

**Krause, Sheri**

**From:** Thiel, Jim  
**Sent:** Friday, April 16, 1999 8:45 AM  
**To:** Krause, Sheri  
**Subject:** RE: Breske Contact, SB 77 Septic Haul; Companion to AB 188

Sheri, the WISDOT weight exception report is done on the septic hauler bill, AB 188/ SB 77 and being shipped down for printing now. Over 300 trips on STH system would cost about \$210,000 each year in accelerated damage to the 315 miles of State Trunk Highways that get posted on STH system during Spring thaw. Greater impact/damage would occur on local roads. For that reason, and because WISDOT was unable to be as specific about extent and degree of damage on these local roads, WISDOT staff that prepared the report think that local or county authorities **may** be opposed to all or part of bill.

In addition to Bill Ford's start to finish rather than pumping to dumping suggested amendment, WISDOT staff has also identified technical improvements/observations to the bill as follows:

1. The law should require the shortest route ON POSTED ROAD, otherwise the shortest route provision in existing bill might make them use the posted road itself for a longer distance and cause more damage.
2. We think the bill still requires a permit, but it could/would be a multiple trip permit, so shouldn't be that inconvenient to obtain before Spring thaw period. See 348.17(1), Stats. Maybe that's o.k. as long as everyone understands that permit will still be required. If not, probably need amendment.

-----Original Message-----

**From:** Krause, Sheri  
**Sent:** Thursday, April 15, 1999 1:32 PM  
**To:** Thiel, Jim  
**Subject:** RE: Breske Contact, SB 77 Septic Haul; Companion to AB 188

I appreciate the FYI. I was there for Dave's bills, but I didn't stick around for SB 77. I assume AB 188 has the same problem, so it helps to know about the amendment. Thanks!

-----Original Message-----

**From:** Thiel, Jim  
**Sent:** Thursday, April 15, 1999 1:12 PM  
**To:** Krause, Sheri  
**Subject:** FW: Breske Contact, SB 77 Septic Haul; Companion to AB 188  
**Importance:** High

Sheri, FYI, below is excerpt from brief WISDOT internal report on what happened at the Senate "non-hearing" on SB77 relating to septic hauling. We had WISDOT staff there on the Rep. Brandemuehl's bills:

"SB 77, relating to exempting emergency hauling of septic material from seasonal weight limitations on local roads: 2 haulers (I didn't catch their names) spoke in favor, explained how difficult it is to get permissions for emergency situations. During their testimony Bill Ford (Leg Council attorney) noted that the bill as drafted doesn't allow the exemption from start of trip to place where septic has to be pumped, only allows from pumping to dumping location....so, they determined an amendment would be needed to accommodate that. Rick Stadlerman, Towns Association, spoke in favor, and agrees with amending to have exemption from start to pumping site. No exec on this, they'll work it out first."

-----Original Message-----

**From:** Thiel, Jim  
**Sent:** Friday, April 09, 1999 1:02 PM  
**To:** Rusch, Peter; Morrison, Mark  
**Cc:** Maassen, Joe; Cook, Robert; Krause, Sheri  
**Subject:** RE: Breske Contact, SB 77 Septic Haul; Companion to AB 188  
**Importance:** High

Sen. Breske will allow septic haulers and any others who show up APRIL 14 to testify regarding the issues, but will officially provide that it is not a hearing on the bill; the hearing on SB 77 will be held later: **APRIL 21**. WISDOT will be expected to have its report done and distributed for **APRIL 21** hearing in Senate. WISDOT doesn't have to send anyone to the April 14 informational session and no one from WISDOT will be expected.

Rep. Brandemuehl's hearing, as you know, is scheduled for April 22 on the identical companion bill, the report on which has to be distributed the week of April 12, not later than April 19, any way you count it.

-----Original Message-----

**From:** Thiel, Jim  
**Sent:** Friday, April 09, 1999 12:31 PM  
**To:** Rusch, Peter; Morrison, Mark  
**Cc:** Maassen, Joe  
**Subject:** FW: Breske Contact, SB77 Septic Haul

I called Sen. Breske's Office. They are afraid they already have a group of folks coming down for the hearing the 14th and hate to call it off, but they will discuss with Chief Clerk to see if they have any option in absence of report. The Sen. Breske's office called back to say Clerk said no problem. I pointed out prohibition was in statute and we couldn't get it done in time and you folks wouldn't be available, but we'd make do in your absence if they decided to proceed anyway. (I suppose they could change it to an "informational hearing" on the issue and not technically the bill -- and what's the penalty anyway -- they can hold a "real" hearing on the bill later and exec. it out.) They will let me know what they decide ASAP!

