pass.

Note: A "roadway" does not include paved or unpaved shoulders. s. 340.01(54), Stats.

Trans 262.08 MAXIMUM SIZE, WEIGHT AND LOADING LIMITATIONS. (1) A load transported under a permit may not be overweight.

(2) A load transported under a permit may not be oversize.

Trans 262.09 EQUIPMENT REQUIREMENTS. (1) FLAGS. (a) When a vehicle or trailer is overlength, a single flag shall be fastened at each of the rear corners of the trailer.

(b) When a vehicle or trailer is overwidth, a flag shall be fastened at the left and right extremities of both the front and rear of the vehicle or trailer, whichever is wider.

(c) Each flag shall be solid red or orange in color, and not less than 18 inches square.

(d) In order to wave freely, flags shall be securely fastened by at least one corner or securely mounted on a staff.

(2) SIGNS. (a) When a vehicle or trailer is more than 10 feet wide or is overlength, 2 warning signs shall be displayed. One sign shall be fastened at the front of the power unit and the other at either the rear of the towed unit or at the rear of the load.

(b) Each sign shall state, in black letters on a yellow background, "OVERSIZE LOAD," and may not be less than 7 feet long and 18 inches high. The letters of the sign may not be less than 10 inches high with a brush stroke of not less than 1.4 inches.

(c) The sign message may not be displayed when the vehicle is not operating under the permit.

(b) Between 6:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 11:00 p.m. on Friday and Sunday.

(4) An issuing authority may issue a permit for times other than those specified in subs. (1), (2), or (3), under extraordinary circumstances when, in the opinion of the issuing authority, public health and welfare is better served, and may impose additional conditions to promote the safe operation of the vehicle and load.

Trans 262.11 POWER UNIT CHANGE. In the event of a breakdown or unavailability of the power unit listed on the application and permit, another power unit may be substituted, provided that the make and vehicle identification number, or license number and state, of the substitute power unit are written on the permit. The issuing authority shall be advised by telephone prior to operating the substitute power unit with the permitted load. Changes in the terms of the permit other than the identification of the power unit require a written request and a written amendment to the permit authorizing the change. The driver of a vehicle operating under a permit shall have the amended permit in his or her possession prior to the movement of the load.

Trans 262.12 INSURANCE AND LIABILITY CONDITIONS. (1) In applying for and accepting a permit, a permittee agrees to:

(a) Pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.

(b) Hold the state, its subdivisions, officers, employees and agents harmless from any claim which may arise from operation over public highways under the permit.

(2) Whether or not insurance, bond, or deposit as set forth in sub. (7) is required, the permittee shall be liable for all damages which any highway or its appurtenances may sustain by reason of any operation under the permit.

- (a) Violation of any condition of a permit.
  - (b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.
  - (c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.
  - (d) Making a material misstatement in an application for a permit.
  - (e) Unauthorized alteration of a permit.
  - (f) Refusal or failure, without just cause, to produce required records.
  - (g) Payment of an application fee with a worthless check.
  - (h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.
- (2) A permittee shall immediately return a suspended or revoked permit to the issuing authority, after receiving notice from the issuing authority of the suspension or revocation of the permit.

**Note:** If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

(f) "Self-compactor equipped vehicle" means a vehicle that is:

1. Specifically designed, constructed and used for the pick-up, transportation, and disposal of garbage, refuse or both; and

2. Equipped and used with:

a. A blade, plate, or other device that mechanically compacts the load.

b. A separate garbage or refuse container that is designed, constructed, and used with an integral or separate blade, plate, or other device that mechanically compacts the load.

Trans 269.03 PERMIT APPLICATION. (1) An application for a permit shall be submitted to an issuing authority on a form approved by the department, and in accordance with s. 348.27, Stats.

(2) An application for a permit for the use of a state trunk highway shall be made to the department in any of the following ways:

(a) In person, at the department's central or district offices.

(b) By mail, addressed to the department's central office.

**Note:** Permit application procedures are in s. Trans 250.025.

Trans 269.04 PERMIT AMENDMENTS. (1) An application for an amendment to a permit shall be made to the issuing authority which issued the original permit.

(2) An application for an amendment may be made in the same manner as an application for an original permit.

(3) The request shall specify the permit number of the permit to be amended.

