

2011 SENATE TRANSPORTATION

SB 2324

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee  
Lewis and Clark Room, State Capitol

SB 2324  
February 4, 2011  
14028

Conference Committee



**Explanation or reason for introduction of bill/resolution:**

**Minutes:**

*Attached information*

**Senator Lee** opened the hearing on SB 2324 relating to a ten percent weight permit for certain vehicles.

**Representative Dennis Johnson**, District 15, introduced SB 2324. He said that the reason this bill was introduced is that as a farmer you can get a 10% increase weight on your vehicle from the field to your first dump. The first dump can be from the field to the elevator or field to the drying bin, or field to your bin site. You are allowed that 10% increase in weight with the first dump. Sugar beets and potatoes can go 10% over on their first dump, second dump etc.. What he is asking for in this bill is that all agriculture products be included. The reason he is asking for this is that you can be harvesting and dumping at the elevator 10 miles down the road and you get a few wet loads and you have to dump in the dryer at the farm. From the farm to the elevator you no longer get that 10% increase in weight because it is your second trip. What he hopes to accomplish with this piece of legislation is to be able to go 10% from the field to the first commercial dump.

**Senator Nething** asked if you dump the grain or corn in the dryer, wouldn't it be lighter when you take it out.

**Rep. Johnson** said that if that load is dryer you get more volume in your truck. He said that it is going by weight and a continuous flow from the dryer.

**Senator Nething** said that the damage to the roads will not be any more or less.

**Rep. Johnson** replied that was right. This 10% is going to go on no matter what we do here. This is a fairness issue with all agricultural producers.

**Senator Nodland** said that ninety percent of his operators in the west-southwest part of the state haul from the field to the storage site on their farm. A lot of those same farmers haul product from Beach to Enderlin or across the state. This would allow them to get a 10% overweight permit to haul that product.

**Rep. Johnson** replied that if it is from the field to the first commercial dump. That is the way the law is now. He added that 10% overweight in this bill does not apply to Interstate structures. This bill would still not allow 10% on interstate highways.

**Senator Nodland** said that if they used the regular state roads and not the interstate they could be 10% over.

**Rep. Johnson** said that he has been in the commercial trucking business for twenty years and custom harvesting and it would not be feasible and economical to not use the interstate.

Discussion followed on what is a temporary site, and whether a farm owned elevator in a small town is commercial. They also talked about the frost permit that can be purchased in the winter so they can run 10% overweight.

**Senator Lee** said that we are still doubling the amount of overweight load on the road.

**Rep. Johnson** said that scenario could work if that is what one did with all his grain. Most of the producers that he harvests for haul their grain directly to the elevator. What he is really after is the temporary element used particularly with the drying bin situation.

**Senator Lee** expressed his concern that we are increasing the load limit for all the agricultural products and the overweight effect of this on the roads.

**Senator Nething** said that there is also a limited time that this can be done from July 1<sup>st</sup> to December 1<sup>st</sup>.

**Rep. Johnson** correct, after December 1<sup>st</sup> you can buy your 10% frost permit that is good from December 1<sup>st</sup> to first part of March. This is different.

**Senator Nething** stated that it would seem then that the word is temporary. Maybe there is a better way to word this.

**Jim Gibbons**, a farmer from Cando, ND testified in support of SB 2324. He said that he raises grain, sugar beets, potatoes and hogs. He said that his highway patrolman told him that he should be going online buying these overweight permits and as long as you stay under 88,000 lbs. he would be in compliance. He said that they did this. He said that the law is inconsistent for different commodities. He explained how the potato harvest and hauling works. He stated that the wheat, bean and corn harvest has changed because it is being harvested at a higher moisture rate. So the crop has to be put into the dryer system or pressure cure bins. You dry it down and haul it to the elevator. He gave the example of when they were harvesting out of the field and hauling it to the elevator but when the trucks were just setting there he would send the trucks over to the bin to haul out of there to the elevator. This made the permit void. This is considered the second dump and cannot be 10% overweight. He stated that the law is clearly inconsistent and should be changed for all commodity groups.

**Senator Mathern** asked if his main point is the discrimination between products and the dumping is another issue.

**Mr. Gibbons** answered, yes but added, that it should also say field of harvest to the first commercial storage point.

Discussion followed on if they could change the wording to agricultural products on page 3 and leave the rest the same. It was discussed that you really couldn't do one without the other. They discussed potential wording and meanings. The discussion evolved into the damage to the roads.

