



WISCONSIN LEGISLATIVE COUNCIL
PROPOSED REPORT TO THE LEGISLATURE

SPECIAL COMMITTEE ON
HIGHWAY WEIGHT LIMITS

March 5, 2007

PRL 2007-04

Special Committee on Highway Weight Limits

Prepared by:
Mark Patronsky and Don Salm, Senior Staff Attorneys
March 5, 2007

CONTENTS

PART I - KEY PROVISIONS OF COMMITTEE RECOMMENDATION	3
LRB-1866/1, Relating to Requiring the Department of Transportation to Study Vehicle Size and Weight Limits.....	3
PART II - COMMITTEE ACTIVITY.....	5
Assignment.....	5
Summary of Meetings.....	5
PART III - RECOMMENDATION INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL	7
Background	7
Description	7
PART IV - OTHER ACTION OF THE COMMITTEE	9
Appendix 1 - Committee and Joint Legislative Council Votes	11
Appendix 2 - Letter to the Cochairpersons of the the Joint Finance Committee	13
Appendix 3 - Lists of Joint Legislative Council Members	15
Appendix 4 - List of Committee Members.....	17
Appendix 5 - Committee Materials List.....	19

PART I

KEY PROVISIONS

OF COMMITTEE RECOMMENDATION

The Special Committee on Highway Weight Limits recommends the following bill draft to the Joint Legislative Council for introduction in the 2007-08 Session of the Legislature.

LRB-1866/1, Relating to Requiring the Department of Transportation to Study Vehicle Size and Weight Limits

LRB-1866/1 does the following:

- Requires the Department of Transportation (DOT) to contract for a study of Wisconsin truck size and weight limit laws, to identify changes in those laws that would have a net benefit to Wisconsin's economy, when considering the costs of protecting highway infrastructure and safety, and the benefits that would result from reducing the cost of truck transportation.
- Requires the consultant that undertakes the study to review those vehicle configurations, changes in seasonal restrictions, and other policy issues that were found to have a net benefit in the cost-benefit analysis in a Minnesota truck size and weight project final report that was issued in June 2006. The consultant must prepare a report on the results of the study and submit the report to the Legislature no later than January 1, 2009.
- Requires DOT to appoint an advisory committee to assist in the review and the report.

PART II

COMMITTEE ACTIVITY

Assignment

The Joint Legislative Council established the Special Committee on Highway Weight Limits and appointed the chairperson by a June 9, 2006 mail ballot. 2005 Wisconsin Act 167 mandated this study. The Special Committee was directed to review the system of motor vehicle weight limits on the state's highways and bridges. The Special Committee was directed to include in its study the issues and interrelationships between economic impacts, truck configurations, expected compliance levels and enforcement constraints, and impacts on the public infrastructure, operational, and safety issues.

Membership of the Special Committee, appointed by an August 1, 2006 mail ballot, consisted of two Senators, three Representatives, and 11 public members. A list of committee members is included as *Appendix 4* to this report.

Summary of Meetings

The Special Committee held three meetings in Madison on the following dates:

September 22, 2006
November 13, 2006
January 8, 2007

At the September 22, 2006 meeting, the Special Committee heard a comprehensive presentation on the current statutes and administrative rules regarding highway weight limits, presented by several members of the staff of DOT. The DOT staff discussed the maximum allowable weight limits, the types of permits for overweight loads, the requirements for obtaining an overweight permit and the relationship of federal, state, and local weight limits. The Special Committee then received public testimony from representatives of a number of organizations with an interest in highway weight limits.

At the November 13, 2006 meeting, the Special Committee heard testimony from Captain Charles Teasdale and David Veith of DOT on the number of citations issued for overweight trucks, the discretion of officers in deciding whether to issue citations, and the potential for issuing citations based on private scales. The Special Committee also received public testimony from the Wisconsin Troopers' Association, the Wisconsin Counties Association, and a representative of the Taylor County highway department, who all emphasized the need for effective enforcement of current weight limits. The Special Committee discussed a recent Minnesota study of the costs and benefits of highway weight limits. Chairperson Gottlieb suggested that the Special Committee consider recommending further DOT review of the cost-benefit analysis of weight limits in the Minnesota study to determine if any of the conclusions in that study are applicable in Wisconsin.

