

2013 DRAFTING REQUEST

Bill

Received: 1/15/2014 Received By: agary
Wanted: As time permits Same as LRB:
For: Jerry Petrowski (608) 266-2502 By/Representing: Tim Fiocchi
May Contact: Drafter: agary
Subject: Transportation - highways Addl. Drafters:
Transportation - motor vehicles
Transportation - traffic laws Extra Copies: EVM

Submit via email: YES
Requester's email: Sen.Petrowski@legis.wisconsin.gov
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Oversize vehicles; agricultural emergency permits

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|--------------------|--------------------|-----------------------|----------------|----------------------|-----------------|-----------------|
| /? | agary 1/16/2014 | | | _____ | | | |
| /P1 | agary 1/16/2014 | evinz 1/16/2014 | jfrantze 1/16/2014 | _____ | mbarman 1/16/2014 | | State |
| /P2 | agary 1/17/2014 | evinz 1/17/2014 | jfrantze 1/17/2014 | _____ | lparisi 1/17/2014 | | State |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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| /1 | | evinz 1/17/2014 | rschluet 1/17/2014 | _____ | srose 1/17/2014 | lparisi 1/17/2014 | State |

FE Sent For:

*at
intro*

<END>

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See attached

Drafting History:

Table with 8 columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. Rows include drafters like 'agary', 'evinz', 'jfrantze', 'mbarman', 'lparisi' and dates like '1/16/2014', '1/17/2014'.

Handwritten notes: 'eev 1/17/14', 'eev 1/17/14', and a signature 'J' with '1/17/14' below it.

FE Sent For:

<END>

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| /? | agary 1/16/2014 | | | _____ | | | |
| /P1 | | evinz 1/16/2014 | jfrantze 1/16/2014 | _____ | mbarman 1/16/2014 | | State |
| FE Sent For: | | <i>pd eev</i> 1/16/14 | <i>pd eev</i> 1/17/14 | <i>Rs</i> <i>Jo</i> 1/17 | | | |

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|--------------|----------------|---------------------|---------------------|---|------------------|-----------------|-----------------|
| 1/? | agary | 1/pl eeV 1/16/14 | 1/pl eeV 1/16/14 |  1/14 | | | |

FE Sent For:

<END>

Gary, Aaron

From: Fiocchi, Tim
Sent: Wednesday, January 15, 2014 3:32 PM
To: Mueller, Eric; Gary, Aaron
Cc: Portz, Elisabeth
Subject: FW: Draft Language on Agricultural Emergency Permits

Hi guys,

We received the request below and have been asked to get a draft and move it as fast as we can as DATCP wants to do this right now, but DOT can't accommodate them. We'd like a draft as quick as we can get it and may just introduce it and run it through committee next week.

Thank you,

Tim

From: Rhatican, Tom M - DOT [<mailto:Tom.Rhatican@dot.wi.gov>]
Sent: Wednesday, January 15, 2014 12:46 PM
To: Portz, Elisabeth
Cc: Fiocchi, Tim; Yahn, Nate - DOT
Subject: FW: Draft Language on Agricultural Emergency Permits

Tim...I met briefly with Rep. Ripp. He'd like to see a definition that includes stover (remnant product) -- which would differ slightly from Minn./Iowa, but meets the consistent intent.

Please discuss with LRB how to best include stover. Not sure if it may be inconsistent with the current requirement for "bales." Perhaps Liz can check with her boss?

Tom

From: Rhatican, Tom M - DOT
Sent: Wednesday, January 15, 2014 12:37 PM
To: Fiocchi, Tim - LEGIS
Cc: Petrowski, Jerry - LEGIS; Yahn, Nate - DOT; Bernander, Paul - DOT; Warren, Mitchell - DOT; Nichols, Kathleen - DOT
Subject: FW: Draft Language on Agricultural Emergency Permits

Tim....per our conversation, below is the recommended statutory change with regard to the "Ag emergency" and the additional allowance for "oversize" permits for straw and cornstalks. Permits the transport of not only hay (for feed) but also straw and cornstalks (used more for bedding). All are baled and transported in similar sizes.

