

340.01 (24) (a) 1. b. or agricultural commercial motor vehicle used as described in s. 340.01 (10) (c) 1. to or from a farm-related destination, on a highway that is not designated under subd. 2. a.

2.

a. The governing body of a municipality or county may, by resolution or ordinance, designate highways under the municipality's or county's jurisdiction, for maintenance purposes, on which the statutory weight limits prescribed under this section, other than this paragraph, for implements of husbandry or agricultural commercial motor vehicles apply to implements of husbandry described in s. 340.01 (24) (a) 1. b., and to agricultural commercial motor vehicles used as described in s. 340.01 (10) (c) 1., that are operated or transported on the highway and to 2-vehicle combinations transporting them. If a resolution or ordinance is adopted under this subd. 2. a., any weight limit resulting from the resolution or ordinance is considered to be a weight limit imposed by this chapter and any violation is considered to be a violation of the applicable weight limits prescribed under this section.

b. For a resolution or ordinance under this subdivision to be effective in any calendar year, the resolution or ordinance must be adopted on or before November 30 of the prior year. A resolution or ordinance adopted under this subdivision shall be valid for at least one calendar year. No amendment to a resolution or ordinance is effective in a calendar year unless the amendment was adopted on or before November 30 of the prior year.

c. No later than January 20 of the year after it adopts or amends a resolution or ordinance under this subdivision, each municipality or county that designates highways under subd. 2. a. shall forward to the department a copy of the resolution or ordinance, and the department shall publish the resolution or ordinance on the department's Internet site.

3. Subdivisions 1. and 1m. do not apply on any highway that is a state trunk highway or that is posted with a weight limitation as provided in s. 348.17 (1).

(10)

(a) Notwithstanding sub. (3) (a), (b), and (c), but subject to par. (b), there is no weight limitation per wheel, axle, or group of axles, and no gross weight limitation, for skidders, forwarders, harvesters, and wheeled feller bunchers operated for logging purposes at times other than hours of darkness and operated unladen on the highway for a distance of 0.5 miles or less.

(b) Paragraph (a) does not apply on any highway that is posted with a weight limitation as provided in s. 348.17 (1) or that is a part of the national system of interstate and defense highways.

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 179; 2013 a. 377; 2015 a. 15, 55, 171, 232, 360; 2017 a. 59, 85, 299.

If a tractor-trailer combination is too long and too wide for a scale, multiple weighing of the separate wheel groups is permissible. An overload permit is to be disregarded if the total weight exceeds that specified in the permit. *State v. Trailer Service, Inc.*, 61 Wis. 2d 400, 212 N.W.2d 683 (1973).
Discussing subs. (3) (b) 2. [now sub. (3) (br)] and (5r). 62 Atty. Gen. 100.

348.16 Weight limitations on class "B" highways.

(1) In this section, "class 'B' highway" includes those county trunk highways, town highways and city and village streets, or portions thereof, which have been designated as class "B" highways by the local authorities pursuant to s. 349.15.

(2) Except as provided in sub. (3) and s. 348.175 and subject to any modifications made by a city of the first class pursuant to s. 349.15 (3), no person, without a permit therefor, shall operate on a class "B" highway any vehicle or combination of vehicles imposing wheel, axle, group of axles, or gross weight on the highway exceeding 60 percent of the weights authorized in s. 348.15 (3). This subsection does not apply to an implement of husbandry or agricultural commercial motor vehicle being operated or transported, or to a 2-vehicle combination transporting an implement of husbandry or agricultural commercial motor vehicle, as described in s. 348.15 (9) (c), (cm), (e), or (f) 1. or 1m.

(3)

(a) Any motor vehicle whose operation is pickup or delivery, including operation for the purpose of moving or delivering supplies or commodities to or from any place of business or residence that has an entrance on a class "B" highway, may pick up or deliver on a class "B" highway without complying with the gross vehicle weight limitations imposed by sub. (2).

(b) Subsection (2) does not apply to a vehicle operated by or at the direction of a public utility, as defined in s. 196.01 (5), a telecommunications provider, as defined in s. 196.01 (8p), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, power, or water to its members, that is being operated for the purpose of responding to a service interruption.

(c) Subsection (2) does not apply to the operation of any skidder, forwarder, harvester, or wheeled feller buncher under circumstances for which there is no weight limitation under s. 348.15 (10).

(d) Subsection (2) does not apply to a motor vehicle that is being operated to deliver propane for heating purposes if the gross weight imposed on the highway by the vehicle does not exceed 30,000 pounds, for a vehicle with a single rear axle, or 40,000 pounds, for a vehicle with tandem rear axles, and, if the motor vehicle is a tank vehicle, the tank is loaded to no more than 50 percent of the capacity of the tank. A tank vehicle operated under this paragraph shall be equipped with a gauge on the tank that shows the amount of propane in the tank as a percent of the capacity of the tank and shall carry documentation of the capacity of the tank either on the cargo tank or in the cab of the vehicle.

History: 1981 c. 312; 2001 a. 16; 2009 a. 177; 2011 a. 257; 2013 a. 377; 2015 a. 15, 44, 171; 2017 a. 59, 68.