At the January 8, 2007 meeting, the Special Committee reviewed and adopted, with minor modifications, a proposed letter from Chairperson Gottlieb to the 2007 Co-Chairpersons of the Joint Committee on Finance (JCF) requesting additional funding and position authorizations for enforcement of truck weight limit laws in the state. Subsequently, on January 12, 2007, that letter, signed by Chairperson Gottlieb and indicating adoption of the letter by the Special Committee, was sent to Senator Russ Decker and Representative Kitty Rhoades, Co-Chairpersons of the JCF.

The Special Committee also reviewed and approved on January 8th, with modifications, WLC: 0033/1, a bill draft relating to requiring the Wisconsin DOT to study Wisconsin truck size and weight limits.

Finally, the Special Committee discussed sending a letter to the members of the Wisconsin Congressional Delegation requesting their support for federal legislation allowing for an exemption to the weight limit for hauling raw forest products on Interstate Highway 39, such that trucks with six axles and a 98,000 pound load would be permitted to use that highway. Chairperson Gottlieb suggested that a general letter to that effect be signed by legislative members of the Special Committee and be sent to the delegation. Senator Jauch indicated that he would be offering, in this legislative session, his own Senate resolution requesting such an exemption.

PART III

RECOMMENDATION INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL

This part of the report provides background information on, and a description of, the bill draft as recommended by the Special Committee on Highway Weight Limits.

Background

Early in its work, the Special Committee was informed of the recent completion of a study of truck size and weight limits in Minnesota. The final report of this study was published in June 2006 in a report entitled *Minnesota Truck Size and Weight Project*. The report was prepared by consultants for the Minnesota Department of Transportation, although the department provided leadership for the study. The study was comprehensive and included participation by, and input from, a substantial number of public and private stakeholders. In the study, Minnesota assessed changes to the truck size and weight limit laws that would strike a balance between: (1) benefits to the Minnesota economy resulting from appropriate size and weight limits; and (2) continuing public safety and protection of state roads and bridges.

The Special Committee noted many similarities between issues considered in the Minnesota study and issues that were suggested to the Special Committee for consideration and determined that there would be substantial value in conducting a similar study in Wisconsin. The Minnesota study identified a number of truck axle and weight configurations, changes in the seasonal weight limits, and other policy modifications that would have a positive cost-benefit ratio when comparing costs of protecting the highway infrastructure and ensuring public safety to the benefits to the state's economy of reducing the costs of trucking by allowing heavier loads. The Special Committee determined that: (1) if similar findings were made in a Wisconsin study, statutory and policy changes could be based on those findings and would result in a net benefit to the Wisconsin economy while taking into consideration the effects on the infrastructure and safety of state and local highways, roads, and bridges; and (2) the broad scope of such a study would require significant expertise, time, and resources, and would be beyond the capabilities of the committee.

Description

The bill draft does the following:

1. Requires DOT to contract for a study of Wisconsin truck size and weight limit laws, to identify changes in those laws that would have a net benefit to Wisconsin's economy, when considering the costs of protecting highway infrastructure and safety, and the benefits that would result from reducing the cost of truck transportation.
2. Requires the consultant that undertakes the study to review those vehicle configurations, changes in seasonal restrictions, and other policy issues that were found to have a net benefit in the cost-benefit analysis in the Minnesota truck size and weight project final report that was issued in June 2006.
3. Requires DOT to appoint an advisory committee to assist in the required review and the report under item 4., below. The advisory committee must include representation from the Department of Commerce; local governmental units; trucking companies; industries and small businesses that depend on truck transport; enforcement agencies; and other groups and individuals that are interested in and knowledgeable about truck size and weight limits. The DOT must allow all advisory committee

members to present written commentary on or dissenting views from the report and must incorporate that commentary and any dissents into the final report.

4. Requires the consultant that undertakes the study to prepare a report on the results of its study. The DOT must submit the report to the Legislature no later than January 1, 2009.

PART IV

OTHER ACTION OF THE COMMITTEE

At its January 8, 2007 meeting, the Special Committee adopted a letter from its Chairperson, Representative Gottlieb, to the Co-Chairpersons of the JCF (Senator Russ Decker and Representative Kitty Rhoades), requesting additional funding and position authorizations for enforcement of truck weight limit laws in the state. Subsequently, on January 12, 2007, that letter, signed by Chairperson Gottlieb and indicating adoption of the letter by the Special Committee, was sent to the Co-Chairpersons of the JCF. A copy of the letter is attached as *Appendix 2* to this report.