We are limiting corn stalks for the purpose of "feed or bedding" because cornstalks may also be used for cellulosic ethanol production (per Farm Bureau). We want to limit the exception to agricultural needs, consistent with the "agricultural emergency."

I can send over background info (for the circulation memo) tomorrow. DATCP is on board – and will issue an agricultural emergency requesting the transport of oversize straw/cornstalks as soon as they are able. We are using language similar to Minn and Iowa – and will be proposing (next session) broader changes to bring us in line with neighboring states.

We deleted a sentence referring to the interstates that is no longer applicable – technical correction, and added a standard 14 feet, six inch height limit.

Definition of stover (Wikipedia): Stover is the leaves and stalks of field crops, such as corn (maize), sorghum or soybean that are commonly left in a field after harvesting the grain. It can be directly grazed by cattle or dried for use as fodder. It is similar to straw, the residue left after any cereal grain or grass has been harvested at maturity for its seed.

348.27 (11m) of the statutes is amended to read:

348.27 (11m) AGRICULTURAL EMERGENCY PERMITS. (a) If the secretary of agriculture, trade and consumer protection determines that an agricultural emergency exists, the secretary of transportation may authorize the issuance of permits to allow vehicles that are transporting loads of hay in bales, as well as bales of straw, cornstalks and corn stover used for feed or bedding and, from September 15 to December 15 of each year, loads of Christmas trees from the point of harvesting or staging to a Christmas tree yard or point of commercial shipment to exceed the width limitation under s. 348.05 (1) if the total outside width does not exceed 12 feet- and height does not exceed 14'06. ~~This authorization is limited to the operation of commercial motor vehicles upon routes of the national system of interstate and defense highways.~~

(b) In authorizing the issuance of permits under this subsection, the secretary of transportation shall specify in writing the factors which resulted in the determination to issue permits under this subsection. The factors shall include the effect of the increased width size limits on highway safety.

(c) Nothing in this subsection shall be construed to permit the department to waive the requirements of s. 348.07.

(d) The secretary of transportation may limit the application of permits issued under this subsection to specific areas of the state or to specific highways. A permit authorized under this subsection takes effect upon the mailing of a complete application and the required fee to the department. A permit authorized under this subsection is valid for up to 90 days, as determined by the secretary of transportation.



in
1/16



LRB-3997/P1

ARG:.....

leev

TODAY
is possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAJ
XRFV

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1 AN ACT ...; relating to: agricultural emergency permits issued by the
2 Department of Transportation for vehicles transporting oversize loads.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory size or weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local authority, as applicable. The generally applicable width limit on highways, without a permit, is 8.5 feet, subject to numerous exceptions. The generally applicable height limit on highways, without a permit, is 13.5 feet, subject to limited exceptions.

Current law allows the Department of Transportation (DOT) upon determination by the Department of Agriculture, Trade, and Consumer Protection that an agricultural emergency exists, to issue permits (agricultural emergency permits) authorizing vehicles transporting any of the following loads to exceed the generally applicable width limitation of 8.5 feet if the total outside width does not exceed 12 feet: 1) hay in bales; and 2) from September 15 to December 15 of each year, Christmas trees from the point of harvesting or staging to a Christmas tree yard or point of commercial shipment. However, this authorization is limited to the operation of commercial motor vehicles on interstate highways.

This bill modifies the agricultural emergency permit issued by DOT. Under the bill, an agricultural emergency permit may also be issued for vehicles transporting bales of straw, cornstalks, or corn stover if the straw, cornstalks, or corn stover is to be used for feed or bedding. In addition, an agricultural emergency permit also

authorizes the operation of vehicles up to 14.5 feet tall and is not limited to the operation of commercial motor vehicles on interstate highways.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 348.01 (2) (bu) of the statutes is created to read:

2 348.01 (2) (bu) “Stover” means the leaves and stalks of field crops, such as corn,
3 sorghum, or soybean, that are commonly left in a field after harvesting the grain.

