

STATEMENT OF SCOPE

Department of Transportation

Rule No.: TRANS 230

Relating to: PERMITS FOR LOADS EXCEEDING SIZE, WEIGHT, AND VEHICLE COMBINATION LIMITS

Rule Type: Emergency

1. Finding/nature of emergency (Emergency Rule only):

In December, 2019, a novel strain of the coronavirus was detected, now named COVID-19, and it has spread throughout the world, including every state in the United States. On March 12, 2020, Governor Tony Evers issued Executive Order #72 and declared a public health emergency, directing all agencies support the efforts to respond to and contain COVID-19 in Wisconsin.

Since then, the virus has continued to spread across the nation resulting in additional emergency declarations nationwide. Wisconsin is facing a new and deadly disaster in this public health emergency which could result in a lack of medical care for Wisconsinites throughout the state. Wisconsin's hospitals are operating at or very near full capacity, and health care providers are struggling to keep up with the demand for care. In response, Executive Order #95 was issued on November 20, 2020, also directing all agencies to support the efforts and to respond to and contain the virus.

When weather-related or health emergencies arise, the Department of Transportation must facilitate the movement of essential goods and services while ensuring the safety of the public and highway infrastructure throughout the state.

2. Detailed description of the objective of the proposed rule:

The proposed changes will allow the department flexibility to waive the divisible load requirement to respond to declared emergency situations and facilitate the movement of essential goods and services while protecting the safety of the public and highway infrastructure throughout the state.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Existing Policies

Trans 230 provides general permitting guidance to vehicle users and law enforcement authorities for safe and lawful operations in conformance with Wisconsin vehicle size, weight and combination laws. However, the current administrative rule does not allow the department flexibility to waive the divisible load requirement and respond quickly to emergency situations.

New Policies Proposed

The department proposes language changes to the general permit conditions in Trans 230 that would allow the department to waive the divisible load requirement and respond quickly to declared emergency situations until the emergency condition is resolved.

Analysis of Policy Alternatives

- 1) Do nothing and require trucks to haul at legal weight. This alternative would help preserve the highway infrastructure to a certain extent. It would also require more drivers and more trips, resulting in higher labor costs and less fuel efficiency.
- 2) Waive the divisible load requirement, with limitations. This alternative would require fewer trucks and trips, which would increase fuel efficiency. Heavier weight vehicles do cause more damage to the highway infrastructure, but the department proposes to limit damage by limiting the duration of emergency permits, performing engineering analyses for each permit request, and requiring vehicle configurations and weight limits as appropriate.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Wis. Stats. s. 348.25(3) grants the department broad truck size and weight rulemaking authority: “The department may impose such reasonable conditions prerequisite to the granting of any permit authorized by s. 348.26 or 348.27 and adopt such reasonable rules for the operation of a permittee thereunder as it deems necessary for the safety of travel and protection of the highways.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

200 hours.

6. List with description of all entities that may be affected by the proposed rule :

While the proposed changes could potentially impact every industry or consumer who uses or relies upon goods shipped by truck in the state of Wisconsin, no day to day impact on the oversize/overweight permitting program is anticipated. The proposed changes would impact shippers and customers involved in responding to the immediate emergency situation. Overall, the department believes the effect would be positive as the department will be able to respond to industry and emergency needs much faster.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

There are no known existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule changes. Federal agencies have waived certain federal requirements for past emergencies, such as responding to Hurricane Katrina. This proposed rulemaking would allow the department to align more quickly with any waivers of federal laws.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

Implementation of the proposed changes is anticipated to have an overall minimal impact to small businesses and industries in Wisconsin as the department will be able to quickly facilitate the movement of essential goods and services to respond to the ongoing needs of industries during emergency situations. Businesses may individually decide whether they need to apply for the emergency permits to meet their business needs. The proposed rule merely provides another option for business and industry to move essential goods and services.

The proposed rule will potentially impact all trucking businesses involved in providing emergency relief. Allowing increased weights will result in fewer trips, lower labor costs, lower fuel costs, and less depreciation to equipment. The department anticipates these businesses would see some positive economic impact.

The proposed rule is expected to have minimal economic impact to the department and taxpayers. While allowing heavier than legal weight loads to be transported does reduce the life expectancy of the infrastructure, overall, the department would balance the heavier loads with appropriate axle configurations to more evenly distribute the weight and help protect the infrastructure. In addition, the limited duration of the emergency permits would also help minimize the infrastructure impact costs.

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