

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1/19/00  
BILL NO. SB 265  
OR  
SUBJECT \_\_\_\_\_

ERIC ENGLUND  
(NAME)  
44 E. M... #305  
(Street Address or Route Number)  
MADISON 53703  
(City and Zip Code)  
WIS INSURANCE  
(Representing) Alliance

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.  
Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O.Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1/19/00  
BILL NO. SB 265  
OR  
SUBJECT \_\_\_\_\_

Brian Burke to  
Eric Stetenfeld  
(NAME)  
8030 Excelsior Drive  
(Street Address or Route Number)  
Madison, WI 53717  
(City and Zip Code)  
AAA Wisconsin  
(Representing)

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

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P.O.Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1-19-00  
BILL NO. SB 265  
OR  
SUBJECT \_\_\_\_\_

Tom Howells  
(NAME)  
P.O. Box 44849  
(Street Address or Route Number)  
Madison, WI 53744-4849  
(City and Zip Code)  
WI Motor Carriers Assoc  
(Representing)

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1-19-00

BILL NO. SB 265

OR  
SUBJECT TRANSPORTATION  
RAIL MATRONS

(NAME) AVE GADUCK

(Street Address or Route Number) 4517 NICOLET AVE.

(City and Zip Code) STEVENS POINT, WI 54481  
(Representing) CONSTRUCKS, INC.

Speaking in Favor:

Speaking Against:

Registering in Favor:   
but not speaking:

Registering Against:   
but not speaking:

Speaking for information only; Neither for nor against:

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P.O.Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1/19/2000

BILL NO. SB 265

OR  
SUBJECT \_\_\_\_\_

(NAME) PAT OSBORNE

(Street Address or Route Number) 10 E DOTY ST. SUITE 500

(City and Zip Code) MADISON, WI

(Representing) Aggregate Producers of WI.

Speaking in Favor:

Speaking Against:

Registering in Favor:   
but not speaking:

Registering Against:   
but not speaking:

Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1/19/00

BILL NO. SENATE BILL 265

OR  
SUBJECT \_\_\_\_\_

(NAME) HERMAN J. "BUO" SEUFERSE

(Street Address or Route Number) P.O. Box 340

(City and Zip Code) LAKE DETON, WI 53940

(Representing) SCOTT CONSTRUCTION, INC.

Speaking in Favor:

Speaking Against:

Registering in Favor:   
but not speaking:

Registering Against:   
but not speaking:

Speaking for information only; Neither for nor against:

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P.O.Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1/19/00  
BILL NO. SB 265  
OR  
SUBJECT \_\_\_\_\_

Tom Walker  
(NAME)  
1 S. Pine Kneg St.  
(Street Address/or Route Number)  
Madison WI 53703  
(City and Zip Code)  
WI Transportation Builders Assn.  
(Representing)

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

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State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: Jan 19 00  
BILL NO. 265  
OR  
SUBJECT Tarping

Pauline Jaska  
(NAME)  
930 Silver nail  
(Street Address or Route Number)  
Pewaukee WI 53070  
(City and Zip Code)  
Fairway Transit  
(Representing)

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.  
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Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1/19  
BILL NO. \_\_\_\_\_  
OR  
SUBJECT SB 265

Allan Kupala  
(NAME)  
100 River Place, Ste 101  
(Street Address or Route Number)  
Monona WI 53716  
(City and Zip Code)  
WI Counties Assn  
(Representing)

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

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State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1-19-2000

BILL NO. 269  
OR  
SUBJECT Tarping, SB 265 ??

Mud Flaps & Spillage

Charles J Merkel  
(NAME)

2040 Glen Cove Lane  
(Street Address or Route Number)

Brookfield 53005  
(City and Zip Code)

WI Excavators & Grader Assn, Inc.  
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:  
but not speaking:

Registering Against:  
but not speaking:

Speaking for information  
only; Neither for nor against:

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State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1-19-00

BILL NO. 269  
OR  
SUBJECT SB 265 ??

Steve Kauth  
(NAME)

1718 So. 37th St.  
(Street Address or Route Number)

Milw. 53215  
(City and Zip Code)

Wis Dump Truck Assn.  
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:  
but not speaking:

Registering Against:  
but not speaking:

Speaking for information  
only; Neither for nor against:

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State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

## PAPER BALLOT

### Committee on Insurance, Tourism, Transportation and Corrections

#### SENATE BILL 265

Relating to: transporting bulk materials on a highway, liability for spilling waste or foreign matter upon or along a highway and mudguards on motor trucks and semitrailers transporting bulk materials.

By Senators Burke, Darling, Farrow, Grobschmidt and Risser; cosponsored by Representatives Kelso, Black, Bock Coggs, Krusick, Miller, Schneider, Wasserman and Ziegelbauer.

