

**Report From Agency**

**PROPOSED ORDER OF THE STATE OF WISCONSIN  
DEPARTMENT OF TRANSPORTATION  
ADOPTING RULES**

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**CR 13-093**

The Wisconsin Department of Transportation proposes an order to repeal TRANS 254.10 (5) and 255.10 (5); to amend TRANS 254.03 (2) (a), 254.11 (1), (2)(intro.), (3)(intro.) and (b), and (4)(intro.), 254.12 (2), 254.16 (1) and (2), 255.03 (2) (a), 255.11(1),(2)(intro.), and (3)(intro.) and (b), 255.12 (2); to create TRANS 254.02 (2) (c) and (note), 254.03 (1m), 254.11 (4) (c) and (4a) (note), 255.02 (2) (c) and (note), 255.03 (1m), (2) (c) and (note), 255.11 (4) (c) and (4a) (note); to repeal and recreate TRANS 254.03(2)(c) and (3)(note), 254.11(2)(a),(b),(c) and (d), and (4)(a) and (b); and to renumber and amend TRANS 255.11(4); relating to: single and multiple trip permits for oversize or overweight vehicles or loads and affecting small businesses.

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**REPORT OF THE DEPARTMENT OF TRANSPORTATION  
ON THE FINAL RULE DRAFT**

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This report is submitted to the chief clerks of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

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

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:

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**PART 1**

**Analysis Prepared by the Wisconsin Department of Transportation**

**Statutes interpreted:** ss. 85.16, 227.11, 348.02, 348.05, 348.06, 348.07, 348.08, 348.09, 348.10 (1), 348.11, 348.15, 348.17, 348.18, 349.16, 348.25, 348.26, and 348.27, Stats.

**Statutory authority:** ss. 85.16, 227.11 (2), 348.25 (3), 348.26 (2), and 348.27 (2), Stats.

**Explanation of agency authority:** Under s. 85.16, Stats., the Department of Transportation (WisDOT) has the authority to make reasonable and uniform rules for the discharge of its powers, duties and functions. Section 227.11 (2), Stats., identifies areas where rule-making authority is expressly conferred upon agencies, including where necessary to effectuate the purpose of a statute, to prescribe forms and procedures, and to formalize general policies in deciding individual cases.

Sections 348.05 (1), 348.06 (1), 348.07 (1), 343.08, 348.09, 348.10 (1), 348.15 (3) and 348.17 (1), Stats., prohibit the operation of vehicles exceeding certain size and weight limits on highways without a permit. Under ss. 348.26 (2) and 348.27 (2), Stats., the Department is authorized to issue permits for single and multiple trip vehicle loads exceeding these limits. Section 348.25 (3), Stats., requires the Department to prescribe forms for such permits. Chapters Trans 254 and 255 effectuate the purposes of these statutes, prescribe forms and procedures, and formalize general policies in issuing single and multiple trip permits for the operation of oversize or overweight vehicles on highways under WisDOT's jurisdiction.

**Related statute or rule:** Chapter 348, Stats., establishes restrictions on the operation of vehicles without a permit, based on vehicle size, weight and load. Chapters Trans 250, Trans 251, Trans 252, Trans 253, Trans 254 (affected by this order), Trans 255 (affected by this order), Trans 256, Trans 257, Trans 258, Trans 259, Trans 260, Trans 261, Trans 262, Trans 263, and Trans 269 establish standards and procedures for various permits under ch. 348, Stats.

**Plain language analysis:** This rulemaking modifies regulations related to the transportation of oversize vehicles and loads on Wisconsin highways. It is almost impossible to briefly summarize all the various rules and exceptions to rules governing the transportation of oversize loads. In general, trucks and their loads should be 8'-6" or narrower, 13'-6" or shorter, and less than 75' in length. Length requirements, in particular, are highly variable and range from 45' to 75' depending on the configuration of the truck hauling the load. Generally speaking, weight limits depend on the vehicle configuration, the class of highway and the time of year.

Special permission and precautions must be taken to insure that vehicles exceeding size and weight limits do not damage the highway facility or endanger other travelers. In order to operate a vehicle exceeding size or weight limits, state law requires the truck operator to first obtain a permit from the appropriate authority. On state highways, WisDOT is that authority. WisDOT issues oversize permits through the Division of Motor Vehicles (DMV) Motor Carrier Services Section, working in coordination with traffic and safety engineers from the Freight Operations Office of the Division of Transportation System Development (DTSD).

The proposed revisions to chs. Trans 254 and Trans 255 increase the hours oversize vehicles may operate on state highways, relax route limitations to reflect improvements to the Milwaukee County Expressway System, eliminate outdated requirements based on federal laws that have been repealed, and update permit application provisions to reflect WisDOT's current practices.

*Hours of operation.* One important consideration when issuing an oversize permit is the intended hours of operation (In contrast, vehicles that are *overweight*, but not oversize, may normally operate 24 hours a day). Restricting oversize vehicle travel during a highway's busiest hours increases highway safety. Under existing law, oversize vehicles are prohibited from operating throughout the state during what was once considered peak operating times. However, modern data collection tools used by DTSD and DMV make it possible for WisDOT to adopt more specific restrictions on travel times.

These revisions reduce the duration of weekend and holiday evening travel time restrictions. For smaller oversize permitted vehicles (height no greater than 13'6", width greater than 8' 6" and no more than 12', and up to 150' in length), WisDOT proposes to make these restrictions only applicable in five counties, lifting evening oversize restrictions in other parts of the state.

Vehicles that are exceptionally large (that is, vehicles wider than 12', taller than 13' 6", or longer than 150') will continue to be restricted to operating during daylight hours and may not travel on "restricted-travel holidays" from 12:00 noon of the day before the holiday until sunrise of the day after the holiday. Vehicles taller than 13' 6" are more likely to strike overhead wires (which can be difficult to see in the dark) or structures above the roadway. Vehicles wider than 12' are more likely to vary from their intended lane of travel and thereby create a greater danger to other traffic in adjacent lanes. Daytime travel improves visibility of these wide loads to other users of the highway system.

In Milwaukee County, the proposed rule would remove restrictions prohibiting operation of both small and large oversize vehicles on the Milwaukee County Expressway system from 6 a.m. to 9 a.m. Sundays.

The days, times and locations under existing law and under the proposed rule are summarized in the following tables.

<b>Smaller Oversized Permitted Vehicles</b>	
<b><i>“Smaller oversized permitted vehicles” are those with a height no greater than 13’6”, a width greater than 8’6” and no more than 12’, and a:</i></b>	
<b>Existing law:</b>	<b>This Proposed Rule:</b>
Vehicle length greater than 45’ and not more than 100’.	Vehicle length greater than 45’ and not greater than 150’.
Smaller oversized vehicle travel is restricted statewide on the days and times below.	Smaller oversized vehicle travel is restricted only in, Columbia, Dane, Milwaukee, Rock and Waukesha Counties (“the 5 Counties”) on the days and times below.
<b><i>The days, times and locations at which smaller oversize vehicles are not permitted to travel are:</i></b>	
<b>Existing law:</b>	<b>This Proposed Rule:</b>
Between 4 p.m. and 11 p.m. on Sunday. (Statewide)	Between 4 p.m. and 8 p.m. on Sunday. (in the 5 counties)
Between 4 p.m. and 11 p.m. on Friday between the 4th Friday in May and Labor Day. (Statewide)	Between 4 p.m. and 8 p.m. on Friday between the 4th Friday in May and Labor Day. (in the 5 counties)
Between 4 p.m. and 11 p.m. on any holiday, or, when Independence Day falls on Sunday, on the following Monday (Statewide)	Between 4 p.m. and 8 p.m. on any “restricted-travel holiday. (in the 5 counties)
Between 4 p.m. and 11 p.m. on the day before any holiday, except that this restriction does not apply to Independence Day when it falls on a Sunday. (Statewide)	Between 4 p.m. and 8 p.m. on the day before any restricted-travel holiday, except on July 3 if that day falls on a Saturday (in the 5 counties)
If the route of travel includes any part of the Milwaukee County Expressway System, additional restrictions applicable to that system also apply.	

