

2013 DRAFTING REQUEST

Bill

Received: **8/12/2013** 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 - other Extra Copies: **EVM**
Transportation - traffic laws

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:

Implements of husbandry

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> |
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| /P2 | agary | evinz | rschlue | _____ | sbasford | | State |

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| /1 | agary 1/12/2014 | evinz 1/6/2014 | rschlue 1/6/2014 | _____ | srose 1/6/2014 | | State S&L |
| /2 | | evinz 1/13/2014 | jfrantze 1/13/2014 | _____ | mbarman 1/13/2014 | mbarman 1/21/2014 | State S&L |

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Intro.

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[Signature]

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Reviewed
11/29/2013

Typed
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S&L
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Gary, Aaron

From: Fiocchi, Tim
Sent: Thursday, August 08, 2013 2:37 PM
To: Gary, Aaron; Mueller, Eric
Cc: DeBeck, Elisabeth
Subject: FW: Study Report on Agricultural Equipment (Implements of Husbandry)
Attachments: Final_IoH Phase II Report 08_05_2013.pdf; IoH Phase 2 Overview and Recommendations - 8-5-2013.pdf

Hi guys,

I copied you guys on this yesterday, but wanted to formally send this to you and ask that you take a look at the drafting instructions starting on page 36 and let us know what further information you might need to start the drafting process. There will certainly be some changes and additions as we get more feedback, but I wanted to have you look at it ASAP as I expect you'll need further direction from us and from the department and that the drafting will take a considerable amount of time.

Thank you,

Tim

From: Sen.Petrowski
Sent: Wednesday, August 07, 2013 4:45 PM
To: *Legislative Assembly Republicans; *Legislative Assembly Democrats; *Legislative Senate Republicans; *Legislative Senate Democrats
Subject: Study Report on Agricultural Equipment (Implements of Husbandry)

To: All Legislators
From: Senator Jerry Petrowski and Representative Keith Ripp
Date: August 7, 2013

We are writing to you today to provide information on a subject your office is likely to receive a significant number of inquiries on over the next few weeks. Agricultural equipment has grown in complexity and size over the years and, as is often the case, regulation has not kept up with industry changes.

Recently the increased size and weight of agricultural equipment came under a spotlight after incidents involving overweight equipment resulted in citations and court cases. Local authorities who are in charge of maintaining the roads and bridges asked for help balancing the needs of all road users.

In response, in October 2012, the Wisconsin Department of Transportation (WisDOT) and the Wisconsin Department of Agriculture Trade and Consumer Protection (DATCP), convened the Implements of Husbandry (IoH) Study Group, involving over 20 stakeholders representing transportation and farm organizations, equipment manufacturers, law enforcement, local officials and the University of Wisconsin-Madison/Extension. The group was committed to finding a balanced solution based on science and the needs of the agricultural community.

The recommendations from the group include:

- Establishing a clear, simple definition of implements of husbandry
- Creating IoH size limits to avoid damaging roads and structures to ensure safe roads for all users
- Allowing IoH to operate 15% over weight limits, except where posted and during spring thaw
- Providing a mechanism for local written authorization to operate above these proposed limits
- Encouraging the development of best practices and emerging technologies, especially in manure management, to reduce wear on roadways and structures

The IoH Study Group is seeking feedback from the agricultural community and others through a series of Town Hall meetings. All of the meetings, co-hosted by the University of Wisconsin Extension, will take place from 7 to 8:30 p.m. on the dates and locations listed below:

- August 19 – UW Extension Office, 5201 Fen Oak Drive, Madison
- August 20 – Country Aire Banquet Hall, F1312 County Road P, Stratford
- August 28 – Cashton Community Hall, 8111 Main Street, Cashton
- August 29 – WisDOT Northeast Region Office, 1940 West Mason Street, Green Bay
- September 3 – Chippewa County Courthouse Large Assembly Room, 711 North Bridge Street, Chippewa Falls

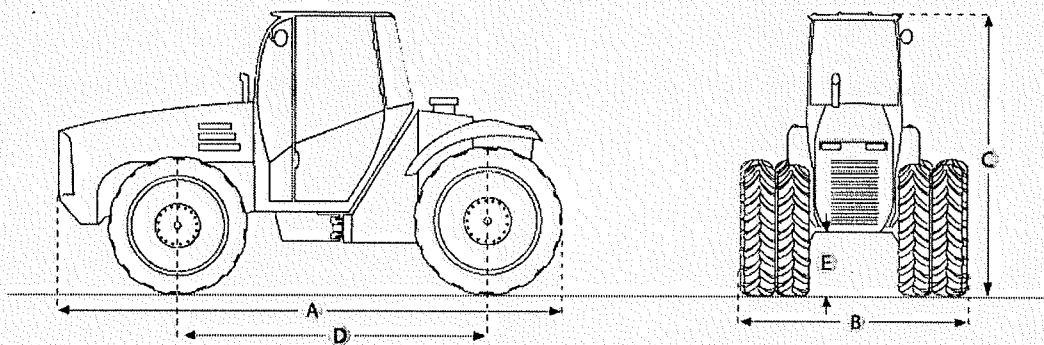
If you have specific questions on the recommendations, please feel free to contact study leader Rory Rhinesmith, Deputy Administrator, WisDOT Division of Transportation Management (rory.rhinesmith@dot.wi.gov or 608-266-2392) or Dave Vieth, Director, Bureau of Highway Maintenance (david.vieth@dot.wi.gov or 608-267-8999). Comments and concerns may also be submitted at IoHStudyFeedback@dot.wi.gov.