The letter was adopted by 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 (Public Member McQuestion); and Absent, 0.

Appendix 1

Committee and Joint Legislative Council Votes

WLC: 0033/2 was recommended by the Special Committee on Highway Weight Limits to the Joint Legislative Council for introduction in the 2007-08 Session of the Legislature.

Special Committee Vote

The Special Committee voted to recommend WLC: 0033/2 (which subsequently became LRB-1866/1) to the Joint Legislative Council for introduction in the 2007-08 Session of the Legislature. The vote on the draft was as follows:

- WLC: 0033/2, relating to requiring the DOT to study Wisconsin truck size and weight limits: 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).

State of Wisconsin
JOINT LEGISLATIVE COUNCIL

Co-Chairs

FRED A. RISSE
President, State Senate

STEVE WIECKERT
Representative, State Assembly



LEGISLATIVE COUNCIL STAFF

Terry C. Anderson

Director

Laura D. Rose

Deputy Director

January 12, 2007

Senator Russ Decker
Co-Chairperson, Joint Committee on Finance
Room 122 South, State Capitol

Representative Kitty Rhoades
Co-Chairperson, Joint Committee on Finance
Room 309 East, State Capitol

Dear Co-Chairpersons Decker and Rhoades:

This letter is a request for additional funding and position authorizations for enforcement of truck weight limit laws in the state. Members of the Joint Legislative Council's Special Committee on Highway Weight Limits have determined, based on extensive testimony and committee discussion, that enforcement of current highway weight limit laws is a critical issue for protection of the public investment in roads and bridges.

The enforcement of truck weight limits is a difficult and time-consuming process for an individual state patrol inspector. Currently, much of the weight limit enforcement effort is focused on interstate highways, yet it is clear from testimony received by the committee that, due in significant part to lack of enforcement, a substantial amount of serious damage is being done to the smaller state trunk highways, local highways, and bridges. Especially in the northern part of the state, there are only one or two state patrol inspectors providing enforcement in multi-county areas.

In order to have a credible enforcement presence and to use the threat of enforcement as an effective way of encouraging voluntary compliance with weight limit laws, the Special Committee believes that the state must hire additional Wisconsin state patrol inspectors. The Special Committee discussed the possibility of the use of additional local enforcement officers for enforcement. However, testimony on this issue was discouraging, because local officers who are trained in truck weight limit enforcement are, during their work shifts, often called upon to perform other assignments and are not available to engage in truck weight limit enforcement on a consistent basis.

One East Main Street, Suite 401 • P.O. Box 2536 • Madison, WI 53701-2536
(608) 266-1304 • Fax: (608) 266-3830 • Email: leg.council@legis.state.wi.us
<http://www.legis.state.wi.us/lc>

The Special Committee acknowledges the difficulties faced by the Joint Committee on Finance in maintaining a positive balance in the transportation fund. However, it is clear to Special Committee members that the investment of transportation fund money in state highways, roads, and bridges must be protected, and that one of the most effective ways of doing this is by vigorous weight limit enforcement by a sufficient number of state patrol inspectors.

This letter was adopted by the members of the Joint Legislative Council's Special Committee on Highway Weight Limits by 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 (Public Member McQuestion). A list of Special Committee members is enclosed for your information.

Yours truly,



Representative Mark Gottlieb
Chairperson
Special Committee on Highway Weight Limits

MG:jb:wu
Enclosure

Appendix 3

Joint Legislative Council

[Joint Legislative Council Members Who Selected and Appointed Committee and Its Membership]

