

Vote Record

Assembly Committee on Transportation

Date: 5-19-99
 Moved by: 188 Townsend Seconded by: Turner
 AB: _____ Clearinghouse Rule: _____
 AB: _____ SB: _____ Appointment: _____
 AJR: _____ SJR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: 1 _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction -unan.
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. David Brandemuehl Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Stone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Michael Huebsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Steve Kestell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Joseph Leibham	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jerry Petrowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John Townsend	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Julie Lassa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Barbara Gronemus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Turner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Leon Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. John Steinbrink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 15 2

Vote Record

Assembly Committee on Transportation

Date: 5-19-99
 Moved by: 188 Huebsch Seconded by: Kestell
 AB: _____ Clearinghouse Rule: _____
 AB: _____ SB: _____ Appointment: _____
 AJR: _____ SJR: _____ Other: _____
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A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- | | |
|---|--|
| <input checked="" type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Tabling |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Concurrence |
| <input type="checkbox"/> Rejection | <input type="checkbox"/> Nonconcurrence |
| | <input type="checkbox"/> Confirmation |

Committee Member	Aye	No	Absent	Not Voting
Rep. David Brandemuehl Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Stone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Michael Huebsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Steve Kestell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Joseph Leibham	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jerry Petrowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John Townsend	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Julie Lassa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Barbara Gronemus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Turner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Leon Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. John Steinbrink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 15 2

Motion Carried Motion Failed



BILL SUMMARY

AB 188: Septic Hauler/Weight Exemption Bill

Date: January 26, 2000

BACKGROUND

Under current law, local authorities may impose special or seasonal weight limitations on highways which, because of deterioration or climatic conditions, would likely be seriously damaged or destroyed if such limitations were not imposed. For vehicles carrying certain commodities or being used to perform certain services, including services related to pumping waste from septic or holding tanks, local authorities may set different weight limitations or exempt such vehicles from the special or seasonal weight limitations if it is in the interest of public health, safety and welfare. Most Wisconsin towns require septic haulers to obtain written permission prior to operating on highways posted with special or seasonal weight limitations.

SUMMARY OF AB 188 (AS AMENDED BY COMMITTEE)

Assembly Bill 188 would exempt vehicles used to pump septic or holding tanks from special or seasonal weight limitations in cases of health concerns where the septic or holding tank must be pumped within 24 hours. The owner or operator of the vehicle would be required to notify the authority in charge of maintenance of the highway within 72 hours after operating with a load in excess of the special weight limitations. AB 188 specifies that the vehicle is to be operated on a route that minimizes travel on highways subject to the special weight limitations.

AMENDMENTS

Assembly Substitute Amendment 1 to Assembly Bill 188 extends the weight limit exemption from the start of the trip to the disposal of the vehicle's contents. The original bill would only have allowed septic haulers to operate in excess of the special weight limits from the location of the septic or holding tank to the location where the vehicle's content are to be unloaded. The substitute amendment also requires septic haulers to operate on a route that minimizes travel on highways subject to weight limitations, rather than just on the most direct route. [adopted 15-0-2 (Reps. Balow and Young absent)]

FISCAL EFFECT

A fiscal estimate prepared by the Department of Transportation indicates that AB 188 would not have a state fiscal effect or impact local government costs. It is assumed that local highway authorities already exempt vehicles that pump septic or holding tanks from these special or seasonal weight limits on highways when it is necessary to do so within 24 hours to address public health, safety and welfare concerns.

PROS

1. AB 188 would only apply during emergency situations. It would not give septic haulers a blanket exemption from special or seasonal weight limits.

2. Under current law, septic haulers need to get written permission from a local official (usually a town chairman) before operating on a posted highway. Since town chairmen have other responsibilities, it can be extremely difficult to locate them during an emergency and, at times, results in septic haulers operating illegally in order to take care of a severe situation that cannot wait. AB188 would eliminate this problem.
3. AB 188 would limit the amount of potential damage that could be caused by these vehicles by requiring them to operate on a route that minimizes the amount of travel on posted highways.

CONS

1. By allowing septic haulers to notify elected officials afterwards, rather than before, there is a potential for abuse.

SUPPORTERS

Rep. Tom Sykora, author; Sen. Roger Breske, lead co-author; Sandra Begalke, WI Liquid Waste Carriers; Rick Stadelman, WI Towns Association; Janet Swandby, WI Liquid Waste Carriers; and Tony Studt, WI Liquid Waste Carriers.

OPPOSITION

Allison Kujawa, WI Counties Association.