After receiving feedback from these and other outreach efforts, it is our intent to bring forward legislation for consideration in the upcoming fall session. We look forward to working with you.

Implements of Husbandry Study

*Phase II Report to the Secretary of the
Wisconsin Department of Transportation*

July 31, 2013



See
APPENDIX
A

Gary, Aaron

From: Vieth, David - DOT <David.Vieth@dot.wi.gov>
Sent: Wednesday, August 14, 2013 2:48 PM
To: Gary, Aaron
Cc: DeBeck, Elisabeth; Fiocchi, Tim; Rhinesmith, Rory - DOT
Subject: RE: Study Report on Agricultural Equipment (Implements of Husbandry)

Aaron, I'll try and answer the questions you have posed, using the numbering from your email.

1. As Tim Fiocchi has written, one of the objectives is to improve the understanding of these provisions. The phrase you offered, "commercial motor vehicle converted for exclusive agricultural use" may help develop that understanding. There has been some discussion as to whether it would be beneficial to achieving understanding if the term "implement of husbandry" was replaced with a name that would be more easily understood. The report does not go that far, perhaps because no ready substitute was found that would necessarily improve the comprehension. Many other states use the term implements of husbandry. A common definition is farm equipment exclusively designed and used for agricultural purposes, and used principally off the highway. There are of course variations and state specific inclusions or exclusions. The best outcome in my mind is the use of terms that are more easily understood and as consistent with general usage as practical.
2. The self-certification is a communication tool, and has no bearing on enforcement other than serve as evidence that the operator has considered and understood the conditions for operating the commercial vehicle as an implement of husbandry. The study group felt it would be useful roadside for an operator to explain to an enforcement officer that he/she was asserting they were operating consistent with the requirements for an loH, and the self-certification s would provide statutory references applicable to loH operation that could be of value for the officer should he agree with the assertions made by the operator. It was operators of these vehicles that felt there was value to having this as a tool; they asserted the motivation would be to aid in gaining understanding that perhaps they were exempt from registration for example, or could benefit from a width exemption or special provision. It would remain up to the enforcement officer to determine whether the operator was indeed making exclusive agricultural use of the vehicle; the possession of a self certification document is indeed self serving, and only indicates some knowledge of the requirements.
3. The "written authorization" could be a permit, but the intent was to make it less formal and bureaucratic, allow maximum local flexibility, and minimize the cost. It is not intended that the department would prescribe forms that must be used, and there would not be required fees. N fact, the Wisconsin Towns Association has indicated that they will be advising their members that it may be best to charge no fee in order to encourage the important, often missing, conversation between the town officials responsible for the road system and the agricultural users of the roads. The flexibility is intended to allow for written agreements about road use that would be applicable to a farm operation, and the variety of routes and loH equipment for typically a one year period of use. In my view, the law would need to provide explicit authority for municipalities to grant such written permission for use of roads under their maintenance authority by implements of husbandry that exceed any of the thresholds for legal operation without such an agreement. There would be maximum limits beyond which a permit would be required. The consequence for violating the written agreement would be cancellation of that agreement, exposing the operator to enforcement action for any weight exceeding standard weight limits, or for exceeding dimensions established in the new (proposed) provisions of law.
4. Violating the height restriction would be an issue when the operator hadn't taken the prescribed precautions of checking the route and damage occurs. The citations would likely be connected to an event damaging the equipment or

the overhead bridge, power line, sign, tree or what have you. The operator may contest the citation saying they had checked the route and it had no height limitations less than the size of the equipment being moved, but that seems hard to do when they in fact did strike an overhead feature. In my view it does suggest there is some responsibility of the maintaining authority if there is an obstruction of less than 13' 6" and the obstruction is not identified with official signs. It would be the intention that operator must obey those signs, as would be the case for posted weight limits or any other official sign limiting dimension.

5. Safety requirements are still being refined, but are intended to reflect a best practices approach, that is flexible and consistent with the specific operating environment. For example, when there is limited sight distance due to a curve or hill, there would be a standard that might require use of a flagger or pilot car to warn approaching traffic that a 16 foot wide implement is operating over the crest of a hill where the pavement is only 20 feet wide and there are no shoulders to allow for safe passage of an oncoming car. On the converse, if the roadway allows that wide vehicle to operate without encroaching into the opposing lane of traffic, there may be no special safety requirement. The intent is to consider the route, equipment and safety concerns to allow the operation when it can be done safely through the annual written authorization process. If the equipment is wider than 15 feet, there would need to be a written agreement that laid out the expectations for that safe operation. Lacking that, there would be a possible enforcement action.

6. The new weight table would be used for IOHs, but if an IOH exceeds the applicable weight under this table, then the weight table in s. 348.15 (3) is used to determine the amount overweight (which has the effect of increasing the amount of the overweight violation on which the penalty is based). The penalties in s. 348.21 would then apply.

Aaron, I hope this is helpful. As requested by Tim Fiocchi, I am copying both he and Liz in Representative Ripp's office on these responses.