<b>Larger Oversized Permitted Vehicles</b>	
<b><i>“Larger oversized permitted vehicles” are those with a height exceeding 13’6”, a width exceeding 12’ and a:</i></b>	
<b>Existing law:</b>	<b>This Proposed Rule:</b>
Vehicle length greater than 100’.	Vehicle length greater than 150’.
<b><i>The days, times and locations at which larger oversize vehicles are not permitted to travel in this state include the days times and locations at which smaller oversize vehicles are restricted (table above) and in addition:</i></b>	
<b>Existing law:</b>	<b>This Proposed Rule:</b>
During hours of darkness, statewide.	During hours of darkness, statewide. (no change)
Friday between 4 p.m. and 11 p.m. between the 4 <sup>th</sup> Friday in May and Labor Day, statewide.	Friday between 4 p.m. and 8 p.m. between the 4 <sup>th</sup> Friday in May and Labor Day, statewide.
Noon Saturday to sunrise Monday, statewide.	Noon Saturday to sunrise Sunday, and Sunday from 4 pm to 8 pm, statewide. (Allows operation on Sunday between sunrise and 4 p.m. and between 8 p.m. and sunset.)
Noon of the day before any holiday to sunrise the day after the holiday, statewide.	Noon of the day before any restricted travel holiday to sunrise the day after the holiday, statewide.
If the route of travel includes any part of the Milwaukee County Expressway System, additional restrictions applicable to that system also apply.	

<b>Milwaukee County Expressway Restrictions (Smaller and Larger Oversize Vehicles)</b>	
<b><i>The days, times and locations at which oversize vehicles are not permitted to travel on the Milwaukee County Expressway System, in addition to other time restrictions:</i></b>	
<b>Existing law:</b>	<b>This Proposed Rule:</b>
Monday to Thursday, 6 a.m. to 9 a.m. and 3 p.m. to 6 p.m.	Monday to Thursday, 6 a.m. to 9 a.m. and 3 p.m. to 6 p.m. (no change)
Friday 6 a.m. to 9 a.m.	Friday 6 a.m. to 9 a.m. (no change)
Friday and Sunday, 3 p.m. to 11 p.m.	Friday and Sunday, 3 p.m. to 8 p.m.
Sunday between 6 a.m. and 9 a.m.	Restriction repealed
Maximum dimensions on Milwaukee Expressway System: width 11’; height 13’ 6”; length 100’	Maximum vehicle dimensions on Milwaukee Expressway System: width 14’; height 14’ 6”; length 150’

*"Restricted-travel holidays."* The proposed revisions to chs. Trans 254 and Trans 255 define a new term, "restricted-travel holidays." The definition simply lists those days that are associated with an increase in traffic that would necessitate oversize travel restrictions. The statutory list of legal holidays defined in s. 995.20, Stats., is not consistent with the days on which motor vehicle travel peaks. Proposed ss. Trans 254.02 (2) (c) and 255.02 (2) (c) allow WisDOT to issue an annual list of restricted-travel holidays for each following year. In the event no list is issued, default restricted-travel holidays are designated. As clarified in the added note, WisDOT's list will typically include holidays that generate significant highway traffic, such as Memorial Day, and non-holidays that generate significant traffic, such as peak travel times associated with Wisconsin's gun deer hunting season.

The default list of "restricted-travel holidays" includes the following days on which traffic volumes typically peak in a year:

- New Years day (January 1);
- Easter weekend (Saturday and Sunday);
- Memorial day weekend (The last Monday in May and the immediately preceding Saturday and Sunday);
- July 4 and the Monday after July 4, if July 4 falls on a Sunday;
- Labor day weekend (The first Monday in September and the immediately preceding Saturday and Sunday);
- The Saturday and Sunday initiating the Wisconsin gun deer hunting season;
- Thanksgiving day (The fourth Thursday in November);
- The Saturday and Sunday following Thanksgiving if that Sunday is the final day of the Wisconsin gun deer hunting season;
- Christmas eve and Christmas day (December 24 and 25); and
- New Years eve (December 31).

*Route Limitations.* Under existing law, an oversize vehicle may not operate on the Milwaukee County Expressway System if the vehicle is wider than 11', taller than 13'-6", or longer than 100'. Since the current rule was adopted, the geometry of the Expressway System has been improved. The proposed revisions adopt restrictions that more accurately reflect the current geometrical restraints: vehicles may not be wider than 14', taller than 14'-6", or longer than 150'.

*Outdated Federal Requirements.* Under existing law, oversized vehicle permittees may be required to fasten certain reflective black and white or black and yellow hazard markers to their loads. This provision incorporated federal regulations that have since been repealed. WisDOT does not currently require hazard markers under this provision and other load-marking requirements adequately protect the public safety. The proposed revisions to chs. Trans 254 and Trans 255 eliminate the hazard marker provision.

*Permit Procedure Updates and Non-Substantive Revisions.* Several areas of the current chs. Trans 254 and Trans 255 list steps or procedures that are no longer used by WisDOT when processing single and multiple trip oversize permits. Generally speaking,

WisDOT procedures have been centralized and made electronic to the extent feasible. The proposed revisions to chs. Trans 254 and Trans 255 reflect the current application process.

Additionally, this revision incorporates a change to language involving escort vehicles. Under current s. Trans 254.16 (1), vehicles wider than 8'6" and no wider than 16' may be required to have two escorts. Similarly, current s. Trans 254.16 (2) mandates that larger vehicles exceeding 16' in width have two escorts. These provisions are inconsistent with WisDOT's current practice. Under current practice, WisDOT routinely requires permittees to provide the number of escort vehicles necessary, which may be no escort or one or more escorts. The proposed revisions to s. Trans 254.16 would require one or more escorts for vehicles exceeding 16 feet in width. One or more escorts may be required for oversize vehicles less than 16 feet in width if the permitting authority concludes circumstances warrant the use of escorts. These revisions harmonize the escort provisions of the ch. Trans 254 with provisions in existing ch. Trans 252.03 (1), s. 348.25 (3), Stats., and other laws. The proposed changes reflect current practice, so the escort provisions of the rule will not result in any measureable or meaningful change in agency practice or the processes of carriers. s. 227.135 (4), Stats.

**Summary of, and preliminary comparison with, existing or proposed federal statutes and regulations:** A good discussion of federal vehicle size limits may be found online at: [http://ops.fhwa.dot.gov/freight/publications/size\\_regs\\_final\\_rpt/-index.htm](http://ops.fhwa.dot.gov/freight/publications/size_regs_final_rpt/-index.htm).

The Federal Government first enacted size regulations for commercial motor vehicles ("CMVs") with the passage of the Federal-Aid Highway Act of 1956. This Act provided a maximum vehicle width of 96 inches (8 feet or 2.44 meters) on the Interstate Highway System. Subsequently, the Federal-Aid Highway Act of 1976 increased the allowable width for buses to 102 inches (8.5 feet or 2.6 meters). The Surface Transportation Assistance Act of 1982 extended the same bus width requirement of 102 inches to commercial trucks. At the same time, the Surface Transportation Assistance Act of 1982 expanded the highway network (on which the Federal width provision applied) from the Interstate to the National Network of highways.

Loads exceeding these dimensions may only be transported on the National Network with an oversize permit.

The Surface Transportation Assistance Act of 1982 also regulated the length of CMV's. In 1982, Congress established minimum length standards for most commercial truck tractor-semitrailers and for twin trailers pulled behind a truck tractor. Congressional involvement in vehicle length reflected the desire to standardize the enforcement of length along the National Network. This standardization sought to eliminate administrative or operating confusion caused by varying State provisions governing commercial vehicle length.

Wisconsin complies with these federal requirements. This rule governs vehicles much larger than the minimum dimensions for which permits are required for operation under federal law.

There is no federal vehicle height requirement or restriction for commercial motor vehicles. Thus, States may set their own height restrictions. Most state height limits range from 13'-6" (4.11 meters) to 14' (4.27 meters), with exceptions granted for lower clearance on particular roads.

Federal standards for construction of interstate highways set minimum vertical clearance under overhead structures (including over paved shoulders) at 16' (4.88 meters) in rural areas, and at 14' (4.27 meters) in urban areas, with allowance for extra layers of pavement. In urban areas, at least one route should have 16' (4.88-meter) clearances. Sign supports and pedestrian overpasses must be at least 17' (5.18 meters) above the road, with exceptions for some urban routes.

Not all freeways and interstate highways in Wisconsin meet these standards. Milwaukee County, in particular, has a concentration of overhead structure clearances that fail to meet these standards.

#### **Comparison with Rules in the Adjacent States of Michigan, Minnesota, Illinois and Iowa:**

*Michigan.* The Michigan Department of Transportation (MDOT) permits oversize vehicles under single and "extended" or annual permits. Oversize vehicles are generally permitted to operate throughout the weekend, except on Sunday evenings past 3 p.m. MDOT processes permit applications electronically. MDOT also maintains an online bulletin of active permit restrictions, detailing limitations on different routes due to conditions. More information on MDOT's oversize vehicle permitting program is available at: [http://www.michigan.gov/mdot/0,1607,7-151-9623\\_26662\\_26679\\_27267\\_48606-182174--,00.html](http://www.michigan.gov/mdot/0,1607,7-151-9623_26662_26679_27267_48606-182174--,00.html).