HISTORY

Assembly Bill 188 was introduced on March 8, 1999, and referred to the Assembly Committee on Transportation. A public hearing was held on April 22, 1999. On May 19, 1999, the Committee voted 15-0-2 (Reps. Balow and Young absent) to recommend passage of AB 188 as amended.

CONTACT: Sheri Krause, Office of Rep. David Brandemuehl



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

Telephone: (608) 266-1304

Fax: (608) 266-3830

Email: leg.council@legis.state.wi.us

DATE: May 17, 1999

TO: REPRESENTATIVE DAVID BRANDEMUEHL, CHAIRPERSON,
ASSEMBLY COMMITTEE ON TRANSPORTATION

FROM: William Ford, Senior Staff Attorney

SUBJECT: Description of Assembly Substitute Amendment ___ (LRBs0059/1) to 1999
Assembly Bill 188, Relating to Exempting Septic Haulers From Certain
Special or Seasonal Weight Limitations Imposed on Highways

This memorandum describes Assembly Substitute Amendment ___ (LRBs0059/1) ("the Substitute Amendment") to 1999 Assembly Bill 188. The Substitute Amendment exempts, under certain circumstances, vehicles transporting material pumped from a septic or holding tank from special or seasonal weight limitations on highways imposed by a highway.

Under *current law*, the officer in charge of maintenance of a town, city, village, county or state highway may impose special weight limitations on the highway (or a portion of the highway) that has been weakened due to climatic conditions, deterioration or other conditions if, without the weight limitations, the roadbed would likely be seriously damaged or destroyed. [s. 349.16 (1) (a), Stats.] The special weight limitations are implemented by erecting signs on or along the highway on which the limitations are imposed giving reasonable notice that the special weight limitations are in effect. All weight limitation signs must be in compliance with the rules of the Department of Transportation and be standard throughout the state. [s. 349.16 (2), Stats.]

In addition, *under current law*, the authority in charge of the maintenance of the highway may exempt from the special weight limitations vehicles carrying certain commodities specified by the authority or which are used to perform certain services specified by the authority. The operator of a vehicle who wishes to exceed the special weight limitations does so by applying for a *permit* under s. 348.26 or 348.27, Stats.

The Substitute Amendment exempts from the special weight limitations, *without the requirement of obtaining a permit*, a vehicle that is used to transport material pumped from a septic or holding tank if:

1. Because of health concerns, material needs to be removed from a septic or holding tank within 24 hours after the vehicle owner or operator is notified and if the vehicle is operated for the purpose of emptying the septic or holding tank and disposing of its contents; and

2. The vehicle is operated on a route that minimizes travel on highways subject to the special weight limitations. Within 72 hours after operating a vehicle that transported material pumped from a septic or a holding tank and that exceeded special weight limitations is authorized under the Substitute Amendment, the owner or operator of the vehicle must notify the authority in charge of maintenance of the highways over which the vehicle was operated.

It should be noted that, under current law, the authority in charge of the maintenance of a highway may order an owner or operator of any vehicle being operated on the highway to suspend operation if the vehicle is causing or is likely to cause injury to the highway unless the vehicle is being operated under a contract which provides that the governmental unit is reimbursed for any damage done to the highway. [s. 349.16 (1) (c), Stats.] In addition, the officer in charge of the maintenance of a highway may impose special weight limitations on *bridges or culverts* if the bridge or culvert cannot safely sustain the maximum weights otherwise permitted by statute. [s. 349.16 (1) (b), Stats.] Neither of these provisions of current law are affected by the Substitute Amendment.

Please contact me at the Legislative Council Staff offices if I can be of further assistance.

WF:rv;jal;wu



GOVERNMENT RELATIONS & ASSOCIATION MANAGEMENT

MEMORANDUM

TO: Members of the Assembly Committee on Transportation

FROM: *Tony* Tony Studt and *Janet* Janet Swandby, Lobbyists
Wisconsin Liquid Waste Carriers Association (WLWC)

DATE: April 22, 1999

RE: Support for Assembly Bill 188

The Wisconsin Liquid Waste Carriers Association (WLWC) asks you to support Assembly Bill (AB) 188, introduced by Representative Tom Sykora and Senator Roger Breske. This bill would exempt vehicles that are used to pump septic or holding tanks from seasonal weight limitations in cases of health concerns where the septic or holding tank must be pumped within 24 hours. Within 72 hours after operating a vehicle used to pump a septic or holding tank that exceeds a seasonal weight limitation, the owner or operator of the vehicle would be required to notify the authority in charge of maintenance of the highway over which the vehicle was operated.