David Vieth
WisDOT Bureau of Highway Maintenance
608-267-8999 or 608-516-6323

From: Fiocchi, Tim [mailto:Tim.Fiocchi@legis.wisconsin.gov]
Sent: Wednesday, August 14, 2013 11:18 AM
To: Gary, Aaron - LEGIS; Vieth, David - DOT; Rhinesmith, Rory - DOT
Cc: DeBeck, Elisabeth - LEGIS
Subject: RE: Study Report on Agricultural Equipment (Implements of Husbandry)

Hi all,

DOT is working on answers to these questions but I wanted to at least weigh in on the first one. One of the driving factors in this whole effort was to eliminate confusion driven by multiple references to the same vehicle types in different areas of the statutes. I have no particular preference as to what term you use, but one factor to consider is that I know Jerry will want to preserve the designation of certain tractor trailer combinations as created in 2003 Act 237 as implements of husbandry (see attached). I don't have strong feelings either way as to whether those vehicles are part of that definition or are kept as a stand-alone exception, but that may be one factor to consider in how the definition is constructed and what term is used.

I'll try and go through the other questions today and provide further feedback. That aside, I've copied Liz in Representative Ripp's office above as he will be the Assembly author. Please be sure to copy her on all further correspondence.

Thank you,

Tim

From: Gary, Aaron
Sent: Tuesday, August 13, 2013 11:20 AM
To: Fiocchi, Tim
Cc: Vieth, David - DOT; Rhinesmith, Rory - DOT
Subject: RE: Study Report on Agricultural Equipment (Implements of Husbandry)

Hi Tim,

I reviewed the report and recommendations and do have a few questions at the outset.

1. Can we use a term (or phrase) other than "implement of husbandry – commercial motor vehicle" (IOH-CMV)? Perhaps "agriculturally-retrofitted former commercial motor vehicle"? Or "converted commercial motor vehicle" or "commercial motor vehicle converted for exclusive agricultural use"? "Reconstructed commercial motor vehicle designed for agricultural purposes" (phrase used on p. 37, in recommendation 3)? Any of these terms or phrases could be defined in a way similar to the definition of IOH-CMV on p. 36 of the report. In addition to the problem that we don't use hyphens in this way in the statutes, the term IOH-CMV suggests that the vehicle is both an IOH and a CMV. But for purposes of regulation, we want the vehicle to be treated like it is not a CMV. I think it would be best to find a different statutory term for this type of vehicle. I also note that, although we may "know a CMV when we see it" (as the Supreme Court famously said about obscenity), the *statutory* definition of CMV is simply a vehicle or combo that transports property and weighs more than 26,000 pounds, which really wouldn't seem to be much of a distinguishing characteristic from other types of implements of husbandry. Of course, whatever term is used, it would have to be listed in the definition of "implement of husbandry" (first bullet on p. 36 of the report).
2. Regarding the "self-certification" of IOH-CMVs (whatever they are eventually called), what is the effect of the self-certification? When you look at the registration and CDL requirements that apply to CMVs but not IOH-CMVs, there would be a significant incentive for self-certification. What if the self-certifying owner decides that a "de minimus" non-agricultural use would be OK? If there is evidence that the IOH-CMV is being used for non-agricultural purposes, must a traffic officer nonetheless accept the self-certification? Or can the officer issue a citation despite the fact that the owner has self-certified the vehicle as IOH-CMV? Or is there a rebuttable presumption that the self-certification is legitimate?
3. On p. 38, recommendation 8, I assume this "written authorization" is not intended to be a new permit under s. 348.27, correct? (And therefore is not subject to any of the provisions that apply to "permits" in ch. 348.) Based on the example in appendix E, it appears that the statute will need to require the written authorization to be carried on the IOH during operation. What happens if the "written authorization" imposes conditions and the operator violates those conditions?

4. On p. 37, recommendation 4, doesn't this basically say the max height is 13' 6" but the operator can exceed that height without limit. So how could a traffic officer enforce this provision? It seems to me that a citation could never be written. Although I see why the damage part is included, the damage responsibility language doesn't enable a citation for overheight if the operator collides with an overhead structure, and does it also suggest that an operator is not responsible for ensuring there are no overhead conflicts if the height is 13' 6" or less?
5. On p. 37, recommendation 3, I have concerns similar to those in recommendation 4. What safety requirements are contemplated here? Because no "written authorization" is required for a width up to 17', the highway authority wouldn't establish the applicable safety requirements allowing the width to be 17' instead of 15'. If the statute is drafted like the recommendation, the statute wouldn't give any indication of what type of safety requirements to ensure safe passage would allow the width to be 17' instead of 15'. As a practical matter, the 15' width would pretty much become unenforceable by traffic officers, I think.
6. On p. 38, recommendation 7, as I interpret the last bullet, the new weight table will be used for IOHs, but if an IOH exceeds the applicable weight under this table, then the weight table in s. 348.15 (3) is used to determine the amount overweight (which has the effect of increasing the amount of the overweight violation on which the penalty is based). Will the penalties in s. 348.21 then apply?

I'm sure I will have more questions as I'm drafting, but this should get me started.

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

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Sent: Thursday, August 08, 2013 2:37 PM
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Cc: DeBeck, Elisabeth
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Sent: Wednesday, August 07, 2013 4:45 PM

To: *Legislative Assembly Republicans; *Legislative Assembly Democrats; *Legislative Senate Republicans; *Legislative Senate Democrats

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To: All Legislators

From: Senator Jerry Petrowski and Representative Keith Ripp

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We are writing to you today to provide information on a subject your office is likely to receive a significant number of inquiries on over the next few weeks. Agricultural equipment has grown in complexity and size over the years and, as is often the case, regulation has not kept up with industry changes.

