



WISCONSIN LEGISLATIVE COUNCIL

HIGHWAY WEIGHT LIMITS

Legislative Council Conference Room
Madison, Wisconsin

January 8, 2007
9:30 a.m. - 11:00 a.m.

[The following is a summary of the January 8, 2007 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; Rep. Donald Friske; Sen. 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 MEMBERS EXCUSED: Rep. Jerry Petrowski; Sen. Russell Decker; and Public Member Arthur Scola.

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

<p>*ATTENTION: This was the final meeting of the Special Committee on Highway Weight Limits. Committee members are requested to send any corrections regarding these Minutes to the Legislative Council staff. After the incorporation of any corrections, these Minutes will be considered approved by the committee.</p>

Approval of the Minutes of the November 13, 2006 Committee Meeting

Mr. Cook moved, seconded by Ms. Vandehey, to approve the Summary of Proceedings of the November 13, 2006 meeting. The motion carried on a voice vote.

Description of Materials Distributed to Special Committee

- WLC: 0033/1, relating to requiring the department of transportation to study Wisconsin truck size and weight limits.
- Proposed letter to the 2007 Co-Chairpersons of the Joint Committee on Finance from Chairperson Gottlieb.

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

Discussion of Committee Assignment and Materials Distributed to the Special Committee and Voting on Final Recommendations of the Special Committee

Chairperson Gottlieb asked if there were any suggestions for changes in the proposed letter to the 2007 Co-Chairpersons of the Joint Committee on Finance.

- Mr. Patronskey noted that the letter should have, as an attachment, a list of the members of the Special Committee. There was no objection to this change.
- Mr. Johnson requested that the phrase “, where many trucks carry heavy loads of timber and other products,” be deleted from the letter since the phrase seems to suggest that timber hauling is the main activity that is involved in enforcement problems. There was no objection to removal of this phrase.
- Captain Teasdale requested that wherever the phrase “highway patrol officer or an inspector” or a similar phrase appears in the letter, “state patrol inspector” be substituted, noting that the use of “inspector” is the appropriate term. There was no objection to this change.
- With reference to a suggestion submitted earlier by Representative Petrowski to include in the letter a cap of five additional inspectors, Captain Teasdale objected, noting that neither the Department of Transportation (DOT) nor the committee had enough information or had done enough analysis to specify a certain number of new inspector positions. Representative Friske agreed, explaining that only the timber industry is currently providing information on the weight of loads and that this information has only been gathered for about seven months. The Special Committee agreed that this cap should not be placed in the letter.

Chairperson Gottlieb moved, seconded by Representative Friske, that the letter, as amended above, be sent to the 2007 Co-Chairpersons of the Joint

Committee on Finance as soon as reasonably possible. The motion carried on a vote of Ayes, 12 (Reps. Gottlieb and Friske; Sen. Jauch; and Public Members Cook, Geurts, Hollett, Howells, Johnson, Ottery, Schienebeck, Teasdale, and Vandehey); Noes, 1 (McQuestion); and Absent, 3 (Rep. Petrowski; Sen. Decker; and Public Member Scola).

After Mr. Patronskey reviewed WLC: 0033/1, relating to requiring DOT to study Wisconsin truck size and weight limits, Chairperson Gottlieb asked if there were any suggestions for changes in the draft.

- After noting that the draft has alternative bracketed dates for DOT to submit its report to the Legislature (January 1, 2009; the first day of the seventh month beginning after publication), Chairperson Gottlieb suggested that January 1, 2009 should be chosen since: (1) depending on the time period in which the Legislature acts on the proposal, that should provide DOT with adequate time to complete the report; and (2) that is the first day of the 2009-10 Legislative Session. Senator Jauch agreed, adding that the date could be changed if there is a significant delay in passing the bill. Captain Teasdale suggested that the first day of the 18th month after publication would be more appropriate since that would give DOT time to complete the procurement process necessary to do the study (six months) and for the study to be completed (12 months). After further discussion, the committee agreed that the date should be January 1, 2009.
- Mr. Schienebeck suggested that the draft specify that DOT would have to contract with a third party to perform the study, noting that Minnesota had used a third party consultant to do its study. There was no objection to this change.
- Mr. Ottery suggested that, for clarity, the phrase “or local” be inserted after “state” in the last sentence of the sixth paragraph in the Prefatory Note (i.e., the phrase would read “effects on the infrastructure and safety of state or local highways”). Mr. Geurts suggested taking out the phrase “without negative effects” in that sentence and inserting language so that, in addition to Mr. Ottery’s change, the last part of the sentence would read: “benefit to the Wisconsin economy while taking into consideration the effects on the infrastructure and safety of state and local highways, roads, and bridges.” There were no objections to these changes.
- Captain Teasdale noted that the list of representatives on the advisory committee on p. 2, lines 12 to 14, is somewhat different than the list of representatives on that committee set forth on p. 3, lines 5 to 9. Ms. Vandehey suggested that the material on p. 3 be stricken and that the list on p. 2 be used. There was no objection to this change. As to the list on p. 2: (1) Mr. Howells suggested that the term “industries and small businesses” be replaced by “trucking companies, industries, and small businesses that depend on truck transport”; and (2) Captain Teasdale suggested adding “, enforcement agencies” after that new phrase. There were no objections to these changes.
- Mr. Johnson suggested that in the fifth from the last line in the Prefatory Note, “costs” and “benefits” be reversed. There was no objection to this change.

Senator Jauch moved, seconded by Representative Friske, to approve WLC: 0033/1, as amended by the changes agreed to above. The motion carried on a vote of Ayes 13 (Reps. Gottlieb and Friske; Sen. Jauch; and Public Members Cook, Geurts, Hollett, Howells, Johnson, McQuestion, Ottery, Schienebeck, Teasdale, and Vandehey); Noes, 0; and Absent, 3 (Rep. Petrowski; Sen. Decker; and Public Member Scola).

Chairperson Gottlieb asked whether there were any further suggestions from committee members.

Representative Friske requested that the Special Committee send a letter to the members of the Wisconsin Congressional delegation requesting that they introduce and strongly support a bill to change the federal code to allow for an exemption to the weight limit for hauling raw forest products on Interstate Highway 39 in Wisconsin, such that trucks with six axles and a 98,000 pound load would be permitted to use that highway. He explained that Wisconsin is currently grandfathered so as to permit loads of up to 90,000 pounds, but that weight limit is not sufficient to meet the needs of the timber industry, as recently addressed in the new Wisconsin law permitting raw forest product loads of up to 98,000 pounds on six axles. He noted that, as a result, these 98,000 pound six-axle trucks must use often unsafe and unsuitable county roads to move the raw forest products. He added that the State of New Hampshire had petitioned its federal congressional delegation to do this and had obtained an exemption.

Chairperson Gottlieb noted that the Wisconsin Assembly, but not the Senate, has a rule against memorializing Congress in such a way. Senator Jauch agreed with the idea of petitioning or memorializing Congress and indicated that he will introduce a Senate Resolution relating to this matter so that public hearings can be held in the Wisconsin Senate Transportation Committee.

Representative Friske noted that any letter should include the safety reasons for allowing the exemption, emphasizing the danger of having to use county or other local roads instead of Interstate 39. Chairperson Gottlieb suggested that a general letter to the Congressional delegation, in accordance with the discussion above, be drafted, signed by legislative members of the Special Committee, and sent to the delegation.

Other Business Related to Committee Assignment

Chairperson Gottlieb thanked committee members for their diligence in working on a very complex subject.

Adjournment

The meeting was adjourned at 11:00 a.m.

DLS:wu