P.S. My earlier note to you on the IDENTICAL companion bill AB 188 indicated report was due on that April 12. I think April 12 would be the first day of the within 6 weeks period required on that bill; April 14 would be the first day of the within 6 weeks period on SB77.

-----Original Message-----

**From:** Maassen, Joe  
**Sent:** Friday, April 09, 1999 11:31 AM  
**To:** Thiel, Jim  
**Subject:** Breske Contact

Contact in Senator Breske's office is Vaughn Vance. He is Breske's chief of staff. 266-2509

<b>1999 Session</b>		LRB Number <b>LRBs0057/1</b>
<b>FISCAL ESTIMATE</b> DOA-2048 N(R06/99)		Bill Number <b>AB 188/SB 77</b>
<input type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input checked="" type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL		Amendment No. if Applicable
<b>Subject</b> <b>Exempting certain vehicles transporting material pumped from a septic or holding tank from special or seasonal weight limitations imposed by local highway authorities.</b>		Administrative Rule Number
<b>Fiscal Effect</b>		
State: xNo State Fiscal Effect		
Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Increase Existing Appropriation	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriation	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriation		
<b>Local: xNo local government costs</b>		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<b>Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		<b>Affected Chapter 20 Appropriations</b>
<b>Assumptions Used in Arriving at Fiscal Estimate</b>		
<p><b>Current law, sec. 349.16(1)(a), Stats., allows the authority in charge of the maintenance of a highway to impose special weight limitations on <b>highways</b> or portions of highways when it is necessary due to weakness of the roadbed due to deterioration or climatic conditions (spring thaw) or other special or temporary conditions. Current law, sec. 349.16(1)(b), Stats., also <b>allows</b> the imposition of special weight limitations on <b>bridges and culverts</b> when the bridge or culvert cannot safely sustain the maximum weight otherwise permitted by statute.</b></p> <p>Such posted highways and bridges may disrupt the delivery or removal of commodities or materials even though the movement is important to the health and safety of the property served by these highways and bridges. Therefore, under <b>current law</b>, sec. 349.16(3), Stats., the authority in charge of the maintenance of the highway <b>may</b> exempt vehicles carrying certain commodities specified by the authority or which are used to perform certain services specified by the authority, including but not limited to pumping septic or holding tanks, from the special weight limitations which are imposed under sub. (1) (a), or <b>may</b> set different weight limitations than those imposed under sub. (1) (a) for vehicles carrying those commodities or which are used to perform those services, if such exemption or limitation is reasonable and necessary to promote the public health, safety and welfare. <b><u>However, there is no authority to create exemptions for posted bridges or culverts, under sub. (1)(b).</u></b></p> <p>It is <b>assumed</b> that local highway maintaining authorities already exempt vehicles that pump septic or holding tanks from these special or seasonal weight limits on local highways when it is necessary to do so within 24 hours to address public health, safety and welfare concerns and that reasonable conditions are imposed to be eligible for these exemptions. The Wisconsin Department of Transportation issues permits for significantly less than 300 trips of this nature; WISDOT <b>assumes</b> the number of required trips of this nature on State Trunks Highways will not significantly increase.</p> <p>There are 315 miles of State Trunk Highways on 28 segments posted for spring thaw each year. WISDOT rarely imposes other special weight limitations. Under 300 trips on State Trunk Highways authorized by this legislation would have a negligible State fiscal impact.</p> <p style="text-align: center;">(Continued)</p>		
<b>Long-Range Fiscal Implications</b> <b>None.</b>		
<b>Prepared by:</b> James S. Thiel and Pete Rusch	<b>Telephone No.</b> (608) 266-8928	<b>Agency</b> DOT
<b>Authorized Signature:</b>	<b>Telephone No.</b>	<b>Date</b>

The posting of roads for special or seasonal weight limits is much more common on the local road system. WISDOT does not have a good method for determining the number of trips of this nature on local roadways. This bill **requires** state and local highway maintaining authorities to exempt vehicles that are used to transport material pumped from a septic or holding tank from the special or seasonal weight limitations on highways **if, because of health concerns, material needs to be removed from a septic or holding tank within 24 hours after the vehicle owner or operator is notified and if the vehicle is operated for the purpose of emptying the septic or holding tank and disposing of its contents.** There is still no exemption for posted bridges or culverts. This bill also requires the operator of the vehicle to notify the maintaining authority within 72 hours after the movement. The vehicles are still subject to normal vehicle weight limitations, including appropriate registration requirements.

