

Use authority to post lower weight limits



Adequate signage communicates weight restrictions authorized by local governments to protect against damage from heavy loads.

Increasing pressure on local infrastructure is a strong incentive for Wisconsin counties and towns to study the possibility of posting their roads below the maximum weights.

LOCAL GOVERNMENTS have an important defense against damage caused by heavy loads to the roads they manage: setting and posting lower local weight limits.

Besides the seasonal limits common on many roads in Wisconsin during the spring thaw, local road officials can authorize year-round restrictions based on the ability of specific road, bridges or culverts to handle the statutory 80,000 pound limit.

Increasing pressure on local transportation infrastructure from more truck trips and heavier equipment is a strong incentive for Wisconsin counties and towns to study the possibility of posting their roads below the maximum weights. When they do, local governments need to minimize disruptions to routine traffic and business.

Set limits and negotiate

Towns and villages have fewer resources than ever for replacing roads damaged by heavy loads, says Wisconsin Towns Association Executive Director Rick Stadelman, especially with the proliferation of industries like frac sand mines and large agricultural operations.

“Towns are looking for ways to protect those roads longer, so it’s important to use the power they have.”

Stadelman notes that towns often follow a county’s lead on setting special limits and counties follow state guidelines. He adds that Wisconsin tends to have special weight limits by region. What is true in every case is the need to communicate with businesses affected by the lower limits. This includes discussing how a carrier’s equipment can cause pavement damage and what impact proposed restrictions will have on their hauling operations.

Dan Fedderly of the Wisconsin County Highway Association (WCHA) says counties regularly evaluate roadway conditions in relation to seasonal postings and weight limits that are product and location specific. He cites the timber industry that relies on a 90,000 pound weight limit on six axles to move their goods.

“There are no conflicts except where roads aren’t built to handle even the 80,000 pound limit,” Fedderly says. “Local governments need to look at their road system and any risk of pavement damage to determine which routes and bridges can handle loads without major consequence.”

Industry is aware of the limits and the exceptions. But the more dialogue local government officials have with logging companies, mine owners and large farm operations, the more likely both sides are to find a solution that protects local roads and supports commerce.

Pay for improvements

Some special weight restrictions include temporary postings for a section of road in poor condition or a substandard culvert. A town might authorize lower limits on those road miles until there are resources to make repairs.

Local governments also have authority to designate a road as Class B. This limits trucks to 60 percent of allowable weight while allowing normal weight pickup and delivery to driveways that access the Class B highway.

Discussions with industry can lead to alternatives like agreements that establish one-way routes, time-of-day hauling or permits for overweight loads. Local governments can make it a condition of the permit that a carrier reimburse the town, village or county for any damage to local roads. Or they can negotiate payment for road improvements.

If demand is beyond normal historic use of a roadway, Fedderly suggests requiring the industry or operator to pay for upgrades to the road. The local government determines what improvements to do and estimates costs. An agreement can specify a lump sum up front or a multi-year paycheck.

Fedderly and Stadelman both give the example of an agreement Chippewa County made with several mining companies. The companies paid a total of \$8 million for improvements on roads affected by their operations. The result is an all-weather road for the county in exchange for allowing industry to move frequent multiple truck loads along the route.

Bank financial resources

Even with restrictions in place or good carrier compliance with the terms of an overweight permit, the weight and frequency of heavy loads can cause unexpected road and shoulder damage. Stadelman advises using other measures to protect against financial loss in that event, like a performance bond or escrow account.

With a performance bond, the carrier guarantees compensation to the local government for the cost of repairing any damage. An escrow account established by the carrier sets money aside that the local road agency could draw against to pay for road repairs.



Even with a permit for overweight loads, an operator’s vehicles can damage shoulders or pavement. Having a performance bond or escrow account protects local governments against losses.

Document condition

When using these protections or granting exemptions, it is important to document a road's condition before hauling begins in case of later disputes. Be specific about which section of a hauling route is most at risk for damage. On a two-mile stretch, for example, it might cover only 20 feet.