October 26, 1999 Referred to committee on Insurance, Tourism, Transportation and Corrections.

**MOTION:** *By Senator Roger Breske* for introduction and adoption of Senate Substitute Amendment 1 to Senate Bill 265 (LRBs0269/1).

Aye  
 No

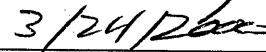
**MOTION:** *By Senator Roger Breske* for passage as amended.

Aye  
 No

Signature: \_\_\_\_\_



Date: \_\_\_\_\_



**PAPER BALLOT**  
**Committee on Insurance, Tourism, Transportation and  
Corrections**

**SENATE BILL 265**

Relating to: transporting bulk materials on a highway, liability for spilling waste or foreign matter upon or along a highway and mudguards on motor trucks and semitrailers transporting bulk materials.

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October 26, 1999 Referred to committee on Insurance, Tourism, Transportation and Corrections.

**MOTION:** By Senator Roger Breske for introduction and adoption of Senate Substitute Amendment 1 to Senate Bill 265 (LRBs0269/1).

Aye  
 No

**MOTION:** By Senator Roger Breske for passage as amended.

Aye  
 No

Signature:

*Dale H. Schultz*

Date:

*3/24/2000*

**PAPER BALLOT**  
**Committee on Insurance, Tourism, Transportation and  
Corrections**

**SENATE BILL 265**

Relating to: transporting bulk materials on a highway, liability for spilling waste or foreign matter upon or along a highway and mudguards on motor trucks and semitrailers transporting bulk materials.

By Senators Burke, Darling, Farrow, Grobschmidt and Risser; cosponsored by Representatives Kelso, Black, Bock Cogs, Krusick, Miller, Schneider, Wasserman and Ziegelbauer.

October 26, 1999      Referred to committee on Insurance, Tourism, Transportation and Corrections.

**MOTION:** *By Senator Roger Breske* for introduction and adoption of Senate Substitute Amendment 1 to Senate Bill 265 (LRBs0269/1).

     **Aye**  
      **No**

**MOTION:** *By Senator Roger Breske* for passage as amended.

     **Aye**  
      **No**

Signature: \_\_\_\_\_

*Alan Lasee*

Date: \_\_\_\_\_

*3/27/00*

STATE SENATOR RICHARD GROBSCHMIDT  
Senate Committee on Insurance, Tourism,  
Transportation & Corrections  
The State Capitol  
Room No. 104 South  
Via Inter-Departmental Mail

**PAPER BALLOT**  
**Committee on Insurance, Tourism, Transportation and  
Corrections**

**SENATE BILL 265**

Relating to: transporting bulk materials on a highway, liability for spilling waste or foreign matter upon or along a highway and mudguards on motor trucks and semitrailers transporting bulk materials.

By Senators Burke, Darling, Farrow, Grobschmidt and Risser; cosponsored by Representatives Kelso, Black, Bock Cogg, Krusick, Miller, Schneider, Wasserman and Ziegelbauer.

October 26, 1999 Referred to committee on Insurance, Tourism, Transportation and Corrections.

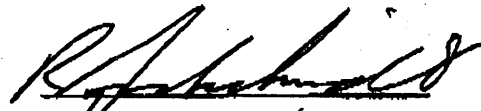
**MOTION:** By Senator Roger Breske for introduction and adoption of Senate Substitute Amendment 1 to Senate Bill 265 (LRB0269/1).

Aye  
 No

**MOTION:** By Senator Roger Breske for passage as amended.

Aye  
 No

Signature:



Date:

3-24-2000



**PAPER BALLOT**  
**Committee on Insurance, Tourism, Transportation and  
Corrections**

**SENATE BILL 265**

Relating to: transporting bulk materials on a highway, liability for spilling waste or foreign matter upon or along a highway and mudguards on motor trucks and semitrailers transporting bulk materials.

By Senators Burke, Darling, Farrow, Grobschmidt and Risser; cosponsored by Representatives Kelso, Black, Bock Coggs, Krusick, Miller, Schneider, Wasserman and Ziegelbauer.

October 26, 1999 Referred to committee on Insurance, Tourism, Transportation and Corrections.

**MOTION:** *By Senator Roger Breske* for introduction and adoption of Senate Substitute Amendment 1 to Senate Bill 265 (LRBs0269/1).

Aye  
 No

**MOTION:** *By Senator Roger Breske* for passage as amended.

Aye  
 No

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*David Zien*  
\_\_\_\_\_  
*3/24/00*  
\_\_\_\_\_

**PAPER BALLOT**  
**Committee on Insurance, Tourism, Transportation and  
Corrections**

**SENATE BILL 265**

Relating to: transporting bulk materials on a highway, liability for spilling waste or foreign matter upon or along a highway and mudguards on motor trucks and semitrailers transporting bulk materials.

