

**To:** Paul Bernander, Osow Permit Unit Staff; Major S. Huxtable, DSP Captains, Lieutenants & Sergeants; Pete Lynch; Paul Nilsen; John Sobotik; Reed McGinn

**Cc:** Mitch Warren; Dave Vieth; Laura Fenley; Ron Adams

**From:** Kathleen Nichols, OSOW Supervisor

**Subject:** Technical Memo - New Freight-related Laws 2011 – rev. 1 – 11/22/11

## **I. SUMMARY**

More freight and/or oversize-overweight related bills were enacted this month than in any prior legislative session in the past 15 years. (After this Summary, details of each Act are addressed individually.)

These bills:

1. extend the duration of s.348.17(5) - the Harvest Exemption.
2. increase the legal single vehicle length to 45 feet for all vehicles in s.348.07(1).
3. modify the s.348.26(4) -Single Trip Mobile Home Permit.
4. eliminate two permits – (replaced by statutory authority, see below)
  - a. s.348.27(5) – Pole & Pipe Permit, and
  - b. s.348.27(7m) - Three-vehicle combination for recreational purpose.
5. create statutory authority, without a permit –
  - a. s.348.07(2)(k)for oversize transport of pole, pipe & girder, and
  - b. s.348.08 (1)(i) for three vehicle combinations for recreational purposes.
6. create four new permits –
  - a. s.348.26 (8) Single Trip Permit for Sealed Container Transport.
  - b. s.348.27(17) Multiple Trip Permit for Sealed Container Transport.
  - c. s.348.27(16) Multiple Trip Permit for Hay & Straw Transport
  - d. s.348.27(18) Multiple Trip Permit for Farm & Field Product Transport.

## II. DETAILS of EACH BILL

### 1. Extension of Duration of the Harvest Exemption

- a. 2011 Wisconsin Act 52 (was AB-252)
- b. Effective on November 24, 2011

#### Key Features:

- c. Harvest period now Sept 1<sup>st</sup> to December 31<sup>st</sup>. (End date had been November 30<sup>th</sup>)
- d. No change to allowable commodities, trip purpose or overweight provisions.
- e. No change in roadway that may be used for transport under this exception.

### 2. Modification to Single Trip Mobile Home Transport Permits

- a. 2011 Act 57 (was AB-64).
- b. Effective November 24, 2011.
- c. Only WisDOT may issue this permit- no change.
- d. Vehicles loaded with multiple components may operate on Interstate highway.

#### Key Features:

- e. Allows more than one section of the same modular home to be transported on a carrier, if:
  - i. Each home section is a component of the same home identified by serial numbers or “...other distinguishing marks...”
  - ii. OSOW Unit will seek clarification of distinguishing marks that will establish that components are parts of the same home.
  - iii. Addition of an additional piece or pieces “...will not exceed the size limits specified in the permit.
  - iv. Length - A maximum overall length of 110 feet, with a maximum home section length of 80 feet is set in statute. So, for example, if a home section is 60 feet in length, haulers may

also load one or more dormers as long as those dormers do not create a total load length greater than 80 feet.

- v. Width and height – additional pieces will be allowed if addition of components will not create a load height or width greater than the dimensions that would have appeared on a permit for the primary modular section or mobile home for as a single component load.
- vi. Weight - may not exceed legal gross vehicle nor axle weights.

### **3. Increase Legal Single Vehicle Length to 45 feet**

- a. 2011 Act 54 (was AB-254).
- b. Effective date June 1<sup>st</sup>, 2012.

#### **Key Features:**

- c. Increases the length for a bus from 40 to 45 feet in s.194.32.
- d. Increases the length for “...any single vehicle...(to) 45 feet...”
- e. Repeals s.348.07(2) because motor buses, motor homes and recreational vehicles are no longer exceptions to the new standard single vehicle length of 45 feet.
- f. Increase valid on all classes of roadway.

### **4. Creation of Statutory Authorization for Transportation of Material previously authorized by the Pole & Pipe Permit**

- a. 2011 Act 53 (was AB-253).
- b. Effective date November 24<sup>th</sup>, 2011.

#### **Key Features:**

- c. Eliminates former permit requirement.
- d. Creates a statutory allowance for “...transportation of poles, pipe, girders and similar materials”
  - i. Transport must still be for the uses of a pipeline company, public service corporation, municipal utility or cooperative association.

- ii. Vehicle hauling for the above entities may be owned by the entity or may be a motor carrier under contract to the eligible entities. (Permit did not allow contract motor carriers.)
- iii. Single vehicle maximum overall length is 60 feet.
- iv. Combination vehicle maximum overall length is 120 feet.

NOTE: Standard single trip permits, per s.348.26(2) remain available for transport of poles, pipe or girders not being hauled for pipeline companies, public service corporations, municipal utilities or cooperative associations, or for combination lengths in excess of 120 feet.