Recently the increased size and weight of agricultural equipment came under a spotlight after incidents involving overweight equipment resulted in citations and court cases. Local authorities who are in charge of maintaining the roads and bridges asked for help balancing the needs of all road users.

In response, in October 2012, the Wisconsin Department of Transportation (WisDOT) and the Wisconsin Department of Agriculture Trade and Consumer Protection (DATCP), convened the Implements of Husbandry (IoH) Study Group, involving over 20 stakeholders representing transportation and farm organizations, equipment manufacturers, law enforcement, local officials and the University of Wisconsin-Madison/Extension. The group was committed to finding a balanced solution based on science and the needs of the agricultural community.

The recommendations from the group include:

- Establishing a clear, simple definition of implements of husbandry
- Creating IoH size limits to avoid damaging roads and structures to ensure safe roads for all users
- Allowing IoH to operate 15% over weight limits, except where posted and during spring thaw
- Providing a mechanism for local written authorization to operate above these proposed limits
- Encouraging the development of best practices and emerging technologies, especially in manure management, to reduce wear on roadways and structures

The IoH Study Group is seeking feedback from the agricultural community and others through a series of Town Hall meetings. All of the meetings, co-hosted by the University of Wisconsin Extension, will take place from 7 to 8:30 p.m. on the dates and locations listed below:

- August 19 – UW Extension Office, 5201 Fen Oak Drive, Madison
- August 20 – Country Aire Banquet Hall, F1312 County Road P, Stratford
- August 28 – Cashton Community Hall, 8111 Main Street, Cashton
- August 29 – WisDOT Northeast Region Office, 1940 West Mason Street, Green Bay
- September 3 – Chippewa County Courthouse Large Assembly Room, 711 North Bridge Street, Chippewa Falls

If you have specific questions on the recommendations, please feel free to contact study leader Rory Rhinesmith, Deputy Administrator, WisDOT Division of Transportation Management (rory.rhinesmith@dot.wi.gov or 608-266-2392) or Dave Vieth, Director, Bureau of Highway Maintenance

(david.vieth@dot.wi.gov or 608-267-8999). Comments and concerns may also be submitted at IoHStudyFeedback@dot.wi.gov.

After receiving feedback from these and other outreach efforts, it is our intent to bring forward legislation for consideration in the upcoming fall session. We look forward to working with you.

Gary, Aaron

From: Rhinesmith, Rory - DOT <Rory.Rhinesmith@dot.wi.gov>
Sent: Thursday, September 12, 2013 8:46 AM
To: Gary, Aaron; Fiocchi, Tim; Vieth, David - DOT
Cc: Portz, Elisabeth; Brotheridge, Kenneth - DOT
Subject: RE: Study Report on Agricultural Equipment (Implements of Husbandry)

There certainly could be times where a Farm Tractor is used for other purposes (Example – Landscaping activities, mowing , etc.). For that reason we may need both sections but I have to admit, I have not had the chance to look at the other Statutory reference you have sited. Dave?

Rory L. Rhinesmith, P.E.

DTSD Deputy Administrator - Bureaus
Wisconsin Department of Transportation
4802 Sheboygan Avenue
Madison, WI 53707
Office: 608-266-2392
Cell: 608-235-3016
e-mail: rory.rhinesmith@dot.wi.gov

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Wednesday, September 11, 2013 3:38 PM
To: Rhinesmith, Rory - DOT; Fiocchi, Tim - LEGIS
Cc: Vieth, David - DOT; Portz, Elisabeth
Subject: RE: Study Report on Agricultural Equipment (Implements of Husbandry)

Rory and Dave,

One last question for now.

The IOH definition on p. 36 of the study states that an implement of husbandry includes a farm tractor. A "farm tractor" is "a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry." See s. 340.01 (16). Is it the intent that a farm tractor will always be considered an "implement of husbandry"?

I ask because there are many provisions that refer to both farm tractors and implements of husbandry. If a farm tractor is an implement of husbandry, it is redundant to refer to both. More importantly, there are provisions (see, e.g., 348.05 (3) and 348.27 (14)) that might need to be treated differently depending on whether a farm tractor is always an implement of husbandry or whether it might on occasion not be considered an implement of husbandry.

Thanks for any light you can shed on this.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau

608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Rhinesmith, Rory - DOT [<mailto:Rory.Rhinesmith@dot.wi.gov>]
Sent: Thursday, August 15, 2013 11:21 AM
To: Fiocchi, Tim
Cc: Vieth, David - DOT; Gary, Aaron; DeBeck, Elisabeth; Rhinesmith, Rory - DOT
Subject: Re: Study Report on Agricultural Equipment (Implements of Husbandry)

Your assumptions are correct on the safety requirements. Dave and I discussed the need to have wording for Aaron so he can build that into the language.

Rory

Sent from my iPad

On Aug 15, 2013, at 11:11 AM, "Fiocchi, Tim" <Tim.Fiocchi@legis.wisconsin.gov> wrote:

Hi all,

I went through Aaron's questions and Dave's answers and I generally agree with the responses. In regard to the width limitations, I assume that the department will provide further input on the safety precautions required after the outreach sessions. For anything over 15' I'd assume standard over width/ oversize load requirements would include flagging the sides of the vehicle and or use of flashing yellow lights or a prohibition on night time movement, use of flaggers on the roadway or a lead car, etc. but we'll have to get Aaron more input on the specifics.