**Note:** Limitations on the amendment of permits are in s. Trans 250.10.

Trans 269.05 ELIGIBILITY. (1) Any vehicle or vehicle and load to be considered as operating under a permit shall satisfy the requirements for a permit under s. 348.25, Stats.

(4) No condition of a permit may modify or supersede any action by a town under s. 60.54, Stats., to designate town highways as appropriate for the transportation of solid waste, or to prohibit the use of other town highways for that purpose.

(5) A permit issued for an overlength vehicle is not valid during periods when adverse weather or road conditions, such as fog, smoke, heavy rain, snow or ice, or wind velocity, impair the safety of a movement under the permit.

(6) Operation under a permit includes the movement of an empty vehicle to and from the place of pickup or delivery of the permitted load.

Trans 269.07 REGISTRATION REQUIREMENTS. (1) A vehicle operating under a permit shall be registered as required by Wisconsin statutes, and shall be registered at not less than the permit weight or at the maximum available registration weight, whichever is less.

(2) All other operational permits required by the department, the office of the commissioner of transportation, or other agencies having jurisdiction shall be obtained.

Trans 269.08 DRIVER AND OPERATING REQUIREMENTS. (1) The driver of a vehicle operating under a permit shall carry the approved permit in the vehicle to which it applies and shall have the permit available for inspection by any police officer, representative of the issuing authority, or person in charge of the maintenance of the highway being operated.

(2) The driver of a vehicle operating under a permit shall, whenever reasonable and practicable, maintain a distance of not less than 1,000 feet between the vehicle with the permit and any vehicle the driver is following, unless actually engaged in overtaking and passing another vehicle.

(3) The driver of a vehicle operating under a permit shall allow traffic approaching or overtaking the permitted vehicle to pass, where it is safe to do so.

Trans 269.11 ROUTE LIMITATIONS. (1) A permit issued by the department authorizes the use of any of the highways of the state, subject to the limitations stated in the permit.

(2) A permit is not valid on any part of the national system of interstate and defense highways in Wisconsin.

Trans 269.12 TRANSFERS. In the event of a breakdown or other circumstance requiring a change of the power unit identified on the permit, transfers to another vehicle, under the control of the permittee, may be made following the completion of a new application and the issuance of a new permit. The words, "This is a transfer from permit #\_\_\_," shall be written on the bottom of the application. The original permit shall be sent to the issuing authority with the transfer application.

Trans 269.13 INSURANCE AND LIABILITY CONDITIONS. (1) In applying for and accepting a permit, the permittee agrees to:

(a) Pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.

(b) Hold the state, its subdivisions, officers, employees and agents harmless from any claim which may arise from operation over public highways under the permit.

(2) Whether or not insurance, bond, or deposit as set forth in sub. (7) is required, the permittee shall be liable for all damages which any highway or its appurtenances may sustain by reason of any operation under the permit.

(3) An issuing authority may waive insurance requirements for permits issued to government.



(c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.

(d) Making a material misstatement in an application for a permit.

(e) Unauthorized alteration of a permit.

(f) Refusal or failure, without just cause, to produce required records.

(g) Payment of an application fee with a worthless check.

(h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked permit to the issuing authority, after receiving notice from the issuing authority of the suspension or revocation of the permit.

**Note:** If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25(9), Stats.

permits issued by the department by telephone to the applicant. The amount of the bond shall be not less than twice the total fees which the applicant estimates may be incurred in any calendar month. The form of the bond and the surety shall be in a form approved by the department.

(2) Any bond filed with the department under this section shall contain a clause stating that the bonding company shall notify the department at least 30 days prior to the effective date of any suspension, revocation or cancellation of a bond. No suspension, revocation or cancellation of a bond under this section is effective until 30 days after the date it is received by the department.

(3) Any bond filings, notices of suspension, revocation or cancellation of bonds and any correspondence relating to bonds shall be submitted to the department of transportation, motor carrier permit unit, p.o. box 7980, Madison, Wisconsin 53707-7980.

(4) In lieu of a bond, an applicant may deposit a sum of money not less than twice the total fees which the applicant estimates may be incurred in any calendar month. The deposit may be in the form of cash, certified check, cashiers check, corporate check or personal check. The invoice and payment provisions of ss. Trans 275.08 and 275.09 apply to an applicant utilizing this subsection. A deposit made under this subsection shall be returned to the applicant upon the applicant's request, less any unpaid invoices. An applicant's authority to use the telephone procedure shall be immediately terminated upon the department's receipt of a request for the return of the deposit.

