

CR 89-155

**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 permits for transporting garbage or refuse in a vehicle equipped with a self-compactor and in excess of the statutory weight limitations on Interstate Highway 90 to Interstate Highway 894, was duly approved and adopted by this Department on **December 12, 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 12th day of **December, 1990**.

*for* Donald W. Janssen, Deputy  
RONALD R. FIEDLER, P.E.  
Secretary

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2-1-91

Clearinghouse Rule 89-155

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IN THE MATTER OF a rule to amend  
s. Trans. 269.11 (2) and to create  
s 269.11 (2a), Wisconsin Administrative  
Code, relating to permits for  
transporting garbage or refuse in a  
vehicle equipped with a self-compactor  
and in excess of the statutory weight  
limitations on Interstate Highway 43  
from Interstate Highway 90 to  
Interstate Highway 894.

ORDER ADOPTING RULE

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Analysis Prepared by the Department of Transportation

STATUTORY AUTHORITY: SS. 85.16 (1) and 348.25 (3), Stats.

STATUTES INTERPRETED: S. 348.27 (12), Stats.

General Summary of Rule. This rule interprets s. 348.27, Stats. and creates a limited-term exemption from the general provision of s. Trans 269.07 (2), Wis. Admin. Code, that overweight garbage and refuse permits are not valid on the national system of interstate and defense highways.

Section 348.27 (12), Wis. Stats., authorizes the Department to issue annual or consecutive month permits for the transportation of garbage or refuse in a self-compactor equipped vehicle which exceeds the statutory weight limitations of s. 348.15, Stats. The Department is authorized to issue such permits for the state.

However, 23 USC 127, prohibits apportionment of any federal highway funds under the Federal Aid Highway Act of 1956 to any state which allows vehicles in excess of certain maximum weights to use the national system of interstate and defense highways. The maximum gross weights allowed on the national system are: 20,000 pounds carried on one axle, a tandem axle weight of 34,000 pounds and overall gross weight of 80,000 pounds. The maximum allowed weights for a group of two or more consecutive axles is governed by a formula, the so called "bridge" formula:

$$W = 500 (LN/(N-1) + 12N + 36)$$

where W equals overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles and N equals the number of axles in the group. Notwithstanding the formula, two consecutive groups of tandem axles may carry a gross load of 34,000 pounds provided the overall distance between the first and last axles of the sets of tandems is 36 feet or more, or 30 feet or

more in the case of a motor vehicle hauling a tank trailer, dump trailer or ocean transport container before September 1, 1989. The maximum federal weight limits are essentially identical to the weight limits for Wisconsin highways under s. 348.15 (3) (b), (c) and (d), Stats.

To prevent violation of federally imposed maximum weight limits on the interstate and national defense highways in Wisconsin, s. Trans 269.11 (2), Wis. Admin. Code, as affected by Clearinghouse Rule 90-25, provides that overweight permits issued for the transportation of garbage or refuse are not valid on the national system of interstate and defense highways. This limitation is in accord with s. 84.015 (1), Stats., to insure receipt of federal highway aids that have been, or may be, allotted to the state.

On June 29, 1989, the Wisconsin Department of Transportation requested a grace period to allow issuance of overweight garbage and refuse permits valid for use on IH 43. This highway was formerly STH 15. Overweight garbage and refuse permits issued for use of the highway became invalid when the highway became an interstate highway on January 8, 1988. The permitted overweight garbage truck traffic has therefore found alternate routes on parallel state and local highways, including County Trunk Highways "L" and "ES" through the Village of East Troy and the City of Muskego.

By letter dated August 29, 1989, the Division Administrator of the Federal Highway Administration, Region 5, Wisconsin Division, granted a temporary grace period to allow the overweight garbage and refuse permits to be used on IH 43, between IH 90 at Beloit and IH 894 near Milwaukee, until September 30, 1994. After that date, FHWA has stated that full compliance with the applicable federal weight statutes will be necessary. This rule-making implements the grace period granted by FHWA.

Final Regulatory Flexibility Analysis. This rule has no adverse impact on small business.

Final Fiscal Estimate. The state fiscal effect anticipated from the promulgation of this rule will be minimal. The Department will incur modest costs associated with record-keeping and reporting annually to FHWA the number of overweight garbage or refuse permits issued by the Department for use on interstate or national defense highways. There may be a small favorable fiscal effect on the liabilities for a county, city, village or town responsible for maintenance of the routes now being used by the overweight vehicles. The amount of road repair and maintenance saved by local governments as a direct result of allowing the overweight vehicles to instead operate on IH 43 for approximately 5 years is unknown to the Department. However, the average of 100 daily trips over 260 work days per year was estimated to cause a 50 percent deterioration of the useful life of the highways.

Contact Person. The person to contact for further information on this rule is Harry Price, State Traffic Engineer, telephone (608) 266-2375, and for legal questions, Joe Maassen, telephone (608) 266-8810. Free copies of this rule are available from the Wisconsin Department of Transportation, Office of General Counsel, P.O. Box 7910, 4802 Sheboygan Avenue, Room 115-B, Madison, Wisconsin, 53707-7910, telephone (608) 266-8810, upon request.

TEXT OF RULE

Under the authority vested in the Wisconsin department of transportation by ss. 85.16 (1) and 348.25 (3), Stats., the department of transportation hereby amends s. Trans 269.11 (2) and creates s. Trans 269.11 (2a), Wisconsin Administrative Code, implementing s. 348.27 (12), Stats., as follows:

SECTION 1. Trans 269.11 (2), as affected by clearinghouse rule 90-25, is amended to read:

Trans 269.11 (2) ~~A~~ Except as provided in sub. (2a), a permit is not valid on any part of the national system of interstate and defense highways in Wisconsin.

SECTION 2. Trans 269.11 (2a) is created to read:

Trans 269.11 (2a) Notwithstanding sub. (2), permits issued by the department for the transportation of garbage or refuse authorize the use of interstate highway 43 between its interchange with interstate highway 90 in Rock county and its interchange with interstate highway 894 and U.S. highway 45 in Milwaukee county. No permit issued under this chapter authorizes use of any portion of interstate highway 43 after September 30, 1994.

NOTE: A special grace period for overweight garbage and refuse permits on a portion of interstate highway 43 was authorized by the federal highway administration on August 29, 1989. The grace period expires September 30, 1994. After that date, full compliance with federal weight limitations is required.

(END OF RULE TEXT)

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Effective Date: This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in S. 227.22 (2) (intro), Stats.

Signed at Madison, Wisconsin, this 12th day of December, 1990.

*Ronald R. Fiedler, Deputy*

*for* Ronald R. Fiedler, P.E.  
Secretary

WISCONSIN DEPARTMENT OF TRANSPORTATION

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## 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

December 12, 1990

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

RE: **CLEARINGHOUSE RULE 89-155**

In the Matter of the Adoption of **TRANS 269**, Wisconsin Administrative Code, Relating to Permits for Transporting Garbage or Refuse in a Vehicle Equipped With a Self-Compactor and in Excess of the Statutory Weight Limitations on Interstate Highway 90 to Interstate Highway 894.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 89-155**, 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 "Donna Yanda".

Donna Yanda

Enclosures

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