

CR 82-237

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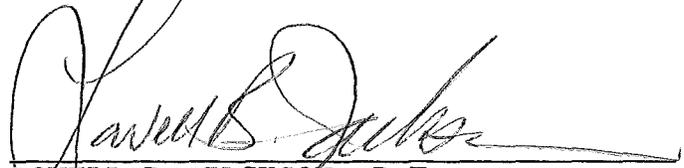
STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL TO WHOM THESE PRESENTS COME, GREETINGS:

I, Lowell B. Jackson, Secretary of the Wisconsin Department of Transportation and custodian of the official records of the Department, do hereby certify that the annexed rule relating to requiring vehicles to stop at weigh stations was duly approved and adopted by this Department on March 11th, 1983.

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Hill Farms State Office Building in the City of Madison, Wisconsin, this 11th day of March, 1983.



LOWELL B. JACKSON, P.E.
Secretary
Wisconsin Department of
Transportation

5-1-83

IN THE MATTER OF THE ADOPTION	:	
OF A RULE CREATING CHAPTER	:	ORDER
TRANS 312, WIS. ADMIN. CODE,	:	ADOPTING
RELATING TO REQUIRING VEHICLES	:	RULE
TO STOP AT WEIGH STATIONS	:	

Analysis Prepared by the
Wisconsin Department of Transportation

General Summary of Rule

Chapter 348, Stats., imposes size, weight and load limitations upon vehicles operating on Wisconsin highways. Additionally, ch. 348, Stats., establishes penalties for violating the limitations. Furthermore, s. 84.01 (21), Stats., gives the Wisconsin Department of Transportation authority to construct and maintain weigh stations for weighing, measuring or inspecting vehicles and loads operating on any state highway.

The effective enforcement of Wisconsin's size, weight and load limitations is crucial to the safety of all highway users and to the protection of highways against premature deterioration. Effective enforcement involves weighing, measuring and inspecting vehicles at weigh stations. This, of course, requires that vehicles stop at weigh stations.

In the past, the Department has required all trucks to stop at open weigh stations; weigh station signs informing motorists of upcoming weigh stations have so stated. Time, personnel and resource limitations, however, dictate that the Department not require all trucks to stop as a matter of regular course. Experience shows that size, weight and load limitation violations are more prevalent among trucks having a gross weight in excess of 8,000 pounds than among other vehicles. Moreover, experience also shows that safety is compromised and highway deterioration is prematurely accelerated to a greater degree when trucks having a gross weight in excess of 8,000 pounds violate the limitations than when other vehicles do so.

Hence, the Department has chosen to change its past practice. To that end, this rule provides that only operators of trucks having a gross weight in excess of 8,000 pounds need to stop at open weigh stations as a matter of regular course. Weigh station signs shall so state. Section 84.02(4)(c), Stats., gives the Department authority to erect and maintain such guide signs as "it deems necessary."

It must be forcefully emphasized, however, that this rule in no manner limits or minimizes the application of ch. 348, Stats. All vehicle operators are subject to all applicable size, weight and load limitations. All vehicle operators, whether operating a truck having a gross weight in excess of 8,000 pounds or operating any other vehicle, shall honor all requests of any traffic officer who requires them to stop and submit a vehicle and its load to weighing, measuring or inspection.

This rule is already in effect as an emergency rule effective beginning November 22, 1982.

Fiscal Estimate

This rule will enable the Department to more efficiently use its personnel and resources. Personnel and resources will be used to a greater degree than has been true in the past for higher priority large truck enforcement, not for lesser priority small truck enforcement. An additional expenditure will be necessary to change the weigh station sign messages; this expenditure will be nominal, however.

There will, however, be some revenue loss. Fines and forfeitures previously collected for trucks registered at 8,000 pounds or less as a consequence of violations detected at weigh stations will no longer be collected. Additionally, weight registration violations previously detected at weigh stations will no longer be detected for trucks not now required to stop, and, hence, the weight registration fees previously received when these vehicles found overweight were required to register at the proper weight will no longer be collected.

Preparation

This analysis was prepared by Philip Peterson, Office of General Counsel, Wisconsin Department of Transportation, Room 103B Hill Farms State Office Building, P.O. Box 7910, Madison, Wisconsin 53707 [(608) 266-8810].