**Tom Bodine**, North Dakota Farm Bureau, testified in support of SB 2324. They support the language that includes all agricultural commodities. He also added that as farmers are hauling from the field to a commercial site often times the elevators are full and cannot take the loads so they have to be stored on the farm until the commercial facility has room. They are okay to haul from the field to the commercial site with the 10% permit but as soon as they go to the farm for temporary storage they lose the ability to go to the commercial site 10% overweight.

**Senator Lee** asked if he understood that it put more overweight vehicles on the road.

**Mr. Bodine** said that he would agree that it would probably put more overweight vehicles on the road but what we would look at is that even if it is going to the farm it would still be going into the elevator. If you ran it straight to the farm to the elevator it would still be the same volume of grain whether it by passes the farm or not. It may add a couple miles but it still going to be about the same on the road.

**Tom Lilja**, Executive Director of the North Dakota Corn Growers testified in support of SB 2324. He said that to answer the chairman's question on adding more weight to the road, the answer would be yes but you would be decreasing the amount of truck loads by 10% during that harvest period. He said that there would be a negative and a positive to the chairman's question.

**Senator Oehlke** asked if he had any statistics on what the difference between ten overweight loads or eleven regular loads do to the roads.

**Mr. Lilja** deferred the question to the Department of Transportation. He did make an argument that having fewer trucks on the road during harvest would have a safety advantage.

No opposing testimony.

**Darcy Rosendahl**, North Dakota Department of Transportation, presented information on the impact of SB 2324. Attachment #2

**Senator Sitte** asked if he was telling them that the road is built for an 80,000 lb. maximum.

**Mr. Rosendahl** answered that they were all based on 18,000 lb. single axle load and everything is equated back to that.

**Senator Lee** asked if fewer heavier loads are better for the roads than more loads minus the 10%.

**Mr. Rosendahl** replied that if you have ten of the 22,000 LB. loads each one of those will consume an additional 46% more life of the road than the 20,000 LB. load. The safety aspect of getting more trucks off the road is a concern but there is also the concern of protecting investment that we have in that infrastructure.

**Senator Mathern** said that his testimony would indicate that we should have a fiscal note on this because of the actual road damage.

**Senator Lee** said that there is a fiscal note but that they couldn't calculate it.

**Mr. Rosendahl** said that a study could be done to get the information on road use and road wear by trucks.

**Senator Sitte** asked if the roads in the eastern part of the state are built to a better quality so that they can haul sugar beets and potatoes on them. It makes me wondered why we are giving a special privilege to those groups.

**Mr. Rosendahl** replied that in the past we have had to redo those roads up in the Northeast when we first implemented this with the potatoes and sugar beets. Since then we do get better truck counts and the design has seasonal factors and truck factors put in there. We are getting a better understanding and we are closer at getting that accounting for the trucks into the initial design of the pavement.

**Senator Nething** asked what kind of roads he was talking about, asphalt or paved.

**Mr. Rosendahl** replied paved because that is all we have for state highways. There is a different design for unpaved roads.

**Senator Nething** asked if that additional 10% overweight was doing even more damage to gravel road than pavement.

**Mr. Rosendahl** said that the tables they had only dealt with concrete or asphalt.

**Senator Lee** closed the hearing on SB 2324.

Discussion followed on section 4-5. Senator Sitte noted South Dakota laws and suggested that this might be a good compromise. There was discussion on whether you could separate section 4 and section 5. Mr. Rosendahl said that would be difficult and it really wouldn't give them the results that they want.

There was discussion on the inconsistency of allowing two agricultural groups to have the privileges and not allowing all agricultural groups.

**Kyle Kirkmeier**, Highway Patrol, said that if we say all agricultural products, this means they can go from the field to the initial storage in the farm yard and then go from the farm yard to the elevator. If you only do it so it is temporary, we have an issue on the road as to what is temporary. Enforcement becomes a problem.

**Senator Nething** brought back the subject of one farmer being treated different because of the crops he was growing and hauling.

Discussion continued on the movement of different kinds of crops and how they are marketed. Discussion continued on roads and damage to the roads.