*Minnesota.* The Minnesota Department of Transportation (MnDOT) issues oversize permits for travel over interstate highways and state trunk highways in Minnesota. MnDOT issues both single trip permits and seasonal or annual permits; like Wisconsin, Minnesota offers specific permits for types of loads, including the transport of root vegetable harvests and forest products. MnDOT oversize permits may be obtained online, by fax, or at MnDOT's St. Paul Central Office.

Except in the Twin Cities and Duluth and during summer weekends, loads generally do not face hours-of-operation restrictions unless noted on the permit. In these metro areas, larger oversize vehicles are not allowed to travel during morning or evening rush hours. From Memorial Day to Labor Day, no oversize vehicles may travel after 2 p.m. on Fridays and Sundays. MnDOT maintains a list of holidays with more specific travel restrictions on its website. For larger loads, MnDOT requires permit applicants to perform a pre-survey of the intended route by physically driving the route.

MnDOT also maintains a traffic condition website, <http://www.511mn.org/>. More information on MnDOT's oversize permit program is available at: <http://www.dot.state.mn.us/cvo/oversize/oversize.html>.

*Illinois.* The Illinois Department of Transportation (IDOT) is authorized by 625 ILCS 5/12 – 301 (the Illinois Vehicle Code) and 92 Ill. Admin. Code 554 to issue oversize permits on IDOT highways. In general, oversize vehicles may operate from a half hour before sunrise to a half hour after sunset, 7 days a week. Larger oversize vehicles may only operate Monday through Friday and until noon on Saturday. Hours of operation are further restricted during specific holidays and holiday weekends. Additional restrictions also apply within the City of Chicago and in Cook County. Operation on Illinois Toll Roads requires the permission of the Illinois Toll Authority.

To order an oversize permit, applicants are directed to use IDOT's "ITAP" online permitting system. Illinois also maintains an online map system that shows obstructions and permit restrictions throughout the states. More information on IDOT's oversize permit program is available at: <https://truckpermits.dot.illinois.gov/>. IDOT's mapping system is available at <http://www.gettingaroundillinois.com/gai.htm?mt=tpr>.

*Iowa.* The Iowa Department of Transportation issues oversize load permits for travel over interstate highways and state trunk highways. Single trip and annual permits are available, with different limitations on their use. State, county and city oversize load permits must be obtained separately. Except for a state issued All-Systems Permit authorized by a participating county or city, state-issued permits are not valid on county and city highways. County and city permits are also not valid on state highways.

**Summary of factual data and analytical methodologies used and how the related findings support the regulatory approach chosen:**

Methods of data gathering:

- 1) Discussions with motor carrier representatives who serve on the motor carrier advisory group that meets with Department staff each quarter. These discussions focused on getting detailed information about the ways in which current provisions in Trans 254 and 255 have become impediments to trucking and crane operation.
- 2) Telephone surveys of selected small businesses likely to be affected by amendments to Trans 254 and 255, and in-person interviews with a sub-set of such businesses. The surveys and interviews were performed by consultants from CMQue, a sub-contractor of Cambridge Systematics.
- 3) Telephone interviews with County Highway Commissioners or designees in Brown, Columbia, Dane, Eau Claire, Rock and Waukesha Counties conducted by Department staff in the Division of Motor Vehicles (DMV) – Motor Carrier Services Section/Permits Unit.

- 4) Meetings with City of Milwaukee and Milwaukee County highway and planning staff conducted by consultants and staff in the Department's Division of Transportation System Development (DTSD).
- 5) Compilation and analysis of "Level of Service" (LOS) data, i.e., traffic congestion data on major highways throughout the state on backbone highway and other state routes, from April through October, broken into hour intervals, and comparing weekday LOS to Friday, Saturday and Sunday LOS. Data compilation and mapping was done by staff in the Department's Division of Transportation Infrastructure Management (DTIM), and analysis of data findings was performed by staff in the Department's DMV – Motor Carrier Services Section and the Freight and Roadside Facilities Section of DTSD.

Advisory group discussions and motor carrier industry surveys and in-person interviews demonstrated that:

- Current restrictions on the size of vehicles allowed on the Milwaukee County Expressway System divert most oversize vehicles to other Milwaukee-area roadways. This diversion adds cost to each trip by usually making routes of travel longer, resulting in greater fuel consumption and inefficient use of personnel and equipment.
- Current restrictions prohibiting operation on Friday, from 4 p.m. to 11 p.m., in summer, make it difficult for crane operators and other transporters to meet contract requirements, usually public works contracts, for arrival on the construction site at 8 p.m. The extraordinary circumstances waiver allowing movement during the restricted hours does not meet the increasingly common need to operate during restricted time.
- Current restrictions prohibiting operation on Sunday, from 4 p.m. to 11 p.m., year-round, no longer seem justified because of improvements in the highway system.

Telephone surveys and discussions with local officials responsible for highway regulation demonstrated that:

- Restriction on maximum vehicle size could be relaxed because of improvement to the Milwaukee County Expressway System since existing law was set over 20 years ago.
- Diversion from the Milwaukee County Expressway System onto other highway and surface streets occasions greater air pollution, noise and traffic hazards in residential neighborhoods and accelerated damage to roads less fit to handle large truck traffic.
- Most County highway officials were unaware of the Friday and Sunday 4 p.m. to 11 p.m. permit curfews. After an initial contact, they reviewed traffic volume with their road superintendents and concluded that a shorter period of restriction would be acceptable as long as the restriction period began no later than under existing law.

Results of mining of data collected by the Department should be considered in two parts during development of the proposed rule and after both public hearings:

- During proposal development, review of Level of Service (traffic) data showed that there were only seven counties (Brown, Columbia, Dane, Eau Claire, Milwaukee, Rock and Waukesha) of 72 counties in which any state roadway, within any given county, showed a Level D or worse after approximately 8 p.m.
- After the public hearings, during which the Department was asked to consider:
  - 1) Further reducing the number of counties in which permits would have Friday and Sunday afternoon and evening curfews;
  - 2) Eliminating restriction on Sunday morning restrictions on the Milwaukee Expressway; and
  - 3) Reducing restrictions on Sunday daytime operation;

Following the public hearings, Department and consultant staff gathered additional level of service traffic data and assessed that data. From the additional data, staff concluded that traffic congestion in Brown and Eau Claire Counties was lower than comparable levels in the remaining five of seven counties, and that there is only one short highway segment in LaCrosse County that has any traffic congestion on Sunday between sunrise and 4 p.m.

**Analysis and supporting documentation used to determine effect on small businesses:**

No supporting documentation was gathered specifically regarding the effect of this proposed rulemaking on small businesses or in preparation of an economic impact analysis. But, much of the data gathered and discussions with businesses described in the preceding section of this proposed rule analysis was gathered from small businesses.

The public hearing draft of this rule proposed to require motor carriers to check an online traffic system prior to beginning a trip to help prevent these large loads from being mired in traffic accident scenes, unexpected road closures and other problems. This is important for oversize vehicles because, unlike cars or standard sized vehicles, these vehicles cannot simply divert onto any available alternative route. Routes are specially devised for these vehicles to insure that the vehicles will fit on the roadways in question and will not strike other vehicles or property adjacent to or above the highway during the trip. Large and small motor carriers believed that mandating the proposed online check would be unduly burdensome to their operations and that provision has been removed from this draft of the proposed rule. The Department will continue to recommend the practice because of the difficulties that can result for an oversize vehicle that becomes “stuck” on an impassable route.

The analysis of the effect of this rule-making on small businesses was to compare the before and after effects of the regulation. The regulation significantly reduces regulatory restrictions on the transportation of oversize loads in Wisconsin.

**Effect on small business:** This rule generally relaxes restrictions in the following ways:

1. It reduces the hours and days during which oversize vehicles are prohibited from operation on state highways under a permit.
2. It increases vehicle size allowed under the permits.
3. It expands use of the Milwaukee County Expressway System.

The department anticipates this rule will reduce costs to motor carriers, including those that are small businesses, by increasing the hours during which oversize vehicles and loads may be transported under a permit, by allowing the transportation of longer loads under the permits, and by shortening trip length and time, particularly in Milwaukee County.