Text of Rule

Pursuant to authority vested in the department of transportation by s. 110.06(1), Stats., the department of transportation hereby adopts rules interpreting s. 84.02(4)(c) and ch. 348, Stats., as follows:

SECTION 1. Chapter TRANS 312 is created to read:

WEIGH STATION STOPPING REQUIREMENTS

TRANS 312.01 GENERAL. (1) SCOPE. Pursuant to authority in ss. 84.02(4)(c) and 110.06(1) and in ch. 348, Stats., the department of transportation adopts these rules relating to requiring trucks to stop at weigh stations.

(2) PURPOSE. The purpose for this rule is to specify which vehicle operators shall stop at open weigh stations for vehicle and load weighing, measuring and inspecting and to specify further which vehicle operators, although they may be required by a traffic officer to stop, shall not be required to stop for vehicle and load weighing, measuring and inspecting as a matter of regular course at open weigh stations.

TRANS 312.02 DEFINITIONS. The word and phrase definitions in ss. 340.01, 348.01 and 990.01, Stats., shall apply throughout this chapter except that the following definitions shall apply for purposes of this chapter:

(1) "Department" means the Wisconsin department of transportation.

(2) "Gross weight" has the meaning set forth in s. 348.01(2)(b), Stats.

(3) "Truck" includes any motor truck, road tractor or truck tractor including any vehicle being towed thereby.

(4) "Weigh station" means a facility constructed and maintained pursuant to s. 84.01(21), Stats., for weighing, measuring or inspecting vehicles and loads operating on any highway.

(5) "Weigh station sign" means an official traffic sign placed or erected by authority of the department to inform truck operators of weigh station stopping requirements for trucks.

TRANS 312.03 AUTHORITY AND ENFORCEMENT DISCRETION.

(1) AUTHORITY. The department has statutory authority and responsibility to enforce the size, weight and load requirements of ch. 348, Stats. The provisions of ss. 84.01(21) and 110.07(1) (a)3, Stats., and of ch. 348, Stats., provide this authority. To implement its enforcement responsibilities, the department may require the operator of any vehicle being operated on a Wisconsin highway to stop at a weigh station and have the vehicle and its load weighed, measured or inspected.

(2) ENFORCEMENT DISCRETION. Because of time, personnel and resource limitations, the department cannot weigh, measure or inspect all vehicles at weigh stations as a matter of regular course. Department experience shows that trucks having a gross weight of 8,000 pounds or less often are used for personal transportation and not for property transportation. For this reason, the department chooses not to require operators of trucks having a gross weight of 8,000 pounds or less to stop at open weigh stations unless directed to do so by a traffic officer.

TRANS 312.04 STOPPING REQUIREMENTS. (1) TRUCKS OVER 8,000 POUNDS. Whenever the operator of a truck having a gross weight in excess of 8,000 pounds approaches an open weigh station, the operator shall stop the truck at the open weigh station and shall permit the truck and its load to be weighed, measured or inspected.

(2) TRUCKS OF 8,000 POUNDS OR LESS. The department may not require the operator of a truck having a gross weight of 8,000 pounds or less to stop at open weigh stations as a matter of regular course. A truck having a gross weight of 8,000 pounds or

less shall be subject, however, to all the applicable size, weight and load limitations of ch. 348, Stats.; and the operator of a truck having a gross weight of 8,000 pounds or less shall obey all requests of any traffic officer requesting the operator to stop and to submit the truck or the truck load to weighing, measuring or inspecting.

(3) PENALTIES. Any operator of a truck violating this section shall be subject to the penalty provisions of s. 348.21(2)(a), Stats.

TRANS 312.05 WEIGH STATION SIGNS. The department shall place or erect weigh station signs at appropriate locations near weigh stations along highways that the department constructs or maintains. The weigh station sign message shall be composed and designed for the purpose of informing operators approaching a weigh station of the need to meet the stopping requirements of s. 312.04(1) of this chapter.

(End)

This rule shall take effect upon publication as provided in s. 227.026(1)(intro.), Stats.

Signed at Madison, Wisconsin,
this 17th day of March,
1983.



LOWELL B. JACKSON, P.E.
Secretary
Wisconsin Department of
Transportation