**Senator Sitte** asked why we just don't exclude sugar beets and potatoes.

**Senator Oehlke** asked if we could get some information why sugar beets and potatoes were separated out.

**Senator Lee** presented that information. It simply said that it would improve their bottom line by their ability to haul more. They have a limited amount of time that they can get the crop off in terms of the sugar beets.

**Senator Nodland** said that DOT spent more money beefing up the roads for them in certain areas.

No action taken.

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee  
Lewis and Clark Room, State Capitol

SB 2324  
February 11, 2011  
14409

Conference Committee

Committee Clerk Signature *Jauge*

**Explanation or reason for introduction of bill/resolution:**

**Minutes:**

*Committee Work/Vote*

**Chairman Senator G. Lee** opened the discussion on SB 2324 relating to a ten percent weight permit for certain vehicles. Representative Johnson had additional written information for the committee. Attachment #1

**Senator Mathern** said that his concern was the impact on the roads. He stated that the ten percent increase in overweight doesn't equate into a ten percent road wear; it actually translates closer to over a forty percent wear rate.

**Senator Nodland** commented that opening this up further could have a larger snowball effect. An example would be the possibility of the oil companies coming in and asking for that ten percent.

**Senator Nething** said that we already do permit potatoes and sugar beets to do this.

**Senator Oehlke** said that when the legislature originally started the ten percent overweight permits for Ag products, most of the vehicles that hauled them were smaller vehicles. They weren't vehicles that hauled 80,000 to 100,000 pound gross loads. He said in theory that axles make a difference but in his perceptive weight is weight.

**Senator Sitte** referred to Darcy Rosendahl's testimony and referenced how informative it was and how clearly it explained everything.

**Senator Lee** said that for a portion of his constituency he could support this bill but with the forty six percent impact on the roads because of the ten percent overweight increase he is concerned about the damage to the roads. He said that roads are designed and engineered and built for a certain weight limit. When we violate that and compound those overweight loads it deteriorates the roads that much faster. He stated that for good public policy this isn't a good bill.

**Senator Mathern** said that he had talked with a farmer in wheat country and he said that he could just go online and get an overweight permit and that the present situation works good.

Discussion followed on the need for the bill and the concern for the roads.

**Senator Nodland** moved a Do Not Pass on SB 2324.

**Senator Sitte** seconded the motion.

**Senator Nething** said that another thought in support of this motion is that in looking at the Transportation Institute's Report, where it talks about roads, they anticipate longer hauls, which means even more damage.

Roll call vote: 5-1-0. **Motion passed.**

**Senator G. Lee** will be the carrier.



# FISCAL NOTE

Requested by Legislative Council  
01/26/2011

Bill/Resolution No.: SB 2324

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$0		\$0
Expenditures						
Appropriations						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

SB2324 changes an allowance for sugar beets & potatoes & changes it to all agricultural products. It allows these products to qualify for purchase of a 10% over permit & not just to the first point of storage but now allows from a temporary initial storage site to a commercial storage site.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The addition of all agricultural products as qualifying for the 10% over permit will not increase the related permit fee revenues collected by the Highway Patrol. The additional agricultural products that would benefit by this change are already purchasing the 10% over permits to increase their weights to the first point of storage.

Counties and Cities also have authority to sell overweight permits. However, not all are doing so. We have no way of determining the impact of this bill on the county and city revenues,

An increase of 10% in the Gross Vehicle Weight of trucks results in a disproportionate increase in relative pavement damage. This increased damage, depending on the particular roadway, can result in a substantial reduction in pavement service life. The reduction in pavement service life will accelerate the need for maintenance and rehabilitation activities. The existing structure and condition of individual roadways must be considered. At this time, we have no way of determining the cost of this additional damage.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The addition of all agricultural products as qualifying for the over permits will increase the long term damage to the

highways in the state. The increased loads will decrease the life of the pavements. We have no way to determine the extent or cost of this additional damage.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

<b>Name:</b>	Brad Darr	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-4443	<b>Date Prepared:</b>	01/26/2011

Date: 2-11-11  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2324

Senate Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Senator Nodland Seconded By Senator Sitte

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee	✓		Senator Tim Mathern	✓	
Vice Chairman Dave Oehlke	1	✓			
Senator Dave Nething	✓				
Senator George Nodland	✓				
Senator Margaret Sitte	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Senator Lee

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2324: Transportation Committee (Sen. G. Lee, Chairman) recommends DO NOT PASS (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2324 was placed on the Eleventh order on the calendar.**

2011 TESTIMONY

SB 2324

#1

**SENATE TRANSPORTATION COMMITTEE**  
**February 4, 2011 – Lewis and Clark Room**

**North Dakota Department of Transportation**  
**Darcy Rosendahl, P.E., Office of Operations Director**

**SB 2324**

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Mr. Chairman and members of the committee, I'm Darcy Rosendahl, Office of Operations Director for the Department of Transportation. Thank you for giving me the opportunity to present information to you today.