By Senators Burke, Darling, Farrow, Grobschmidt and Risser; cosponsored by Representatives Kelso, Black, Bock Coggs, Krusick, Miller, Schneider, Wasserman and Ziegelbauer.

October 26, 1999 Referred to committee on Insurance, Tourism, Transportation and Corrections.

**MOTION:** *By Senator Roger Breske* for introduction and adoption of Senate Substitute Amendment 1 to Senate Bill 265 (LRBs0269/1).


Aye  
 No

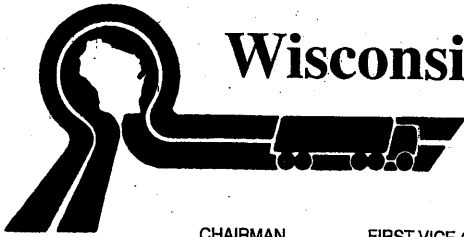
**MOTION:** *By Senator Roger Breske* for passage as amended.

Aye  
 No

Signature:

Date:

  
3/27/00



# Wisconsin Motor Carriers Association

562 GRAND CANYON DRIVE  
P.O. BOX 44849 • MADISON, WI 53744-4849  
(608) 833-8200 • FAX (608) 833-2875  
Web Page: [www.witruck.org](http://www.witruck.org)

CHAIRMAN  
Jerry Cherney  
Fox Midwest Transport

FIRST VICE CHAIRMAN  
Bill Maynard  
Cummins Great Lakes, Inc.

SECOND VICE CHAIRMAN  
Evelyn Skinner  
Skinner Transfer Corp.

SECRETARY  
Buck Jenkins  
Diamond Transportation System

TREASURER  
Tom Vandenberg  
Schneider National

PRESIDENT  
Thomas A. Howells

January 19, 2000

To: **Members, Senate Insurance, Tourism, Transportation & Corrections Committee**

Subject: **Senate Bill 265**

The Wisconsin Motor Carriers Association (WMCA) is opposed to Senate Bill 265, relating to the transportation of bulk loads on a highway.

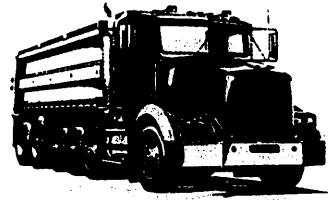
The WMCA is opposed to this bill for the following reasons:

1. Legislation is not needed because both 348.10(2) and 346.(7) of the statutes already prohibit an individual from operating a vehicle on the highway that is sifting or spilling its load. It should be noted that this language is similar to the laws in Illinois, Indiana, Iowa, Kansas, Ohio, Missouri, North Dakota, and South Dakota.
2. The bill will not eliminate the problem of broken windshields.
3. S.B. 265 would be very expensive because companies would have to purchase tarps and would lose productivity from having drivers attach and disconnect these tarps before and after every load.
4. The bill would appear to require bulk loads of agricultural products to be tarped. Tarping of some agricultural products is not feasible because the product needs to have ventilation.
5. The exemption for publicly owned vehicles is inconsistent and unfair.
6. It is almost impossible to keep mudguards (especially ones with a six inch clearance from the roadway) intact on vehicles with dump bodies hauling certain types of loads.

The WMCA feels the proposed legislation is costly and unnecessary and urges the Senate Committee to oppose it.

# Fairway Transit, Inc.

N10 W24730 Hwy TJ Pewaukee, WI 53072  
(414)542-4281(24 Hour line) Also (414)542-4282 Fax (414)542-9853



## Nationwide Dump Truck Service

To: Senate Transportation Committee

Regarding: Senate Bill 265

This bill appears to be an issue of public safety. Public safety is an issue our trucking industry is very concerned about. Our association is taking a proactive position and focusing on prevention.

If the Transportation Committee is concerned with safety, then there is no logic to exempting trucks which "apply bulk material being applied to a highway construction or maintenance or for winter snow or ice treatment." Does the sand or salt instinctively know it should space stay in the box because it is being applied to a highway? My company does trucking both for highway and private. Two trucks could load at the same site, travel the same highway, exit at the same location (one going to Hwy G and I-94 for road construction the other for a private parking lot), one covered-one not covered???

If the public were to be truly protected, there would need to be no exemptions. How is law enforcement to know an uncovered truck is loaded for a highway job.

Exemption of ice treatment salt makes no sense as it is one of the products that blows. The salt distributors we service require all loads to be covered to protect the product from getting wet.

This bill does not address leaking end gates.