Co-Chair

ALAN LASEE
Senate President
2259 Lasee Road
De Pere, WI 54115

Co-Chair

STEVE WIECKERT
Representative
1 Weatherstone Drive
Appleton, WI 54914

SENATORS

RONALD W. BROWN
1112 Violet Avenue
Eau Claire, WI 54701

DAN KAPANKE
1610 Lakeshore Drive
La Crosse, WI 54603

DALE SCHULTZ
Majority Leader
515 N. Central Avenue
Richland Center, WI 53581

RUSSELL DECKER
6803 Lora Lee Lane
Schofield, WI 54476

MARK MILLER
4903 Roigan Terrace
Monona, WI 53716

DAVID ZIEN
President Pro Tempore
1716 63rd Street
Eau Claire, WI 54703

SCOTT FITZGERALD
N4692 Maple Road
Juneau, WI 53039

FRED A. RISSER
5008 Risser Road
Madison, WI 53705

GLENN GROTHMAN
111 South 6th Avenue
West Bend, WI 53095

JUDY ROBSON
Minority Leader
2411 E. Ridge Road
Beloit, WI 53511

REPRESENTATIVES

JOHN AINSWORTH
W6382 Waukechon Road
Shawano, WI 54166

MICHAEL HUEBSCH
Majority Leader
419 West Franklin
West Salem, WI 54669

MARLIN D. SCHNEIDER
3820 Southbrook Lane
Wisconsin Rapids, WI 54494

PEDRO COLON
338 West Walker Street
Milwaukee, WI 53204

DEAN KAUFERT
1360 Alpine Lane
Neenah, WI 54956

DAVID TRAVIS
5440 Willow Road
Waunakee, WI 53597

STEPHEN J. FREESE
Speaker Pro Tempore
310 East North Street
Dodgeville, WI 53533

JIM KREUSER
Minority Leader
3505 14th Place
Kenosha, WI 53144

JOHN GARD
Speaker
481 Aubin Street, P.O. Box 119
Peshtigo, WI 54157

ANN NISCHKE
202 W. College Avenue
Waukesha, WI 53186

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

Joint Legislative Council

[Current Joint Legislative Council Members Receiving Committee Report]

Co-Chair

FRED RISSE

Senate President

5008 Risser Road
Madison, WI 53705

Co-Chair

STEVE WIECKERT

Representative

1 Weatherstone Drive
Appleton, WI 54914

SENATORS

ROGER BRESKE

8800 Hwy. 29
Eland, WI 54427

TIM CARPENTER

President Pro Tempore
2957 South 38th Street
Milwaukee, WI 53215

G. SPENCER COGGS

3732 North 40th Street
Milwaukee, WI 53216

ALBERTA DARLING

1325 West Dean Road
River Hills, WI 53217

RUSSELL DECKER

6803 Lora Lee Lane
Weston, WI 54476

SCOTT FITZGERALD

Minority Leader
N4692 Maple Road
Juneau, WI 53039

SHEILA HARSDORF

N6627 County Road E
River Falls, WI 54022

ALAN LASEE

2259 Lasee Road
De Pere, WI 54115

MARK MILLER

4903 Roigan Terrace
Monona, WI 53716

JUDY ROBSON

Majority Leader
2411 E. Ridge Road
Beloit, WI 53511

REPRESENTATIVES

JOAN BALLWEG

170 W. Summit Street
Markesan, WI 53946

TERESE BERCEAU

4326 Somerset Lane
Madison, WI 53711

JEFF FITZGERALD

Majority Leader
910 Sunset
Horicon, WI 53032

MARK GOTTLIEB

Speaker Pro Tempore
1205 Noridge Trail
Port Washington, WI 53074

MICHAEL HUEBSCH

Speaker
419 West Franklin
West Salem, WI 54669

DEAN KAUFERT

1360 Alpine Lane
Neenah, WI 54956

JIM KREUSER

Minority Leader
3505 14th Place
Kenosha, WI 53144

MARK POCAN

309 N. Baldwin Street
Madison, WI 53703

KITTY RHOADES

708 4th Street
Hudson, WI 54016

MARLIN SCHNEIDER

3820 Southbrook Lane
Wisconsin Rapids, WI 54494

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

Appendix 4

Highway Weight Limits

Representative Mark Gottlieb, **Chair**
1205 Noridge Trail
Port Washington, WI 53074

Representative Donald Friske
N2998 Highway K
Merrill, WI 54452

Representative Jerry Petrowski
720 North 136th Avenue
Marathon, WI 54448

Alvin J. Geurts
1313 Holland Road
Appleton, WI 54911

Tom Howells
Wisconsin Motor Carriers Association
P.O. Box 44849
Madison, WI 53744-4849

