



2007 ASSEMBLY BILL 164

March 12, 2007 - Introduced by Representatives FRISKE, GRONEMUS, SHERMAN, A. OTT, MURSAU, GUNDERSON and MUSSER, cosponsored by Senator SCHULTZ. Referred to Committee on Transportation.

1 **AN ACT** *to amend* 348.175 of the statutes; and *to affect* 2005 Wisconsin Act 167,
2 sections 2 and 7 and 2005 Wisconsin Act 167, section 18 (1); **relating to:** vehicle
3 weight limitations.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local highway authority. One exception allows DOT and local highway authorities to declare certain highways under their jurisdiction as frozen and eligible for increased weight limitations, and to establish increased weight limitations on these highways, for the transportation of certain forest products or of abrasives or salt for highway winter maintenance in excess of generally applicable statutory weight limitations.

2005 Wisconsin Act 167 (Act 167) eliminated, effective January 1, 2011, this frozen road weight limitation exception with respect to vehicles transporting certain forest products. This bill repeals Act 167's elimination of the frozen road weight limitation exception for forest products, thereby restoring this exception. The bill also requires that DOT and local highway authorities, with respect to highways under their respective jurisdictions, make frozen road declarations on the first day that conditions warrant, as determined by DOT and local highway authorities under applicable standards, and that these declarations become effective as of 12:01 a.m. on the second day following the declaration.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 348.175 of the statutes is amended to read:

2 **348.175 Seasonal operation of vehicles hauling peeled or unpeeled**
3 **forest products cut crosswise or abrasives or salt for highway winter**
4 **maintenance.** The transportation of peeled or unpeeled forest products cut
5 crosswise or of abrasives or salt for highway winter maintenance in excess of gross
6 weight limitations under s. 348.15 shall be permitted during the winter months
7 when the highways are so frozen that no damage may result thereto by reason of such
8 transportation. If at any time any person is so transporting such products or
9 abrasives or salt upon a class "A" highway in such frozen condition then that person
10 may likewise use a class "B" highway without other limitation, except that chains
11 and other traction devices are prohibited on class "A" highways but such chains and
12 devices may be used in cases of necessity. ~~The officers or agencies in charge of~~
13 ~~maintenance of highways, upon~~ On the first day that conditions warrant their
14 determination of such frozen condition and freedom of damage to such highways by
15 transportation, the officers or agencies in charge of maintenance of highways shall
16 declare particular highways, or highways within areas of the state, as eligible for
17 increased weight limitations, and each declaration shall be effective as of 12:01 a.m.
18 on the 2nd day following the declaration. Such declaration shall include the
19 maximum weight on each axle, combination of axles and the gross weight allowed.
20 Any person transporting any such product over any highway of this state under this
21 section is liable to the maintaining authority for any damage caused to such highway.

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1 This section does not apply to the national system of interstate and defense
2 highways, except for that portion of USH 51 between Wausau and STH 78 and that
3 portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon
4 their federal designation as I 39 between USH 51 and I 90/94.

5 **SECTION 2.** 2005 Wisconsin Act 167, sections 2 and 7 are repealed.

6 **SECTION 3.** 2005 Wisconsin Act 167, section 18 (1) is amended to read:

7 [2005 Wisconsin Act 167] Section 18 (1) The treatment of ~~sections 348.175 and~~
8 section 348.27 (9m) (a) 1. (by SECTION 13) of the statutes ~~and the amendment of~~
9 ~~section 348.21 (3g) (intro.) of the statutes~~ take takes effect on January 1, 2011.

10 **SECTION 4. Effective date.**

11 (1) This act takes effect on the first day of the 2nd month beginning after
12 publication.

13

(END)