My company has tarps on all our trucks and trailers. We use them as much as possible, even empty for fuel economy, to protect the load and to limit the number of complaints. However, there are some commodities we haul which can not be covered because they would cut the tarp to shreds: however these loads do not blow as the product is heavy. We also have full mudguards across the entire back of the truck or trailer. We do have some maintenance issues in keeping these in place but I choose to again limit complaints.

My point is that further legislation is not going to solve the problem. Statute 348.10 already covers the situation in simple language. The load must be contained! I suggest enforcement of 348.10. Our company supports our associations position of safety inspections on vehicles and scrutiny of drivers.

Respectfully,

Pauline Jaske  
President

connecting Wisconsin to the world



# Wisconsin Transportation Builders Association

*Dick Mann, President  
Mann Bros., Inc.  
Elkhorn, WI*

*Tom Walker  
Executive Director*



**Senate Bill 265**

**WTBA Testimony**

**Senate Insurance, Tourism, Transportation and Corrections Committee**

**Senator Roger Breske, Chair**

**January 19, 2000**

January 19, 2000

Chairman Breske, Members of the Committee:

Thank you for allowing me this opportunity to present oral testimony to the committee regarding SB 265. I have provided the committee clerk and members with a copy of my prepared text, for your consideration.

My name is Tom Walker and I serve as Executive Director of the Wisconsin Transportation Builders Association [WTBA]. WTBA is a trade association representing approximately 300 contractor and associate member companies, who employ over 10,000 persons annually, in the construction and maintenance of our state's transportation infrastructure.

Our members do not own most of the trucks and trailers potentially impacted by this proposed bill; however, they do extensively utilize trucking to support their operations.

Over the years, the nature of our industry has evolved so that today, the majority of the trucks and trailers transporting aggregates on the highway are either owner-operated or owned by small independent, often highly undercapitalized DBEs, trying to establish a niche in today's highly competitive marketplace. Our members contract with these trucking service providers, as well as selling the aggregates directly to customers who haul the materials themselves.

WTBA strongly supports highway safety initiatives; however, we cannot support this bill as drafted. Our members take seriously their statutory responsibility to avoid spillage on our highways. Some of our members will not load trucks, with inadequate equipment or less than desirable spillage histories. It is increasingly commonplace to require that any spillage resulting from loading is cleaned from the sides and rear of the unit before it enters the highway.

In general, we believe that the existing statutes provides appropriate regulation of "leaky loads" and sanctions for those who choose not to comply with these rules.

As an alternative to enacting new, burdensome legislation, WTBA recommends that the Committee request the Department of Transportation [through their Wisconsin Highway Safety Partners and the Motor Carrier Advisory Committee], to initiate a statewide effort to disseminate information to all operators of trucks and trailers, regarding the need to comply with our existing "leaky load" laws, and to emphasize the penalties for noncompliance. As WTBA, along with AAA of Wisconsin and the Wisconsin Motor Carriers Association is a partner with WisDOT on these committees, we believe that the mechanism is already in-place to disseminate the information to the effected parties, in an expeditious and cost effective manner.

At this time, I would like to discuss some specific points of concern with the bill that WTBA has identified:

#### **SECTION 1.**

- The existing statute already provides a level of responsibility to ensure that our highways are not "littered" by debris from passing vehicles. WTBA believes that increased regulatory awareness and consistency of enforcement would be more appropriate than enacting new legislation.

#### **SECTION 2.**

- The scope of potential liability exposure contained in this bill seems far too broad. While this provision applies to all operators [both private and public sector], and imposes liability for damage in addition to the forfeitures provided in the existing statute, there is no provision for positively identifying a violator. It appears that the presumption of guilt can be applied to any operator [private and public] identified merely as having been on the highway at the time, without substantial proof that his vehicle is the source of the spillage.

Several vehicles from more than one company might be hauling material to the same site at the same time.

An automobile following a dump truck might hit a pothole causing debris to spray, or a shoulder.

Spillage may occur, but might not be the substantial cause of an accident.

- While it is possible, albeit difficult, to identify consumer products that litter our highways to assign liability, there is no way to positively identify the source of common materials such as aggregates, corn, potatoes, etc. Accordingly, enforcement could become quite arbitrary.

#### **SECTION 3.**

- This provision is unreasonably limited to private sector trucks only and to certain semi-trailers operating in intercity operations. As such, it establishes an unacceptable level of economic discrimination against private sector trucks and trailers on our highways. The text of the bill presumes that bulk materials will only be "thrown-up" from under a private carrier's vehicle that is traveling between two or more cities.

