

Partner Christian Spesia has received a favorable decision by the United States Court of Appeals for the Seventh Circuit in favor of his client, Aux Sable Liquid Products LP, in *Aux Sable Liquid Products LP v. Murphy, et al.*, 07-1402 (May 19, 2008).

In the case, the Seventh Circuit found that Monee Township, Illinois, violated federal law by posting a 14-ton weight restriction on a street necessary for access to an LP gas terminal. The Court held that the Surface Transportation Assistance Act, 49 U.S.C. §31104 (“STAA”) preempted the local regulation of the streets in question. In 1982, the STAA established national uniform size and weight restrictions on Interstate and Federal Highways. The Court noted that the STAA also “guarantees commercial motor vehicles ‘reasonable access’, free from State interference, between the Interstate [highways] and terminals....”

The plaintiff in the case, Aux Sable, was a producer of LP gas. Its trucks, whether loaded or empty, always exceeded the 14-ton weight restriction imposed by the Township. Aux Sable had built the terminal in question in 2001 prior to the Township reducing the posted weight restriction for the street in question from 80,000 pounds to 28,000 pounds.

The judgment comes in the form of an injunction that prohibits the Township and its agencies and employees from interfering with truck traffic to Aux Sable’s LP gas-loading terminal.

In finding that Monee Township impeded interstate commerce, the Court of Appeals stated as follows:

“...we agree with the district court that Congress’s primary objective in passing the STAA was to create uniform standards for commercial motor vehicles utilizing the Interstate and other federal highways. Congress also recognized that this goal would be frustrated if commercial motor vehicles validly permitted on the Interstate were barred by state and local governments from entering the Interstate on local roads or exiting the Interstate for purposes of refueling or delivering goods.”

“Thus, the subject weight restriction on Ridgeland Avenue does not merely deny one method of access, but in effect

denies all methods of access to the Interstate from the Terminal for fully loaded propane trucks.”