We understand and support the need to move commodities and promote economic viability of the state. We currently have a number of ongoing initiatives to accomplish that goal. As we work towards achieving that goal, we believe it is essential to ensure the state's large investment in the transportation system is protected.

Section 39-12-05.3 subsection 4, by permit (harvest permit) allows the agriculture industry to exceed the axle weight limitations, outlined in state statute by 10 percent from July 15 to December 1, from the field of harvest to the point of initial storage. In addition to the harvest permit, a winter time permit can be obtained that allows axle weight limitations to be exceeded by 10 percent from December 1 to March 7, or until load restrictions are instituted. With these permits, agriculture products can be moved and are allowed to exceed weight limitations with some restrictions.

We do feel it is important to share with you what the impacts of SB 2324, if passed, would be on the state's transportation system. By allowing increased weights for further movement of overweight agriculture product, we are exposing the state's pavements to additional damage. Increased axle weight is the primary cause of pavement damage.

Every axle passing over a highway consumes a portion of the pavement's life. With each pass of a load, the pavement experiences forces that eventually lead to the deterioration of the pavement. Extensive testing over the last fifty years has shown that the amount of pavement life consumed by heavy axles greatly exceeds the amount of life consumed by lighter axles. In fact, the relationship is exponential, which means that just a small increase in axle load leads to an ever increasing damage rate to the pavement. For example, as illustrated in the attached South Dakota Local Transportation Assistance Program report:

- a legal 20,000 pound axle load consumes a thousand times more pavement life than a 2,000 pound automobile axle
- a 22,000 pound axle load consumes 46 percent more pavement life than a 20,000 pound axle load

We believe it is important for the committee to have this information as it makes its policy decisions. This concludes my testimony. I'll be happy to answer any questions.

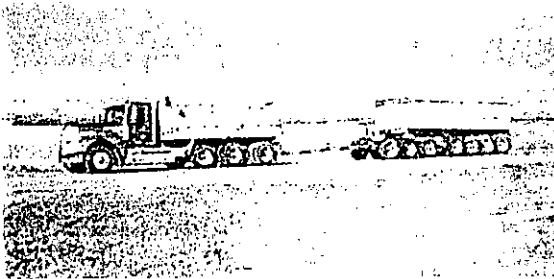
# The Connection

*Between Transportation Technology and Local Government*

Volume 15, Number 4 Winter 2002

## Truck Weights and Highways

Illegally overweight vehicles damage South Dakota roads, shorten road life, and increase costs to both the trucking industry and taxpayers. During the past several years, the South Dakota Legislature has enacted laws to protect state and local highways from damage caused by illegally overweight vehicles:



It is important for those responsible for funding, building, and maintaining highways to understand the reasons behind truck weight regulations and to be able to explain them when shippers, haulers, business contacts, and personal acquaintances inquire about them.

- In 1996, the Legislature limited the maximum weight allowed on axles (other than steering axles) to 500 pounds times the total width, in inches, of all tires mounted on the axle. This action ensured that the weight carried on axles fitted with single tires (as opposed to conventional dual tires) would not exceed pavements' load capacity.
- When the Legislature raised the state fuel tax in 1999, it also increased civil penalties for overweight trucks to safeguard the public's investment. The graduated penalty schedule discourages intentional violations that most severely damaged roads and bridges, but imposes more modest fines for lesser, unintentional overweights.
- To protect the public investment in local roads and bridges, the Legislature enacted a law requiring the Department of Transportation to monitor how diligently counties prosecute overweight violations and, if necessary, to withhold funding from counties that fail to act responsibly.