- The bill precludes coverage on all private carriers operating within a city's corporate limits, as well as all public sector operators, regardless of where they are on our highways. There is no documentation to substantiate the position that materials could not fall from a city owned truck or semi-trailer operating within city limits.
- The term "intercity movement" is undefined and accordingly could be interpreted to include between two municipalities or limited to between two cities. In urban areas such as Madison or Milwaukee, this lack of clarity in the existing statute has resulted in some citations being issued and others vacated for the same alleged offense, in the same area. The only difference is the interpretation of the scope of the statute by enforcement and judicial personnel.
- Counties now routinely submit "quotes" to other governments on transportation infrastructure construction and maintenance work traditionally done by the private sector. Often, the margin between bids submitted by the "regulated" private sector contractor and the "exempt" public sector agency is minimal. It is possible that this bill could sacrifice public safety in the name of "competition", as the public sector would not be under the same regulatory oversight as the contractor and accordingly would not have the same overhead to include in its costs.
- The scope of the bill related to trailers, is limited to private sector semi-trailers drawn by truck tractors, operating between cities. A large number of private sector trailers hauling bulk materials, including agricultural commodities, are full trailers, not semi-trailers, and are not drawn exclusively by truck-tractors, as defined in existing statutes. Accordingly, they would not be regulated under the terms of the legislation.

#### SECTION 4.

The provision for a full-width mudguard for all trucks and semi-trailers in intercity operation that haul bulk materials is inappropriate for a number of reasons, including, but not limited to:

- the text was originally proposed for application to "bottom dump" trucks only;
- it presumes that only a truck or semi-trailer in intercity operation hauling bulk materials could pass over debris on the highway, possibly throwing it to the rear;
- a full-width mudguard with only 6" of clearance would be prohibitive on a dump body, as the bed itself moves downward more than 6" during routine operation, causing the mudguard to be caught under the rear tires and torn-off while backing-up. The sheer size of the mudguard would preclude it from being easily relocated while dumping;
- the majority of trucks and semi-trailers now on the road would have to be reconfigured, as the mudguard would have to be mounted to the frame where the tail lights and license plate are now, thus requiring both mechanical and electrical modifications, often by persons unskilled in these areas.



- Modifying equipment by untrained persons or requiring two persons to encounter passing traffic in highway work zones to remove the heavy, unwieldy mudguard presents an unacceptable increase in safety hazards to not only the worker, but to the motorist as well, at a time when we all are striving to promote highway safety.

WTBA members that apply asphalt pavement cannot use mudguards, because there must be direct contact between the wheels of a dump truck and the paving machine.

#### SECTION 6.

- While tarping may be appropriate, for certain loads of materials likely to become airborne during transportation on a highway, it is merely one option available to haulers. Tackifiers, water spray and chemical admixtures are among the options recommended by the DNR to address this specific issue.
- There is no justification for requiring the covering of bulk materials that will not become airborne during highway transportation [e.g.: railroad ballast, rip-rap, landscape boulders, etc.]. In addition, tarping jagged materials is very likely to tear the tarp; therefore, the longevity of any cover of such materials would be extremely limited and cost prohibitive.
- A number of affected persons, including those in both the private and public sector, are confused with the "exemption" found in (c) of the draft. Many persons are under the belief that public sector operators are exempt from coverage under this provision, as they are under the provisions found in SECTION 3. As we read the draft, the statute would apply to all vehicles [private and public] that are operated on our highways. The proposed exemption in (c) is limited to only those times that the bulk materials are being directly applied to a highway. There is no exemption for vehicles transporting bulk materials on a highway from the stockpile to the jobsite, prior to or after the application. Accordingly, there is no real exemption, as the cost of installation, maintenance and replacement, as well as the time expended in covering and uncovering a load would apply to all vehicles, at least part of the time.

#### SECTION 8.

- The four month window of opportunity for persons to come into compliance with the amended statutory provisions does not allow persons an adequate amount of time to make any appropriate modifications to their equipment, especially at this time of year, or purchase new equipment. As noted earlier, this is a major problem for DBEs, who are faced this year with tighter federal eligibility requirements.

Thank you again for providing an opportunity to share our concerns in this matter. I would be pleased to answer any questions.



January 19, 2000

8030 Excelsior Drive  
P.O. Box 33  
Madison, WI 53701-0033  
608/836-6555  
800/236-1300

TO: Sen. Roger Breske, Chairman,  
and Members of the Senate Committee  
on Insurance, Tourism, Transportation and Corrections

FROM: Ernie Stetenfeld *E.S.*  
AAA Wisconsin Vice President, Public and Government Relations (608/828-2487)

RE: AAA Wisconsin Support for Senate Bill 265  
*(Requiring covering of trucks carrying bulk loads  
and equipping dump trucks with rear mud guards)*

Good morning, Chairman Breske and members of the committee. Thank you for this opportunity to express AAA's support for S.B. 265, which would provide the motorists of Wisconsin with common-sense truck-debris protections afforded motorists in many other states. On behalf of AAA Wisconsin--representing the motoring and travel interests of the more than 560,000 AAA members in our state--I strongly urge you to give this legislation your favorable consideration.

