



WISCONSIN LEGISLATIVE COUNCIL

HIGHWAY WEIGHT LIMITS

Legislative Council Conference Room
Madison, Wisconsin

November 13, 2006
9:30 a.m. - 2:30 p.m.

[The following is a summary of the November 13, 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; 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 MEMBERS EXCUSED: Sens. Russell Decker and Robert Jauch; and Public Member Arthur Scola.

COUNCIL STAFF PRESENT: Don Salm and Mark Patronskey, Senior Staff Attorneys.

APPEARANCES: Denny Kruger, Wisconsin Troopers' Association, Madison; Matt Stohr, Wisconsin Counties Association, Madison; and Thomas Toepfer, Taylor County Highway Department, Medford; David Veith, Director, Bureau of Highway Operations, Department of Transportation.

Approval of the Minutes of the September 22, 2006 Committee Meeting

Mr. Johnson moved, seconded by Mr. Howells, to approve the Summary of Proceedings of the September 22, 2006 meeting. The motion carried on a voice vote.

Materials Distributed to Special Committee

- MEMO NO. 2, *Suggestions for Consideration by the Special Committee* (November 6, 2006)
- Cover page and executive summary of Minnesota Truck Size and Weight Project
- Wisconsin Legislative Council Act Memo, 2005 Wisconsin Act 167, *Transportation of Raw Forest Products* (April 5, 2006)

Mr. Patronskey noted the material that had been distributed to the Special Committee.

Presentation by Department of Transportation 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.]

Captain Teasdale used a series of slides to provide information in response to questions raised at the first meeting of the Special Committee. He noted the number of overweight citations issued and said that citations are rarely contested. In response to a question from Representative Petrowski, Captain Teasdale said that logging trucks are not overrepresented in the trucks that receive citations.

Captain Teasdale discussed some of the data that has been collected to date in response to 2005 Wisconsin Act 167, but noted that the original plan was to collect information for a year and look for trends, which means that analysis of this information is premature. He cautioned that the data shows only gross weight and does not show if there was an overweight permit. He said that a great deal of data is generated from private scales and the Department of Transportation (DOT) is considering a shorter time for data retention. He added that the data needs to have better records of vehicles and drivers. He noted that DOT currently has 91 motor vehicle carrier inspectors, working 40 hours per week. He explained that the inspectors are disbursed across the state based on truck volume and crash data.

David Veith, Director, Bureau of Highway Operations, DOT, distributed a handout of slides. The slides, in Mr. Veith's discussion, responded to questions raised earlier by members of the Special Committee, including the effect of increased vehicle weight on highway damage, the use and expense of different aggregates in highway construction, the use of wider tires, differences between highway design in Wisconsin and Michigan (and the consequences of those differences). In particular, he said that Michigan has a substantially larger number of deficient bridges. He said that information is not available on the condition of local roads and bridges in Wisconsin. He explained that of all the factors that affect highways, including environmental factors, the most serious factor is loads, both the weight of the loads and the frequency with which those loads impact highways. In response to a question on the

cost to the state of overweight trucks on its roads and highways, he said that this question is impossible to answer without making many assumptions.

Mr. Veith stated that, at this time, DOT does not have any specific recommendations relating to changes in highway weight limits laws.

Chairperson Gottlieb requested comments on the recent Minnesota study on highway weight limits [*Minnesota Truck Size and Weight Project Final Report*, June 2006], including whether some conclusions of the Minnesota study might be applicable to Wisconsin. Mr. Veith said that there are some differences in climate and significant differences in the economy between the two states, but that otherwise many of the conclusions and recommendations may be applicable to Wisconsin.

Public Testimony

Denny Kruger, Legislative Liaison, Wisconsin Troopers' Association, Madison, discussed the need for more law enforcement officers on the state's highways.

Matt Stohr, Wisconsin Counties Association, Madison, urged the Special Committee to consider the effect of current law on state and local bridges and highways before recommending changes to current law and to study the compliance rate with existing weight limits.

Thomas Toepfer, Taylor County Highway Department, Medford, said that a single state patrol officer covers three counties in his area, and that penalties for overweight violations need to be increased.