4 **SECTION 2.** 348.27 (11m) (a) of the statutes is renumbered 348.27 (11m) (a)
5 (intro.) and amended to read:

6 348.27 (11m) (a) ^(intro.) If the secretary of agriculture, trade and consumer protection
7 determines that an agricultural emergency exists, the secretary of transportation
8 may authorize the issuance of permits to allow vehicles that are transporting any of
9 the following loads of hay in bales and, from September 15 to December 15 of each
10 year, loads of Christmas trees from the point of harvesting or staging to a Christmas
11 tree yard or point of commercial shipment to exceed the width limitation under s.
12 348.05 (1) if the total outside width does not exceed 12 feet. ~~This authorization is~~
13 ~~limited to the operation of commercial motor vehicles upon routes of the national~~
14 ~~system of interstate and defense highways. and the height does not exceed 14 feet~~
15 6 inches:

History: 1973 c. 157, 316; 1973 c. 333 s. 190m; 1973 c. 336; 1975 c. 25, 285; 1977 c. 29 ss. 1488m, 1654 (8) (a); 1977 c. 30 s. 5; 1977 c. 191, 197, 272, 273, 418; 1979 c. 34, 315, 326; 1981 c. 20, 69, 163, 215, 391; 1983 a. 78 ss. 32 to 35, 37; 1983 a. 529; 1985 a. 29 s. 3202 (3); 1985 a. 202, 212; 1987 a. 27; 1989 a. 31, 35, 130, 305; 1991 a. 258; 1993 a. 62, 439; 1995 a. 113, 163, 227, 347, 348; 1997 a. 27, 35, 237; 1999 a. 85; 2001 a. 16; 2003 a. 210, 241; 2005 a. 119, 167, 250; 2007 a. 11, 16, 171; 2009 a. 28, 222, 229; 2011 a. 20, 32, 53, 55, 56, 58, 59, 117, 243; 2013 a. 20, 34; 2013 a. 48; s. 13.92 (b) (i).

16 **SECTION 3.** 348.27 (11m) (a) 1., 2. and 3. of the statutes are created to read:

17 348.27 (11m) (a) 1. Hay in bales.

18 2. Bales of straw, cornstalks, or corn stover if the straw, cornstalks, or corn
19 stover is to be used for feed or bedding.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3997/P1dn

ARG:l:....

Leev

date

Please review the attached draft carefully to ensure that it is consistent with your intent.

I revised the suggested language to clarify that the phrase "used for feed or bedding" applies to straw, cornstalks, and corn stover, not just corn stover.

I have incorporated the definition of stover provided. The term "stover" is not used elsewhere in ch. 348 and is used only once (without definition) in the rest of the statutes. I note that the definition provided, which applies to all field crops and not just corn, is broader than its use in s. 348.27 (11m), which is limited to corn stover.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3997/P1dn
ARG:eev:jf

January 16, 2014

Please review the attached draft carefully to ensure that it is consistent with your intent.

I revised the suggested language to clarify that the phrase “used for feed or bedding” applies to straw, cornstalks, and corn stover, not just corn stover.

I have incorporated the definition of stover provided. The term “stover” is not used elsewhere in ch. 348 and is used only once (without definition) in the rest of the statutes. I note that the definition provided, which applies to all field crops and not just corn, is broader than its use in s. 348.27 (11m) (a) 2., which is limited to corn stover.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Fiocchi, Tim
Sent: Thursday, January 16, 2014 4:25 PM
To: Gary, Aaron
Cc: Portz, Elisabeth
Subject: FW: Iowa - Oversize Transport of Hay, Straw, Cornstalks and Corn Stover
Attachments: 13-3997_P1.pdf; 13-3997_P1dn.pdf

Importance: High

Aaron,

Tom initially sent this: *Tim/Liz...thanks for the follow up!*

1. 12 feet, five inches in width is good. It mirrors Iowa, but is slightly larger than our current 12 foot width – and 12 feet in Minn. 14 feet, 6 inches high.
2. “Baled” issue: please consider how to best use the adjective “baled” with all relevant nouns. Do we need to spell out “baled hay, baled straw, baled cornstalks, and baled cornstover?” I’ll defer to the LRB.

