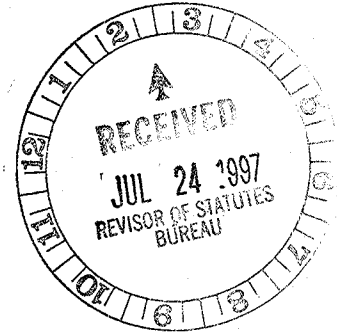


Clearinghouse Rule 97-063

CERTIFICATE

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)



TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **allowing the operation of double bottoms and certain other vehicles on certain specified highways**, was duly approved and adopted by this Department on July 24, 1997.

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



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 24 day of July, 1997.

Charles H. Thompson
CHARLES H. THOMPSON
Secretary

10-1-97

The Wisconsin Department of Transportation adopts an order to amend TRANS 276.07(8), (11), (16) and (17), allowing the operation of double bottoms and certain other vehicles on certain specified highways.

ORDER ADOPTING RULE**Analysis Prepared by the Wisconsin Department of Transportation**

STATUTORY AUTHORITY: ss. 85.16(1) and 348.07(4), Stats.

STATUTE INTERPRETED: s. 348.07(4), Stats.

General Summary of Rule. This rule amends Trans 276.07(11) and (16) Wisconsin Administrative Code, to add two segments of highway to the designated highway system established under s. 348.07(4), Stats. The actual highway segments¹ that this rule adds to the designated highway system are:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 54	I-43 in Green Bay	STH 42 in Algoma
STH 78	USH 14 E. of Mazomanie	USH 12 S. of Sauk City

This rule also amends Trans 276.07(8), (11) and (16), Wisconsin Administrative Code, to reflect the designation of portions of STH 78 and USH 51 as IH 39. These highway segments are currently designated highways so the change in wording does not change the designated highway system.

Also, in response to a written request dated June 25, 1997, from Representative Brandemuehl, Chairman of the Assembly Highways and Transportation Committee, the Department added the following two (2) additional segments to the designated highway system:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 81	STH 78 in Argyle	STH 11 in Monroe
STH 78	STH 11 in Gratiot	Crossing of the Pecatonica River S. of Wiota

¹ The proposed rule text often achieves these objectives by consolidating individual segments into contiguous segments with new end points. In order to determine the actual highway segment added, it is necessary to compare the combined old designations with the combined new designation.

The long trucks to which this rule applies are those with 53-foot semitrailers, double bottoms and the vehicles which may legally operate on the federal National Network, but which exceed Wisconsin's regular limits on overall length. Generally, no person may operate any of the following vehicles on Wisconsin's highways without a permit: a single vehicle with an overall length in excess of 40 feet², a combination of vehicles with an overall length in excess of 65 feet, a semitrailer longer than 48 feet, an automobile haulaway longer than 66 feet plus allowed overhangs, or a double bottom. Certain exceptions are provided under s. 348.07(2), Stats., which implements provisions of the federal Surface Transportation Assistance Act in Wisconsin.

The effect of this rule will be to extend the provisions of s. 348.07(2)(f), (fm), (gm) and (gr), and s. 348.08(1)(e), Stats., to the highway segments listed above. As a result, vehicles which may legally operate on the federal National Network in Wisconsin will also be allowed to operate on the newly-designated highways. Specifically, this means there will be no overall length limitation for a tractor-semitrailer combination, a double bottom or an automobile haulaway on the affected highway segments. There also will be no length limitation for a truck tractor or road tractor when operated in a tractor-semitrailer combination or as part of a double bottom or an automobile haulaway. Double bottoms will be allowed to operate on the affected highway segments provided neither trailer is longer than 28 feet, 6 inches. Semitrailers up to 53 feet long may also be operated on these highway segments provided the kingpin to rear axle distance does not exceed 43 feet. This distance is measured from the kingpin to the center of the rear axle or, if the semitrailer has a tandem axle, to a point midway between the first and last axles of the tandem. Otherwise, semitrailers, including semitrailers which are part of an automobile haulaway, are limited to 48 feet in length.

These vehicles and combinations are also allowed to operate on undesignated highways for a distance of 5 miles or less from the designated highway in order to reach fuel, food, maintenance, repair, rest, staging, terminal or vehicle assembly or points of loading or unloading.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district, sewerage district, or any federally-recognized tribes or bands.

Final Regulatory Flexibility Analysis. The provisions of this rule adding highway segments to the designated system have no direct adverse effect on small businesses, and may have a favorable effect on those small businesses which are shippers or carriers using the newly-designated routes.