Thank you,

Tim

From: Vieth, David - DOT [<mailto:David.Vieth@dot.wi.gov>]
Sent: Wednesday, August 14, 2013 2:48 PM
To: Gary, Aaron
Cc: DeBeck, Elisabeth; Fiocchi, Tim; Rhinesmith, Rory - DOT
Subject: RE: Study Report on Agricultural Equipment (Implements of Husbandry)

Aaron, I'll try and answer the questions you have posed, using the numbering from your email.

1. As Tim Fiocchi has written, one of the objectives is to improve the understanding of these provisions. The phrase you offered, "commercial motor vehicle converted for exclusive agricultural use" may help develop that understanding. There has been some discussion as to whether it would be beneficial to achieving understanding if the term "implement of husbandry" was replaced with a name that would be more easily understood. The report does not go that far, perhaps because no ready

Gary, Aaron

From: Fiocchi, Tim
Sent: Tuesday, September 03, 2013 1:15 PM
To: Gary, Aaron
Cc: DeBeck, Elisabeth
Subject: RE: Study Report on Agricultural Equipment (Implements of Husbandry)

Hi Aaron,

I wasn't with Jerry when he passed that so I'll have to talk to him to get you an answer. I would think he'd want to just retain the registration exception but I'll confirm.

Thanks,

Tim

From: Gary, Aaron
Sent: Monday, September 02, 2013 9:58 AM
To: Fiocchi, Tim
Cc: DeBeck, Elisabeth
Subject: RE: Study Report on Agricultural Equipment (Implements of Husbandry)

Hi Tim,

Following up on your email below re 2003 Act 237, Act 237 created a *registration exception* for certain farm vehicles operated intrastate on highways to haul certain types of agricultural loads. It did not make these vehicles implements of husbandry (which would be a significant expansion over what Act 237 did). Did you want to: 1) just retain the registration exception under Act 237, or 2) expand Act 237 to call these vehicles implements of husbandry (which would also have the effect of changing equipment and weight/size requirements for these vehicles, and possibly a CDL requirement, along with the registration exception)?

I note that, given the definition of "farm truck tractor" in s. 340.01 (18g), it is possible that the vehicles described in Act 237 could, depending on their use, qualify as implements of husbandry under both current law and the new definition in the bill I'm drafting. That was also the case back when Act 237 was enacted in 2003. Since implements of husbandry were exempt from registration back in 2003, the only statutory purpose of Act 237 was to create a registration exemption for the described vehicles when they were not being used in a manner that would make them an "implement of husbandry."

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Fiocchi, Tim
Sent: Wednesday, August 14, 2013 11:18 AM
To: Gary, Aaron; Vieth, David - DOT; Rhinesmith, Rory - DOT
Cc: DeBeck, Elisabeth
Subject: RE: Study Report on Agricultural Equipment (Implements of Husbandry)

Hi all,

DOT is working on answers to these questions but I wanted to at least weigh in on the first one. One of the driving factors in this whole effort was to eliminate confusion driven by multiple references to the same vehicle types in different areas of the statutes. I have no particular preference as to what term you use, but one factor to consider is that I know Jerry will want to preserve the designation of certain tractor trailer combinations as created in 2003 Act 237 as implements of husbandry (see attached). I don't have strong feelings either way as to whether those vehicles are part of that definition or are kept as a stand-alone exception, but that may be one factor to consider in how the definition is constructed and what term is used.

I'll try and go through the other questions today and provide further feedback. That aside, I've copied Liz in Representative Ripp's office above as he will be the Assembly author. Please be sure to copy her on all further correspondence.

Thank you,

Tim

From: Gary, Aaron
Sent: Tuesday, August 13, 2013 11:20 AM
To: Fiocchi, Tim
Cc: Vieth, David - DOT; Rhinesmith, Rory - DOT
Subject: RE: Study Report on Agricultural Equipment (Implements of Husbandry)

Hi Tim,

I reviewed the report and recommendations and do have a few questions at the outset.

1. Can we use a term (or phrase) other than "implement of husbandry – commercial motor vehicle" (IOH-CMV)? Perhaps "agriculturally-retrofitted former commercial motor vehicle"? Or "converted commercial motor vehicle" or "commercial motor vehicle converted for exclusive agricultural use"? "Reconstructed commercial motor vehicle designed for agricultural purposes" (phrase used on p. 37, in recommendation 3)? Any of these terms or phrases could be defined in a way similar to the definition of IOH-CMV on p. 36 of the report. In addition to the problem that we don't use hyphens in this way in the statutes, the term IOH-CMV suggests that the vehicle is both an IOH and a CMV. But for purposes of regulation, we want the vehicle to be treated like it is not a CMV. I think it would be best to find a different statutory term for this type of vehicle. I also note that, although we may "know a CMV when we see it" (as the Supreme Court famously said about obscenity), the *statutory* definition of CMV is simply a vehicle or combo that transports property and weighs more than 26,000 pounds, which really wouldn't seem to be much of a distinguishing characteristic from other types of implements of husbandry. Of course, whatever term is used, it would have to be listed in the definition of "implement of husbandry" (first bullet on p. 36 of the report).

