



## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER #251

#### Declaration of a State of Emergency Relating to the Transportation of Forage

**WHEREAS**, large areas of North Dakota, Montana, and South Dakota are suffering from drought, and the drought is severely stressing the crops, livestock, and grazing land of this high plains region; and

**WHEREAS**, the National Drought Mitigation Center's August Outlook report shows continuing drought for the high plains region; and

**WHEREAS**, due to the current drought conditions, the Governors of North and South Dakota have declared disasters in their states, and the Governor of Montana has declared a statewide fire emergency; and

**WHEREAS**, the Secretary of the U.S. Department of Agriculture has designated multiple counties within the affected area as drought disaster counties, authorizing the use of certain Conservation Reserve Program lands for emergency grazing and haying; and

**WHEREAS**, Wisconsin and other Midwestern farmers have generously offered to assist these out-of-state farmers and ranchers by donating forage to offset the potential economic consequences of the drought; and

**WHEREAS**, allowing the transportation of loads of forage within this state, in a safe manner and as described in this order, will benefit farmers injured by this drought; and

**WHEREAS**, the benefits to the farmers and ranchers, and offsetting the significant loss of livestock and agricultural lands, may minimize any negative economic impacts on the State of Wisconsin as a result of higher prices for agricultural commodities and products; and

**WHEREAS**, the Secretary of the Wisconsin Department of Agriculture, Trade and Consumer Protection has determined that an agricultural emergency exists, and the Secretary of the Department of Transportation has authorized the issuance of agricultural emergency permits to allow certain over- width and height vehicles to transport, on highways within Wisconsin including the interstate system, baled hay, straw, cornstalks, and stover used for feed; and

**WHEREAS**, the Secretary of the Department of Transportation, pursuant to section 348.27(3) of the Wisconsin Statutes, has authorized the issuance of general permits allowing carriers and drivers of motor vehicles, while in the process of obtaining and transporting, on highways within Wisconsin but excluding the interstate system, baled hay, straw, cornstalks, and stover used for feed, to exceed the weight limitations of section 348.15(3)(c) of the Wisconsin statutes, authorizing weights not more than 90,000 pounds gross vehicle weight, if the vehicle is in combination and combination has 5 or more axles; or not more than 10% greater than the gross axle weight and axle combination weight limitations, and not more than 15% greater than the gross weight vehicle limitations; and to exceed the length limitations of section 348.07 of the Wisconsin Statutes, authorizing only combinations of 2 vehicles with an overall length of not more than 75 feet or a single vehicle with an overall length of not more than 45 feet; and

**WHEREAS**, the Secretary of the Department of Transportation has waived the fee required to obtain a 72-hour trip permit for vehicles traveling into Wisconsin while in the process of obtaining and transporting baled hay, straw, cornstalks, and stover used for feed and that are not registered in Wisconsin nor enrolled in the International Registration Plan (IRP) or the International Fuel Tax Agreement (IFTA);

**NOW THEREFORE, I, SCOTT WALKER**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and laws of this State, including sections 323.10 and 323.12 of the Wisconsin Statutes and section 390.23 of Title 49 of the Code of Federal Regulations, do hereby declare the damage caused by this drought to be a natural disaster causing an indirect impact on the State of Wisconsin, and I further declare that a state of emergency shall exist for the entire State of Wisconsin, effective, Thursday, August 17, 2017, for a period of thirty (30) days for the purpose of transporting loads of forage. Pursuant to this state of emergency, and by the authority vested in me by the aforementioned regulations, I hereby order that:

1. Interstate and intrastate carriers who are providing direct assistance for the transportation of baled hay, straw, cornstalks, and stover used for feed are relieved from the requirements contained in the Federal Motor Carrier Safety Regulations, Title 49 C.F.R. Parts 390-399 and Wis. Admin. Code chs. TRANS 325 and 327, subject to the restrictions and limitations described in the U.S. Department of Transportation, Federal Motor Carrier Safety Administration's Amended Declaration of Emergency Under 49 C.F.R. §390.23 and Extension of State Declaration Notice Under 49 C.F.R. § 390.25. This relief is valid for the duration of the motor carrier's assistance in the disaster relief effort or the duration of this Order, whichever is less.
2. Interstate and intrastate carriers operating under a Department of Transportation general permit who are providing direct assistance for the transportation of baled hay, straw, cornstalks, and stover used for feed are relieved from the provisions of Wis. Admin Code ch. TRANS 230 prohibiting the transportation of divisible loads, subject to the conditions stated in the Department of Transportation general permit.
3. 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 or allowed pursuant to a Department of Transportation 72-hour trip permit fee waiver, general permit, or agricultural emergency permit. All other laws remain in full force and will be enforced.



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 sixteenth day of August in the year two thousand seventeen.

  
SCOTT WALKER  
Governor

By the Governor:



DOUGLAS LA FOLLETTE  
Secretary of State