The rule will not change the manner in which applicants obtain permits for oversize vehicles or loads from WisDOT.

**Fiscal effect:** None for government.

**Anticipated costs incurred by private sector:** This rule generally relaxes restrictions on the hours and days during which oversize vehicles can be operated under a permit. The department anticipates this rule will save money by increasing the hours during which large loads may be transported under a permit.

**Agency contact person and copies of the rule:** Copies of this rule may be obtained without cost by writing to:

Kathleen Nichols  
Motor Carrier Services Section, Division of Motor Vehicles  
Wisconsin Department of Transportation  
4802 Sheboygan Avenue, Room 151  
P. O. Box 7980,  
Madison, WI 53707-7980.  
Phone: (608) 261-0393  
E-mail: Kathleen.Nichols@dot.wi.gov

Copies of current chs. Trans 254 and 255 are available on the internet at <http://docs.legis.wisconsin.gov/code/toc/trans> in both HTML and PDF format.

Copies of this proposed rule-making, and documents related to this rule-making are available online at: <https://health.wisconsin.gov/admrules/public/Rmo?nRmold=13923>.

**Statement of Scope Approval:**

The scope statement for this rule, SS091-12, was approved by the Governor on November 13, 2012, published in Register No. 683 on November 30, 2012, and approved by Secretary Mark Gottlieb as required by s. 227.135 (2) on December 12, 2012.

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**PART 2**  
**CR 13-093**  
**TEXT OF PROPOSED RULE**

**SECTION 1.** Trans 254.02 (2) (c) and (2) (c) (note) are created to read:

**Trans 254.02** (2) (c) “Restricted-travel holidays” means days on which the department restricts the travel of oversize vehicles in anticipation of significantly increased traffic volume. The department shall issue and make available a list of restricted-travel holidays for each year by no later than November 30 of the prior year. In the event no list is published, “restricted-travel holidays” means January 1; the Saturday and Sunday of

Easter weekend; the last Monday in May and the immediately preceding Saturday and Sunday; July 4; the Monday after July 4, if July 4 falls on a Sunday; the first Monday in September and the immediately preceding Saturday and Sunday; the Saturday and Sunday initiating the Wisconsin gun deer hunting season; the fourth Thursday in November; the Saturday and Sunday following the fourth Thursday in November if that Sunday is the final day of the Wisconsin gun deer hunting season; December 24; December 25; and December 31.

**Note:** Oversize travel will typically be restricted on the peak travel days associated with the holidays listed in par. (c), as well as peak travel times associated with the department of natural resources traditional statewide gun deer hunting season. The list of restricted-travel holidays is available at <http://www.dot.wisconsin.gov> or by request to the DMV Motor Carrier Services Permit Unit, 4802 Sheboygan Avenue, Room 151, P.O. Box 7980, Madison, WI 53707-7980.

**SECTION 2.** Trans 254.03 (1m) is created to read:

**Trans 254.03 (1m)** The application shall include all requested information, including the applicant's electronic mail address.

**SECTION 3.** Trans 254.03 (2) (a) is amended to read:

**Trans 254.03 (2) (a)** In person, at the department's central ~~or region offices~~ office.

**SECTION 4.** Trans 254.03 (2) (c) is repealed and recreated to read:

**Trans 254.03 (2) (c)** Online through the department's oversize/overweight automated issuance system.

**SECTION 5.** Trans 254.03 (3) (note) is repealed and recreated to read:

**Trans 254.03 (3) (note) Note:** Permit application procedures are established in s. Trans 250.025.

Forms used by the department in administering this rule are MV2600 oversize/overweight single trip permit information; MV2604 single trip application; MV2605 single trip permit general conditions; MV2926 military permit application; MV2955 buildings(s) transport application. These forms may be obtained in person at or by written request to the DMV Motor Carrier Services Section, Permit Unit, 4802 Sheboygan Avenue, Room 151, P.O. Box 7980, Madison, Wisconsin 53707-7980. These forms are also available online at <http://www.dot.wisconsin.gov>. Forms used by issuing authorities other than the department may be obtained from those authorities.

The department's oversize/overweight automated issuance system is available online at <http://www.dot.wisconsin.gov/business/carriers/osow-autosys.htm>.

**SECTION 6.** Trans 254.10 (5) is repealed.

**SECTION 7.** Trans 254.11 (1), and (2) (intro.) are amended to read:

**Trans 254.11 (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 restricted-travel holidays.

**(2)** (intro.) 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 ½ feet in height, and 100 feet in length~~ issued under this chapter may be operated in Columbia, Dane, Milwaukee, Rock and Waukesha counties between the hours of 4:00 p.m. and 8:00 p.m. on any of the following days:

**SECTION 7m.** Trans 254.11 (2) (a) to (d) are repealed and recreated to read:

**Trans 254.11 (2) (a)** Sunday.

(b) Any Friday in the period beginning on the 4<sup>th</sup> Friday in May and ending on Labor Day.

(c) Any restricted-travel holiday.

(d) The day before any restricted-travel holiday, except July 3 if that day falls on a Saturday.

**SECTION 7r.** Trans 254.11 (3) (intro.) and (b) are amended to read:

**Trans 254.11 (3) (intro.)** In addition to the conditions provided in sub. (2), no oversize vehicle or vehicle combination operating under a permit issued under this chapter and that exceeds 12 feet in width, 13 1/2 feet in height, or 150 feet in length, may operate in any county:

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

**SECTION 7s.** Trans 254.11 (3) (c) and (d) are created to read:

**Trans 254.11 (3) (c)** Between 4:00 p.m. and 8:00 p.m. on Sunday.

(d). During the period beginning at 12:00 noon on the day preceding and continuing until sunrise on the day following every restricted-travel holiday.

**SECTION 7u.** Trans 254.11 (4) (intro.) is amended to read:

**Trans 254.11 (4) (intro.)** In addition to the conditions provided in subs. (2) and (3), no oversize vehicle or vehicle combination may operate on any part of the Milwaukee county expressway system constructed pursuant to s. 59.84, Stats. at the following days and times:

**SECTION 8.** Trans 254.11 (4) (a) and (b) are repealed and recreated to read:

**Trans 254.11 (4) (a)** Monday through Thursday at the following times:

1. Between 6:00 a.m. and 9:00 a.m.
2. Between 3:00 p.m. and 6:00 p.m.

(b) Friday between 6:00 a.m. and 9:00 a.m.

**SECTION 8m.** Trans 254.11 (4) (c) is created to read:

**Trans 254.11 (4) (c)** Friday or Sunday between 3:00 p.m. and 8:00 p.m.

**SECTION 9.** Trans 254.11 (4a) (note) is created to read:

**Trans 254.11 (4a) (note) Note:** 108<sup>th</sup> Street is also known as Mayfair Road or State Highway 100 at the described location.

**SECTION 10.** Trans 254.12 (2) is amended to read:

**Trans 254.12 (2)** No permit allowing the dimensions of a vehicle or load to exceed 44 14 feet in width, ~~43½~~ 14 ½ feet in height or ~~400~~ 150 feet in length is valid on

any part of the Milwaukee county expressway system constructed pursuant to s. 59.84, 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 108<sup>th</sup> Street.

**SECTION 11.** Trans 254.16 (1) is amended to read:

**Trans 254.16** (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~~ one or more escorts, or police ~~escort~~ escorts, or any combination thereof.

**SECTION 12.** Section 254.16 (2) is amended to read:

**Trans 254.16** (2) All loads exceeding 16 feet ~~wide or wider~~ in width shall have ~~2~~ one or more properly equipped escorts.

**SECTION 13.** Sections 255.02 (2) (c) and 255.02 (2) (c) (note) are created to read:

**Trans 255.02** (2) (c) “Restricted-travel holidays” means days on which the department restricts the travel of oversize vehicles in anticipation of significantly increased traffic volume. The department shall issue and make available a list of restricted-travel holidays for each year by no later than November 30 of the prior year. In the event no list is published, “restricted-travel holidays” means January 1; the Saturday and Sunday of Easter weekend; the last Monday in May and the immediately preceding Saturday and Sunday; July 4; the Monday after July 4, if July 4 falls on a Sunday; the first Monday in September and the immediately preceding Saturday and Sunday; the Saturday and Sunday initiating the Wisconsin gun deer hunting season; the fourth Thursday in November; the Saturday and Sunday following the fourth Thursday in November if that

Sunday is the final day of the Wisconsin gun deer hunting season; December 24; December 25; and December 31.

