

The State of Wisconsin



OFFICE OF THE GOVERNOR

EXECUTIVE ORDER #203

Proclamation of a State of Emergency Relating to the Transportation of Hay

WHEREAS, the Department of Agriculture, Trade and Consumer Protection and state, county and federal agricultural agencies estimate that the spring 1993 flooding has reduced production from Wisconsin's first cutting of hay by about forty percent in at least 30 Wisconsin counties; and

WHEREAS, a forty percent reduction in the first cutting of hay in 30 Wisconsin counties is a significant reduction of the state's annual hay production; and

WHEREAS, the carryover levels of hay from 1992 were reduced by about sixty percent because of last year's winter-kill; and

WHEREAS, continued flooding for the rest of the 1993 growing season or significant portions thereof, will cause further reduction in the yields and harvested quantities of crops used for animal feed; and

WHEREAS, further 1993 crop reductions and losses will add to the shortage of feed needed by Wisconsin's livestock over the next 12 months; and

WHEREAS, dairy farming and other domestic livestock operations add about \$4.2 billion annually to the state's economy and are important to both the economy of the state and the welfare of its citizens; and

WHEREAS, this creates a need to transport large amounts of livestock feed, particularly baled hay, on Wisconsin highways; and

WHEREAS, allowing the transportation of overwidth loads of hay bales within this state, in a safe manner and as described in this order, will benefit farmers injured by the flood;

NOW, THEREFORE, I, TOMMY G. THOMPSON, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and the laws of Wisconsin and by s. 166.03 (1)(b) 1 of the Wisconsin Statutes, hereby declare the present flood-related hay shortage to be a natural disaster and hereby proclaim the entire State of Wisconsin to be in a state of emergency for a period of 30 days, unless such period is extended by joint resolution of the Legislature.

PURSUANT to said state of emergency, by virtue of the authority vested in me by the Constitution and Laws of Wisconsin, and s. 166.03 (1)(b) 1, Wisconsin Statutes, I HEREBY ORDER THAT:

(1) Notwithstanding ss. 348.05(1) and (2) (L) and 348.07 (1) and (2) (gr), Wis. Stats., persons are allowed to transport loads of bales of hay (including straw or stover) even when such loads exceed the statutory width limitations and may transport hay in round or rectangular bales on semitrailers up to 53 feet long, as herein provided:

(a) Baled hay in loads up to 12 feet wide may be transported on any highway in this state, expressly including interstate and defense highways and highways where the width of a single traffic lane is less than 12 feet, without regard for the origin or destination of the load, except that in construction zones where the width of the traffic lane is less than 12 feet, the width of the load may not exceed the lane width.

(b) Overwidth loads of hay being transported under this order and which exceed the normally applicable statutory width limitations of s. 348.05 (1) and (2) (L), Wis. Stats., may not be transported during hours of darkness and must display warning flags and customary oversize load signs. Vehicles transporting such loads shall display flags of solid red color at least 18 inches square on each front corner of the vehicle, on each front corner of the load and on each rear corner of the load.

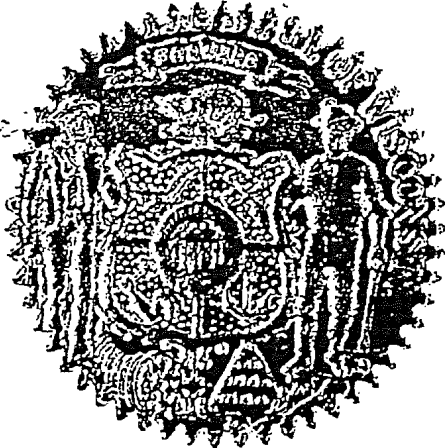
(c) Combination vehicles consisting of a semitrailer up to 53 feet long drawn by a truck tractor may be used to transport bales of hay on all highways in the state, including those not designated as long truck routes under s. 348.07 (4), Wis. Stats., without regard for the overall length of the combination, provided the distance between the midpoint of the rear axle(s) of the semitrailer and the kingpin does not exceed 41 feet when measured as provided in s. 348.07(3), Wis. Stats.

(2) This order does not affect transportation of hay as ordinarily allowed under s. 348.05 (2)(L), Wis. Stats.

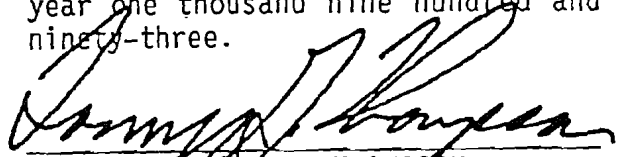
(3) Notwithstanding the 102 inch width limitation of 49 U.S.C. s. 2316 (a) and although the loads of hay herein described are divisible loads, this emergency declaration will allow the movement of the overwidth loads of hay, as described in this order, on the National Network highways in Wisconsin, including the Interstate system, and is to be considered a special use permit applying to all vehicles operating in accordance with this order.

(4) This order does not suspend the operation of any state or federal laws within the State of Wisconsin except as specifically described in the order. All other laws remain in full force and will be enforced. This order does not authorize any person transporting hay to exceed 11 feet in width, 13 and a half feet in height, or 100 feet in length on any part of the Milwaukee County expressway system constructed pursuant to s. 59.965, except on U.S. highway 45 between West Florist Avenue and West Hampton Avenue and on interstate 94 between the Waukesha county line and 108th street. This order does not authorize

any person transporting hay to exceed any statutory vehicle weight limit or vehicle height limit. Persons transportating hay may not exceed any statutory vehicle length limit except as expressly provided concerning the use of 53 foot long semitrailers. This order does not authorize the use of unregistered or improperly registered vehicles. Vehicles registered in other jurisdictions and not entitled to reciprocity, or not registered for use in Wisconsin through the International Registration Plan, must obtain a permit as provided in s. 341.41, Wis. Stats. Motor carriers hauling hay for hire must have proper authority to operate in this State, as provided by s. 194.04, Wis. Stats.; and must meet the insurance requirements of ss. 194.41 or 194.42, Wis. Stats. Carriers must satisfy all ordinarily applicable federal and Wisconsin requirements concerning vehicle equipment, vehicle operations and driver qualifications and conduct.

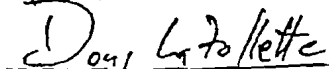


IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this ninth day of July in the year one thousand nine hundred and ninety-three.



TOMMY G. THOMPSON
Governor

By the Governor:



DOUGLAS LA FOLLETTE
Secretary of State