Tom

Then he followed up with the **below** from staff. The point is to make sure that the expanded size will only apply to shipping the commodity in bales, not in bulk in an oversized container. However you accomplish that is fine with me. Note the change to 12’5”.

Let me know if you have questions. We plan to notice the LRB number, and take the bill up Tuesday for hearing and exec. This is not my favorite time of year.

Thanks,

Tim

From: Rhatican, Tom M - DOT [mailto:Tom.Rhatican@dot.wi.gov]
Sent: Thursday, January 16, 2014 4:15 PM
To: Fiocchi, Tim
Cc: Portz, Elisabeth; Yahn, Nate - DOT; Nichols, Kathleen - DOT; Bernander, Paul - DOT
Subject: FW: Iowa - Oversize Transport of Hay, Straw, Cornstalks and Corn Stover
Importance: High

Tim....I apologize....I just saw Kathleen’s email. Bottom line, recommend: “Bales of hay, straw, cornstalks or stover if the hay, straw, cornstalks or stover is to be used for feed or bedding.”

Again...we’ll follow up with the drafter as needed.

Tom

From: Nichols, Kathleen - DOT
Sent: Thursday, January 16, 2014 2:30 PM
To: Rhatican, Tom M - DOT
Cc: Yahn, Nate - DOT; Warren, Mitchell - DOT; Bernander, Paul - DOT

Subject: FW: Iowa - Oversize Transport of Hay, Straw, Cornstalks and Corn Stover
Importance: High

Tom,

I do not want to beat a dead, albeit well-fed and bedded, horse here. But, we really should combine /P1 Section 3. line 17 through 19 and delete the modifier “corn” from “stover”. Resulting in “Bales of hay, straw, cornstalks or stover if the hay, straw, cornstalks or stover is to be used for feed or bedding.”

Why:

- Stover can be derived from multiple grains used for feed or bedding...I might have to commit hara kiri, if someone a year from now wanted to transport bales of millet stover and I had to say “nope – corn stover only”
- Keeping “Hay in bales.” separated from the other commodities, which will now be modified to “...to be used for feed and bedding.” will bring up questions that will be headed off if all commodities are in the same category...and feed is the historic justification for oversize loads of hay in bales...not, for example, transport for erosion control.

And as we (DMV, DSP and DTSD) indicated in Paul Bernander’s most recent email, are okay with an overall width of 12’05” for the iterated commodities in bales.

Your neigh-sayer,

Kathleen Nichols

From: Fiocchi, Tim [<mailto:Tim.Fiocchi@legis.wisconsin.gov>]
Sent: Thursday, January 16, 2014 1:46 PM
To: Rhatican, Tom M - DOT; Portz, Elisabeth
Cc: Yahn, Nate - DOT; Nichols, Kathleen - DOT; Bernander, Paul - DOT; Warren, Mitchell - DOT
Subject: RE: Iowa - Oversize Transport of Hay, Straw, Cornstalks and Corn Stover

Hi all,

I just got these. I didn’t think Aaron was going to get to them until tomorrow, so hadn’t asked him to hold off.

I read through it and the only change I’d make is to delete “corn” from the end of line 18 such that it would just say “or stover” and cover the other types. Take a look and see if there are other changes you want to change and decide on 12’ or 12’5” and we can get it introduced.

FYI Sheila Harsdorf wants to be on the bill and I think Rick has a second author in the Assembly as well.

Thanks,

Tim

From: Rhatican, Tom M - DOT [<mailto:Tom.Rhatican@dot.wi.gov>]
Sent: Thursday, January 16, 2014 12:09 PM
To: Portz, Elisabeth; Fiocchi, Tim

Cc: Yahn, Nate - DOT; Nichols, Kathleen - DOT; Bernander, Paul - DOT; Warren, Mitchell - DOT
Subject: RE: Iowa - Oversize Transport of Hay, Straw, Cornstalks and Corn Stover

Hi Liz....I talked briefly to our permit folks (bale issue). It may be helpful to have a short telecon (today or tomorrow). The emergency permit only applies to commercial motor vehicles (no loH), so baling may be the only reasonable way to transport this type of product.