Gary, Aaron

From: Gary, Aaron
Sent: Wednesday, September 11, 2013 8:42 AM
To: Vieth, David - DOT
Cc: Portz, Elisabeth; Rhinesmith, Rory - DOT; Fiocchi, Tim
Subject: RE: Study Report on Agricultural Equipment (Implements of Husbandry)

Thanks. I will incorporate the new table for now. If you decide later to just go with an across the board 15% allowance [like 348.15 (3) (e)], that is an easy change to make.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Vieth, David - DOT [<mailto:David.Vieth@dot.wi.gov>]
Sent: Tuesday, September 10, 2013 5:19 PM
To: Gary, Aaron
Cc: Portz, Elisabeth; Rhinesmith, Rory - DOT; Fiocchi, Tim; Rhinesmith, Rory - DOT
Subject: RE: Study Report on Agricultural Equipment (Implements of Husbandry)

Aaron, the new table is intended to restore a faithful representation of the federal bridge formula as the basis for the 15% proposed additional allowance. I have not yet been able to do the match ups of the old table and the 15% provision against the new table to see if the differences may be cause for concern as it pertains to the existing provisions that may be more generous than the new table.

We also need to confirm whether there are any gaps or unintended consequences if the harvest and fall manure exemption were simply repealed.

Dave Vieth

From: Fiocchi, Tim [<mailto:Tim.Fiocchi@legis.wisconsin.gov>]
Sent: Tuesday, September 10, 2013 2:22 PM
To: Gary, Aaron - LEGIS; Rhinesmith, Rory - DOT
Cc: Vieth, David - DOT; Portz, Elisabeth; Rhinesmith, Rory - DOT
Subject: RE: Study Report on Agricultural Equipment (Implements of Husbandry)

Hi all,

I could be wrong about this, but wouldn't we eliminate both the manure exemption as well as the fall harvest exemption? Are there specific vehicles that are covered by one of those two that wouldn't be covered under the new provision?

To be clear, it's not the intent that we the newly created general 15% allowance (23,000#/ axle and 92,000# gross weight) to then have the weight exceptions in current law applied to those amounts as in 15% over the generally allowed 92,000 pounds.

Does that answer the question? Am I missing anything?

Thanks,

Tim

From: Gary, Aaron
Sent: Tuesday, September 10, 2013 1:55 PM
To: Rhinesmith, Rory - DOT; Fiocchi, Tim
Cc: Vieth, David - DOT; Portz, Elisabeth; Rhinesmith, Rory - DOT
Subject: RE: Study Report on Agricultural Equipment (Implements of Husbandry)

Quick correction regarding the part marked in red below. Section 348.17 (6) can apply in non-IOH circumstances, but should I repeal s. 348.17 (6) (a) 3. given the broader weight allowance created in the bill?

Thanks. Aaron

From: Gary, Aaron
Sent: Sunday, September 08, 2013 10:55 PM
To: Rhinesmith, Rory - DOT; Fiocchi, Tim
Cc: Vieth, David - DOT; DeBeck, Elisabeth; Rhinesmith, Rory - DOT
Subject: RE: Study Report on Agricultural Equipment (Implements of Husbandry)

Hi Rory and Dave,

I'm working on the overweight issues and I'm wondering why you would like to see an IOH weight table in the statutes? Reference is made to the new tables in 348.29 and 348.295, but those are different because they are a new concept - tables for permits, not statutory overweight tables intended to substitute for s. 348.15 (3) (c) [and (b) and perhaps (a)]. I'm planning to create the new table as s. 348.15 (3) (g) [this will substitute for s. 348.15 (3) (c)], plus amend the language in s. 348.15 (3) (b) to allow 23,000 lbs. for IOH. But if the goal is to allow an additional 15% overweight for IOH, it seems like it would be simpler to just create a provision similar to s. 348.15 (3) (e) [but also allowing the 15% for maximum gross weight too]. DOT could still distribute the table it developed as Appendix D - I'm just wondering why it is important that the table appear in the statutes (as other operations that have a 10%/15% allowance don't have a separate table).

The LRB has already typed up the table in Appendix D in proper format to insert into the statutes, so assuming you do want to use this table and insert it as newly created s. 348.15 (3) (g), I have a couple of questions: 1) Is it the intent that the 11,000 lbs. limit in s. 348.15 (3) (a) be unchanged for IOH? This weight limit is not identified for change in the table in Appendix D but the study language also seems to suggest that all IOH weight limits are increased by 15%. 2) I don't see a line in Appendix D for a 34 feet front-to-rear axle distance. What should be in the table on that line?

Also, on the topic of the 15% weight allowance for IOH, s. 348.17 (6) allows an additional 15% weight allowance under certain circumstances but it only applies if the vehicle is an IOH. Since this draft creates a much broader 15% weight allowance for IOH, can s. 348.17 (6) be repealed?

As always, thanks for your help.

Aaron

From: Rhinesmith, Rory - DOT [Rory.Rhinesmith@dot.wi.gov]
Sent: Thursday, August 15, 2013 11:21 AM
To: Fiocchi, Tim
Cc: Vieth, David - DOT; Gary, Aaron; DeBeck, Elisabeth; Rhinesmith, Rory - DOT
Subject: Re: Study Report on Agricultural Equipment (Implements of Husbandry)

Your assumptions are correct on the safety requirements. Dave and I discussed the need to have wording for Aaron so he can build that into the language.

Rory

Sent from my iPad

On Aug 15, 2013, at 11:11 AM, "Fiocchi, Tim" <Tim.Fiocchi@legis.wisconsin.gov> wrote:

Hi all,

I went through Aaron's questions and Dave's answers and I generally agree with the responses. In regard to the width limitations, I assume that the department will provide further input on the safety precautions required after the outreach sessions. For anything over 15' I'd assume standard over width/ oversize load requirements would include flagging the sides of the vehicle and or use of flashing yellow lights or a prohibition on night time movement, use of flaggers on the roadway or a lead car, etc. but we'll have to get Aaron more input on the specifics.