Pounds Overweight	Civil Penalty per Pound
1,000-3,000	\$0.05
3,001-4,000	\$0.15
4,001-5,000	\$0.225
5,001-10,000	\$0.375
>10,000	\$0.75

The South Dakota Department of Transportation supports all of these legislative actions, which have improved awareness and compliance with truck weight regulations. Fewer vehicles are operating seriously overweight, preventing needless damage to roads and bridges and saving taxpayers millions of dollars.

### South Dakota Supports Trucking

South Dakota values the trucking industry and its contribution to the economy and well being of the state. Nearly everything we own, eat, use, grow, or manufacture is carried by truck on at least part of its journey.

Because of the importance of trucking, the South Dakota Legislature and other branches of state government have historically adopted rules and procedures that help the industry to operate competitively:

- To ease regulatory burdens, the Department of Revenue has joined the International Fuel Tax Agreement and the International Registration Plan. Both enable motor carriers to register in just South Dakota but operate in all states and provinces. Efforts are underway to provide online IRP and IFTA services to the trucking industry.
- Unlike most states, South Dakota does not impose absolute gross weight limits on trucks. Instead, it allows essentially unlimited gross weight, provided the load is supported by enough tires and axles to prevent road and bridge damage.
- South Dakota grants tolerances for hauling agricultural loads. Loads from field to farm are allowed to weigh 10% more than the normal weight limit, while loads from farm to market are allowed 5% more than normal.
- To help truckers comply with weight regulations, the Highway Patrol will, without charge, weigh vehicles and instruct haulers on proper loading.

*Continued on the next page*

**Table of Contents**

- Highway and Highways
- ... Expands Living Program
- ... Turn?
- ... Receives ... Award

- Together with the Department of Revenue and the Highway Patrol, the Department of Transportation has developed an automated permitting system that allows truckers to obtain permits online and quickly identifies safe routes for movement of oversize and overweight vehicles.
- To reduce delays and improve traffic safety, the Department of Transportation will replace the port of entry at North Sioux City with a new facility near Jefferson in 2003. Through use of in-motion weighing and vehicle transponders, the new port will allow truckers with good safety records and legal weights to bypass the port, saving valuable hours of operating time.

**The Need to Be Legal**

Why are truck weight regulations so important? It's really a matter of dollars and cents, because roads and bridges have to be designed, built, and maintained to carry heavy axle loads. The heavier the axle loads, the more expensive roads and bridges become.

Axle Weight (pounds)	Pavement Life Consumed*
2,000	0.001
10,000	0.06
18,000	0.66
20,000	1.00
22,000	1.46
24,000	2.07

\*All loads compared to a legal 20,000-pound load

Every axle passing over a highway consumes a portion of the pavement's life. With each application of load, the pavement experiences compression and bending that eventually lead to rutting and cracking. Extensive road tests over the past fifty years have shown that the amount of pavement life consumed by heavy axles greatly exceeds the amount of life consumed by light axles.

Two important concepts are evident from this table:

- First, heavy axles consume much more pavement life than light axles. Even a legal 20,000-pound truck axle consumes a thousand times as much pavement life as a 2,000-pound automobile axle.
- Second, the amount of life consumed rises much faster than the axle weight. For a seemingly modest 10% increase in weight (from a legal 20,000-pound axle to an overweight 22,000-pound axle), the amount of consumed life soars by nearly 50%. A 20% overweight consumes more than twice as much pavement life as the legal load.

Cost per Mile to Construct	
Interstate 4-lane highway (concrete)	\$1,900,000
State 2-lane highway (concrete)	\$941,000
State 2-lane highway (asphalt)	\$775,000
Secondary 2-lane highway (asphalt)	\$476,000
Thin asphalt overlay (24' wide)	\$112,000

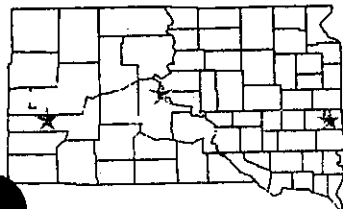
**Damage to Bridges**

Damage from illegally overweight loads is not confined to pavements. Bridges prematurely age, just as pavements do, when subjected to illegal loads. If the loads are great enough, they can actually destroy a structure.



An example from Tripp County is pictured, but it is not the only case. In the past two years alone, six county bridges had to be completely replaced because of damage from illegally overweight trucks:

- Two bridges in Moody County had to be replaced at a total cost of \$692,000.