**Note:** Oversize travel will typically be restricted on the peak travel days associated with the holidays listed in par. (c), as well as peak travel times associated with the department of natural resources traditional statewide gun deer hunting season. The list of restricted-travel holidays is available at <http://www.dot.wisconsin.gov> or by request to the DMV Motor Carrier Services Permit Unit, 4802 Sheboygan Avenue, Room 151, P.O. Box 7980, Madison, WI 53707-7980.

**SECTION 14.** Trans 255.03 (1m) is created to read:

**Trans 255.03** (1m) The application shall include all requested information, including the applicant's electronic mail address.

**SECTION 15.** Trans 255.03 (2) (a) is amended to read:

**Trans 255.03** (2) (a) In person, at the department's central ~~or region~~ office.

**SECTION 15m.** Trans 255.03 (2) (c), and 255.03 (2) (c) (note) are created to read:

**Trans 255.03** (2) (c) Online through the department's oversize/overweight automated issuance system.

**Note:** Forms used by the department in administering this rule are MV2612 multiple trip permit application and MV 2614 multiple trip permit information. These forms may be obtained in person at or by written request to the DMV Motor Carrier Services Section, Permit Unit, 4802 Sheboygan Avenue, Room 151, P.O. Box 7980, Madison, WI 53707-7980. These forms are also available online at <http://www.dot.wisconsin.gov>. Forms used by issuing authorities other than the department may be obtained from those authorities.

The department's oversize/ overweight automated issuance system is available online at <http://www.dot.wisconsin.gov/business/carriers/osow-autosys.htm>.

**SECTION 16.** Trans 255.10 (5) is repealed.

**SECTION 17.** Trans 255.11 (1) and (2) (intro.) are amended to read:

**Trans 255.11** (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 restricted-travel holidays.

(2) (intro.) Except as otherwise specified in a permit, no oversize vehicle or vehicle combination operating under a permit issued under this chapter ~~that is equal to or less than 12 feet in width, 13 ½ feet in height, and 100 feet in length~~ may operate in Columbia, Dane, Milwaukee, Rock and Waukesha counties between the hours of 4:00 p.m. and 8:00 p.m. on any of the following days:

**SECTION 17m.** Trans 255.11 (2) (a) to (d) are repealed and recreated to read:

**Trans 255.11 (2) (a)** Sunday.

(b) Any Friday in the period beginning on the 4<sup>th</sup> Friday in May and ending on Labor Day.

(c) Any restricted-travel holiday.

(d) The day before any restricted-travel holiday, except July 3 if that day falls on a Saturday.

**SECTION 19.** Trans 255.11 (3) (intro.) and (3) (b) are amended to read:

**Trans 255.11 (3) (intro.)** In addition to the conditions provided in sub. (2), no oversize vehicle or vehicle combination operating under a permit issued under this chapter that exceeds 12 feet in width, 13 ½ feet in height, or ~~400~~ 150 feet in length, may operate in any county:

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

**SECTION 19f.** Trans 255.11 (3) (c) and (3) (d) are created to read:

**Trans 255.11 (3) (c)** Between 4:00 p.m. and 8:00 p.m. on Sunday.

(d) During the period beginning at 12:00 noon on the day preceding and continuing until sunrise on the day following every restricted-travel holiday.

**SECTION 19m.** Trans 255.11 (4) is renumbered Trans 255.11 (4) (intro.) and amended to read:

**Trans 255.11 (4) (intro.)** In addition to the conditions provided in subs. (2) and (3), no oversize vehicle or vehicle combination may operate on any part of the Milwaukee county expressway system constructed pursuant to s. 59.84, Stats.:

**SECTION 20.** Trans 255.11 (4) (a) and (b) are repealed and recreated to read:

**Trans 255.11 (4) (a)** Monday through Thursday in any week at the following times:

(1) Between 6:00 a.m. and 9:00 a.m.

(2) Between 3:00 p.m. and 6:00 p.m.

(b) On any Friday between 6:00 a.m. and 9:00 a.m.

**SECTION 20m.** Trans 255.11 (4) (c) is created to read:

**Trans 255.11 (4) (c)** On any Friday or Sunday between 3:00 p.m. and 8:00 p.m.

**SECTION 21.** Trans 255.11 (4a) (note) is created to read:

**Note:** 108<sup>th</sup> Street is also known as Mayfair Road or State Highway 100 at the described location.

**SECTION 22.** Trans 255.12 (2) is amended to read:

**Trans 255.12 (2)** No permit allowing the dimensions of a vehicle or load to exceed ~~44~~ 14 feet in width, ~~43-½~~ 14 ½ feet in height or ~~400~~ 150 feet in length is valid on any part of the Milwaukee county expressway system constructed pursuant to s. 59.84, Stats., except on U.S. highway 45 between West Florist Avenue and West Hampton Avenue and on interstate highway 94 between Waukesha county line and 108<sup>th</sup> Street.

**SECTION 22m.** INITIAL APPLICABILITY. This rule shall apply to all permits issued under ch. Trans 254 or 255 in existence as of the effective date of this rule and to all permits issued under those chapters on or after that date.

**SECTION 23. EFFECTIVE DATE.** This rule shall take effect on the first day of the month beginning after publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

**(END OF RULE TEXT)**

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Signed at Madison, Wisconsin, this \_\_\_\_ day of  
\_\_\_\_\_ 2014.

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MARK GOTTLIEB, P.E.  
Secretary  
Wisconsin Department of Transportation

PART 3  
CR 13-093

PART 3  
CR 13-093

PART 3  
CR 13-093



## PART 4

CR 13-093

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### ANALYSIS OF FINAL DRAFT OF TRANS 254 and TRANS 255

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(a) **Basis and Purpose of Rule.** These administrative rule amendments modify regulations related to the transportation of oversize vehicles and loads on Wisconsin highways. The proposed revisions to chs. Trans 254 and Trans 255 increase the hours oversize vehicles may operate on state highways, relax route limitations to reflect improvements to the Milwaukee County Expressway System, eliminate outdated requirements based on federal laws that have been repealed, and update permit application provisions to reflect WisDOT's current practices. These revisions reduce the duration of weekend and holiday evening travel time restrictions. WisDOT proposes that some restrictions only be applicable in five counties, thereby lifting those restrictions in other parts of the state. Exceptionally large vehicles (vehicles wider than 12', taller than 13' 6", or longer than 150') will continue to be restricted to operating during daylight hours and may not travel on "restricted-travel holidays" (a new term) from 12:00 noon of the day before the holiday until sunrise of the day after the holiday. WisDOT will issue a list of restricted-travel holidays each year. A default list of restricted-travel holidays will be designated in the event no list is issued.

(b) **Modifications as a Result of Testimony at Public Hearing.** The first of 2 public hearings was held in Milwaukee on January 9, 2014. The second public hearing was held in Madison on January 23, 2014. Modifications made as a result of testimony at the hearings are as follows:

1. The extension of the Friday afternoon and evening permit curfew restrictions to end on November 1<sup>st</sup> is removed from this rule-making. The end of Friday afternoon and evening permit curfew restrictions will remain Labor Day, as required by existing law.
2. Brown County and Eau Claire County are removed from the list of counties that will retain Friday/Sunday afternoon and evening permit curfews.
3. The proposed curfew duration of 3:30 p.m. to 8:00 p.m. is changed to run from 4:00 p.m. to 8:00 p.m.
4. The proposed requirement for drivers to complete an electronic route check prior to every trip has been removed from this rule-making.
5. Vehicle length limits which were proposed to be extended from 100 feet in the current rule to 125 feet in the proposed rule are extended to 150 feet in this proposal. This 100-foot to 125-foot length limit change was proposed to apply only

to the Milwaukee Expressway system in the initially proposed rule. In this proposal, the extended limit would be made applicable statewide.

6. The provision that restricted Sunday morning use of the Milwaukee County Expressway System from 6:00 a.m. to 9:00 a.m. has been removed from the rule.
7. "Restricted Travel Holiday" language has been modified to clarify that the inclusion of the gun deer season opener restriction pertains only to the peak travel times associated with the opening: the Friday afternoon, Saturday and Sunday of the opening weekend of the season. No restriction applies on closing weekend of the deer season under the proposed rule unless the closing weekend coincides with Thanksgiving and the travel rush that results from that holiday. This is consistent with longstanding WisDOT permit issuance practice.

(c) **List of Persons who Appeared or Registered at Public Hearing.** The following persons appeared/registered at the first public hearing in Milwaukee:

James Damask, Heavy Haul Manager, ConsTrucks, Inc., Stevens Point, WI – spoke for information.

