



2005 SENATE BILL 178

April 20, 2005 - Introduced by Senators KEDZIE, KAPANKE, BRESKE, STEPP, A. LASEE, GROTHMAN and REYNOLDS, cosponsored by Representatives PETROWSKI, SHERMAN, AINSWORTH, ALBERS, BIES, BOYLE, GUNDERSON, HINES, KRAWCZYK, F. LASEE, MONTGOMERY, NERISON, PETTIS, SHERIDAN, VAN ROY, GRONEMUS, TOWNSEND, MUSSER and TOWNS. Referred to Committee on Natural Resources and Transportation.

1 **AN ACT to amend** 348.07 (2) (g), 348.07 (4) and 348.07 (5); and **to create** 348.07
2 (2) (fs), 348.07 (2) (gv) and 348.07 (4m) of the statutes; **relating to:** allowing the
3 operation of certain 2-vehicle combinations on certain highways without a
4 permit, extending the time limit for emergency rule procedures, providing an
5 exemption from emergency rule procedures and from rule-making procedures,
6 and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, no person may operate on a highway any single vehicle with an overall length in excess of 40 feet or any combination of two vehicles with an overall length in excess of 65 feet, unless the person has a permit to exceed these lengths. One exception allows a semitrailer or trailer up to 48 feet in overall length to be operated, without a permit, as part of a two-vehicle combination on any highway. Another exception allows a semitrailer up to 53 feet in overall length and having a kingpin-to-axle length not exceeding 43 feet to be operated, without a permit, as part of a two-vehicle combination on certain highways designated by the Department of Transportation (DOT). An exception also allows a tractor-semitrailer combination to be operated on designated highways without limitation on length. Another exception allows specified vehicles to operate on highways not designated by DOT for a distance of five miles or less in order to access a highway designated by DOT or to reach certain services or destinations.

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This bill creates exceptions that allow a tractor-semitrailer combination up to 75 feet in overall length, and a semitrailer up to 53 feet in overall length and having a kingpin-to-axle length not exceeding 43 feet that is operated as part of a two-vehicle combination, to be operated, without a permit, on all state trunk highways (including interstate highways) except those that have been identified by DOT by rule as not suitable to accommodate such vehicle lengths. The bill does not affect existing law relating to permissible length of these tractor-semitrailer combinations and semitrailers operated on highways presently designated by DOT. The bill also increases, from 5 miles to 15 miles, the distance that specified vehicles may operate on highways not designated by DOT in order to access a highway designated by DOT or to reach certain services or destinations.

The bill requires DOT, within approximately two months, to submit proposed rules to administer the provisions of the bill to the Legislative Council Staff and to promulgate emergency rules to administer the provisions of the bill until the proposed rules submitted to the Legislative Council Staff become final. The bill delays the applicability of all other provisions for approximately two months.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 348.07 (2) (fs) of the statutes is created to read:

2 348.07 (2) (fs) 75 feet for a tractor-semitrailer combination that is operated on
3 any part of the state trunk highway system, except as provided in par. (f) or sub. (4m).

4 **SECTION 2.** 348.07 (2) (g) of the statutes is amended to read:

5 348.07 (2) (g) 48 feet for a semitrailer or trailer operated as part of a 2-vehicle
6 combination, except as provided in par. (gr) or (gv).

7 **SECTION 3.** 348.07 (2) (gv) of the statutes is created to read:

8 348.07 (2) (gv) 53 feet for a semitrailer whose length from kingpin to axle does
9 not exceed 43 feet and which is operated as part of a 2-vehicle combination on any
10 part of the state trunk highway system, except as provided in par. (gr) or sub. (4m).

11 **SECTION 4.** 348.07 (4) of the statutes is amended to read:

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1 348.07 (4) The secretary shall, by rule, designate the highways to which sub.
2 (2) (f), (fm), (~~gm~~) and (gr) and s. 348.08 (1) (e) and (~~h~~) apply. The designation of
3 highways under this subsection may not be inconsistent with the designation of
4 highways made by the U.S. secretary of transportation under P.L. 97-424, section
5 411. The secretary may also designate additional highways by rule. In adopting a
6 rule designating other highways, which may include 2-lane highways, the secretary
7 shall specify the factors which resulted in the determination to designate the
8 highways. These factors shall include, but are not limited to, safety, economics,
9 energy savings, industry productivity and competition. Vehicles to which sub. (2) (f),
10 (fm), (~~gm~~) and (gr) and s. 348.08 (1) (e) and (~~h~~) apply may also operate on
11 ~~undesignated~~ highways not designated under this subsection for a distance of ~~5~~ 15
12 miles or less in order to obtain access to a ~~designated~~ highway designated under this
13 subsection or to reach fuel, food, maintenance, repair, rest, staging, terminal or
14 vehicle assembly facilities or points of loading or unloading. The secretary may, by
15 rule, designate an access route of more than ~~5~~ 15 miles from a ~~designated~~ highway
16 designated under this subsection when the longer route provides safer and better
17 access to a location which is within the ~~5-mile~~ 15-mile limit. Household goods
18 carriers may operate between highways designated in under this subsection and
19 points of loading and unloading.

20 **SECTION 5.** 348.07 (4m) of the statutes is created to read:

21 348.07 (4m) The secretary shall, by rule, designate those parts of the state
22 trunk highway system to which sub. (2) (fs) and (gv) do not apply. For each part of
23 the state trunk highway system designated under this subsection, the secretary
24 shall specify the factors that resulted in the determination to designate the part as
25 not suitable to accommodate vehicle lengths as specified in sub. (2) (fs) and (gv).

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1 **SECTION 6.** 348.07 (5) of the statutes is amended to read:

2 348.07 (5) As often as it deems necessary, the department shall publish maps
3 required for its own use and for free distribution showing the highways designated
4 under ~~sub.~~ subs. (4) and (4m), those parts of the state trunk highway system not
5 designated under sub. (4m), and such other main highways and other features as the
6 department deems desirable.

7 **SECTION 7. Nonstatutory provisions.**

8 (1) The department of transportation shall submit in proposed form the rules
9 required under section 348.07 (4m) of the statutes, as created by this act, to the
10 legislative council staff under section 227.15 (1) of the statutes no later than the first
11 day of the 3rd month beginning after the effective date of this subsection.

12 (2) Using the emergency rules procedure under section 227.24 of the statutes,
13 the department of transportation shall promulgate the rules required under section
14 348.07 (4m) of the statutes, as created by this act, for purposes of implementing this
15 act, for the period before the effective date of the rules submitted under subsection
16 (1). The department shall promulgate these emergency rules no later than the first
17 day of the 3rd month beginning after the effective date of this subsection.
18 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these emergency rules
19 may remain in effect until June 30, 2007, or the date on which permanent rules take
20 effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the
21 statutes, the department is not required to provide evidence that promulgating a rule
22 under this subsection as an emergency rule is necessary for the preservation of the
23 public peace, health, safety, or welfare and is not required to provide a finding of
24 emergency for a rule promulgated under this subsection.

25 **SECTION 8. Initial applicability.**