**The Connection**

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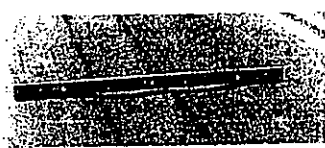
- Two Brookings County bridges were rebuilt at a total cost of \$295,000.
- One Faulk County bridge had to be replaced at a cost of \$125,000.
- The bridge in Tripp County was replaced with culverts at a cost of \$18,000.

These illegally overweight loads not only cost counties more than \$1.1 million, but also deprived other road users of convenient access to their homes and farms. In each case, the board of commissioners had to declare an emergency and close a road until a new structure could be built.

As costly as these cases were, they represent only a portion of the bridge damage attributable to illegally overweight loads. Many other structures have certainly been damaged, but in ways that are not yet apparent.

**The Link to Highway Safety**

Truck weight enforcement is not only a matter of economics, but also a matter of public safety. Illegal loads not only make roads rougher, but also create deep ruts that can fill with rainwater or ice, making driving more dangerous for everyone.



**Frequently Asked Questions**

People occasionally ask whether weight restrictions could be relaxed without increasing road damage. Common questions are:

- *Can trucks reduce speed rather than reduce load?* This question often arises in the spring, when load restrictions are needed to protect pavements weakened by the spring thaw. Unfortunately, even though some local agencies still try to avoid load limits by reducing speed limits, this practice does not work. In fact, road damage increases significantly when heavy vehicles are driven more slowly.
- *If a truck's gross weight is legal, why do axle weights matter?* This question is sometimes raised by persons cited for overweight axle or axle group violations, even though the total (gross) weight of their vehicle did not exceed the legal limit. However, pavement damage from two axles—one light and one heavy—actually exceeds the damage from properly loaded axles. The extra damage created by the overloaded axle exceeds the reduced damage created by the lighter one.
- *If agricultural vehicles with low-inflation tires can safely carry heavy loads in fields, why can't they operate loaded on highways?* Even though vehicles like chemical applicators and grain carts can transport very heavy loads in fields, they seriously damage gravel and paved roadways

when loaded beyond legal limits. The surface is damaged because the vehicles' lugged tires concentrate the load into small contact areas. The underlying layers fail because they cannot withstand the total load imposed upon them. These loads also pose a serious problem for bridges, especially on county and township roads.

**The Need for Responsible Hauling**

State and local governments' responsibility to provide mobility and safety cannot be accomplished if illegally loaded vehicles prematurely consume the life of roads and bridges. Providing a system that is economical, comfortable, and safe depends not only on the government's investment of time, effort, and money, but also on the responsible behavior of highway users.

The vast majority of South Dakota haulers operate legally. Of the nearly 600,000 vehicles weighed each year, only about 3,000—one half of one percent—are cited for overweight violations. Of those cited, only 600 are severely enough overweight to be assessed civil penalties exceeding \$100.

While a small number of haulers knowingly operate illegally, their disregard for weight limits creates costly damage that other, responsible taxpayers must pay for. Controlling the irresponsible behavior of these intentional violators is impossible without effective enforcement and prosecution.

Recent efforts to control illegally overweight vehicles have clearly begun to reduce the rate of grossly overweight loads. In 2000, 8.6% of overweight vehicle citations were for loads more than 10,000 pounds over the legal limit. The rate decreased to 6.0% in 2001, and 5.9% in 2002. Overall, the incidence of grossly overweight loads has dropped by nearly a third since more stringent penalties and enforcement were enacted.

Relaxing weight regulations and enforcement would erase the progress that has been made to protect the public investment in state and local roads. In the words of Ted Eggebraaten, Brookings County Highway Superintendent, "If we lose the control we have with the new overweight laws in place, it will only add to our problems with roads and bridges. Brookings County would not be able to keep up our road system maintenance if the control is taken away." The Department of Transportation also considers sound weight enforcement essential to its mission to "provide a transportation system to satisfy the diverse mobility needs" of travelers, shippers, and haulers in South Dakota. Especially in a time of limited funding, protecting the existing highways from unnecessary damage is clearly the wisest course of action.

July 15 - Dec 1

69,863 Reg. Trucks in N.D. that could  
buy permit 10% Harvest

3690 Trucks that buy harvest  
permit

### South Dakota

the law is 10% just dump  
year around Jan 15 through  
Dec 31.

5% on all ag products,  
including trees from any percent  
of region to dump - within 50 miles.