If we eliminate the baling requirement, we create a possible exception for all means of transportation – to include oversize containers (that could be carrying anything inside the container). Bales are easy to see – the contents of a container are hidden.

Recommend we briefly discuss. You have time today (not 2pm – 3 pm) or tomorrow morning?

Tom

From: Portz, Elisabeth [<mailto:Elisabeth.Portz@legis.wisconsin.gov>]
Sent: Thursday, January 16, 2014 10:52 AM
To: Rhatican, Tom M - DOT; Fiocchi, Tim - LEGIS
Cc: Yahn, Nate - DOT; Nichols, Kathleen - DOT; Bernander, Paul - DOT; Warren, Mitchell - DOT
Subject: RE: Iowa - Oversize Transport of Hay, Straw, Cornstalks and Corn Stover

I ran this by Keith and he's saying we should say baled –OR- hay, straw, and stover. He thinks that would cover our bases.

From: Rhatican, Tom M - DOT [<mailto:Tom.Rhatican@dot.wi.gov>]
Sent: Thursday, January 16, 2014 10:42 AM
To: Fiocchi, Tim; Portz, Elisabeth
Cc: Yahn, Nate - DOT; Nichols, Kathleen - DOT; Bernander, Paul - DOT; Warren, Mitchell - DOT
Subject: Iowa - Oversize Transport of Hay, Straw, Cornstalks and Corn Stover
Importance: High

Tim/Liz....here is the Iowa Code. Unlike Minn., does not require it to be baled (and does not require an Ag emergency – simply an annual permit).

1. 14 feet 6 inches high – consistent with all three states
2. Iowa is at 12 feet, 5 inches wide – and Minn at 12 feet wide. We proposed 12 feet wide, consistent with Minn. and our current 12 feet limit, but we could perhaps go to 12 feet, 5 inches. I'm checking with our staff – in the event your bosses want to consider it.

Tom

Here is the relevant Iowa section...please note Iowa's use of "stover" but not 'cornstalk'; it was my reason for the, potential, redundancy in suggesting both "cornstalks and corn stover" for WI. Unlike Minnesota, Iowa does not require the hay, straw or stover to be baled.

Kathleen Nichols, Permit Chief

From: Baccam, Phoumine [DOT] [<mailto:Phoumine.Baccam@dot.iowa.gov>]
Sent: Thursday, January 16, 2014 7:54 AM
To: Nichols, Kathleen - DOT

Subject: RE: Oversize Transport of Hay, Straw, Cornstalks and Corn Stover - Could you give me the numeric cite or email the statutory page from the Iowa Code

Kathleen,

Below is the Iowa Code.

321E.29 Excess size divisible load permits.

1. Vehicles or a combination of vehicles with divisible loads in excess of the width, length, or height requirements of chapter 321 may be moved on the highways of this state if the department or permit-issuing authority determines there is a special or emergency situation which warrants the issuance of a special permit. The combined gross weight or gross weight on any one axle or group of axles may exceed the limits established in section 321.463, subject to the limits and routes established by the permit-issuing authority.

2. Annual permits may be issued for vehicles with divisible loads of hay, straw or stover without a finding of special or emergency situations if the movement meets the requirements of this chapter, provided the following limits are not exceeded:

- a. Overall width not to exceed twelve feet five inches.
- b. Overall length not to exceed seventy-five feet.
- c. Overall height not to exceed fourteen feet six inches.
- d. Total gross weight of the vehicle or combination of vehicles not to exceed eighty thousand pounds.