A sophisticated traffic impact analysis or simple pavement analysis help local governments determine whether roads on a requested route are deficient or can handle heavy truck traffic. With these results, they can calculate reasonable coverage for damages, which Stadelman says gains towns the respect of industry. Carriers are more willing to cooperate if they believe cost figures for improvements or repairs are credible.

Fedderly describes how the Chippewa County Town of Cooks Valley used this strategy to establish an agreement when a sand mining company proposed moving significant tonnage of sand on town roads. Cooks Valley road officials required an engineering analysis of the existing roadway to determine what loads the pavement could carry based on the thickness of asphalt and base layers. The study also documented width and sight distances.

What they learned became the basis of an agreement that allowed the company to work within the town's right of way to make improvements. It also made the operator responsible for all "exceptional maintenance costs" accrued by the town due to the hauling operation.

A separate strategy is to concentrate heavy loads on the strongest roads in the state, says Fedderly. Promoted by the WCHA, these "priority routes" would target state and local investment in improvement on roads that are important for most heavy industry and easy to protect against damage. "Because we can't build every road to carry all loads," he explains. Priority routes are something to consider in

any transportation impact analysis that precedes the siting of large agricultural and industrial facilities that require major hauling.

Enforcing special limits

Adequate enforcement is an issue that concerns local governments when they authorize lower weight limits on local roads or issue permits. The Wisconsin State Patrol and County Sheriffs have enforcement authority but limited resources to do more than respond to specific complaints.

Lieutenant Michael Klingenberg of the Wisconsin State Patrol Motor Carrier Enforcement section looks for ways to maximize resources on both sides. He does outreach and training to inform local law enforcement and local public officials about rights and responsibilities related to statutory weight limits and the authorizing of lower limits. Lt. Klingenberg or regional sergeants from Motor Carrier Enforcement attend meetings and public hearings where load limits are on the agenda. They answer questions from public officials, the carriers and affected local residents about the issue and discuss how to work effectively with enforcement options.

Lt. Klingenberg urges local governments to make sure they have a legitimate reason for posting local roads below the statutory limits, one that is consistent and easy to explain to the public and haulers. "Officers can help enforce weight limits but only where there are authorized postings and every road user is treated the same," Lt. Klingenberg explains. "No unfair exemptions."

The ideal is to find solutions before strict enforcement is necessary. Lt. Klingenberg and regionally based members of his enforcement group sometimes serve as an intermediary, talking with companies about specific local load limit issues and encouraging them to work things out with townships. The State Patrol cannot patrol for problems every day, so Lt. Klingenberg and his group act to intercept problems before they happen.

Communicate reasons

Compliance with special weight restrictions affects all road users so local governments need to communicate with them through adequate postings, and public announcements or meetings. Fedderly adds that because of the jurisdictional overlap, counties must communicate with towns and villages about weight-limit issues or hauling agreements. Likewise, towns should inform county officials of any plan to authorize and post lower limits.

"Industry, especially out-of-state companies, won't fully understand the distinctions between town roads and county roads," he says. Each unit of government retains its authority but by acting cooperatively and with consistency, they avoid confusion.

Written authorizations that detail hauling agreements communicate the intention of county or town officials to grant exemptions for certain carriers. It helps verify if a vehicle has legitimate permission to exceed weight limits.

Power to protect

State law gives local governments the practical power to protect the roads they manage by putting certain of them off limits to overweight loads. Authorizing lower road weight limits can extend the life of a marginal stretch of pavement or prevent premature damage to a new road.

As more industries locate major facilities along transportation routes that intersect with these roads, signaling their plan to move heavy loads along those routes, it obliges local public officials to research the options and post affected roads clearly and consistently. Making industry aware of local government's role in managing their roads this way also sends an important message that cooperation on both sides saves tax dollars and supports commerce. ■

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State Patrol-certified portable scales like this give local law enforcement a tool for enforcing lower limits on local roads.

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Resource

www.dot.wisconsin.gov/statepatroll/enforcement/motor-carrier.htm

Links to Wisconsin truck weight enforcement programs and more.