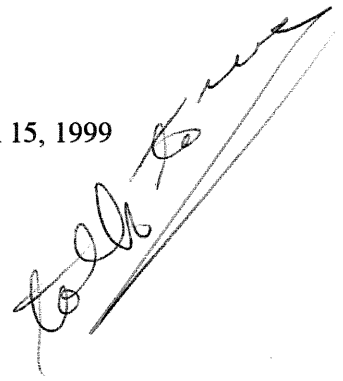
WLWC supports this bill because the current system of seasonal weight limitations places unwanted hardships on waste carriers and homeowners. The limitations often make it extremely difficult to service septic and holding tanks. In emergency situations when people require immediate attention and cannot wait for services, this is not only a burden for the haulers, but could potentially cause enormous health, property, and environmental damage not only to the property owner, but to the entire community. This is a situation that can be rectified with passage of AB 188.

Many of the roads in the state of Wisconsin are governed by towns, and in most of these towns a written permit granting permission to drive on roads posted with seasonal weight limitations is required. These permits are usually obtained from the town chairperson. In an emergency, this process can be a nightmare for haulers and property owners, because most town elected officials are part-time officers, who have full-time jobs.

AB 188 is not asking for a blanket exemption from seasonal weight limits for septic haulers. It is simply stating that in cases of health emergencies septic haulers can do their jobs and serve their customers (town residents) free of the hardships experienced by both parties with the current system.

AGS/

March 15, 1999



Representative David Brandemuehl
Chairman, Assembly Committee on Transportation
PO Box 8952
Madison, WI 53708

Dear Representative Brandemuehl:

We are writing today to respectfully request that you schedule a public hearing and executive session on Assembly Bill (AB) 188, which relates to exempting certain vehicles from special or seasonal weight limitations.

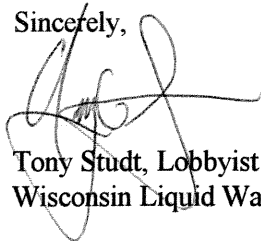
As you well know, AB 188 was introduced to help alleviate problems currently facing septic haulers and homeowners as they relate to seasonal weight limitations on local roads. Seasonal weight limitations can make it impossible to service septic and holding tanks. Most servicing can be postponed until the weight limits are lifted. There are emergency situations, however, when people require immediate attention and cannot wait for services. These situations are not only a burden for the haulers, but could potentially cause significant health, property, and environmental damage not only to the property owner, but to the entire community.

AB 188 would exempt vehicles that are used to pump septic or holding tanks from seasonal weight limitations in cases where there is a risk to public health. The septic or holding tank must be pumped within 24 hours with the hauler taking the most direct route, using the least amount of posted roadways. Within 72 hours after operating a vehicle used to pump a septic or holding tank that exceeds a seasonal weight limitation, the owner or operator of the vehicle would be required to notify the authority in charge of maintenance of the highway over which the vehicle was operated.

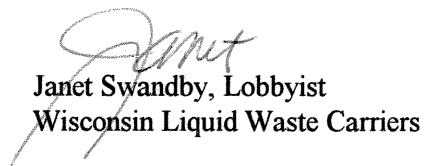
The members of the Wisconsin Liquid Waste Carriers Association (WLWC) understand the important responsibility of local officials to preserve taxpayers' investment in roads by protecting them from excessive damage caused by trucks carrying heavy loads. We would also like to acknowledge the cooperation and support we have received from the Wisconsin Towns Association in developing an understanding of each others' concerns.

Once again, we are writing to respectfully request that you hold a public hearing and executive session on AB 188. In the meantime, if you have any questions, please do not hesitate to either of us.

Sincerely,



Tony Studt, Lobbyist
Wisconsin Liquid Waste Carriers



Janet Swandby, Lobbyist
Wisconsin Liquid Waste Carriers

FISCAL ESTIMATE DOA-2048 N(R06/99)		1999 Session	LRB Number LRB 99-2113/1
<input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL		Bill Number AB 188	
Subject Exempting certain vehicles transporting material pumped from a septic or holding tank from special or seasonal weight limitations imposed by local highway authorities.		Amendment No. if Applicable	
		Administrative Rule Number	

Fiscal Effect
 State: No State Fiscal Effect
 Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

<input type="checkbox"/> Increase Existing Appropriation	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Decrease Existing Appropriation	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriation		<input type="checkbox"/> Decrease Costs

Local: No local government costs

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	Affected Chapter 20 Appropriations
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Assumptions Used in Arriving at Fiscal Estimate

Current law, sec. 349.16(1)(a), Stats., allows the authority in charge of the maintenance of a highway to impose special weight limitations on highways or portions of highways when it is necessary due to weakness of the roadbed due to deterioration or climatic conditions (spring thaw) or other special or temporary conditions. Current law, sec. 349.16(1)(b), Stats., also allows the imposition of special weight limitations on bridges and culverts when the bridge or culvert cannot safely sustain the maximum weight otherwise permitted by statute.