If the vehicles involved are operated on a route that minimizes travel on highways subject to the special or seasonal weight limitations, a condition that, in all probability, is presently imposed by the permitting authorities, then the fiscal effect of this bill on local governments is also, in all likelihood, negligible. [Note: Assembly Substitute Amendment 1 to AB 188 and Senate Substitute Amendment 1 to SB 77 impose this "minimize travel" requirement as a matter of law in order to be eligible for the exemption.] The key difference between this bill and current law is that persons making the move will be able to carry out the 24 hour emergency pumping and disposal first and then notify the highway maintaining authority within 72 hours after the movement to seek a permit.

Regardless of the exemption authorized by this bill, sec. 348.17(1), Stats., prohibits any person, whether operating under a permit or otherwise, to operate a vehicle in violation of special or seasonal weight limitations, except when the vehicle is being operated under a permit expressly authorizing the weight limitations to be exceeded. Likewise, under sec. 348.17(2), Stats., 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 a vehicle because of the damage the vehicle is causing or likely to cause to the highway or the public investment therein, the operator is required to comply with the order.

**FISCAL ESTIMATE WORKSHEET**

Detailed Estimate of Annual Fiscal Effect  
DOA-2047 (R06/99)

1999 Session

ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

LRB Number <b>LRBs0057/1</b>	Amendment No. if Applicable
Bill Number <b>SB 77/AB 188</b>	Administrative Rule Number

**Subject**

**Exempting certain vehicles transporting material pumped from a septic or holding tank from special or seasonal weight limitations imposed by local highway authorities.**

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
A. State Costs by Category		Increased Costs	Decreased Costs
State Operations - Salaries and Fringes		\$	\$ -
(FTE Position Changes)		( FTE)	(- FTE)
State Operations - Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
TOTAL State Costs by Category		\$ -	\$ --
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
TOTAL State Revenues		\$	\$ -

**NET ANNUALIZED FISCAL IMPACT**

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ Negligible, If Any	\$ Negligible, If Any
NET CHANGE IN REVENUES	\$ _____	\$ _____

<b>Prepared by:</b> James S. Thiel and Pete Rusch	<b>Telephone No.</b> (608) 266-8928	<b>Agency</b> DOT
<b>Authorized Signature:</b>	<b>Telephone No.</b>	<b>Date</b>

1999 Session

FISCAL ESTIMATE  
DOA-2048 N(R10/94)

ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
AB 188 / SB 77

Amendment No. if Applicable

**Subject**

Relating to: Exempting certain vehicles transporting material pumped from a septic or holding tank from special or seasonal weight limitations imposed by local highway authorities.

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget     Yes     No

Increase Existing Appropriation       Increase Existing Revenues  
 Decrease Existing Appropriation       Decrease Existing Revenues  
 Create New Appropriation

Decrease Costs

Local:  No local government costs

1.  Increase Costs  
     Permissive     Mandatory  
2.  Decrease Costs  
     Permissive     Mandatory

3.  Increase Revenues  
     Permissive     Mandatory  
4.  Decrease Revenues  
     Permissive     Mandatory

5. Types of Local Governmental Units Affected:  
 Towns     Villages     Cities  
 Counties     Others \_\_\_\_\_  
 School Districts     WTCS Districts

**Fund Sources Affected**

GPR     FED     PRO     PRS     SEG     SEG-S

Affected Ch. 20 Appropriations  
20.365

**Assumptions Used in Arriving at Fiscal Estimate**

Only state impact is on the 315 miles of highways that are posted for spring thaw. Under 300 trips per year would have a negligible impact. Over 300 trips per year would have a \$210,000 impact per year. See attached report, required by Stats. 13.096 for bills that establish an exception to weight limits, for more detailed information.