[C79, 81, §321E.29]

2013 Acts, ch 49, §21

Referred to in §321E.2, 321E.14

[T] Section amended

Wed



in
1/16
needed
1/17

PF

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to renumber and amend* 348.27 (11m) (a); *to amend* 348.27 (11m) (b);
 2 and *to create* 348.01 (2) (bu) and 348.27 (11m) (a) 1., 2. and 3. of the statutes;
 3 **relating to:** agricultural emergency permits issued by the Department of
 4 Transportation for vehicles transporting oversize loads.

regen

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory size or weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local authority, as applicable. The generally applicable width limit on highways, without a permit, is 8.5 feet, subject to numerous exceptions. The generally applicable height limit on highways, without a permit, is *13.5 feet, subject to limited exceptions.

Current law allows DOT, upon determination by the Department of Agriculture, Trade and Consumer Protection that an agricultural emergency exists, to issue permits (agricultural emergency permits) authorizing vehicles transporting any of the following loads to exceed the generally applicable width limitation of 8.5 feet if the total outside width does not exceed 12 feet: 1) hay in bales; and 2) from September 15 to December 15 of each year, Christmas trees from the point of harvesting or staging to a Christmas tree yard or point of commercial shipment. However, this authorization is limited to the operation of commercial motor vehicles on interstate highways.

This bill modifies the agricultural emergency permit issued by DOT. Under the bill, an agricultural emergency permit may also be issued for vehicles transporting

6 inches

6 inches

6 inches

and 12 feet

insert ANAAL

baled

5 inches wide

6 inches

bales of straw, cornstalks, or corn stover if the straw, cornstalks, or corn stover is to be used for feed or bedding. In addition, an agricultural emergency permit also authorizes the operation of vehicles up to 14.5 feet tall and is not limited to the operation of commercial motor vehicles on interstate highways.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 348.01 (2) (bu) of the statutes is created to read:

348.01 (2) (bu) "Stover" means the leaves and stalks of field crops, such as corn, sorghum, or soybean, that are commonly left in a field after harvesting the grain.

SECTION 2. 348.27 (11m) (a) of the statutes is renumbered 348.27 (11m) (a) (intro.) and amended to read:

348.27 (11m) (a) (intro.) If the secretary of agriculture, trade and consumer protection determines that an agricultural emergency exists, the secretary of transportation may authorize the issuance of permits to allow vehicles that are transporting any of the following loads of hay in bales and, from September 15 to December 15 of each year, loads of Christmas trees from the point of harvesting or staging to a Christmas tree yard or point of commercial shipment to exceed the width limitation under s. 348.05 (1) if the total outside width does not exceed 12 feet. This authorization is limited to the operation of commercial motor vehicles upon routes of the national system of interstate and defense highways and the height does not exceed 14 feet 6 inches:

SECTION 3. 348.27 (11m) (a) 1. 2. and 3. of the statutes are created to read:

348.27 (11m) (a) 1. Hay in bales.

1. 2. Bales of straw, cornstalks, or corn stover if the straw, cornstalks, or corn stover is to be used for feed or bedding.

Baled hay, baled

①

2 ~~β~~. From September 15 to December 15 of each year, Christmas trees from the
3 point of harvesting or staging to a Christmas tree yard or point of commercial
4 shipment.

5 **SECTION 4.** 348.27 (11m) (b) of the statutes is amended to read:

6 348.27 (11m) (b) In authorizing the issuance of permits under this subsection,
7 the secretary of transportation shall specify in writing the factors which resulted in
8 the determination to issue permits under this subsection. The factors shall include
9 the effect of the increased width size limits on highway safety.

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3997/P2ins
ARG:.....

INSERT ANAL: *Baled*

(no P)

~~Bales of~~ hay also may be transported under the permit only if the hay is to be used for feed or bedding.

Gary, Aaron

From: Fiocchi, Tim
Sent: Friday, January 17, 2014 2:27 PM
To: Gary, Aaron
Subject: RE: Draft review: LRB -3997/P2 Topic: Oversize vehicles; agricultural emergency permits

That's perfect – please have them send the jacket.

Thanks!