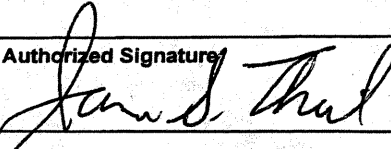
Such posted highways and bridges may disrupt the delivery or removal of commodities or materials even though the movement is important to the health and safety of the property served by these highways and bridges. Therefore, under current law, sec. 349.16(3), Stats., the authority in charge of the maintenance of the highway may exempt vehicles carrying certain commodities specified by the authority or which are used to perform certain services specified by the authority, including but not limited to pumping septic or holding tanks, from the special weight limitations which are imposed under sub. (1) (a), or may set different weight limitations than those imposed under sub. (1) (a) for vehicles carrying those commodities or which are used to perform those services, if such exemption or limitation is reasonable and necessary to promote the public health, safety and welfare. **However, there is no authority to create exemptions for posted bridges or culverts, under sub. (1)(b).**

It is assumed that local highway maintaining authorities already exempt vehicles that pump septic or holding tanks from these special or seasonal weight limits on local highways when it is necessary to do so within 24 hours to address public health, safety and welfare concerns and that reasonable conditions are imposed to be eligible for these exemptions. The Wisconsin Department of Transportation issues permits for significantly less than 300 trips of this nature; WISDOT assumes the number of required trips of this nature on State Trunk Highways will not significantly increase.

There are 315 miles of State Trunk Highways on 28 segments posted for spring thaw each year. WISDOT rarely imposes other special weight limitations. Under 300 trips on State Trunk Highways authorized by this legislation would have a negligible State fiscal impact.

(Continued)

Long-Range Fiscal Implications
 None.

Prepared by: James S. Thiel and Pete Rusch	Telephone No. (608) 266-8928	Agency DOT
Authorized Signature: 	Telephone No.	Date 11/5/99

The posting of roads for special or seasonal weight limits is much more common on the local road system. WISDOT does not have a good method for determining the number of trips of this nature on local roadways. This bill **requires** state and local highway maintaining authorities to exempt vehicles that are used to transport material pumped from a septic or holding tank from the special or seasonal weight limitations on highways **if, because of health concerns, material needs to be removed from a septic or holding tank within 24 hours after the vehicle owner or operator is notified and if the vehicle is operated for the purpose of emptying the septic or holding tank and disposing of its contents.** There is still no exemption for posted bridges or culverts. This bill also requires the operator of the vehicle to notify the maintaining authority within 72 hours after the movement. The vehicles are still subject to normal vehicle weight limitations, including appropriate registration requirements.

If the vehicles involved are operated on a route that minimizes travel on highways subject to the special or seasonal weight limitations, a condition that, in all probability, is presently imposed by the permitting authorities, then the fiscal effect of this bill on local governments is also, in all likelihood, negligible. [Note: Assembly Substitute Amendment 1 to AB 188 and Senate Substitute Amendment 1 to SB 77 impose this "minimize travel" requirement as a matter of law in order to be eligible for the exemption.] The key difference between this bill and current law is that persons making the move will be able to carry out the 24 hour emergency pumping and disposal first and then notify the highway maintaining authority within 72 hours after the movement to seek a permit.

Regardless of the exemption authorized by this bill, sec. 348.17(1), Stats., prohibits any person, whether operating under a permit or otherwise, to operate a vehicle in violation of special or seasonal weight limitations, except when the vehicle is being operated under a permit expressly authorizing the weight limitations to be exceeded. Likewise, under sec. 348.17(2), Stats., whenever the operator of a vehicle is ordered by the officer or agency in charge of maintenance or by a traffic officer to suspend operation of a vehicle because of the damage the vehicle is causing or likely to cause to the highway or the public investment therein, the operator is required to comply with the order.