The department has identified that on the State Trunk Highway System the real fix to the issue of otherwise legal weight vehicles being restricted during spring thaw is to upgrade the condition of these highways. The department has 28 highway segments amounting to 315 miles that are subject to seasonal weight limitations each year due to spring thaw and rarely imposes other special weight limitations. The estimated cost to fix these state trunk highways so that postings would no longer be necessary is \$106,785,000.

The largest impact of this bill is to local units of government and not the state. The posting of roads for weight limits on the local road system is much more common than on the state trunk highway system. The department does not have a good method for determining the number of local roadway miles that would be impacted by this bill. Due to this, the department is not able to determine the fiscal impact to local units of government, but we do know it is significantly higher than the impact to the state's highway system.

**Long-Range Fiscal Implications**

\$210,000 per year to state highways if more than 300 trips. While it is unknown how many trips will occur on local roads, the cost to locals will be greater than to the state.

Agency/Prepared by: (Name & Phone No.)  
DTID/BoHO Mark Morrison 266-1675

Authorized Signature/Telephone No.

*Mark Morrison* 266 5928

Date  
4/15/99

**FISCAL ESTIMATE WORKSHEET****1999 Session**Detailed Estimate of Annual Fiscal Effect  
DOA-2047 (R10/94)
 ORIGINAL     UPDATED  
 CORRECTED      
 SUPPLEMENTAL
LRB or Bill No./Adm. Rule No.  
AB 188/SB 77

Amendment No.

## Subject

Relating to: Exempting certain vehicles transporting material pumped from a septic or holding tank from special or seasonal weight limitations imposed by local highway authorities.

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

\$0

**II. Annualized Costs:**

## Annualized Fiscal Impact on State funds from:

**A. State Costs by Category**

State Operations - Salaries and Fringes

Increased Costs

Decreased Costs

\$ 0

\$ -0

(FTE Position Changes)

( 0 FTE)

(- 0 FTE)

State Operations - Other Costs

\$210,000

-

Local Assistance

-

Aids to Individuals or Organizations

\$0

-

TOTAL State Costs by Category

\$ 210,000

\$ -

**B. State Costs by Source of Funds**

Increased Costs

Decreased Costs

GPR

\$

\$ -

FED

-

PRO/PRS

-

SEG/SEG-S

\$210,000

-

**III. State Revenues -**

Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)

Increased Rev.

Decreased Rev.

GPR Taxes

\$

\$ -

GPR Earned

-

FED

-

PRO/PRS

-

SEG/SEG-S

-

TOTAL State Revenues

\$ 0

\$ -0

**NET ANNUALIZED FISCAL IMPACT**STATELOCAL

NET CHANGE IN COSTS

\$210,000

\$Unknown

NET CHANGE IN REVENUES

\$0

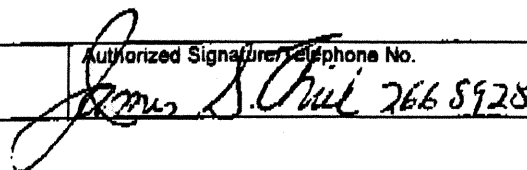
\$0

Agency/Prepared by: (Name &amp; Phone No.)

Authorized Signature Telephone No.

Date

DTID/BoHO Mark Morrison 266-1675


 266 8928

4/15/99

ASSEMBLY BILL 188/SENATE BILL 77  
WISCONSIN DEPARTMENT OF TRANSPORTATION  
APRIL 15, 1999

1. Background

This report complies with Wisconsin Statutes 13.096 which imposes a responsibility upon the Department of Transportation to fully examine the impact of the proposed weight exception.

2. Exceptions Proposed in AB 188/SB 77

Requires that highway maintaining authorities exempt septic haulers in specific instances from special or seasonal weight limitations on highways. This exemption does not apply to weight limits on bridges and culverts. The specific instances are when, because of health concerns, the septic material needs to be hauled out within 24 hours after the septic hauler is contacted. Currently, maintaining authorities may exempt septic haulers but are not required to exempt. The roads that are used must be the most direct route from septic or holding tank to where the contents will be unloaded. The septic hauler must also notify the maintaining authority within 72 hours over which highways the move occurred.