Tim

From: Gary, Aaron
Sent: Friday, January 17, 2014 2:25 PM
To: Fiocchi, Tim
Subject: FW: Draft review: LRB -3997/P2 Topic: Oversize vehicles; agricultural emergency permits

Please let me know if you need further changes or if you want the /1.

From: LRB.Legal
Sent: Friday, January 17, 2014 2:24 PM
To: Gary, Aaron
Subject: Draft review: LRB -3997/P2 Topic: Oversize vehicles; agricultural emergency permits

Draft Requester: Sen. Jerry Petrowski

Following is the PDF version of draft LRB -3997/P2.



Now



LRB-3997/001

ARG:eev:jf

in 4/17

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No
changes

1 **AN ACT to renumber and amend** 348.27 (11m) (a); **to amend** 348.27 (11m) (b);
2 and **to create** 348.01 (2) (bu) and 348.27 (11m) (a) 1. and 2. of the statutes;
3 **relating to:** agricultural emergency permits issued by the Department of
4 Transportation for vehicles transporting oversize loads.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory size or weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local authority, as applicable. The generally applicable width limit on highways, without a permit, is 8 feet 6 inches, subject to numerous exceptions. The generally applicable height limit on highways, without a permit, is 13 feet 6 inches, subject to limited exceptions.

Current law allows DOT, upon determination by the Department of Agriculture, Trade and Consumer Protection that an agricultural emergency exists, to issue permits (agricultural emergency permits) authorizing vehicles transporting any of the following loads to exceed the generally applicable width limitation of 8 feet 6 inches if the total outside width does not exceed 12 feet: 1) hay in bales; and 2) from September 15 to December 15 of each year, Christmas trees from the point of harvesting or staging to a Christmas tree yard or point of commercial shipment. However, this authorization is limited to the operation of commercial motor vehicles on interstate highways.

This bill modifies the agricultural emergency permit issued by DOT. Under the bill, an agricultural emergency permit may also be issued for vehicles transporting

baled straw, cornstalks, or stover if the straw, cornstalks, or stover is to be used for feed or bedding. Baled hay also may be transported under the permit only if the hay is to be used for feed or bedding. In addition, an agricultural emergency permit also authorizes the operation of vehicles up to 14 feet 6 inches tall and 12 feet 5 inches wide and is not limited to the operation of commercial motor vehicles on interstate highways.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 348.01 (2) (bu) of the statutes is created to read:

2 348.01 (2) (bu) “Stover” means the leaves and stalks of field crops, such as corn,
3 sorghum, or soybean, that are commonly left in a field after harvesting the grain.

4 **SECTION 2.** 348.27 (11m) (a) of the statutes is renumbered 348.27 (11m) (a)
5 (intro.) and amended to read:

6 348.27 (11m) (a) (intro.) If the secretary of agriculture, trade and consumer
7 protection determines that an agricultural emergency exists, the secretary of
8 transportation may authorize the issuance of permits to allow vehicles that are
9 transporting any of the following loads of hay in bales and, from September 15 to
10 December 15 of each year, loads of Christmas trees from the point of harvesting or
11 staging to a Christmas tree yard or point of commercial shipment to exceed the width
12 limitation under s. 348.05 (1) if the total outside width does not exceed 12 feet. ~~This~~
13 authorization is limited to the operation of commercial motor vehicles upon routes
14 of the national system of interstate and defense highways. 5 inches and the height
15 does not exceed 14 feet 6 inches:

16 **SECTION 3.** 348.27 (11m) (a) 1. and 2. of the statutes are created to read:

17 348.27 (11m) (a) 1. Baled hay, baled straw, baled cornstalks, or baled stover if
18 the hay, straw, cornstalks, or stover is to be used for feed or bedding.

Parisi, Lori

From: Fiocchi, Tim
Sent: Friday, January 17, 2014 3:17 PM
To: LRB.Legal
Subject: Draft Review: LRB -3997/1 Topic: Oversize vehicles; agricultural emergency permits

Please Jacket LRB -3997/1 for the SENATE.