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R06/99)

LRB Number LRB 99-2113/1	Amendment No. if Applicable
Bill Number AB 188	Administrative Rule Number

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject: **Exempting certain vehicles transporting material pumped from a septic or holding tank from special or seasonal weight limitations imposed by local highway authorities.**

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
A. State Costs by Category		Increased Costs	Decreased Costs
State Operations - Salaries and Fringes		\$ -	\$ -
(FTE Position Changes)		(FTE)	(- FTE)
State Operations - Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
TOTAL State Costs by Category		\$ -	\$ --
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$ -	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
State Revenues		Increased Rev.	Decreased Rev.
Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
GPR Taxes		\$ -	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
TOTAL State Revenues		\$ -	\$ -

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$Negligible, If Any	\$ Negligible, If Any
NET CHANGE IN REVENUES	\$ _____	\$ _____

Prepared by: James S. Thiel and Pete Rusch	Telephone No. (608) 266-8928	Agency DOT
Authorized Signature: 	Telephone No.	Date 11/5/99

1999 Session		LRB Number LRBs0057/1
FISCAL ESTIMATE DOA-2048 N(R06/99)	<input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> CORRECTED	<input type="checkbox"/> UPDATED <input type="checkbox"/> SUPPLEMENTAL
Subject Exempting certain vehicles transporting material pumped from a septic or holding tank from special or seasonal weight limitations imposed by local highway authorities.		Bill Number AB 188/SB 77
		Amendment No. if Applicable
		Administrative Rule Number
Fiscal Effect		
State: xNo State Fiscal Effect		
Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		
<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
Local: xNo local government costs		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		Affected Chapter 20 Appropriations
Assumptions Used in Arriving at Fiscal Estimate		
<p>Current law, sec. 349.16(1)(a), Stats., allows the authority in charge of the maintenance of a highway to impose special weight limitations on highways or portions of highways when it is necessary due to weakness of the roadbed due to deterioration or climatic conditions (spring thaw) or other special or temporary conditions. Current law, sec. 349.16(1)(b), Stats., also allows the imposition of special weight limitations on bridges and culverts when the bridge or culvert cannot safely sustain the maximum weight otherwise permitted by statute.</p> <p>Such posted highways and bridges may disrupt the delivery or removal of commodities or materials even though the movement is important to the health and safety of the property served by these highways and bridges. Therefore, under current law, sec. 349.16(3), Stats., the authority in charge of the maintenance of the highway may exempt vehicles carrying certain commodities specified by the authority or which are used to perform certain services specified by the authority, including but not limited to pumping septic or holding tanks, from the special weight limitations which are imposed under sub. (1) (a), or may set different weight limitations than those imposed under sub. (1) (a) for vehicles carrying those commodities or which are used to perform those services, if such exemption or limitation is reasonable and necessary to promote the public health, safety and welfare. <u>However, there is no authority to create exemptions for posted bridges or culverts, under sub. (1)(b).</u></p> <p>It is assumed that local highway maintaining authorities already exempt vehicles that pump septic or holding tanks from these special or seasonal weight limits on local highways when it is necessary to do so within 24 hours to address public health, safety and welfare concerns and that reasonable conditions are imposed to be eligible for these exemptions. The Wisconsin Department of Transportation issues permits for significantly less than 300 trips of this nature; WISDOT assumes the number of required trips of this nature on State Trunks Highways will not significantly increase.</p> <p>There are 315 miles of State Trunk Highways on 28 segments posted for spring thaw each year. WISDOT rarely imposes other special weight limitations. Under 300 trips on State Trunk Highways authorized by this legislation would have a negligible State fiscal impact.</p> <p style="text-align: center;">(Continued)</p>		
Long-Range Fiscal Implications None.		
Prepared by: James S. Thiel and Pete Rusch	Telephone No. (608) 266-8928	Agency DOT
Authorized Signature:	Telephone No.	Date

The posting of roads for special or seasonal weight limits is much more common on the local road system. WISDOT does not have a good method for determining the number of trips of this nature on local roadways. This bill **requires** state and local highway maintaining authorities to exempt vehicles that are used to transport material pumped from a septic or holding tank from the special or seasonal weight limitations on highways **if, because of health concerns, material needs to be removed from a septic or holding tank within 24 hours after the vehicle owner or operator is notified and if the vehicle is operated for the purpose of emptying the septic or holding tank and disposing of its contents.** There is still no exemption for posted bridges or culverts. This bill also requires the operator of the vehicle to notify the maintaining authority within 72 hours after the movement. The vehicles are still subject to normal vehicle weight limitations, including appropriate registration requirements.

If the vehicles involved are operated on a route that minimizes travel on highways subject to the special or seasonal weight limitations, a condition that, in all probability, is presently imposed by the permitting authorities, then the fiscal effect of this bill on local governments is also, in all likelihood, negligible. [Note: Assembly Substitute Amendment 1 to AB 188 and Senate Substitute Amendment 1 to SB 77 impose this "minimize travel" requirement as a matter of law in order to be eligible for the exemption.] The key difference between this bill and current law is that persons making the move will be able to carry out the 24 hour emergency pumping and disposal first and then notify the highway maintaining authority within 72 hours after the movement to seek a permit.