3. Findings

Roadway and Bridge Impacts

The pavements analysis takes into account that these type of trucks have twice the impact on roadways during the spring thaw postings than they do in the remainder of the year. The state only has 315 miles of highways that are subject to special or seasonal weight limits. The rest of the state system has pavements built to standards that allow for normal 80,000 pound weight limits to be carried year round. It is estimated that if over 300 trips per year are generated on the State Trunk Highway System, the cost is \$210,000 per year in reduction to the pavements service life. If less than 300 trips per year are generated, then the impact would be negligible. *(See Appendix 1 for more information)*

Based on the above, the impact of the septic haulers will be negligible on the state trunk highway system if less than 300 trips and \$210,000 per year if greater than 300 trips per year. The greatest impact would occur on town and other local roads which are built to lesser standards. There are many more miles of local roads that are subject to special and seasonal weight limitations (posted roads).

This bill does not exempt septic haulers from bridge postings. As such there are no bridge impacts.



## Safety and Environmental Impacts

This bill deals with exemptions for truck weights that are normally legal. The vehicles would not be carrying any more weight than they would normally carry. For this reason, no safety or operational impact is anticipated.

Adoption of this bill would have a minimal reduction in the number of truck trips required. This would slightly reduce fuel usage and the resultant emissions.

### 4. Hardship and Cost Caused by Current Weight Limits

In certain instances, the weight of the empty truck exceeds or is very close to the posted seasonal or special weight limit. This has the effect of either not allowing the truck to even get to where the material needs to be pumped from or allows them to haul only a very small amount of material necessitating several trips. The other issue is that exemptions can be granted from the maintaining authority, but it is not also able to obtain the exemption in a timely manner. This can be especially true at night or on weekends when a septic system backs up. During business hours, finding the correct official to obtain permission from can often be hard. This is especially true with townships, where most septic systems and holding tanks are located.

### 5. Other Efforts to Resolve Problem

1997 AB 592 also dealt with exempting septic haulers and household goods movers from seasonal weight limits. This bill differs from 1997 AB 592 in that it only deals with the septic haulers along with language to apply only when there are health concerns and that the material needs to be removed within 24 hours. This bill also addresses concerns raised by local authorities with regard to 1997 AB 592 of potential abuse by septic haulers. This has been addressed by requiring septic haulers to notify the highway authority within 72 hours after they have made a haul over posted roads.

### 6. Motor Carriers Degree of Control Over Weight

The septic hauler has a good degree of control over their weight. As listed in the safety section, this bill deals with weights that are otherwise legal. Due to this, control over the weight is not at the heart of this issue. Rather, the exemption is to allow a truck to haul out septic material in limited instances.

### 7. Laws in other States

**Minnesota** has no exemptions.

**Michigan** has an exemption for milk haulers.

**Iowa DOT** does not post for below the legal limit. Locals have the same authority as current Wisconsin law.

**Illinois DOT** does not post for below the legal limit. No exemptions on local roads.

## Appendix 1

**CORRESPONDENCE/MEMORANDUM** \_\_\_\_\_ *State of Wisconsin*

**DATE:** April 14, 1999

**TO:** Mark Morrison, P.E.  
Traffic Safety Engineer

**FROM:** Scot M. Schwandt, P.E.  
Pavement Structural Design Engineer  
Phone #: (608) 246-5396  
FAX #: (608) 246-4669  
E-Mail: scot.schwandt@dot.state.wi.us

**SUBJECT:** AB 188/SB 77 Impact to Highway Pavement Structures

Here is a brief overview of the highway pavement structures impact analysis of AB188/SB77.

**IMPACT ASSUMPTIONS:**

- 315 miles of pavement are affected by this bill.
- The pavement structure involved is a 4" AC surface over 10" CABC.
- The subgrade has an  $E = 13,000$  psi during the summer and an  $E = 5,000$  psi during the "spring thaw".
- The average age of these pavements is 10 years.
- The designed yearly ESALs = 14,600.
- The critical loading is a 35 kip tandem dual tire axle ( $q=80$  psi) of a gross 80 kip vehicle.

**PAVEMENT STRUCTURE ANALYSIS:****Normal Condition:**

$k_1 = 20$        $k_2 = 2$        $H = 0.4$        $A = 0.8$   
calculated tensile strain in AC = 384  
calculated allowable repetitions = 137,102

**Spring Thaw:**

$k_1 = 20$        $k_2 = 5$        $H = 0.4$        $A = 0.8$   
calculated tensile strain in AC = 480  
calculated allowable repetitions = 65,783

∴ During spring thaw, these vehicles have twice the impact to the pavement structure compared to summer conditions. During the summer, this truck is equivalent to 2.88 ESALs. During the spring thaw, this truck is equivalent to 5.76 ESALs.