348.17 Special or seasonal weight limitations.

- (1) No person, whether operating under a permit or otherwise, shall operate a vehicle in violation of special weight limitations imposed by state or local authorities on particular highways, highway structures or portions of highways when signs have been erected as required by s. 349.16 (2), giving notice of such weight limitations, except when the vehicle is being operated under a permit expressly authorizing such weight limitations to be exceeded or is being operated as authorized under sub. (4).
- (2) Whenever the operator of a vehicle is ordered by the officer or agency in charge of maintenance or by a traffic officer to suspend operation of such vehicle because of the damage such vehicle is causing or likely to cause to the highway or the public investment therein, the operator shall forthwith comply with such order.
- (3) During an energy emergency, after consultation with the public service commission, the department may waive the divisible load limitation of s. 348.25 (4) and authorize for a period not to exceed 30 days the operation of overweight vehicles having a registered gross weight of 50,000 pounds or more and carrying energy resources or fuel or milk commodities designated by the governor or a designee, regardless of the highways involved, to conserve energy. Such authorization may only allow weights not more than 10 percent greater than the gross axle and axle combination weight limitations, and not more than 15 percent greater than the gross vehicle weight limitations under ss. 348.15 and 348.16. Nothing in this subsection shall be construed to permit the department to waive the requirements of ss. 348.05 to 348.07. This subsection does not apply to vehicles on highways designated as parts of the national system of interstate and defense highways, except for the I 39 corridor and the I 41 corridor.
- (4) During an energy emergency, after consultation with the public service commission, the department may authorize motor vehicles that have a gross weight of 26,000 pounds or less and that are transporting propane or heating oil for delivery to residences, businesses, or other end users to exceed any special weight limitation imposed under ss. 348.17 (1) and 349.16 (1) (a) and (2) in connection with the thawing of frozen highways. Any person operating a motor vehicle as authorized under this subsection shall, to the extent practicable, deliver propane or heating oil at times of the day when the highways used are the least vulnerable.
- (5)
 - (a) From August 1 to December 31 of each year, no permit shall be required for the transportation of corn, soybeans, potatoes, vegetables, or cranberries from the field to storage on the grower's owned or leased land, from the field to initial storage at a location not owned or leased by the grower, or from the field to initial processing in a vehicle or combination of vehicles that exceeds the weight limitations under s. 348.15 by not more than 15 percent and that satisfies all of the following:
 1. Has a registered gross weight of 50,000 pounds or more.
 2. Is a motor truck, farm truck, road tractor, truck tractor, or farm truck tractor or such a vehicle combined with a semitrailer, trailer, or farm trailer, when the vehicle or combination is a commercial motor vehicle operated on a highway.
 - (b) This subsection does not apply to the national system of interstate and defense highways, except for the I 39 corridor and the I 41 corridor.
- (6)
 - (a) From September 1 to December 31 of each year, no permit shall be required for the transportation of manure to or from a farm in a vehicle or combination of vehicles that exceeds the weight limitations under s. 348.15 by not more than 15 percent and that satisfies any of the following:
 1. Has a registered gross weight of 50,000 pounds or more.
 2. Is a motor truck, farm truck, road tractor, truck tractor, or farm truck tractor or such a vehicle combined with a semitrailer, trailer, or farm trailer, when the vehicle or combination is a commercial motor vehicle operated on a highway.
 - (b) This subsection does not apply to the national system of interstate and defense highways, except for the I 41 corridor.

History: 1991 a. 316; 1995 a. 348 ss. 11, 13 to 15, 17; 2005 a. 364; 2011 a. 52, 279; 2013 a. 217, 377; 2015 a. 55, 235; 360; 2017 a. 59, 136.

Under the Federal Surface Transportation Assistance Act of 1982, 49 USC 31114, the traditional power of state and local governments to regulate travel over local roads remains so long as reasonable access is not denied, and nothing in 49 USC 31114 (b) suggests that all local restrictions on access to statutorily protected destinations must be based on safety considerations. The record in this case reflected that a seasonal weight limitation was a normal restriction transport companies would be aware of, that adequate notice of the restriction was provided, and that a permit to travel the road was readily available. Put together, these facts showed reasonable access was provided, and the town's seasonal weight limitation was not preempted by the Act. *Town of Deerfield v. Central Transport Kriewaldt*, 2020 WI 61, 392 Wis. 2d 427, 944 N.W.2d 819, 17-2525.

348.175 Seasonal operation of vehicles hauling peeled or unpeeled forest products cut crosswise or abrasives or salt for highway winter maintenance. The transportation of peeled or unpeeled forest products cut crosswise or of abrasives or salt for highway winter maintenance in excess of gross weight limitations under s. 348.15 shall be permitted during the winter months when the highways are so frozen that no damage may result thereby for reason of such transportation. If at any time any person is so transporting such products or abrasives or salt upon a class "A" highway in such frozen condition then that person may likewise use a class "B" highway without other limitation, except that chains and other traction devices are prohibited on class "A" highways but such chains and devices may be used in cases of necessity. On the first day that conditions warrant their determination of such frozen condition and freedom of damage to such highways by transportation, the officers or agencies in charge of maintenance of highways shall declare particular highways, or highways within areas of the state, as eligible for increased weight limitations, and each declaration shall be effective as of 12:01 a.m. on the 2nd day following the declaration. Such declaration shall include the maximum weight on each axle, combination of axles and the gross weight allowed. Any person transporting any such product over any highway of this state under this section is liable to the maintaining authority for any damage caused to such highway. This section does not apply to the national system of interstate and defense highways, except for the I 39 corridor and the I 41 corridor.

History: 1983 a. 531; 1991 a. 316; 1995 a. 113; 2005 a. 167; 2009 a. 28; 2015 a. 55; 360.

The phrase "peeled or unpeeled forest products cut crosswise" does not encompass wood chips. The phrase instead invokes images of logs, posts, poles, or similar pieces of timber, with or without bark, and cut to length. *State v. T.P. Trucking*, 2006 WI 98, 293 Wis. 2d 273, 715 N.W.2d 736, 05-2496.