**Note:** The department does not have a standard form for this bond. Standard forms normally used by bonding companies should be used.

Trans 275.05 AUTHORIZATION CODE. (1) An applicant shall select an authorization code consisting of any combination of letters or numerals, or both, and shall consist of any 5

(3) Furnish the applicant with a supply of approved forms to be used when a permit is issued by telephone.

Trans 275.08 INVOICES. The department shall mail monthly invoices to each applicant issued a permit during the preceding billing period. All invoices shall include the permit number of each permit issued, the caller code, if any, of the person who requested the permit, the fee for each permit, and the total amount payable to the department.

Trans 275.09 PAYMENT OF INVOICES. An applicant shall pay each invoice within 21 days of its receipt.

Trans 275.10 LIMITATIONS ON APPLYING FOR PERMITS. (1) Applications by telephone for single trip permits may be received by the department between 7:45 a.m. and 3:30 p.m. Monday through Friday except on New Year's Day, Dr. Martin Luther King Jr.'s Day, Good Friday afternoon, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve Day, Christmas Day, and New Year's Eve Day. When any of these holidays fall on Sunday and is celebrated on the following Monday, permit applications may not be received on the day celebrated as the holiday.

(2) Approved applicants may apply for single trip permits by telephone provided the overall size and weight of the loaded vehicle or vehicles do not exceed:

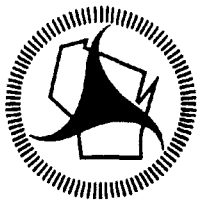
- (a) Length of 100 feet for a combination of vehicles.
- (b) Length of 80 feet for a trailer, semi-trailer, mobile home, or modular building section.
- (c) Length of 50 feet for a single motor vehicle, except 60 feet for a mobile crane.
- (d) Width of 14 feet.
- (e) Height of 15 feet.
- (f) Gross weight of 150,000 pounds.

Trans 275.12 PERMIT RETRANSMITTAL. An applicant may retransmit an approved permit by telephone provided that the person to whom it is retransmitted copies it on the form provided under s. Trans 275.07(3), or may transmit the permit by facsimile.

Trans 275.13 PERMIT TO BE CARRIED. A copy of the permit, on the form provided under s. Trans 275.07(3), shall be carried in the vehicle to which it applies whenever it is operated under the permit.

Trans 275.14 DENIAL, SUSPENSION OR REVOCATION OF PERMIT. (1) The department may deny, suspend, or revoke approval to use the telephone procedure, pursuant to s. 348.25(7), Stats. Grounds for the denial, suspension, or revocation of approval to use the telephone procedure include:

- (a) Violation of any condition of a permit.
- (b) Preventing an employee of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.
- (c) Physically assaulting an employee of an issuing authority or a law enforcement officer while performing his or her official duties.
- (d) Making a material misstatement in an application for a permit.
- (e) Unauthorized alteration of a permit.
- (f) Refusal or failure, without just cause, to produce required records.
- (g) Payment of an application fee with a worthless check.
- (h) Cancellation, suspension, revocation, or expiration of a bond.
- (i) Violation of any other applicable provision under ch. 348, Stats., or this chapter.



## Wisconsin Department of Transportation

Tommy G. Thompson  
Governor

Ronald R. Fiedler, PE  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

October 30, 1990

Mr. Gary Poulson  
Assistant Revisor of Statutes  
119 Martin Luther King, Jr. Blvd.  
2nd Floor  
Madison, Wisconsin 53703

RECEIVED

NOV 1 1990

Revisor of Statutes  
Bureau

RE: **CLEARINGHOUSE RULE 90-25**

In the Matter of the Adoption of **TRANS 250-275**, Wisconsin Administrative Code, relating to the issuing of permits for vehicles and loads exceeding the size and weight limitations of ch. 348, Wisconsin Statutes

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 90-25**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

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

Julie A. Johnson  
Paralegal

Enclosures

cc: Tom Walker  
Linda Thelke  
Sandy Beaupre  
Marv Schaeffer  
Harry Price