## **5. Creation of Statutory Authorization for 3-Vehicle Combinations previously authorized by the “Three-vehicle Recreational Permit”**

- a. 2011 Act 59 (was AB-267).
- b. Effective date November 24<sup>th</sup>, 2011.
- c. Eliminates former permit requirement.

### **Key Features:**

- d. Creates a statutory authorization for, basically, the same combinations that were allowed by the 3-V Permit, and
  - i. Creates a statutory definition of “vehicle for recreational use” in s.340.01(2)(d) to clarify what may be transported on the towed unit that is not a camper or recreational vehicle. A “Vehicle for recreational use” is a bicycle, moped, motor bicycle, motorcycle, all-terrain vehicle, snowmobile, boat, sailboard, personal watercraft or electric personal assistive mobility device. (See new statute for vehicles excluded from eligible loads.)
  - ii. Requires brakes on one of the towed vehicles if the combined weight of both towed vehicles exceeds 3,000 pounds.
  - iii. Sets the maximum combination length at 65 feet. (Eliminates the old limit of 60 feet for certain combinations.)
  - iv. Retains the prohibition against operating in inclement weather or on roadway in poor condition due to weather.

## **6. Permits for Hay & Straw Transport**

- a. 2011 Act 58 (was AB-248).
- b. Permit number will start “HM”.
- c. Application for this permit must be made on-line and must provide at least one primary route – intent is to require that permittee use the routing system to determine clearance before each trip.
- d. Permit must be issued by WisDOT, however, if the requested route involves roadway other than State, US or Interstate highway, written approval from the designated county, town or local official will be required at application.
- e. Standard multiple trip fee structure; including purchase for 3 to 12 months of operation.
- f. Effective February 1<sup>st</sup>, 2012.
- g. Rulemaking to define “urban area,” establish tie-down requirements and require use of routing system for each trip, must commence on November 24<sup>th</sup>, 2011.

**Key Features:**

- h. Authorizes over-height multiple trip permits for transport of hay and straw:
  - i. Maximum height for a vehicle moving through, yet to be defined, “urban areas” is 14’06”;
  - ii. If route does not go through an urban area, maximum height is 15’00.”
- i. “HM” permit may be used in conjunction with s.348.05(2)(L) to allow overwidth and overheight loads of hay but not loads of straw.
  - i. If a transporter loads both overheight and overwidth, the load may not exceed roadway lane width, and
  - ii. may not operate on any Interstate highway.

**7. Permits for Sealed Container Transport**

- a. 2011 Act 55 (was SB-222); both single trip and multiple trip permits authorized by Act 55.
- b. Effective date June 1<sup>st</sup>, 2012.
- c. Permit numbers will start “CS”- single trip and “CM” – multiple trip.

- d. Application for these permits must be made electronically.
- e. Only WisDOT may issue these permits regardless of classes of roadway on route.
- f. These permits will be valid on all Interstate highways.
- g. Fees:
  - i. Single trip permit is \$30.00
  - ii. Multiple trip permit, which may be purchased for 3 to 12 months; 12 month fee is \$300.00.

**Key Features:**

- h. Maximum gross vehicle weight is 90,000 pounds.
- i. Vehicle must have a minimum of 6 axles.
- j. GVW, number of axles and axle spacings must conform to the federal bridge formula. (This evaluation will be built into the electronic application.)
- k. Load or vehicle must be sealed with a tamper-evident seal affixed at time of initial loading.
- l. Cargo must be in international trade.

**8. Permit for “Transportation of Certain Agricultural Products” to and from the farm – aka Farm & Field Permit**

- a. 2011 Act 56 (was SB-223).
- b. Effective date June 1<sup>st</sup>, 2012.
- c. Permit number will start “FF”. (“FM” is already in use.)
- d. Multiple trip permit which for 3 to 12 months; 12 month fee is \$300.00.
- e. Application for these permits must be made electronically.
- f. Permit must be issued by WisDOT, however, if the requested route involves roadway other than State, US or Interstate highway, written approval from the designated county, town or local official will be required at application.

**Key Features:**

- g. Maximum gross vehicle weight is 90,000 pounds.

- h.** Vehicle must have a minimum of 6 axles.
- i.** GVW, number of axles and axle spacings must conform to the federal bridge formula. (This evaluation will be built into the electronic application.)
- j.** No restriction on product types in transport to a farm.
- k.** If transport is from a farm or field or storage or “...facility for initial processing...” products in transport are limited to agricultural products, defined as “
  - i.** Fruit
  - ii.** Vegetables
  - iii.** Grain, including distillers’ grain
  - iv.** Live livestock, as defined in 95.51(1)
    - 1.** Poultry
    - 2.** Bovines
    - 3.** Equines
    - 4.** Swine
    - 5.** Goats
    - 6.** Sheep
    - 7.** Farm-raised deer
- l.** Feed for livestock
- m.** Nutritional supplements for livestock

NOTE: Manure, animal waste, raw forest products, liquid milk or liquid milk by-products are not eligible products under this permit.