Discussion of Committee Assignment

Chairperson Gottlieb reminded committee members that the study is about broad issues of highway weight limits in Wisconsin, rather than a review of 2005 Wisconsin Act 167. He commented favorably on the Minnesota study, with its attempt to quantify costs and benefits, and noted that the Minnesota study concluded that there is a net benefit for certain higher weight limits, with possible benefits to the economy, shippers, pavements, bridges, safety, and congestion problems. He said that any decisions regarding highway weight limits should not be directed at a single industry and that enforcement is a critical issue.

Chairperson Gottlieb commenced the discussion of Memo No. 2, *Suggestions for Consideration by the Special Committee*, dated November 3, 2006. Representative Friske said that the proposal for citations based on scale records kept by saw mills or paper mills would likely shift the recording of deliveries by "stick scaling" rather than weight.

Mr. McQuestion said that when his trucks are stopped and have not committed a serious weight violation, the law enforcement officer may inspect the truck until some sort of violation is found. Captain Teasdale said that motor carrier safety is the primary concern of the state patrol. He described efforts to train local enforcement officials but said that often these officials will change assignments and no longer enforce motor carrier safety laws and overweight regulations.

Mr. Johnson said that using industry scales to gather information and identify problem carriers would be an acceptable use of that information, but not enforcement. Representative Friske noted that the original idea of using private scales in Act 167 was to determine compliance rates and not as the basis for an enforcement system. He said that some analysis of the data should be possible by the end of this year. Representative Petrowski asked for enforcement targeted to address the patterns of overweight trucks. Chairperson Gottlieb noted a lack of committee interest in the paper enforcement proposal, and committee members did not comment further on such a proposal.

Chairperson Gottlieb said that one issue not presented in Memo No. 2 is increased penalties. Captain Teasdale said that in the development of Act 167, increased citation amounts were discussed, as well as canceling vehicle registrations. Chairperson Gottlieb noted a consensus to continue discussing the issue of increased penalties.

Chairperson Gottlieb noted support for continued discussion of increasing enforcement of highway weight limits, but no consensus either for identifying specifically the methods for exercising enforcement discretion by law enforcement officers or for creating a program to train and support local law enforcement officers.

Under the highway weight limit issues listed in Memo No. 2, Mr. Howells said that the issue regarding consistency with other states is an overall concern, and that he did not have a specific recommendation on this point.

Regarding the “Michigan exception” in current statutes, and the possibility of expanding that exception so that eligible trucks can proceed to either Superior or Park Falls, Representative Friske said that he will review this issue and asked the committee to keep discussions open on the topic.

Regarding the creation of a definition of “intermediary lumber,” Chairperson Gottlieb noted general support to determine if a definition is appropriate, whether in the statutes or through the rule-making process.

Regarding the federal bridge formula, Representative Friske clarified that the question raised at the first meeting was whether Wisconsin would lose federal money if the effect of Act 167 is to authorize noncompliance with the federal bridge formula. Captain Teasdale said that Act 167 applies only to state and local roads so that the federal bridge formula is not an issue.

After a discussion of ready mixed concrete and the suggestion to increase weight limits for those trucks from the current 73,000 pounds, Chairperson Gottlieb said that the committee would keep this issue open for further discussion.

Regarding floatation tires, the issue is whether implements of husbandry, without cargo, can comply with weight limits. After a brief discussion, Chairperson Gottlieb noted an interest in further consideration of this issue. Chairperson Gottlieb also noted a consensus to continue consideration of increased state road aids for new property development and simple solutions to rural bridge damage.

Upon concluding the discussion of Memo No. 2, Chairperson Gottlieb returned to the Minnesota study. He said that the Special Committee might recommend that DOT review the cost benefit analysis of weight limits in the study to determine if it has applicability in Wisconsin. Representative Petrowski

asked if the Department of Commerce might be a better agency to conduct the study. Chairperson Gottlieb noted a consensus for further discussion of this issue.

Chairperson Gottlieb said that he would work with staff to develop proposals for review by the Special Committee at its next meeting and directed staff to contact committee members as appropriate to develop these proposals.

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, January 8, 2007, at 9:30 a.m., in the Legislative Council Conference Room, Madison.*

Adjournment

The meeting was adjourned at 2:30 p.m.

MCP:wu:jb;wu