Regardless of the exemption authorized by this bill, sec. 348.17(1), Stats., prohibits any person, whether operating under a permit or otherwise, to operate a vehicle in violation of special or seasonal weight limitations, except when the vehicle is being operated under a permit expressly authorizing the weight limitations to be exceeded. Likewise, under sec. 348.17(2), Stats., whenever the operator of a vehicle is ordered by the officer or agency in charge of maintenance or by a traffic officer to suspend operation of a vehicle because of the damage the vehicle is causing or likely to cause to the highway or the public investment therein, the operator is required to comply with the order.

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R06/99)

LRB Number LRBs0057/1	Amendment No. if Applicable
Bill Number SB 77/AB 188	Administrative Rule Number

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject

Exempting certain vehicles transporting material pumped from a septic or holding tank from special or seasonal weight limitations imposed by local highway authorities.

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$ -	\$ -
(FTE Position Changes)		(FTE)	(- FTE)
State Operations - Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
TOTAL State Costs by Category		\$ -	\$ --
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$ -	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes		\$ -	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
TOTAL State Revenues		\$ -	\$ -

NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS \$Negligible, If Any \$ Negligible, If Any
NET CHANGE IN REVENUES \$ _____ \$ _____

Prepared by: James S. Thiel and Pete Rusch	Telephone No. (608) 266-8928	Agency DOT
Authorized Signature:	Telephone No.	Date

1999 Session

FISCAL ESTIMATE
DOA-2048 N(R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
AB 188 / SB 77

Amendment No. if Applicable

Subject

Relating to: Exempting certain vehicles transporting material pumped from a septic or holding tank from special or seasonal weight limitations imposed by local highway authorities.

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations
20.365

Assumptions Used in Arriving at Fiscal Estimate

Only state impact is on the 315 miles of highways that are posted for spring thaw. Under 300 trips per year would have a negligible impact. Over 300 trips per year would have a \$210,000 impact per year. See attached report, required by Stats. 13.096 for bills that establish an exception to weight limits, for more detailed information.

The department has identified that on the State Trunk Highway System the real fix to the issue of otherwise legal weight vehicles being restricted during spring thaw is to upgrade the condition of these highways. The department has 28 highway segments amounting to 315 miles that are subject to seasonal weight limitations each year due to spring thaw and rarely imposes other special weight limitations. The estimated cost to fix these state trunk highways so that postings would no longer be necessary is \$106,785,000.

The largest impact of this bill is to local units of government and not the state. The posting of roads for weight limits on the local road system is much more common than on the state trunk highway system. The department does not have a good method for determining the number of local roadway miles that would be impacted by this bill. Due to this, the department is not able to determine the fiscal impact to local units of government, but we do know it is significantly higher than the impact to the state's highway system.

Long-Range Fiscal Implications

\$210,000 per year to state highways if more than 300 trips. While it is unknown how many trips will occur on local roads, the cost to locals will be greater than to the state.

Agency/Prepared by: (Name & Phone No.)
DTID/BoHO Mark Morrison 266-1675

Authorized Signature/Telephone No.

Mark Morrison 266 5928

Date
4/15/99

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED
SUPPLEMENTAL.

LRB or Bill No./Adm. Rule No. AB 168/SB 77	Amendment No.
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Subject

Relating to: Exempting certain vehicles transporting material pumped from a septic or holding tank from special or seasonal weight limitations imposed by local highway authorities.

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
\$0

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$ 0	\$ -0
(FTE Position Changes)	(0 FTE)	(- 0 FTE)
State Operations - Other Costs	\$210,000	-
Local Assistance		-
Aids to Individuals or Organizations	\$0	-
TOTAL State Costs by Category	\$ 210,000	\$ -
B. State Costs by Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S	\$210,000	-
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$ 0	\$ -0

NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS	\$210,000	\$Unknown
NET CHANGE IN REVENUES	\$0	\$0

Agency/Prepared by: (Name & Phone No.) DTID/BoHO Mark Morrison 266-1675	Authorized Signature/Telephone No. <i>James S. Hill</i> 266 8928	Date 4/15/99
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**ASSEMBLY BILL 188/SENATE BILL 77
WISCONSIN DEPARTMENT OF TRANSPORTATION
APRIL 15, 1999**

1. Background

This report complies with Wisconsin Statutes 13.096 which imposes a responsibility upon the Department of Transportation to fully examine the impact of the proposed weight exception.