Brian McQuestion
Lake Shore Burial Vault Company
12780 W. Lisbon Road
Brookfield, WI 53005

Henry Schienebeck
Schienebeck Renewable Resources
12049 State Highway 13
Butternut, WI 54514

Charles Teasdale
Department of Transportation
P.O. Box 7912, Room 551
Madison, WI 53707-7912

Senator Russell Decker
6803 Lora Lee Lane
Schofield, WI 54476

Senator Robert Jauch
5271 S. Maple Dr.
Poplar, WI 54864

Dana Cook
Cook's Countryside Trucking
S7701A Denzer Rd.
North Freedom, WI 53951

Chad Hollett
2122 Oak Street
La Crosse, WI 54603

Bill Johnson
Johnson Timber Corporation
9676 N. Kruger Road
Hayward, WI 54843

Michael J. Ottery
241 E. Chestnut Street
Chilton, WI 53014-1554

Arthur Scola
2801 89th Street
Sturtevant, WI 53177

Paula Vandehey
City of Appleton
100 N. Appleton St.
Appleton, WI 54911

STUDY ASSIGNMENT: The committee must review the system of motor vehicle weight limits on the state's highways and bridges. The study must include the issues and interrelationships between economic impacts, truck configurations, expected compliance levels and enforcement constraints, and impacts on the public infrastructure, operational, and safety issues.

13 MEMBERS: 2 Senators; 3 Representatives; and 11 Public Members.

LEGISLATIVE COUNCIL STAFF: Mark C. Patronsky and Don Salm, Senior Staff Attorneys; and Wendy Ulrich, Support Staff.

Appendix 5

Committee Materials List

(Copies of documents are available at www.legis.state.wi.us/lc)

January 8, 2007 Meeting	Notice	Agenda	Audio	Minutes
<ul style="list-style-type: none"> • Proposed letter, to the 2007 Co-Chairpersons of the Joint Committee on Finance from Chairperson Gottlieb • WLC: 0033/1, relating to requiring the Department of Transportation to study Wisconsin truck size and weight limits 				
November 13, 2006 Meeting	Notice	Agenda	Audio AM Audio PM	Minutes
<ul style="list-style-type: none"> • Memo No. 2, <i>Suggestions for Consideration by the Special Committee</i> (November 3, 2006) • Cover page and executive summary, of Minnesota Truck Size and Weight Project (June 2006) <ul style="list-style-type: none"> ◦ Link for entire report • Wisconsin Act Memo, 2005 Wisconsin Act 167, <i>Transportation of Raw Forest Products</i> (April 5, 2006) • Memorandum, <i>Highway Weight Limits</i>, from Matthew Stohr, Wisconsin Counties Association Legislative Associate and Daniel Fedderly, P.E., R.L.S., WCHA Executive Director (November 13, 2006) • Memorandum, <i>Log Truck Violations</i>, from William Hennigan, Timber Producers Association of Wisconsin, Mark D. O'Connell, Wisconsin Counties Association, Daniel Fedderly, Wisconsin County Highway Association, and Matt Jensen, Wisconsin Professional Loggers Association (June 13, 2006) • Testimony, of Committee Member Charles Teasdale, Department of Transportation • DOT PowerPoint Presentation, <i>Response to Questions from the Special Committee on Weight Limits</i> 				
September 22, 2006 Meeting	Notice	Agenda	Audio	Minutes
<ul style="list-style-type: none"> • Memo No. 1, <i>Outline of State Statutes on Weight Limitations for Vehicles Operated on Highways</i> (September 15, 2006) <ul style="list-style-type: none"> ◦ Chapter 348 • Bill Draft LRB-1963/P1, requested by Rep. Friske on behalf of the DOT, completed February 2005--not introduced • Presentation, Wisconsin Department of Transportation • DOT Chart, <i>Maximum Weight Limitations Summary</i> • Testimony, of Bill Dyer, WI Liquid Waste Carriers Association • Testimony, of Casey Perry, WI Trooper's Association • Testimony, of Kurt Boehlein, WI Ready Mixed Concrete Association • Comments and issues, Committee Member Al Geurts • Letter and attachment, from Dennis Brown, WI Professional Loggers Association and Nadine Bailey, Timber Producers Association, addressed to County Highway Commissioners (August 10, 2000) 				