Copies of Rule and Contact Person. Copies of this rule are available upon request, without cost, at the office of the State Traffic Engineer, P. O. Box 7916,

² 45-foot buses are allowed on the National Network and Interstate system by Federal law. Section 4006(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

Madison, Wisconsin, 53707, telephone (608) 266-1675. For questions about this rule making, please call Mark Morrison, Traffic & Safety Engineer at (608) 266-1675. Alternate formats of the rule will be provided to individuals at their request.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1) and 348.07(4), Stats., the department of transportation hereby amends ch. Trans 276, Wisconsin Administrative Code, interpreting s. 348.07(4), Stats., relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways, as follows:

SECTION 1. Trans 276.07(8), (11), (16) and (17) are amended to read:

	Route	From	To
Trans 276.07(8)	STH 35	STH 11 N.E. of E. Dubuque	USH 14 at West Avenue in LaCrosse
	STH 35	STH 93 at Centerville	USH 63 at Hager City
	STH 35	USH 10 in Prescott	IH 94 E. of Hudson
	STH 35	USH 8 in St. Croix Falls	STH 48 in Frederic
	STH 35	STH 70 N. of Siren	IH 535 in Superior
	STH 36	STH 11 at Burlington	USH 45 in Franklin
	STH 37	USH 10 at Mondovi	USH 12 in Eau Claire
	STH 39	USH 151 in Mineral Point	STH 69 in Monticello
	<u>IH 39</u>	<u>IH 90-94 S. of Portage</u>	<u>STH 29 W. of Rothschild</u>
Trans 276.07(11)	STH 50	USH 12 W. of Lake Geneva	45th Ave. in Kenosha
	USH 51	S. Corp. Limits of Janesville	USH 14 at Janesville
	USH 51	IH 90 E. of Stoughton	STH 16 S.E. of Portage

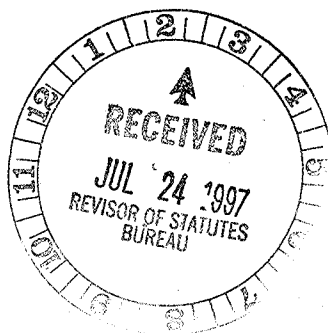
	USH 51	STH 78 <u>IH 39</u> N. of Portage	USH 2 N. of Hurley
	STH 52	USH 45 N. of Aniwa	USH 45 in Antigo
	USH 53	USH 14-61 in La Crosse	USH 10 in Osseo
	USH 53	IH 94 S.E. of Eau Claire	IH 535 in Superior
	STH 54	STH 71 at Melrose	STH 80 at Dexterville
	STH 54	STH 73 in Port Edwards	USH 41 at Green Bay
	<u>STH 54</u>	<u>IH 43 in Green Bay</u>	<u>STH 42 in Algoma</u>
(16)	STH 76	USH 10 W. of Appleton	USH 45 at Greenville
	<u>STH 78</u>	<u>STH 11 in Gratiot</u>	<u>Pecatonica River S. of Wiota</u>
	STH 78	IH 90-94 S. of Portage	USH 51 N. of Portage
		<u>USH 14 E. of Mazomanie</u>	<u>USH 12 in Sauk City</u>
	STH 79	USH 12 N.W. of Menomonie	STH 170 at Boyceville
(17)	STH 80	STH 11 S. of Cuba City	USH 14 at Richland Center
	STH 80	STH 33 in Union Center	STH 13 at Pittsville
	STH 81	STH 35 N.E. of Beetown	STH 23 S. of Darlington
	STH 81	STH 11 N. of Monroe	CTH H W. of Beloit
		<u>STH 78 in Argyle</u>	
	STH 82	STH 80 N. of Elroy	USH 51 W. of Montello
	STH 83	STH 167 S. of Hartford	STH 60 in Hartford
	STH 85	USH 10 in Durand	STH 37 S.W. of Eau Claire
	STH 87	USH 8 in St. Croix Falls	STH 48 S. of Grantsburg
	STH 89	USH 14 N. of Darien	USH 12 in Whitewater
	STH 89	IH 94 at Lake Mills	STH 73 in Columbus

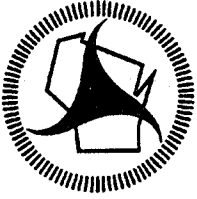
(END OF RULE TEXT)

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

Signed at Madison, Wisconsin, this 24 day of July, 1997.