2. Exceptions Proposed in AB 188/SB 77

Requires that highway maintaining authorities exempt septic haulers in specific instances from special or seasonal weight limitations on highways. This exemption does not apply to weight limits on bridges and culverts. The specific instances are when, because of health concerns, the septic material needs to be hauled out within 24 hours after the septic hauler is contacted. Currently, maintaining authorities may exempt septic haulers but are not required to exempt. The roads that are used must be the most direct route from septic or holding tank to where the contents will be unloaded. The septic hauler must also notify the maintaining authority within 72 hours over which highways the move occurred.

3. Findings

Roadway and Bridge Impacts

The pavements analysis takes into account that these type of trucks have twice the impact on roadways during the spring thaw postings than they do in the remainder of the year. The state only has 315 miles of highways that are subject to special or seasonal weight limits. The rest of the state system has pavements built to standards that allow for normal 80,000 pound weight limits to be carried year round. It is estimated that if over 300 trips per year are generated on the State Trunk Highway System, the cost is \$210,000 per year in reduction to the pavements service life. If less than 300 trips per year are generated, then the impact would be negligible. *(See Appendix 1 for more information)*

Based on the above, the impact of the septic haulers will be negligible on the state trunk highway system if less than 300 trips and \$210,000 per year if greater than 300 trips per year. The greatest impact would occur on town and other local roads which are built to lesser standards. There are many more miles of local roads that are subject to special and seasonal weight limitations (posted roads).

This bill does not exempt septic haulers from bridge postings. As such there are no bridge impacts.

Safety and Environmental Impacts

This bill deals with exemptions for truck weights that are normally legal. The vehicles would not be carrying any more weight than they would normally carry. For this reason, no safety or operational impact is anticipated.

Adoption of this bill would have a minimal reduction in the number of truck trips required. This would slightly reduce fuel usage and the resultant emissions.

4. Hardship and Cost Caused by Current Weight Limits

In certain instances, the weight of the empty truck exceeds or is very close to the posted seasonal or special weight limit. This has the effect of either not allowing the truck to even get to where the material needs to be pumped from or allows them to haul only a very small amount of material necessitating several trips. The other issue is that exemptions can be granted from the maintaining authority, but it is not also able to obtain the exemption in a timely manner. This can be especially true at night or on weekends when a septic system backs up. During business hours, finding the correct official to obtain permission from can often be hard. This is especially true with townships, where most septic systems and holding tanks are located.

5. Other Efforts to Resolve Problem

1997 AB 592 also dealt with exempting septic haulers and household goods movers from seasonal weight limits. This bill differs from 1997 AB 592 in that it only deals with the septic haulers along with language to apply only when there are health concerns and that the material needs to be removed within 24 hours. This bill also addresses concerns raised by local authorities with regard to 1997 AB 592 of potential abuse by septic haulers. This has been addressed by requiring septic haulers to notify the highway authority within 72 hours after they have made a haul over posted roads.

6. Motor Carriers Degree of Control Over Weight

The septic hauler has a good degree of control over their weight. As listed in the safety section, this bill deals with weights that are otherwise legal. Due to this, control over the weight is not at the heart of this issue. Rather, the exemption is to allow a truck to haul out septic material in limited instances.

7. Laws in other States

Minnesota has no exemptions.

Michigan has an exemption for milk haulers.

Iowa DOT does not post for below the legal limit. Locals have the same authority as current Wisconsin law.

Illinois DOT does not post for below the legal limit. No exemptions on local roads.

Appendix 1

CORRESPONDENCE/MEMORANDUM _____ *State of Wisconsin*

DATE: April 14, 1999

TO: Mark Morrison, P.E.
Traffic Safety Engineer

FROM: Scot M. Schwandt, P.E.
Pavement Structural Design Engineer
Phone #: (608) 246-5396
FAX #: (608) 246-4669
E-Mail: scot.schwandt@dot.state.wi.us

SUBJECT: AB 188/SB 77 Impact to Highway Pavement Structures

Here is a brief overview of the highway pavement structures impact analysis of AB188/SB77.

IMPACT ASSUMPTIONS:

- 315 miles of pavement are affected by this bill.
- The pavement structure involved is a 4" AC surface over 10" CABC.
- The subgrade has an $E = 13,000$ psi during the summer and an $E = 5,000$ psi during the "spring thaw".
- The average age of these pavements is 10 years.
- The designed yearly ESALs = 14,600.
- The critical loading is a 35 kip tandem dual tire axle ($q=80$ psi) of a gross 80 kip vehicle.