Truck debris dropped onto our roadways is one of the issues on which AAA Wisconsin's member-motorists agree most strongly. Wisconsin law fails to require trucks carrying loads of bulk materials--including gravel, rock, sand, dirt and refuse--to be covered to prevent those materials from dropping to the roadway.

Too often, material that leaves such a load gets kicked up on the roadway only to make high-speed contact with a windshield or body panel. Effective tarping systems used in many states can do much to prevent this. To make matters worse, however, Wisconsin law doesn't even require mud guards to cover the powerful rear wheels of dump trucks. No doubt, these factors explain why more than 95 percent of AAA Wisconsin members surveyed favor covered-truck and mud-guard laws.

***Results from AAA Wisconsin's member public affairs survey:***

- \* *Would you favor or oppose a law requiring trucks carrying bulk materials (e.g., gravel, sand, trash) to be covered to prevent their contents from dropping onto the roadway?*  
**Favor 95%      Oppose 5%**
- \* *What is the strength of your support or opposition on this issue (1 = low, 6 = high)?*  
**1-2%   2-2%   3-6%   4-12%   5-16%   6-63%**
- \* *Would you favor or oppose a law requiring dump trucks to have mud guards installed to prevent their wheels from kicking up stones and other debris?*  
**Favor 97%      Oppose 3%**
- \* *What is the strength of your support or opposition on this issue (1 = low, 6 = high)?*  
**1-2%   2-2%   3-4%   4-11%   5-18%   6-63%**

(-MORE-)

For many years, each session of the Wisconsin Legislature has seen the introduction of such bills, and each session has seen these bills go nowhere. It is clear, however, that the motoring/voting public feels strongly about truck debris. Preventing all-too-common pitted and shattered windshields should outweigh the vested interests of groups opposing this legislation. AAA members and other motorists see this as an issue of economic justice.

Even traffic crashes—including those resulting in injuries and deaths—stem from debris on the highway. Wisconsin Department of Transportation crash statistics for 1998 indicate that “loose gravel” and “other debris” were cited as possible contributing circumstances 1,402 times by officers investigating highway crashes. Of these instances, 581 were for injury-producing crashes; in 11 instances, the crashes resulted in fatalities. Not all such crashes were related to uncovered trucks, of course, but consider that these are only *reported* crashes for which a possible contributing circumstance was apparent to the officer.

There is certainly reason to consider that a significant proportion of roadway debris comes from uncovered truckloads of bulk material. A 1986 AAA study in Michigan indicated that gravel or similar material either falling directly from an uncovered truck or having dropped to a freeway, major highway or city street after leaving a load was estimated to cause some 69 percent of all windshield breakage in that state. In 1988 Michigan passed a law that required virtually all loads of gravel and other bulk materials to be covered. At least 15 other states have a requirement at least this stringent, and at least 35 states have load-covering and spillage restrictions more stringent than the simplistic “no-spillage” sort of law Wisconsin has long had in place.

Auto-glass damage alone represents no small expense. The Highway Loss Data Institute estimates that for late-model vehicles the average annual auto-glass loss payment spread across all insured vehicles in a class ranges from just over \$10 for two-door cars to more than \$18 for pick-up trucks—with costs for four-door cars, station wagons and minivans, sports cars, luxury cars, utility vehicles, and large vans falling in between those figures. This means that on the average, not counting deductibles, we tend to pay that much more in comprehensive insurance costs annually for glass breakage—again, with much of that breakage attributable to material dropped by uncovered trucks. Covering trucks carrying bulk loads would help stem this problem, reduce these costs and improve roadway safety for all.

Some opponents of covered-trucks legislation suggest that sloppy loading spills gravel onto the truck cab, sides or tailgate. That material then makes its way to the pavement during the truck’s trip. In AAA Wisconsin’s opinion, this by no means relieves the need to tarp trucks to prevent bulk material from bouncing or blowing out of the dump body. (And some responsible haulers in Wisconsin do tarp—even without the legal requirement.)

The reality of improper loading does, however, make it even more crucial to require mud guards on the rear wheels of dump trucks to prevent these powerful vehicles from kicking up material dropped to the roadway. Dump-truck rear mud guards are a fairly common requirement among states, including three of our four immediate-neighbor states. Wisconsin motorists should and do expect this simple protection here as well.