Charles H. Thompson
CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation





Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

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

July 24, 1997

Mr. Gary Poulson
Deputy Revisor of Statutes
131 West Wilson Street, Suite 800
Madison, Wisconsin 53703

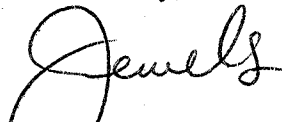
RE: **CLEARINGHOUSE RULE 97-63**

In the Matter of the Adoption of **TRANS 276**, Wisconsin Administrative Code, relating to **allowing the operation of double bottoms and certain other vehicles on certain specified highways.**

Dear Mr. Poulson:

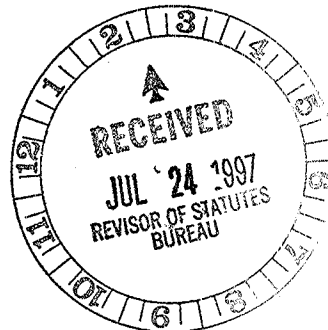
Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 97-63**, an administrative rule relating to the above-mentioned matter.

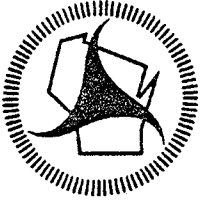
Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Gene Kussart
Dorothy Kapke
Jim McDonnell
Jim Gruendler
Mark Morrison





Wisconsin Department of Transportation

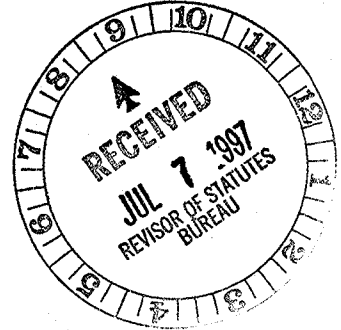
Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF THE SECRETARY
P. O. Box 7910
Madison, WI 53707-7910

July 1, 1997

The Honorable Representative David Brandemuehl
Chairman, Assembly Committee on Highways & Transportation
Room 317 North, State Capitol
Madison, Wisconsin 53702



**RE: Proposed Administrative Rule
Chapter Trans 276, Wisconsin Administrative Code
Clearinghouse Rule No. 97-063**

Dear Representative Brandemuehl:

Your letter of June 25, 1997, requests that the Department modify the above-mentioned administrative rule by including an additional two (2) highway segments to the long truck routes. The administrative rule relates to allowing the operation of double bottoms and certain other vehicles on certain specified highways. The Department hereby submits the attached germane amendments for this rule.

This proposed rule was referred to your committee for review on June 9, 1997, with the review period expiring on July 9, 1997. The submittal of these germane amendments will extend the review period for both your and Senator Plache's committees another 10 work days to July 16, 1997.

Accordingly, pursuant to § 227.19(4)(b)2, Stats., the Department proposes the germane modifications to this final draft rule as shown on the enclosed replacement page (p. 5). Please also replace pages 8-12 with the enclosed new pages 8-12 which the Department has rewritten to reflect your modification request.

Thank you for your consideration of this proposal.

Sincerely,

A handwritten signature in cursive script that reads "C. H. Thompson".

Charles H. Thompson
Secretary

cc: Senator Kimberly Plache/Senator Richard Grobschmidt/Representative Glenn
Grothman/Gary Poulson/Gene Kussart/Mark Morrison

	<u>STH 78</u> <u>STH 11 in Gratiot</u>	<u>Crossing of the Pecatonica</u> <u>River S. of Wiota</u>
	STH 78 IH 90-94 S. of Portage <u>USH 14 E. of Mazomanie</u>	USH 51 N. of Portage <u>USH 12 in Sauk City</u>
	STH 79 USH 12 N.W. of Menomonie	STH 170 at Boyceville
(17)	STH 80 STH 11 S. of Cuba City	USH 14 at Richland Center
	STH 80 STH 33 in Union Center	STH 13 at Pittsville
	STH 81 STH 35 N.E. of Beetown	STH 23 S. of Darlington
	STH 81 STH 11 N. of Monroe <u>STH 78 in Argyle</u>	CTH H W. of Beloit
	STH 82 STH 80 N. of Elroy	USH 51 W. of Montello
	STH 83 STH 167 S. of Hartford	STH 60 in Hartford
	STH 85 USH 10 in Durand	STH 37 S.W. of Eau Claire
	STH 87 USH 8 in St. Croix Falls	STH 48 S. of Grantsburg
	STH 89 USH 14 N. of Darien	USH 12 in Whitewater
	STH 89 IH 94 at Lake Mills	STH 73 in Columbus

(END OF RULE TEXT)

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

Signed at Madison, Wisconsin, this 1 day
of July, 1997.


CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation

PART 4
CR 97-63

ANALYSIS OF FINAL DRAFT OF TRANS 276

(a) **Need for Amended Rule.** Clearinghouse Rule 97-063 is a result of requests from Fuchs, Inc. and Roadway Express, Inc. to add portions of STHs 49, 54 and 78 to the list of designated highways for use by long trucks. Amendment of this chapter is necessary to designate highways as long truck routes.

In determining to designate the two highway segments identified in Part 1 of this Final Draft Report, the Department has considered the factors of safety, economics, energy savings, industry productivity and competition as required by s. 348.07(4), Stats. The above factors were found to justify the designation of the following highway segments:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 54	I-43 in Green Bay	STH 42 in Algoma
STH 78	USH 14 E. of Mazomanie	USH 12 S. of Sauk City

The added segments are needed to provide safer access for long trucks to serve businesses in communities in the area, thus promoting the economics of the area and promoting energy savings.

Also, Representative Brandemuehl, Chairman of the Assembly Highways and Transportation Committee, requested, by letter of June 25, 1997, that the Department include the following two (2) additional segments to the long truck routes:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 81	STH 78 in Argyle	STH 11 in Monroe
STH 78	STH 11 in Gratiot	Crossing of the Pecatonica River S. of Wiota

(b) **Modifications as a Result of Testimony at Public Hearing.** Public hearings on the proposed rule were held in Waupaca on May 13, 1997 and in Madison on May 16, 1997. The public record was officially held open until May 21, 1997, for written comments. As a result of the testimony received at these hearings and its own investigation of the safety of operation of long trucks on the highways originally proposed, the Department has deleted the following highway segment from the list of highways which were proposed in the Notice of Hearing:

Hwy. _____ From _____ To _____
 STH 49 USH 10 in Waupaca STH 161 in Iola

(c) **List of Persons who Appeared or Registered at Public Hearing.** A total of 41 persons either appeared at the public hearings or contacted the Department concerning the long truck routes. A list of these persons and their support or opposition follows:

James C. Wrosch P.O. Box 95 Iola, WI 54945-0095	OPPOSED to STH 49
Arthur Heppner 519 West Fulton Street Waupaca, WI 54981	OPPOSED to STH 49
Lee Johnson, Village President P.O. Box 24 Scandinavia, WI 54977	OPPOSED to STH 49
James Lewinski, Mayor 111 S. Main Street Waupaca, WI 54981	OPPOSED to STH 49
H. Bud O'Neill, Police Chief 124 S. Washington Street Waupaca, WI 54981	OPPOSED to STH 49
Barry Sanders N7148 Torgerson Road Iola, WI 54945	OPPOSED to STH 49
Helen Foulke 514 West Fulton Street Waupaca, WI 54981-1426	OPPOSED to STH 49
John Edlebeck, Director of Public Works 111 South Main Street Waupaca, WI 54981	OPPOSED to STH 49
River Ridge Trail Steering Committee E 3130 Saxeville Road Pine River, WI 54965	OPPOSED to STH 49
Steven & LaDonna Nieland 612 West Fulton Street Waupaca, WI 54981	OPPOSED to STH 49

Thomas Murphy Waupaca Police Department 124 S. Washington Street Waupaca, WI 54981	OPPOSED to STH 49
James D. Ash, Director Parks Recreation & Senior Citizens 111 S. Main Street Waupaca, WI 54981	OPPOSED to STH 49
Robert J. Perry 503 Center Street Waupaca, WI 54981	OPPOSED to STH 49
Harlan Deitz, Captain Waupaca Co. Sheriff 1402 Royalton Waupaca, WI 54981	OPPOSED to STH 49
Mary C. Trice E 2985 Granite Quarry Road Waupaca, WI 54981-8761	OPPOSED to STH 49
Doris E. Weed 205 North Harrison Waupaca, WI 54981	OPPOSED to STH 49
Reuben Jenson N4455 Hwy. 49 Waupaca, WI 54981	OPPOSED to STH 49
Sandy Porod 455 Granite Street Waupaca, WI 54981	OPPOSED to STH 49
Terri Schulz, Executive Director Waupaca Area Chamber of Commerce 221 South Main Street Waupaca, WI 54981	OPPOSED to STH 49
Brion Gibbs 112 North Harrison Street Waupaca, WI 54981	OPPOSED to STH 49
Barbara Fritz 430 West Fulton Street Waupaca, WI 54981	OPPOSED to STH 49