PAVEMENT STRUCTURE ANALYSIS:

Normal Condition:

$k_1 = 20$ $k_2 = 2$ $H = 0.4$ $A = 0.8$
calculated tensile strain in AC = 384
calculated allowable repetitions = 137,102

Spring Thaw:

$k_1 = 20$ $k_2 = 5$ $H = 0.4$ $A = 0.8$
calculated tensile strain in AC = 480
calculated allowable repetitions = 65,783

∴ During spring thaw, these vehicles have twice the impact to the pavement structure compared to summer conditions. During the summer, this truck is equivalent to 2.88 ESALs. During the spring thaw, this truck is equivalent to 5.76 ESALs.

Appendix I

CONCLUSIONS/RECOMMENDATIONS:

<u># of Trucks during Spring Thaw</u>	<u>ESALs</u>	<u>% of Yearly Design ESALs</u>
100	576	4
200	1152	8
300	1720	12
400	2304	16
500	2880	20

The impact of less than 300 truck trips a year is considered negligible. If this bill produces more than 300 truck trips a year, the impact would be reflected in reduction of service life. The economic reflection of this would be a cost of \$211,680 for each year with more than 300 truck trips.

(99-2113/1)

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
AB 188 / SB 77
 Amendment No. if Applicable

FISCAL ESTIMATE
 DOA-2048 N(R10/94)

Subject
 relating to: Exempting certain vehicles transporting material pumped from a septic or holding tank from special or seasonal weight limitations imposed by local highway authorities.

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

Decrease Costs

Local: No local government costs

1. Increase Costs
- Permissive
 - Mandatory
2. Decrease Costs
- Permissive
 - Mandatory

3. Increase Revenues
- Permissive
 - Mandatory
4. Decrease Revenues
- Permissive
 - Mandatory

5. Types of Local Governmental Units Affected:
- Towns
 - Villages
 - Cities
 - Counties
 - Others _____
 - School Districts
 - WTCS Districts

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations
 20.365

Assumptions Used in Arriving at Fiscal Estimate

Only state impact is on the 315 miles of highways that are posted for spring thaw. Under 300 trips per year would have a negligible impact. Over 300 trips per year would have a \$210,000 impact per year. See attached report, required by Stats. 13.096 for bills that establish an exception to weight limits, for more detailed information.

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Long-Range Fiscal Implications

\$210,000 per year to state highways if more than 300 trips. While it is unknown how many trips will occur on local roads, the cost to locals will be greater than to the state.

Agency/Prepared by: (Name & Phone No.)

DTID/BoHO Mark Morrison 266-1675

(DOT)

Authorized Signature/Telephone No.

James S. Quinn 266 8928

Date

4/15/99

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED
SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
AB 188/SB 77

Amendment No.

Subject
Relating to: Exempting certain vehicles transporting material pumped from a septic or holding tank from special or seasonal weight limitations imposed by local highway authorities.

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
\$0

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$ 0	\$ -0
(FTE Position Changes)		(0 FTE)	(- 0 FTE)
State Operations - Other Costs		\$210,000	-
Local Assistance			-
Aids to Individuals or Organizations		\$0	-
TOTAL State Costs by Category		\$ 210,000	\$ -
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S		\$210,000	-
III. State Revenues -		Increased Rev.	Decreased Rev.
Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
TOTAL State Revenues		\$ 0	\$ -0

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$210,000	\$Unknown
NET CHANGE IN REVENUES	\$0	\$0

Agency/Prepared by: (Name & Phone No.)

DTID/BoHO Mark Morrison 266-1675

Authorized Signature/Telephone No.

James S. Phil 266 8928

Date

4/15/99

ASSEMBLY BILL 188/SENATE BILL 77
WISCONSIN DEPARTMENT OF TRANSPORTATION
APRIL 15, 1999

1. Background

This report complies with Wisconsin Statutes 13.096 which imposes a responsibility upon the Department of Transportation to fully examine the impact of the proposed weight exception.

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CORRESPONDENCE/MEMORANDUM _____ *State of Wisconsin*

DATE: April 14, 1999

TO: Mark Morrison, P.E.
Traffic Safety Engineer

FROM: Scot M. Schwandt, P.E.
Pavement Structural Design Engineer
Phone #: (608) 246-5396
FAX #: (608) 246-4669
E-Mail: scot.schwandt@dot.state.wi.us

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PAVEMENT STRUCTURE ANALYSIS:

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CONCLUSIONS/RECOMMENDATIONS:

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300	1720	12
400	2304	16
500	2880	20

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