Thank you,

Tim

From: Vieth, David - DOT [<mailto:David.Vieth@dot.wi.gov>]
Sent: Wednesday, August 14, 2013 2:48 PM
To: Gary, Aaron
Cc: DeBeck, Elisabeth; Fiocchi, Tim; Rhinesmith, Rory - DOT
Subject: RE: Study Report on Agricultural Equipment (Implements of Husbandry)

Aaron, I'll try and answer the questions you have posed, using the numbering from your email.

1. As Tim Fiocchi has written, one of the objectives is to improve the understanding of these provisions. The phrase you offered, "commercial motor vehicle converted for exclusive agricultural use" may help develop that understanding. There has been some discussion as to whether it would be beneficial to achieving understanding if the term "implement of husbandry" was replaced with a name that would be more easily understood. The report does not go that far, perhaps because no ready substitute was found that would necessarily improve the comprehension. Many other states use the term implements of husbandry. A common definition is farm equipment exclusively designed and used for agricultural purposes, and used principally off the highway. There are of course variations and state



State of Wisconsin
2013 - 2014 LEGISLATURE

TODAY
by 4:00 pm
if possible



LRB-2013/P1

ARG:1.....

lpev

~~soon~~

in 9/18

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Now

SAJ
xref v

gen cat

1 **AN ACT** ...; **relating to:** operation of agricultural vehicles on highways.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **state and local** 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:

2 **SECTION 1.** 340.01 (8m) of the statutes is created to read:

3 340.01 (8m) "Commercial motor vehicle converted for exclusive agricultural
4 use" means a motor vehicle to which all of the following applies:

5 (a) The vehicle is materially altered from its original construction, for the
6 purpose of agricultural use, by the removal, addition, or substitution of essential new
7 or used parts.

8 (b) Prior to the alteration described in par. (a), the vehicle was designed and
9 manufactured primarily for highway use.

1 (c) After the alteration described in par. (a), the vehicle is used exclusively in
2 the conduct of agricultural operations and is used primarily off the highway.

3 SECTION 2. 340.01 (24) of the statutes is repealed and recreated to read:

4 340.01 (24) "Implement of husbandry" means ^{all of the following:} self-propelled or towed vehicle
5 manufactured, designed, or reconstructed to be used, and actually used, exclusively
6 in the conduct of agricultural operations and used primarily off the highway. An
7 "implement of husbandry" includes a commercial motor vehicle converted for
8 exclusive agricultural use. An "implement of husbandry" may also include any of the
9 following:

10 1. (a) A farm tractor.

11 2. (b) A self-propelled application-type vehicle such as a combine.

12 3. (c) A farm wagon, farm trailer, or trailer adapted to tow or pull another
13 implement of husbandry.

14 4. (d) Any vehicle or equipment substantially similar to that described in ^{subds. 1. to 3,} ~~par.~~
15 ~~(a) to (c)~~ and that is used to transport agricultural products necessary for agricultural
16 production.

17 SECTION 3. 341.01 (2) (intro.) and (b) of the statutes are consolidated,
18 renumbered 341.01 (2) and amended to read:

19 341.01 (2) In this chapter: ~~(b) Notwithstanding chapter, notwithstanding s.~~
20 340.01 (42), "owner" means, with respect to a vehicle that is leased to a lessee for a
21 period of one year or more, the lessee of the vehicle for purposes of vehicle registration
22 under this chapter.

History: 1989 a. 105; 1997 a. 27.

23 SECTION 4. 341.01 (2) (a) of the statutes is repealed.

24 SECTION 5. 343.05 (4) (a) 2. of the statutes is amended to read:

insert 2-16

(a) A

1 343.05 (4) (a) 2. ~~A~~ Except as provided in ss. 348.25 (12) and 348.40, a person
2 while temporarily operating or moving a farm tractor or implement of husbandry on
3 a highway between fields or between a farm and a field.

History: 1971 c. 164 s. 83; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273, 288, 447; 1979 c. 345; 1981 c. 42, 138; 1981 c. 390 s. 252; 1983 a. 243, 534, 535, 538; 1985 a. 65; 1989 a. 87, 105, 359; 1991 a. 32, 39; 1995 a. 113, 269, 347; 1997 a. 237; 2005 a. 412; 2009 a. 103, 276; 2011 a. 13.

4 **SECTION 6.** 346.925 (3) of the statutes is created to read:

5 346.925 (3) Neither a written authorization issued under s. 348.40, nor a
6 permit issued under s. 348.27 (14) or (14m), may authorize a child under the age of
7 16 years to operate a farm tractor or implement of husbandry on the highway.

~~✓~~ ****NOTE: I am uncertain of the intent behind the suggested changes relating to s. 346.925. This provision is a prohibition on the adult (probably the parent) and applies only with respect to a "child" age 15 or less. I believe this provision (and any treatment of s. 346.925) is unnecessary, given ss. 348.25 (12) and 348.40 (3) (a) 1. created in this bill.