Gregory Hooyman, Compliance Manager, Payne and Dolan, Inc., Waukesha, WI – spoke for information.

Glenn E. Hewitt, Transportation & Logistics Manager, Northeast Asphalt, Inc, Greenville, WI – spoke for information.

Wayne P. Kokta, Transportation Manager, Dawes Crane/DST Inc., Milwaukee, WI – spoke for information.

The following persons appeared/registered at the second public hearing in Madison on January 23, 2014:

Tom Howells, President, Wisconsin Motor Carriers Association, Madison, WI – spoke for information.

Mike and Kathy McCutchin, Owners, Crane Lifts, Janesville, WI – spoke for information.

Glenn E. Hewitt, Transportation & Logistics Manager, Northeast Asphalt, Inc., Greenville, WI – registered for information.

Gary Stahl, Jim Piontek Trucking, Driver, Green Bay, WI – registered in opposition.

Matthew Grove, Wisconsin Transportation Business Association, Director of Construction Policy, Madison, WI – spoke for information.

Bob Kallhagan, Ideal Crane Rental, President, Madison, WI – spoke for information.

Amanda Brown, Musson Brothers, Dispatcher, Rhinelander, WI – registered for information.

Sandy Verkuilen, Apache Stainless Equipment Corporation, Logistics Coordinator, Beaver Dam, WI – registered for information.

Gregory Hooyman, Payne and Dolan, Inc., Transportation Compliance Manager, spoke for information.

James Damask, ConsTrucks, Inc., Heavy Haul Manager, Stevens Point, WI – spoke for information.

Wayne Kokta, Dawes Crane/DST Inc., Transportation Manager, Milwaukee, WI – spoke for information.

Jason Culotta, Wisconsin Manufacturers and Commerce, Director of Tax and Transportation Policy, Madison, WI – spoke in favor with changes.

Joe Braun, Prom Transport, Inc., President, Franklin, WI – spoke in favor.

(d) **Summary of Public Comments and Agency Response to those Comments:** A summary of public comments at the public hearing in Milwaukee on January 9, 2014 and the Department's response to those comments is as follows:

Wayne P. Kokta, Transportation Manager, Dawes Crane/DST Inc., Milwaukee, WI

1. Dawes Crane/DST Inc. opposes changing Friday and Sunday afternoon and evening permit curfew start time from current 4 p.m. to 3:30 p.m.
2. Dawes Crane/DST Inc. opposes the extension of Friday afternoon and evenings permit curfew from current end at Labor Day to November 1<sup>st</sup>.
3. Dawes Crane/DST Inc. would like to see Friday and Sunday afternoon and evenings permit curfews lifted in all counties, including Milwaukee and Dane Counties.

**Agency Response:**

1. WisDOT's response is to remove proposed change from rule-making and maintain the current curfew start time of 4:00 p.m.
2. WisDOT's response is to remove proposed change from rule-making and maintain the current end date of Labor Day.
3. WisDOT does not support lifting Friday and Sunday afternoon and evening permit curfews in all counties. After further data review, WisDOT will modify the rule to lift Friday and Sunday curfews in Eau Claire and Brown Counties, which will increase

the number of counties without Friday and Sunday evening and afternoon permit curfews to 67. Dane, Columbia, Milwaukee, Rock and Waukesha Counties will retain Friday and Sunday afternoon and evening curfews, though the duration will be shortened as proposed in the rule prior to the public hearing.

Glenn E. Hewitt, Transportation & Logistics Manager, Northeast Asphalt, Inc., Greenville, WI –

1. Northeast Asphalt, Inc. opposes changing Friday and Sunday start time for permit restrictions from current 4 p.m. to 3:30 p.m.
2. Northeast Asphalt, Inc. opposes the extension of Friday afternoon and evening permit curfew from current end at Labor Day to November 1<sup>st</sup>.
3. Northeast Asphalt, Inc. would like Brown County to be exempted from the Friday and Sunday afternoon and evening permit curfews because Brown County is the key to operation in the northeast and northern Fox Valley.

**Agency Response:**

1. WisDOT's response is to remove the proposed change from rule-making and maintain the current curfew start time of 4:00 p.m.
2. WisDOT's response is to remove the proposed change from rule-making and maintain the current end date of Labor Day.
3. WisDOT does not support lifting Friday and Sunday afternoon and evening permit curfews in all counties. After further data review, WisDOT will modify the rule to lift Friday and Sunday curfews in Eau Claire and Brown Counties, which will increase the number of counties without Friday and Sunday evening and afternoon permit curfews to 67. Dane, Columbia, Milwaukee, Rock and Waukesha Counties will retain Friday and Sunday afternoon and evening curfews, though the duration will be shortened as proposed in the rule prior to the public hearing.

Gregory Hooyman, Compliance Manager, Payne and Dolan, Inc., Waukesha, WI –

1. Payne and Dolan, Inc. appreciates most of the proposed changes; "...can live with moving Friday and Sunday afternoon permit curfew from 4:00 p.m. to 3:30 p.m. Hooyman testified that Payne and Dolan, Inc. understands that some counties, especially Milwaukee and Waukesha..." will always need limits.
2. Payne and Dolan, Inc. opposes the extension of Friday afternoon and evening permit curfew from current end at Labor Day to November 1<sup>st</sup>.
3. Payne and Dolan, Inc. thinks current procedure for exceptional authorization to operate at larger vehicles size and/or times of day than are set forth in chs. Trans 254 and Trans 255 are unwieldy and not understood by law enforcement.
4. Payne and Dolan, Inc. wishes to replace law enforcement escorts with private escorts.

**Agency Response:**

1. No response necessary.

2. WisDOT's response is to remove proposed change from rule-making and maintain the current end date of Labor Day.
3. WisDOT takes note and believes that removing Friday and Sunday permit curfews in 67 counties will reduce confusion and the need for exceptional authorizations.
4. WisDOT's response is that this request is beyond the scope of this rule-making.

James Damask, ConsTrucks, Inc., Heavy Haul Manager, Stevens Point, WI –

1. ConsTrucks, Inc. wants WisDOT to end Milwaukee and Milwaukee-area jurisdictions from requiring local permits if vehicles are operating under the authorization of the Trans 255 – Annual and Consecutive Permit because s. 348.27 (2), Stats. states that a ch. Trans 255 permit is valid on all highways.
2. ConsTrucks, Inc. wants overweight vehicles to be authorized to move at night.
3. ConsTrucks, Inc. wants the rule modified to increase the current legal vehicle length. The proposed rule-making would increase the legal vehicle length to 125 feet.

**Agency Response:**

1. WisDOT's response is that this issue has been a longstanding concern of the department, but is beyond the scope of this rule-making.
2. WisDOT considered this proposal prior to drafting the current rule-making and rejected it due to local authority concerns, especially in Milwaukee County.
3. WisDOT will modify this rule-making to allow vehicles not exceeding 150 feet to operate on the Milwaukee County Expressway and on all other roadways governed by Trans 254.11 and Trans 255.11.

A summary of public comments at the public hearing in Madison on January 23, 2014 and the Department's response to those comments is as follows:

Tom Howells, President, Wisconsin Motor Carriers Association, Madison, WI –

1. Wisconsin Motor Carriers Association is generally supportive of the proposed rule and of the department's efforts to improve uniformity with other states' oversize/overweight regulations.
2. Wisconsin Motor Carriers Association opposes the extension of Friday afternoon and evening permit curfew from current end at Labor Day to November 1<sup>st</sup>.
3. Wisconsin Motor Carriers Association opposes changing Friday and Sunday afternoon and evenings permit curfew start time from current 4 p.m. to 3:30 p.m.
4. Wisconsin Motor Carriers Association opposes the requirement that multiple trip permit holders electronically check routes before each trip.
5. Wisconsin Motor Carriers Association would like the number of counties that will continue to have Friday and Sunday afternoon and evening permit curfews reduced from seven to four or five. Mr. Howells suggests that Brown

and Eau Claire Counties be added to the 65 counties that would not have Friday and Sunday afternoon and evening permit curfews.

**Agency Response:**

1. No WisDOT response is required.
2. WisDOT's response is to remove the proposed change from rule-making and maintain the current end date of Labor Day.
3. WisDOT's response is to remove the proposed change from rule-making and maintain the current curfew start time of 4:00 p.m.
4. WisDOT will modify the proposed rule to eliminate this proposed requirement.
5. WisDOT does not support lifting Friday and Sunday afternoon and evening permit curfews in all counties. After further data review, WisDOT will modify the rule to lift Friday and Sunday curfews in Eau Claire and Brown Counties, which will increase the number of counties without Friday and Sunday evening and afternoon permit curfews to 67. Dane, Columbia, Milwaukee, Rock and Waukesha Counties will retain Friday and Sunday afternoon and evening curfews, though the duration will be shortened as proposed in the rule prior to the public hearing.