## Appendix 1

**CONCLUSIONS/RECOMMENDATIONS:**

<u># of Trucks during Spring Thaw</u>	<u>ESALs</u>	<u>% of Yearly Design ESALs</u>
100	576	4
200	1152	8
300	1720	12
400	2304	16
500	2880	20

The impact of less than 300 truck trips a year is considered negligible. If this bill produces more than 300 truck trips a year, the impact would be reflected in reduction of service life. The economic reflection of this would be a cost of \$211,680 for each year with more than 300 truck trips.

(99-2113/1)

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
 AB 188 / SB 77  
 Amendment No. if Applicable

FISCAL ESTIMATE  
 DOA-2048 N(R10/94)

Subject relating to: Exempting certain vehicles transporting material pumped from a septic or holding tank from special or seasonal weight limitations imposed by local highway authorities.

Fiscal Effect

State:  No State Fiscal Effect

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- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

X Increase Costs - May be possible to Absorb Within Agency's Budget X Yes  No

Decrease Costs

Local:  No local government costs

- 1.  Increase Costs
  - Permissive
  - Mandatory
- 2.  Decrease Costs
  - Permissive
  - Mandatory

- 3.  Increase Revenues
  - Permissive
  - Mandatory
- 4.  Decrease Revenues
  - Permissive
  - Mandatory

5. Types of Local Governmental Units Affected:
- Towns
  - Villages
  - Cities
  - Counties
  - Others \_\_\_\_\_
  - School Districts
  - WTCS Districts

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations  
20.365

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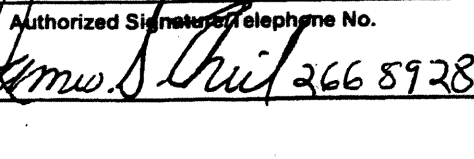
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Agency/Prepared by: (Name & Phone No.)  
 DTID/BoHO Mark Morrison 266-1675  
 (DOT)

Authorized Signature Telephone No.  
 266 8928

Date  
4/15/99

# FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect  
DOA-2047 (R10/94)

ORIGINAL     UPDATED  
 CORRECTED      
SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
AB 188/SB 77

Amendment No.

Subject  
Relating to: Exempting certain vehicles transporting material pumped from a septic or holding tank from special or seasonal weight limitations imposed by local highway authorities.

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

\$0

II. Annualized Costs:

Annualized Fiscal impact on State funds from:

Increased Costs

Decreased Costs

A. State Costs by Category

State Operations - Salaries and Fringes

\$ 0

\$ -0

(FTE Position Changes)

( 0 FTE)

(- 0 FTE)

State Operations - Other Costs

\$210,000

-

Local Assistance

-

Aids to Individuals or Organizations

\$0

-

TOTAL State Costs by Category

\$ 210,000

\$ -

B. State Costs by Source of Funds

Increased Costs

Decreased Costs

GPR

\$

\$ -

FED

-

PRO/PRS

-

SEG/SEG-S

\$210,000

-

III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)

Increased Rev.

Decreased Rev.

GPR Taxes

\$

\$ -

GPR Earned

-

FED

-

PRO/PRS

-

SEG/SEG-S

-

TOTAL State Revenues

\$ 0

\$ -0

NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS

\$210,000

\$Unknown

NET CHANGE IN REVENUES

\$0

\$0

Agency/Prepared by: (Name & Phone No.)

Authorized Signatures/Telephone No.

Date

DTID/BoHO Mark Morrison 266-1675

*James S. Phil* 266 8928

4/15/99

ASSEMBLY BILL 188/SENATE BILL 77  
WISCONSIN DEPARTMENT OF TRANSPORTATION  
APRIL 15, 1999

1. Background

This report complies with Wisconsin Statutes 13.096 which imposes a responsibility upon the Department of Transportation to fully examine the impact of the proposed weight exception.