With AAA Wisconsin’s input, Sen. Brian Burke introduced S.B. 265 to require both covering of bulk-material truckloads and use of mud guards on the rear wheels of dump trucks hauling these materials in intercity travel. We believe this common-sense bill would go a long way in addressing the problem of highway debris from truckloads of bulk material. AAA Wisconsin thanks Sen. Burke and Sen. Grobschmidt—as well as all other of the bill’s authors and Assembly cosponsors—for hearing and responding to the truck-debris concerns of AAA Wisconsin members and other motorists across the state. I thank you, Chairman Breske and members of the committee, for this opportunity for consideration of S.B. 265. On behalf of the vast majority of AAA Wisconsin’s membership, I urge your support for and quick action on this common-sense bill offering our state’s motoring public a significant measure of protection, economic justice and improved safety.

STATE OF WISCONSIN

To Vaughn

Date 1-19-99 Time \_\_\_\_\_

WHILE YOU WERE OUT

M Brian Burke

of \_\_\_\_\_

Phone \_\_\_\_\_

SB 265  
A7.

Telephoned	<input checked="" type="checkbox"/>	Please Call	<input type="checkbox"/>
Called to See You	<input type="checkbox"/>	Rush	<input type="checkbox"/>
Returned Your Call	<input type="checkbox"/>	Will Call Again	<input type="checkbox"/>

Message Ernie Stetenfeldt

will be testifying with  
him - he will see you  
upstairs before the

hearing  
Party Receiving Call





## Transport Inc.

January 18, 2000

Representative Donald Hasenohrl  
State Capitol  
PO Box 8952  
Madison, WI 53708

Dear Representative Hasenohrl:

I understand there is a public hearing being held on Senate Bill 265 Wednesday, January 19<sup>th</sup>. I will not be able to attend at that time, but I would like to express my opposition to the bill.

I feel we already have a law that prohibits the spilling of materials from trucks. Senate bill 265 would be very expensive. The cost of tarps is one item, but the loss of productivity from requiring tarping and untarping each load is even greater. Generally, our trucks can haul up to 10 to 12 loads in a single day. Even if tarping took only a few minutes and untarping took only a few minutes, this time would likely mean each truck would lose a load of productivity each day. This lost productivity would add cost to the people in the state of Wisconsin, to Wisconsin municipalities, and the DOT. This loss in productivity would also mean more trucks would be required on the roads to accomplish the same amount of work.

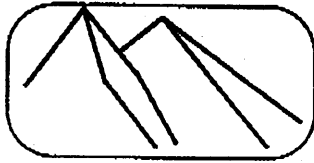
Safety is also a concern with this bill. Drivers will be required to climb up on dump boxes and trailers. The potential for slips and falls from heights of up to 11 feet is very real. This risk is much greater during inclement weather.

I understand this bill also includes a requirement for mud flaps on dump trucks. This would be very expensive because each time the truck backs in soft ground and dumps the load, the rear wheels tear off the flaps.

For these reasons, I do not believe Senate Bill 265 would be in the best interest of the people.

Thank You,

  
Everett Roehl  
President

**Daanen & Janssen** INC.

January 18, 2000

Mr. Pat Osborne  
Aggregate Producers of Wisconsin  
PO Box 2157  
Madison, WI 53701-2157

Re: Senate Bill 265

Dear Pat:

I regret that I cannot attend the hearing on January 19, as I believe this bill to be costly, unenforceable, and ineffective. Please submit this document as evidence of our opposition outlined below.

1. Commercial carriers are currently regulated by statute 348.10 (2) prohibiting use of a motor vehicle that is sifting or spilling its load. Mandating the tarping of all loads is not a solution to lack of enforcement of current regulation.
2. The bill will not eliminate the problem of broken windshields. In fact, carriers and their insurance companies will be additionally exposed to defense of allegations regarding events that are rarely witnessed.
3. The cost of purchasing, maintaining, and use of the tarp will drive up cost of material deliveries.
4. The use of the tarp places the operator in potentially dangerous situations, particularly in inclement weather.
5. Our company produces approximately two million tons of crushed aggregate annually, the equivalent of 100,000 truckloads. A minimum of 25% (25,00 truckloads) is used for the construction and maintenance of public roadways. The potential for complaints to the carrier and law enforcement agencies due to a misunderstanding of the legal requirements is only limited by the number of citizens that see each of these loads in transit. Additionally, law enforcement officials will not be able to distinguish between a legal operator and an offender. The sheer volume of exempt loads makes this regulation unenforceable.
6. The nature of the work performed by end dump units prohibits the use of mud flaps as outlined. Trucks operating in concrete and asphalt paving, as well as, projects requiring the unit to back up on the grade while loaded are particularly impacted.
7. I do not believe that this legislation will in any way positively impact public safety. However, protection of public safety is the only argument that can logically justify it. This being the case, and considering the volume of commerce done in the public sector, how can government conscientiously create a standard that is not all inclusive?