Janet B. Perry 503 Center Street Waupaca, WI 54981	OPPOSED to STH 49
Marcia G. Bobbe E 149 County B Scandinavia, WI 54977	OPPOSED to STH 49
Richard Dance 617 West Fulton Street Waupaca, WI 54981	OPPOSED to STH 49
James Smith, Alderman 315 North Main Waupaca, WI 54981	OPPOSED to STH 49
Harley Hellerud, Business Manager Waupaca School District 515 School Street Waupaca, WI 54981	OPPOSED to STH 49
Richard Davies, Trans. Supervisor Waupaca School District City Alderman 927 9th Street Waupaca, WI 54981	OPPOSED to STH 49
Douglas Abrahamson N3795 Hwy 49 Waupaca, WI 54981	OPPOSED to STH 49
James R. Bowersox School Crossing Guard 426 West Fulton Street Waupaca, WI 54981	OPPOSED to STH 49
Toni Bowersox School Crossing Guard 426 West Fulton Street Waupaca, WI 54981	OPPOSED to STH 49
Billie B. Quimby 611 West Fulton Street Waupaca, WI 54981	OPPOSED to STH 49
Phillip E. Clough 330 North Harrison Waupaca, WI 54981	OPPOSED to STH 49

Mr. & Mrs. Arden Bobbe E 149 Hwy B Scandanavia, WI 54977-9714	OPPOSED to STH 49
Loren Craker, Commissioner Waupaca Co. Highway Dept. 515 E. Fulton Street Waupaca, WI 54981	OPPOSED to STH 49
Don Fabricius, Chairman Waupaca Co. Highway Commission N2980 Highland Lane Waupaca, WI 54981	OPPOSED to STH 49
Tom Howells, President Wisconsin Motor Carriers Assoc. P.O. Box 44849 Madison, WI 53744-4849	SUPPORTS all three routes requested by the members of WMCA.
James LeClaire, Terminal Manager Roadway Express, Inc. 3185 Market Street Green Bay, WI 54304	SUPPORTS STHs 54 and 49
Duane T. Bjorlin Service Center Manager Con-Way Central Express 2666 Gross Avenue Green Bay, WI 54304-5316	SUPPORTS STH 54
David White, Safety Director Fuchs Inc. P.O. Box 576 Sauk City, WI 53583	SUPPORTS STH 78
James J. Jadin, Commissioner Kewaunee Co. Highway Department E 4280 County Trunk F Kewaunee, WI 54216	NOT OPPOSED to STH 54
Lew J. Du Chateau, Village President P.O. Box 307 Luxemburg, WI	OPPOSED to STH 54

(d) **Response to Legislative Council Recommendations.** The Legislative Council's report contained no recommendations.

(e) **Final Regulatory Flexibility Analysis.** The provisions of this proposed rule adding highway segments to the designated system have no direct adverse effect on small businesses, and may have a favorable effect on those small businesses which are shippers or carriers using the newly-designated routes.

cc: Gene / 066

Wisconsin State Representative
David Brandemuehl
Chair: Highways and Transportation Committee

June 25, 1997

RECEIVED

JUN 27 1997

Charles H. Thompson, Secretary
120B, Hill Farms State
Transportation Building
4802 Sheboygan Avenue
Madison, WI 53705

Dear Secretary Thompson:

As chair of the Assembly Committee on Highways and Transportation, I am writing to request a modification to Clearinghouse Rule 97-063, relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways. CR 97-063 was referred to this committee on June 9, 1997.

I am requesting that the Wisconsin Department of Transportation modify CR 97-063 to add State Highway 81 from Monroe to Argyle and State Highway 78 from Gratiot to the Pecatonica River to the list of long truck routes. Currently, two important manufacturers in southwestern Wisconsin, Argyle Industries and Zimmerman Cheese in Wiota, are being hindered by the absence of accessible long truck routes. Without this access, the manufacturers' ability to get their products to markets, which are as far away as the east and west coasts, is seriously jeopardized. This modification to CR 97-063 will address these current problems and bring long truck routes to where they are needed.

If you would care to discuss this request further, please contact me at your earliest convenience. I look forward to your response. Thank you for your attention to this matter.

Sincerely,



David A. Brandemuehl
State Representative
49th Assembly District

DAB:sik

cc: Senator Dale Schultz, 17th Senate District

Senator Kimberly Plache, Senate Committee on Labor, Transportation and Financial Institutions

RECEIVED

JUN 27 1997

OFFICE OF
GENERAL COUNSEL