2. Exceptions Proposed in AB 188/SB 77

Requires that highway maintaining authorities exempt septic haulers in specific instances from special or seasonal weight limitations on highways. This exemption does not apply to weight limits on bridges and culverts. The specific instances are when, because of health concerns, the septic material needs to be hauled out within 24 hours after the septic hauler is contacted. Currently, maintaining authorities may exempt septic haulers but are not required to exempt. The roads that are used must be the most direct route from septic or holding tank to where the contents will be unloaded. The septic hauler must also notify the maintaining authority within 72 hours over which highways the move occurred.

3. Findings

Roadway and Bridge Impacts

The pavements analysis takes into account that these type of trucks have twice the impact on roadways during the spring thaw postings than they do in the remainder of the year. The state only has 315 miles of highways that are subject to special or seasonal weight limits. The rest of the state system has pavements built to standards that allow for normal 80,000 pound weight limits to be carried year round. It is estimated that if over 300 trips per year are generated on the State Trunk Highway System, the cost is \$210,000 per year in reduction to the pavements service life. If less than 300 trips per year are generated, then the impact would be negligible. (See *Appendix 1 for more information*)

Based on the above, the impact of the septic haulers will be negligible on the state trunk highway system if less than 300 trips and \$210,000 per year if greater than 300 trips per year. The greatest impact would occur on town and other local roads which are built to lesser standards. There are many more miles of local roads that are subject to special and seasonal weight limitations (posted roads).

This bill does not exempt septic haulers from bridge postings. As such there are no bridge impacts.

## Safety and Environmental Impacts

This bill deals with exemptions for truck weights that are normally legal. The vehicles would not be carrying any more weight than they would normally carry. For this reason, no safety or operational impact is anticipated.

Adoption of this bill would have a minimal reduction in the number of truck trips required. This would slightly reduce fuel usage and the resultant emissions.

### 4. Hardship and Cost Caused by Current Weight Limits

In certain instances, the weight of the empty truck exceeds or is very close to the posted seasonal or special weight limit. This has the effect of either not allowing the truck to even get to where the material needs to be pumped from or allows them to haul only a very small amount of material necessitating several trips. The other issue is that exemptions can be granted from the maintaining authority, but it is not also able to obtain the exemption in a timely manner. This can be especially true at night or on weekends when a septic system backs up. During business hours, finding the correct official to obtain permission from can often be hard. This is especially true with townships, where most septic systems and holding tanks are located.

### 5. Other Efforts to Resolve Problem

1997 AB 592 also dealt with exempting septic haulers and household goods movers from seasonal weight limits. This bill differs from 1997 AB 592 in that it only deals with the septic haulers along with language to apply only when there are health concerns and that the material needs to be removed within 24 hours. This bill also addresses concerns raised by local authorities with regard to 1997 AB 592 of potential abuse by septic haulers. This has been addressed by requiring septic haulers to notify the highway authority within 72 hours after they have made a haul over posted roads.

### 6. Motor Carriers Degree of Control Over Weight

The septic hauler has a good degree of control over their weight. As listed in the safety section, this bill deals with weights that are otherwise legal. Due to this, control over the weight is not at the heart of this issue. Rather, the exemption is to allow a truck to haul out septic material in limited instances.

### 7. Laws in other States

**Minnesota** has no exemptions.

**Michigan** has an exemption for milk haulers.

**Iowa** DOT does not post for below the legal limit. Locals have the same authority as current Wisconsin law.

**Illinois** DOT does not post for below the legal limit. No exemptions on local roads.

**CORRESPONDENCE/MEMORANDUM** \_\_\_\_\_ *State of Wisconsin*

**DATE:** April 14, 1999

**TO:** Mark Morrison, P.E.  
Traffic Safety Engineer

**FROM:** Scot M. Schwandt, P.E.  
Pavement Structural Design Engineer  
Phone #: (608) 246-5396  
FAX #: (608) 246-4669  
E-Mail: scot.schwandt@dot.state.wi.us

**SUBJECT:** AB 188/SB 77 Impact to Highway Pavement Structures

Here is a brief overview of the highway pavement structures impact analysis of AB188/SB77.

**IMPACT ASSUMPTIONS:**

- 315 miles of pavement are affected by this bill.
- The pavement structure involved is a 4" AC surface over 10" CABC.
- The subgrade has an E = 13,000 psi during the summer and an E = 5,000 psi during the "spring thaw".
- The average age of these pavements is 10 years.
- The designed yearly ESALs = 14,600.
- The critical loading is a 35 kip tandem dual tire axle (q=80 psi) of a gross 80 kip vehicle.