Mike and Kathy McCutchin, Owners, Crane Lifts, Janesville, WI –

1. Crane Lifts would like the single vehicle crane length increased from a current maximum permit length of 60' to 62' or 65'.
2. Crane Lifts want axle weights, especially for a 4-axle group, increased to 100,000 lbs.
3. Crane Lifts opposes the extension of Friday afternoon and evening permit curfew from current end at Labor Day to November 1<sup>st</sup>
4. Crane Lifts wants to be sure that all expansions of time of operation and permissible dimensions are applied to vehicles that are less than 12' wide, as well as those larger than 12' wide.

**Agency Response:**

1. The single vehicle length authorized by the Trans 254 and Trans 255 permits is not set in the administrative rules; dimension limits are set in longstanding policy. The permit program management will review the requested change.
2. Axle weights are set in Chapter Trans Rule 251; therefore, this request is beyond the scope of this rule-making.
3. WisDOT's response is to remove the proposed change from rule-making and maintain the current end date of Labor Day.
4. WisDOT's response is that this is the intention of the proposed rule-making. WisDOT will review to ensure that the rule language is consistent with the intent.

Matthew Grove, Wisconsin Transportation Builders Association (WTBA), Director of Construction Policy, Madison, WI

1. Mr. Grove will submit additional written comments.

2. WTBA wants the number of counties that will no longer have Friday/Sunday afternoon and evening permit curfews increased beyond the 65 in the current proposed rule-making.
3. WTBA opposes the extension of Friday afternoon and evening permit curfew from current end at Labor Day to November 1<sup>st</sup>.
4. WTBA opposes changing Friday and Sunday afternoon and evenings permit curfew start time from current 4:00 p.m. to 3:30 p.m.
5. WTBA wants the proposed rule to include construction site access and movement at additional hours.
6. WTBA opposes the escort vehicle requirement.
7. WTBA opposes the requirement that multiple trip permit holders electronically check routes before each trip.

**Agency Response:**

1. No WisDOT response is required.
2. WisDOT's response is that after further review of traffic data, WisDOT will add Brown and Eau Claire Counties to the list of counties that will no longer have Friday/Sunday permit curfews.
3. WisDOT's response is to remove the proposed change from rule-making and maintain the current end date of Labor Day.
4. WisDOT's response is to remove the proposed change from rule-making and maintain the current curfew start time of 4:00 p.m.
5. WisDOT will not respond to this request in this rule-making. This request would require further research and consultation with other jurisdictions, causing a delay in the changes requested by the trucking industry two years ago.
6. WisDOT's response is that the proposed rule-making will allow greater discretion in circumstances when escort vehicles will be assigned, generally resulting in a less frequent requirement for escort vehicles.
7. WisDOT will modify the proposed rule to eliminate this proposed requirement.

Bob Kallhagan, Ideal Crane Rental, President, Madison, WI –

1. Ideal Crane Rental wants Friday/Sunday afternoon and evenings permit curfews limited to Interstate highways.
2. Ideal Crane Rental wants WisDOT to review the hours of restriction on the Milwaukee County Expressway.
3. Ideal Crane Rental wants "Hours of Restriction" on the Milwaukee County Expressway to be the same as those in all other counties.
4. Ideal Crane Rental opposes the requirement that multiple trip permit holders electronically check routes before each trip.
5. Ideal Crane Rental would like the single vehicle crane length increased from a current maximum permit length of 60' to 62' or 65'.

**Agency Response:**

1. WisDOT will not make this requested change. Reducing the number of counties limited by Friday/Sunday afternoon and evening curfews will achieve

- the requested outcome without diverting permitted vehicles from the most robust highways, and post-hearing research shows that State and US highways have similar or greater congestion than Interstate highways.
2. WisDOT's response is to modify the proposed rule-making to eliminate Sunday morning restricted hours.
  3. WisDOT will not respond to this request in this rule-making. This request would require further research and consultation with other jurisdictions, causing a delay in the changes requested by the trucking industry two years ago.
  4. WisDOT will modify the proposed rule to eliminate this proposed requirement.
  5. The single vehicle length authorized by chs. Trans 254 and Trans 255 permits is not set in the administrative rules; dimension limits are set in longstanding policy. The permit program management will review the requested change.

Gregory Hooyman, Compliance Manager, Payne and Dolan, Inc., Waukesha, WI –

1. Payne and Dolan, Inc. wants Friday/Sunday afternoon and evening permit curfews eliminated on all roads except interstate highways in Columbia, Dane and Waukesha Counties. Mr. Hooyman also wants WisDOT to include language in the proposed rule that will extend this provision to Milwaukee and Waukesha Counties when the major highway construction projects are completed in those counties.
2. Payne and Dolan, Inc. opposes the extension of Friday afternoon and evening permit curfew from current end at Labor Day to November 1<sup>st</sup>.
3. Payne and Dolan, Inc. opposes changing Friday and Sunday afternoon and evenings permit curfew start time from current 4 p.m. to 3:30 p.m.
4. Payne and Dolan, Inc. opposes the requirement that multiple trip permit holders electronically check routes before each trip.
5. Payne and Dolan, Inc. wants vehicles 150' long or less to be allowed to operate on the Milwaukee County Expressway and during hours of darkness.
6. Payne and Dolan, Inc. wants the restriction on Saturday afternoon operation of permitted vehicles lifted or significantly modified.
7. Payne and Dolan, Inc. expressed concern about the annual declaration of "travel restricted holidays", and including any event-based restrictions, e.g. deer hunting or EAA.
8. Payne and Dolan, Inc. expressed that WisDOT had gone beyond the scope of rule-making by proposing changes in escort vehicle requirements which the testifier asserted must be done in Chapter Trans 252.
9. Payne and Dolan, Inc. expressed that WisDOT should consider screening out-of-state applicants for Trans 255 – Annual and Consecutive Month Permits.

**Agency Response:**

1. WisDOT's response is that after further review of traffic data, WisDOT will add Brown and Eau Claire Counties to the list of counties that will no longer have Friday/Sunday permit curfews. Reducing the number counties limited by Friday/Sunday afternoon and evening curfews will achieve the requested outcome without diverting permitted vehicles from the most robust highways,

and post-hearing research shows that State and US highways have similar or greater congestion than Interstate highways. WisDOT is unable to include provisions that are dependent on highway condition data that is not yet assessable.

2. WisDOT's response is to remove proposed change from rule-making and maintain the current end date of Labor Day.
3. WisDOT's response is to remove the proposed change from rule-making and maintain the current curfew start time of 4:00 p.m.
4. WisDOT will modify the proposed rule to eliminate this proposed requirement.
5. WisDOT's response is to modify the proposed rule-making to allow vehicles 150' long or less to operate on the Milwaukee County Expressway and during hours of darkness.
6. WisDOT will not respond to this request in this rule-making. This request would require further research and consultation with other jurisdictions, causing a delay in the changes requested by the trucking industry two years ago.
7. WisDOT will retain the annual declaration of "travel restricted holidays" so that traffic impact on legal holidays that do not always occur on Mondays may be evaluated. Language pertaining to deer hunting will be clarified to make it clear that travel restrictions will not be imposed for the entire season.
8. WisDOT's response is that it has not gone beyond the scope of the proposed rule-making because the change applies to Trans 254.16, and is intended to allow discretion to impose fewer escort vehicles.
9. WisDOT will not respond to this suggestion in this rule-making.

James Damask, ConsTrucks, Inc., Heavy Haul Manager, Stevens Point, WI –

1. ConsTrucks, Inc. opposes the requirement that multiple trip permit holders electronically check routes before each trip.
2. ConsTrucks, Inc. wants vehicles 14'6" in height to be allowed to operate during hours of darkness and on Saturday afternoons.

**Agency Response:**

1. WisDOT will modify the proposed rule to eliminate this proposed requirement.
2. WisDOT considered the allowance of greater than legal height operation during hours of darkness prior to rule drafting but did not advance this proposal because of the number of low bridges in Milwaukee and the Milwaukee area. The allowance of overheight movement during hours of darkness and on Saturday afternoons would require further research and consultation with other jurisdictions; this request will not be advanced in this rule-making.

