



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 1

TO: MEMBERS OF THE SPECIAL COMMITTEE ON HIGHWAY WEIGHT LIMITS

FROM: Mark Patronsky and Don Salm, Senior Staff Attorneys

RE: Outline of State Statutes on Weight Limitations for Vehicles Operated on Highways

DATE: September 15, 2006

The weight limitations for vehicles operated on highways, exceptions to those limitations, permits for overweight vehicles, and provisions regarding enforcement of weight limitations are set forth in detail in ch. 348, Stats. (most specifically in subchs. III and IV of that chapter). A copy of ch. 348 is enclosed.

This memorandum contains a brief summary of the weight limitation statutes. In order to achieve brevity, this memorandum necessarily omits many of the details in the statutes. Specific statutory references for the provisions described in this memorandum are included in brackets following each description.

It should be noted that ch. 348 also contains the statutory provisions regarding size of motor vehicles and loads, which are not discussed in this memorandum and which are not relevant to the charge of the Special Committee.

Definitions

The following key terms, relating to the weight limit provisions, are defined in s. 348.01, Stats., the general definitions section: axle, consecutive month permit, gross weight, raw forest products, and tandem axle.

Basic Weight Limitations Set by Statute for Class "A" Highways

The term "Class 'A' highway" includes all state trunk highways and connecting highways and any county trunk highways, town highways, and city and village streets, or portions of those highways or streets, that have not been designated as Class "B" highways by local authorities. [s. 348.15 (1)]

The statutes prohibit operating a vehicle or combination of vehicles unless the vehicle or combination of vehicles either complies with the statutory weight limitations or is operated with a permit. [s. 348.15 (3) (intro.)]

The statutes set maximum limitations on the weight imposed on the highway, in pounds, for various parts or configurations of a vehicle. The vehicle must comply with all of the weight limitations. These limitations are established for a single wheel or multiple wheels at one end of a vehicle axle, a single axle of a vehicle, the steering axle of a vehicle, and groups of two or more consecutive axles of a vehicle or combination of vehicles. The statutes also establish maximum gross weights for vehicles in the form of a chart that is printed in the statutes. The maximum gross weights are based on the number of axles in a group and the distances between axles. [s. 348.15 (3)]

Weight Limitations Set by Statute for Class “B” Highways

The term “Class ‘B’ highway” includes county trunk highways, town highways, and city and village streets, or portions of those highways or streets, that are designated as Class “B” highways by local authorities. [s. 348.16 (1) (b)]

The allowable weight for a vehicle operating on a Class “B” highway is 60% of the weights authorized for Class “A” highways. An exception is provided for vehicles that pick up or deliver supplies or commodities to or from a residence or business that has an entrance on a Class “B” highway. These vehicles may pick up or deliver on a Class “B” highway and are not subject to the vehicle weight limitations for Class “B” highways. [s. 348.16 (2) and (3)]

City of Milwaukee

The City of Milwaukee (referred to as a “city of the first class” in the statutes) may increase the maximum weight limitations established by statute for any streets in the city. [s. 349.15 (3)]

Exceptions to Statutory Weight Limitations

The statutes authorize vehicles that are transporting certain designated types of cargo to exceed statutory weight limitations by specified amounts. No permit or other special authorization is required for a vehicle operator to take advantage of these exceptions. The exceptions allow the vehicle to exceed the maximum allowable weight for any one axle by a designated amount or to exceed the gross weight allowable for the combination of axles by a set amount. These exceptions do not allow a vehicle to exceed the maximum allowable weight for any vehicle, which is 80,000 pounds. These exceptions apply to the following:

- Vehicles transporting milk from the point of production to market and the return of dairy supplies or products to the farm. [s. 348.15 (3) (bg)]
- Vehicles transporting peeled or unpeeled forest products cut crosswise. [s. 348.15 (3) (br)]
- Vehicles transporting scrap metal. [s. 348.15 (3) (br)]

- Vehicles hauling septage, which is the material pumped from a holding tank, septic tank, or privy. [s. 348.15 (3) (bv)]
- Vehicles hauling livestock. [s. 348.15 (3) (e)]

From September 1 to November 30 of each year, certain agricultural commodities may be hauled, without a permit, from field to initial storage, if the registered gross weight of the vehicle is 50,000 pounds or more and the vehicle exceeds the applicable weight limitation by no more than 15%. [s. 348.17 (5)]

The statutes include special weight limitations which require authorization by state or local authorities, as follows:

- State or local authorities may establish special weight limitations on particular highways, highway structures, or portions of a highway by posting signs that give notice of such weight limitations. A person operating with an overweight permit is also subject to these special limitations, although state or local authorities may issue permits to expressly authorize these special weight limitations to be exceeded. [s. 348.17 (1)]
- The officer or agency in charge of highway maintenance or a traffic officer may suspend operation of any vehicle if the vehicle is causing damage or is likely to cause damage to a highway. [s. 348.17 (2)]
- In an energy emergency, the Department of Transportation (DOT), after consulting with the Department of Administration, may authorize the operation of overweight vehicles with a registered gross weight of 50,000 pounds or more that are carrying energy resources or fuel or milk commodities, as designated by the Governor, in order to conserve energy. This authorization may allow excess weights that are not more than 10% greater than the gross axle and axle combination limits, and not more than 15% greater than the gross vehicle weight limitations. [s. 348.17 (3)]
- The officer or agency in charge of highway maintenance may authorize the transportation of peeled or unpeeled forest product cut crosswise or of abrasives or salt during winter months when the highways are frozen. The officer or agency may declare the highways that are subject to the increased weight limitation and must specify the allowable increased weight limitation. [s. 348.175]

Weight limitations for the interstate highway system are established by federal law. None of the statutes that authorize exceptions to the weight limits or special limitations for Class "A" highways are applicable on the interstate highway system.

Overweight Permits

A vehicle may not be operated in excess of the maximum limitations on weight imposed by the statutes unless an overweight permit is obtained from DOT. [s. 348.25 (1)]

Overweight permits are available annually, for consecutive months, for multiple trips or for a single trip. [ss. 348.26 and 348.27]

Except for specific commodities that are eligible for an overweight permit (described in the following paragraph), an overweight permit may not be issued if the load can be reasonably divided or reduced to comply with statutory weight limitations. [s. 348.25 (4)]

The DOT may issue overweight permits for the following commodities or loads, subject to statutory maximum weights, fees, time of year, and other conditions as specified in each of the statutes:

- Loads that exceed statutory limits that are transported within 11 miles from the Michigan-Wisconsin state line and loads of peeled or unpeeled forest products cut crosswise that are transported on U.S. highway 2 in Iron or Ashland County. [s. 348.27 (9)]
- Certain raw forest and agricultural products, transported from the field to processing facilities. [s. 348.27 (9m)]
- Metallic or nonmetallic scrap for recycling purposes. [s. 348.27 (9r)]
- Potatoes intended for use as seed. [s. 348.27 (9t)]
- Grain, coal, iron ore concentrates, or alloyed iron for a distance not to exceed five miles from the Wisconsin state line. [s. 348.27 (10)]
- Garbage or refuse carried in a self-compactor equipped vehicle. [s. 348.28 (12)]

The DOT may impose reasonable conditions on any overweight permit that it issues. [s. 348.25 (3)]

The statutes establish fees for overweight permits. The amount of the fees is based on the amount of the excess weight authorized by the permit and the duration of the permit. [s. 348.25 (8)]

The penalties for overweight violations are described at the end of this memorandum. If a vehicle carries in excess of the weight authorized in an overweight permit, the penalty is calculated according to the amount by which the vehicle exceeds the weight authorized in the permit. If the operator violates other permit conditions, the penalties are imposed as if no permit was obtained. [s. 348.25 (2) (a) and (b)]

The administrative rules promulgated by DOT contain additional procedures, conditions, and regulations for overweight permits.

Methods of Weighing and Measuring

The statutes specify the methods for measuring distances between axles on a vehicle for determining the applicable weight limitations. [s. 348.15 (5m)]

The statutes describe methods for use of scales to weigh vehicles and requirements for scale certification. [s. 348.15 (5)]

If a vehicle is determined to be overweight by weighing on a state scale, the driver may request reweighing of the vehicle. All weight tickets for the vehicle are supplied to the court if the matter goes to trial. [s. 348.15 (6)]

Enforcement and Penalties

A traffic officer who believes that the gross weight of a vehicle is unlawful or is in excess of the gross weight for which the vehicle is registered may require the operator to stop the vehicle and weigh it or drive the vehicle to the nearest scale. [s. 348.19 (1)]

If the vehicle is found to be overweight, the traffic officer may require removal of the excess cargo. If the point of apprehension is 15 miles or less from the destination of the vehicle, the traffic officer must permit the operator to proceed to the destination without requiring the vehicle to be reloaded or unloaded. [s. 348.19 (2)]

The penalty for violation of the weight limitations is a civil forfeiture, calculated in a graduated amount based on the number and frequency of convictions and the amount of the excess weight. [s. 348.21]

The owner of a vehicle that is determined to be overweight is subject to the penalties in the same manner as if the owner had been operating the vehicle. [s. 348.02 (3)]

MCP:DLS:wu

Enclosure