



WISCONSIN LEGISLATIVE COUNCIL

HIGHWAY WEIGHT LIMITS

Legislative Council Conference Room
Madison, Wisconsin

September 22, 2006
9:30 a.m. - 3:00 p.m.

[The following is a summary of the September 22, 2006 meeting of the Special Committee on Highway Weight Limits. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

Call to Order and Roll Call

The roll was called and it was determined that a quorum was present.

- COMMITTEE MEMBERS PRESENT: Rep. Mark Gottlieb, Chair; Reps. Donald Friske and Jerry Petrowski; Sens. Russell Decker and Robert Jauch; and Public Members Dana Cook, Al Geurts, Chad Hollett, Tom Howells, Bill Johnson, Brian McQuestion, Mike Ottery, Henry Schienebeck, Chuck Teasdale and Paula Vandehey.
- COMMITTEE MEMBER EXCUSED: Arthur Scola.
- COUNCIL STAFF PRESENT: Don Salm and Mark Patronsky, Senior Staff Attorneys.
- APPEARANCES: Terry C. Anderson, Director, Legislative Council; Kurt Boehlein, Wisconsin Ready Mixed Concrete Association, Madison; Jerry Derr, Wisconsin Towns Association, Madison; Bill Dyer, Wisconsin Liquid Waste Carriers, Madison; and Casey Perry, Executive Director, Wisconsin Troopers' Association, Madison.

Opening Remarks

Terry C. Anderson, Director of the Legislative Council, welcomed the committee members and described the administrative procedures that apply to public members on the Special Committee. He noted that the committee's meetings will be recorded and available on the Internet.

Introduction of Committee Members

Chairperson Gottlieb noted that the directive for the Joint Legislative Council to conduct this study was contained in 2005 Wisconsin Act 167, a new law related to the transportation of raw forest products. He noted that the Department of Transportation (DOT) prepares a report on all proposed legislation that creates an exception to statutory weight limits. As part of its report on legislation that resulted in Act 167, the DOT recommended a Joint Legislative Council study committee to address the full range of issues related to highway weight limits.

Brief Description of Memo No. 1, *Summary of State Statutes on Weight Limitations for Vehicles Operated on Highways*

Don Salm noted that Memo No. 1 contains a brief summary of highway weight limit statutes and includes as an attachment a copy of the current statutory text related to highway weight limits.

Presentation by DOT Staff

[Note: PowerPoint presentations and other documents referred to by the invited speakers and speakers at the public hearing are posted on the committee's Internet site.]

- Kathleen Nichols, Program Supervisor in Motor Carrier Services Section, DOT
- David Vieth, Director, Bureau of Highway Operations, DOT
- Lt. Charles Lorentz, State Patrol, Motor Carrier Enforcement, DOT

The DOT staff presented a comprehensive discussion of highway weight limits, based on a series of descriptive slides and a four-page summary of the statutory weight limits. The DOT staff discussed the maximum allowable weights, the types of permits for overweight loads, the requirements for obtaining an overweight permit, and the relationship of federal, state, and local weight limits.

Representative Friske noted the inspection requirement under 2005 Wisconsin Act 167. Mr. Vieth said that DOT has made some adjustments in its enforcement practices. Representative Friske asked for a comparison of Wisconsin weight limits to those in Michigan. Kathleen Nichols said, in general terms, Michigan allows greater gross vehicle weights with more axles. Mr. Vieth commented that Michigan road construction is unique in the nation with the higher standards that allow for greater weight limits being established in the 1970s. He said that no other state could do this now, both because of the cost and the current federal requirements.

Ms. Vandehey noted that trucks which must comply with state road weight limits are allowed to drive on local roads under some circumstances.

Mr. McQuestion asked for further information about the damage to highways caused by traffic. Mr. Vieth noted a recent report prepared in Minnesota and offered to make the report available. He also offered to check for any studies that may have been done in Wisconsin.

Senator Jauch asked about enforcement discretion for state weight limits. Lieutenant Lorentz noted the opportunity under the statutes to reload an amount up to 2,000 lbs. as necessary to meet axle loads and also the opportunity for law enforcement to issue a warning.

Mr. Schienebeck noted that, with reference to a working group that helped develop Act 167, the University of Wisconsin-Extension had provided information on how roads should be designed in order to allow 18,000 lbs. of weight per axle.

Mr. Johnson asked whether studies have been done of the functional life of the bridges. Mr. Vieth said this has not been done and it may vary from bridge to bridge.

Mr. Cook asked for further information about flotation tires in relation to weight limits and road damage.

Public Testimony

Casey Perry, Executive Director, Wisconsin Troopers' Association, Madison, distributed a copy of his remarks, which he presented, and added examples from his personal experience in enforcing the weight limit laws.

Mr. Johnson asked whether paper enforcement of weight limit laws would be constitutional. Captain Teasdale said that there have been questions as to whether DOT can obtain access to records kept by businesses for highway weight enforcement purposes. He added that Minnesota has a paper enforcement provision, but there are no court cases on the constitutionality of this provision.

Representative Petrowski asked whether using the Hayward mill as an example for data collected under Act 167 (as set forth in the DOT presentation) suggests that there is a specific concern regarding the Hayward mill and not a concern statewide. He and Senator Jauch requested the DOT to provide comparable information on other locations in the state.

Jerry Derr, Wisconsin Towns Association, Madison, described the interest of town governments in highway weight issues. He noted that highway maintenance is probably the largest expense of towns, and that costs are increasing rapidly. He said that he does not expect to see substantial additional money for road aids from the state, and that the focus of towns will be on protecting the highways that they now have.

Bill Dyer, Wisconsin Liquid Waste Carriers Association, Madison, distributed a copy of his remarks. He noted that counties sometimes order a septic system owner to pump out the system when spring weight limits are in effect. This makes it difficult for the septic hauler to respond. He said that

new construction and new development often does not have adequate roads to provide necessary services.

Kurt Boehlein, Wisconsin Ready Mixed Concrete Association, Madison, distributed a copy of his remarks, and emphasized the need to make full use of the capacity of ready mix trucks.

Discussion of Committee Assignment

Ms. Vandehey said that the trucking industry should offer ideas for better compliance.

Mr. Geurts, with respect to Act 167, said that the committee should determine whether the current level of enforcement is effective and what is the cost to taxpayers of damage that is done to roads and bridges.

Senator Jauch suggested expanding the Michigan exception in current law to extend to Superior and to Park Falls.

Representative Petrowski agreed, adding that perhaps the Act 167 limits should apply to other commodities as well. He stated that he does not favor paper enforcement, but agrees that there is a need for more state troopers to enforce the limit laws.

Other Business Related to Committee Assignment

There was no other business before the committee.

Plans for Future Meetings

The next meeting of the Special Committee will be held on *Monday, November 13, 2006, at 9:30 a.m., in the Legislative Council Conference Room, Madison.*

Adjournment

The meeting was adjourned at 3:00 p.m.

MCP:wu