**PAVEMENT STRUCTURE ANALYSIS:**

Normal Condition:

$k_1 = 20$        $k_2 = 2$        $H = 0.4$        $A = 0.8$   
calculated tensile strain in AC = 384  
calculated allowable repetitions = 137,102

Spring Thaw:

$k_1 = 20$        $k_2 = 5$        $H = 0.4$        $A = 0.8$   
calculated tensile strain in AC = 480  
calculated allowable repetitions = 65,783

∴ During spring thaw, these vehicles have twice the impact to the pavement structure compared to summer conditions. During the summer, this truck is equivalent to 2.88 ESALs. During the spring thaw, this truck is equivalent to 5.76 ESALs.



**CONCLUSIONS/RECOMMENDATIONS:**

<u># of Trucks during Spring Thaw</u>	<u>ESALs</u>	<u>% of Yearly Design ESALs</u>
100	576	4
200	1152	8
300	1720	12
400	2304	16
500	2880	20

The impact of less than 300 truck trips a year is considered negligible. If this bill produces more than 300 truck trips a year, the impact would be reflected in reduction of service life. The economic reflection of this would be a cost of \$211,680 for each year with more than 300 truck trips.



**STATE SENATOR ROGER BRESKE**

**FACSIMILE COVER SHEET**

**PLEASE DELIVER TO:** TONY STUDT  
**FAX NUMBER:** 286-0766  
**PAGES (INCLUDING COVER SHEET):** 3  
**ORGANIZATION:** COENEN/SWANDBY  
**FROM:** VAUGHN L. VANCE FOR  
SENATOR ROGER BRESKE

**NOTES:** ATTACHED IS THE SENATE SUBSTITUTE AMENDMENT THAT INCORPORATES THE CONCERNS RAISED AT YESTERDAY'S HEARING. PLEASE SHARE WITH RICK AT TOWNS. LET ME KNOW IF THERE ARE ANY PROBLEMS OR CONCERNS THAT YOU HAVE.

IN THE EVENT OF DELIVERY PROBLEMS, PLEASE CONTACT SENATOR BRESKE'S OFFICE AT 608/266-2509.

---

**STATE SENATOR ROGER BRESKE  
THE STATE CAPITOL  
POST OFFICE BOX 7882  
MADISON, WISCONSIN 53707-7882**

**SENATE SUBSTITUTE AMENDMENT \_\_\_**  
**TO 1999 SENATE BILL 77**

1     **AN ACT** to amend 349.16 (3) of the statutes; relating to: exempting certain vehicles  
2             transporting material pumped from a septic or holding tank from special or seasonal  
3             weight limitations imposed by local highway authorities.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4             **SECTION 1.** 349.16 (3) of the statutes is amended to read:

5             349.16 (3) The authority in charge of the maintenance of the highway may exempt  
6             vehicles carrying certain commodities specified by the authority or which are used to perform  
7             certain services specified by the authority, ~~including but not limited to pumping septic or~~  
8             ~~holding tanks,~~ from the special weight limitations which are imposed under sub. (1) (a), or may  
9             set different weight limitations than those imposed under sub. (1) (a) for vehicles carrying  
10            those commodities or which are used to perform those services, if such exemption or  
11            limitation is reasonable and necessary to promote the public health, safety and welfare. The  
12            authority in charge of the maintenance of the highway shall exempt from the special or  
13            seasonal weight limitations imposed under sub. (1) (a) a vehicle that is used to transport  
14            material pumped from a septic or holding tank if, because of health concerns, material needs  
15            to be removed from a septic or holding tank within 24 hours after the vehicle owner or operator  
16            is notified and if the vehicle is operated to service the septic or holding tank and to dispose  
17            of the contents so as to minimize travel on highways subject to weight limitations imposed  
18            under sub. (1) (a). Within 72 hours after operating a vehicle that transported material pumped

1 from a septic or holding tank and that exceeded special or seasonal weight limitations as  
2 authorized by this subsection, the owner or operator of the vehicle shall notify the authority  
3 in charge of maintenance of the highways over which the vehicle was operated.

4 **SECTION 2. Initial applicability.**

5 (1) This act first applies to vehicles operated on the effective date of this subsection.

6 (END)