Wayne P. Kokta, Transportation Manager, Dawes Crane/DST Inc., Milwaukee, WI

1. Dawes Crane/DST Inc. opposes the requirement that multiple trip permit holders electronically check routes before each trip.

**Agency Response:**

1. WisDOT will modify the proposed rule to eliminate this proposed requirement.

Jason Culotta, Wisconsin Manufacturers and Commerce, Director of Tax and Transportation Policy, Madison, WI –

1. Wisconsin Manufacturers and Commerce opposes the requirement that multiple trip permit holders electronically check routes before each trip.
2. Wisconsin Manufacturers and Commerce wants vehicles 150' long or less to be allowed to operate on the Milwaukee County Expressway and during hours of darkness.
3. Wisconsin Manufacturers and Commerce wants overheight vehicles to be allowed to operate during hours of darkness.
4. Wisconsin Manufacturers and Commerce opposes changing Friday and Sunday afternoon and evenings permit curfew start time from current 4:00 p.m. to 3:30 p.m.
5. Wisconsin Manufacturers and Commerce expressed that WisDOT had gone beyond the scope of rule-making by proposing changes in escort vehicle requirements which the testifier asserted must be done in Chapter Trans 252.
6. Wisconsin Manufacturers and Commerce expressed concern about the annual declaration of "travel restricted holidays", and including any event-based restrictions, e.g. deer hunting or EAA.
7. Wisconsin Manufacturers and Commerce expressed support for Friday/Sunday afternoon and evening permit curfews in Milwaukee, Rock and Waukesha Counties but opposes retaining such restrictions in Brown, Columbia, Dane and Eau Claire Counties.

**Agency Response:**

1. WisDOT will modify the proposed rule to eliminate this proposed requirement.
2. WisDOT's response is to modify the proposed rule-making to allow vehicles 150' long or less to operate on the Milwaukee County Expressway and during hours of darkness.
3. WisDOT considered the allowance of greater than legal height operation during hours of darkness prior to rule drafting but did not advance this proposal because of the number of low bridges in Milwaukee and the Milwaukee area. The allowance of overheight movement during hours of darkness would require further research and consultation with other jurisdictions; this request will not be advanced in this rule-making.
4. WisDOT's response is to remove the proposed change from rule-making and maintain the current curfew start time of 4:00 p.m.
5. WisDOT's response is that it has not gone beyond the scope of the proposed rule-making because the change applies to Trans 254.16, and is intended to allow discretion to impose fewer escort vehicles.

6. WisDOT will retain the annual declaration of “travel restricted holidays” so that traffic impact on legal holidays that do not always occur on Mondays may be evaluated. Language pertaining to deer hunting will be clarified to make it clear that travel restrictions will not be imposed for the entire season.
7. WisDOT’s response is that after further review of traffic data, WisDOT will add Brown and Eau Claire Counties to the list of counties that will no longer have Friday/Sunday permit curfews.

Joe Braun, Prom Transport, Inc., President, Franklin, WI –

1. Prom Transport, Inc., wants to know why mobile home and manufactured housing transport is not included in the proposed reduction of limits on hours and days or restriction.
2. Prom Transport, Inc., requested that rule-making begin on Chapter Trans 260 and Trans 261 and include the reduced restrictions.

**Agency Response:**

1. WisDOT staff responded that the transport of mobile home and manufactured housing is authorized by different statutes than any other non-divisible load and the applicable administrative laws, Chapter Trans 260 and Trans 261, are not part of this proposed rule-making.
2. WisDOT staff responded that this request will be considered in prioritizing future rule-making.

The written comment period ended at close of business on January 23, 2014. Written comments were received from:

Matthew Grove, Wisconsin Transportation Builders Association (WTBA), Director of Construction Policy, Madison, WI

Mr. Grove summarizes WTBA’s comments and concerns as follows:

1. While WTBA supports the reduction in the number of counties in the proposal, we would like the department to take a closer look at counties outside of Waukesha and Milwaukee Counties. Those counties are Dane, Brown, Rock, Eau Claire and Columbia. It appears that these counties were included due to specific interchanges or small portions of the counties. WTBA would like WisDOT to reconsider the inclusion of these counties.
2. Extension of Holiday Hours: WTBA feels that the extension of weekend restrictions from Labor Day to November 1 will create an unnecessary burden on timely completion of Highway Construction Projects. WTBA is unaware of any safety data suggesting that this is necessary.
3. WTBA opposes the change in restriction times from 4:00 to 3:30 on Friday and Sunday. WTBA is unaware of any accident data making this change necessary.

4. WTBA believes that provisions on escort vehicles should only be referenced in its current location (Chapter Trans 252).
5. WTBA would like the Department to consider other options as an alternative to the mandatory pre-trip check requirement.

WTBA also endorses the comments and concerns raised by the Industry and members of WTBA at the January 23 hearing.

**Agency Response:**

1. WisDOT's response is that after further review of traffic data, WisDOT will add Brown and Eau Claire Counties to the list of counties that will no longer have Friday/Sunday permit curfews.
2. WisDOT's response is to remove proposed change from rule-making and maintain the current end date of Labor Day.
3. WisDOT's response is to remove the proposed change from rule-making and maintain the current curfew start time of 4:00 p.m.
4. WisDOT's response is that the proposed rule-making will allow greater discretion in circumstances when escort vehicles will be assigned, generally resulting in a less frequent requirement for escort vehicles.
5. WisDOT will modify the proposed rule to eliminate this proposed requirement.

Gregory Hooyman, Compliance Manager, Payne and Dolan, Inc., Waukesha, WI –

Mr. Hooyman testified at both public hearings and his comments, requests and concerns were reflected in the previously summarized testimony and WisDOT's responses to that testimony.

Jason Culotta, Wisconsin Manufacturers and Commerce, Director of Tax and Transportation Policy, Madison, WI –

Mr. Culotta testified at the public hearing in Madison on January 23, 2014, and his written comments, requests and concerns were reflected in the previously summarized testimony and WisDOT's responses to that testimony.

**(e) Explanation of any Changes Made to the Plain Language Analysis or Fiscal Estimate:**

Numerous changes were made to the plain language analysis to make the analysis easier to understand and to reflect changes in policy and the proposed rule resulting from the public hearings and written comments.

A discussion of the applicability provision added to the proposed rule was added to explain the effect of and reason for the applicability provision. Addition of the applicability provision was recommended by the Legislative Council.

References to oversize vehicles “16 feet or wider” were amended to reflect the fact that DMV applies restrictions to vehicles in excess of 16 feet in width. Amendments to relevant rule provisions were added to the text of the rule to reflect this change.

Section 348.08 was added to the list of statutes interpreted and providing a regulatory basis for this rulemaking because it was inadvertently omitted from the initial proposed rule draft.

Various editorial and formatting changes were made to the analysis text to improve readability.

(f) **Response to Legislative Council Recommendations.**

2.a. to g. The recommendations of the Legislative Council were adopted.

2.h. The Department agrees with the Legislative Council recommendation to incorporate an initial applicability provision into the rule. The provision is inserted into the proposed rule as Section 22m.

5. The word “online” is capitalized where it appears at the beginning of any sentence and is not capitalized when it appears midsentence.

(g) **Final Regulatory Flexibility Analysis.** The proposed amendments to Ch. Trans 254 and 255 will have an effect on small businesses which are independently owned and operated and not dominant in their field, and which employ 25 or fewer full-time employees or which have gross annual sales of less than \$5,000,000. WisDOT expects the rule will affect any such businesses that engage in the transportation of oversize loads in Wisconsin that are subject to regulation under the provisions of Ch. Trans 254 or 255 which govern the issuance of single and multiple trip oversize overweight permits.

The reporting, bookkeeping and other procedures required for compliance with the rule are essentially the same as under existing law. The proposed changes will not change bookkeeping or other procedures to obtain and distribute oversize permits, and no person responsible for obtaining, paying for or distributing permits to drivers of motor vehicles will need to acquire new professional skills or new technology

The effect on small businesses will be a reduction in routing complexity and greater ability to meet delivery time and scheduling of vehicles and equipment.

**(h) Report of Additional Materials Submitted.**

Materials indicated by checked boxes below and required for submission as part of this rulemaking are enclosed as part of this proposed rule submission to the legislature.

- Any statement, suggested changes, or other material submitted to the agency by the small business regulatory review board.
- A copy of any economic impact analysis prepared by the agency under s. 227.137 (2) or (4)
- A copy of any report prepared by the department of administration under s. 227.137 (6);
- A copy of any energy impact report received from the public service commission under s. 227.117 (2);
- A copy of any recommendations of the legislative council staff (see Part 3, above).