Sincerely,

Scott W. Janssen  
Daanen & Janssen, Inc./CEO

CC Tom Howells: Wisconsin Motor Carriers Association  
Senator Roger Breske  
Senator Alan Lasee  
Representative Carol Kelso



January 18, 2000

Senator Roger Breske, Chairman  
Insurance, Tourism, Transportation, and Corrections Committee  
Room 18 South State Capitol  
Madison, WI 53702  
(F) 608.267.0309

Dear Chairman Breske,

**Re: Senate Bill 265**

I would like to thank you for the opportunity to present the Alliance's position in regard to Senate Bill 265, which was authored by Senator Brian Burke. The Alliance of American Insurers is a national trade association representing over 300 property and casualty insurance companies. Alliance member companies write over \$ 9 billion in personal and commercial auto insurance premiums Wisconsin.

The bill would require the covering of trucks carrying loads of bulk material as well as mudguards on the rear wheels of dump trucks engaged in inter-city hauling of those materials.

Most households have experienced a situation where a stone is lost from a truck, or spun off the roadway, and strikes their windshield. Do to the stress from the aerodynamics of an automobile windshield, little pockmarks often become large cracks. Even tiny projectiles that strike the metal outer-surface of a car can cause significant "dings" and damage. While the costs of a single repair might be relatively minor, when all repairs are added up, they are a significant factor in the cost of claims and insurance. The cost of repairing damaged automobiles accounts for between 40 and 50 percent of the insurance premium for automobile insurance. The price of allowing trucks to operate without tarps and adequate mud flaps has a significant impact on the price consumers pay for auto insurance.

The Alliance supports Senate Bill 265 as it will introduce a solution.

Any man-hour costs that might be expended by requiring the operators of trucks to place tarpaulins over their loads would be dwarfed by the automobile repair costs that would be prevented.

Tarpaulins and mud flaps are a proven and effective method that would provide added safety to Wisconsin motorists.

Again, thank you for the opportunity to present our views on this issue.

Sincerely,

Kirk R. Hansen  
Director - Claims

KRH:ams

\\ALLIANCE\DATA\SHARED\CLAIMS\KRHN\ESTIMON99\TARPS.DOC



**Alliance**  
of American Insurers

January 19, 2000

Senator Roger Breske, Chairman  
Insurance, Tourism, Transportation, and Corrections Committee  
Room 18 South State Capitol  
Madison, WI 53702

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Again, thank you for the opportunity to present our views on this issue.

Sincerely,

Kirk R. Hansen  
Director - Claims

KRH:ams  
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3025 Highland Parkway, Suite 800 • Downers Grove, Illinois 60515-1289  
tel: 630.724.2100 • fax: 630.724.2190 • www.allianceai.org

KIRK R. HANSEN  
Director - Claims

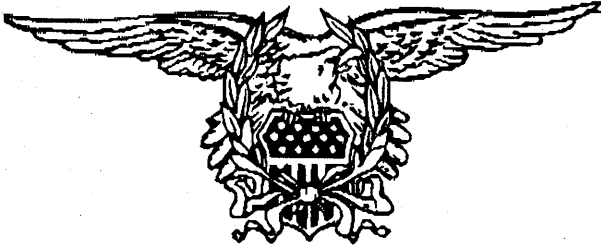
3025 Highland Parkway, Suite 800  
Downers Grove, IL 60515-1289

tel: 630.724.2125  
fax: 630.724.2190  
khansen@allianceai.org



**Alliance**  
of American Insurers



**ABATE OF WISCONSIN**

DEDICATED TO THE FREEDOM OF THE ROAD

**ABATE of Wisconsin, Inc.**  
438 North Water Street  
Black River Falls, Wisconsin 54615  
Voice- (715) 284-7415 or 800-386-4442  
Fax - (715)284-7545  
Email - [abatewis@abatewis.org](mailto:abatewis@abatewis.org)  
Web Page - [www.abatewis.org](http://www.abatewis.org)

January 19, 2000

### ABATE of Wisconsin position on SB265

ABATE of Wisconsin is in support of requiring loads, which could spill, sift, or be blown off, to be covered while being transported on highways in Wisconsin. The only time we could agree to the exemption written into the bill would be at the site of application, not the entire time the material was in transit..

Material blowing or falling off a truck that would not be a hazard to an automobile can pose serious hazards to somebody on a motorcycle. Sand blowing off a truck literally can sand blast any exposed skin, or be blown into the eyes past glasses and even into a helmet. Gravel coming at you at 50 miles per hour from the truck you just met on the road could be deadly. Having only two wheels, a motorcycle is more susceptible to debris in the roadway, whether it is gravel, rocks, or vegetables

We urge you to carefully consider SB265 and act to pass this bill out of committee and work for passage through the full Senate.

Thank you,

David Dwyer  
Legislative Chairman  
ABATE of Wisconsin, Inc.