8 **SECTION 7.** 347.21 (1m) of the statutes is amended to read:

9 347.21 (1m) No person shall operate on a highway during hours of darkness
10 any train of vehicles authorized by s. 348.08 (1) (b) unless there is mounted on each
11 side of every vehicle in such train, ~~including farm tractors and implements of~~
12 ~~husbandry~~, at least one lamp emitting a red light visible from a distance of 500 feet
13 to the side of the vehicle on which mounted or, in lieu thereof, at least one red reflector
14 visible from all distances within 500 feet to 50 feet of the side of the vehicle when
15 directly in front of lawful upper beams of headlamps.

History: 1979 c. 143, 355; 1981 c. 276; 1981 c. 391 s. 210; 1987 a. 164.

~~✓~~ ****NOTE: Because I did not treat s. 348.08 (1) (d), I also did not treat s. 347.21 (1).

16 **SECTION 8.** 347.21 (2) of the statutes is amended to read:

17 347.21 (2) No person shall operate on a highway, at times other than hours of
18 darkness, any train of ~~agricultural vehicles~~ implements of husbandry authorized by
19 s. 348.08 (1) (b) unless there is displayed a red flag at least 12 inches square on each
20 rear corner of the rearmost vehicle in the train.

History: 1979 c. 143, 355; 1981 c. 276; 1981 c. 391 s. 210; 1987 a. 164.

21 **SECTION 9.** 348.03 of the statutes is created to read:

1 **348.03 Self-certification for certain implements of husbandry.** (1) The
 2 department shall prescribe a form for the owner or operator of a commercial motor
 3 vehicle converted for exclusive agricultural use to certify that the vehicle and its
 4 operation satisfies all requirements specified in the definition under s. 340.01 (8m)
 5 and that the vehicle is an implement of husbandry.

6 (2) The certification on the form under sub. (1) of an owner or operator of a
 7 commercial motor vehicle converted for exclusive agricultural use may be offered to
 8 the department or any traffic officer as evidence of the truth of the matters asserted
 9 in the certification, but the certification is not conclusive of such matters.

10 **SECTION 10.** 348.05 (2) (a) of the statutes is renumbered 348.05 (2) (a) 1. and
 11 amended to read:

12 348.05 (2) (a) 1. ~~No limitation~~ Except as provided in subds. 2. and 3., fifteen feet
 13 ~~for implements of husbandry temporarily operated upon a highway in the course of~~
 14 ~~performance of its work, unless a written authorization has been issued under s.~~
 15 348.40 allowing this width to be exceeded.

History: 1975 c. 50; 1977 c. 26; 1977 c. 29 s. 1654 (9) (b); 1981 c. 22; 1983 a. 78, 508; 1985 a. 187; 1993 a. 353, 404; 1995 a. 7, 225, 348; 1999 a. 85; 2003 a. 213; 2011 a. 243.

16 **SECTION 11.** 348.05 (2) (a) 2. and 3. of the statutes are created to read:

17 348.05 (2) (a) 2. Seventeen feet ~~for an implement of husbandry if the operator~~
 18 ~~meets safety requirements to ensure safe passage by other highway users, unless a~~
 19 ~~written authorization has been issued under s. 348.40 allowing this width to be~~
 20 ~~exceeded.~~

21 3. Ten feet for a commercial motor vehicle converted for exclusive agricultural
 22 use, unless a written authorization has been issued under s. 348.40 allowing this
 23 width to be exceeded.

****NOTE: Do you want to add any limitation to these width provisions with respect to interstate highways? See, for example, s. 348.05 (2) (c) and (3), stats., relating to farm

tractors on interstate highways. If so, I will need to modify the two new provisions in ss. 348.05 (3m) and 348.27 (14m).

1 **SECTION 12.** 348.05 (2) (c) of the statutes is amended to read:

2 348.05 (2) (c) Twelve feet for farm tractors that are not implements of
3 husbandry, except that the total outside width of such a farm tractor shall not exceed
4 9 feet when operated on any Wisconsin highway, ~~other than that portion of USH 51~~
5 ~~between Wausau and STH 78 and that portion of STH 78 between USH 51 and the~~
6 ~~I 90/94 interchange near Portage upon their federal designation as I 39~~, that is a part
7 of the national system of interstate and defense highways, other than that portion
8 of I 39 between USH 51 and I 90/94.

History: 1975 c. 50; 1977 c. 26; 1977 c. 29 s. 1654 (9) (b); 1981 c. 22; 1983 a. 78, 508; 1985 a. 187; 1993 a. 353, 404; 1995 a. 7, 225, 348; 1999 a. 85; 2003 a. 213; 2011 a. 243.

****NOTE: Various statutory provisions refer to both a farm tractor and an implement of husbandry. A "farm tractor" is defined as "a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry." See s. 340.01 (16). I have prepared this drafting based upon DOT's guidance that a "farm tractor" is not always an "implement of husbandry." If you would like a "farm tractor" to always be considered an "implement of husbandry," changes will need to be made.

9 **SECTION 13.** 348.05 (3) of the statutes is amended to read:

10 348.05 (3) Farm tractors ~~exceeding~~ that are not implements of husbandry and
11 that exceed 12 feet in width and ~~all other farm machinery and implements of~~
12 ~~husbandry exceeding 8 feet 6 inches in width not being operated in the course of~~
13 ~~performance of its work may be moved, towed, or hauled over the highways without~~
14 a special permit issued under s. 348.27 (14) between one-half hour before sunrise
15 and sunset on Mondays to Thursdays and from one-half hour before sunrise to 2 p.m.
16 on Fridays. Such overwidth ~~machinery~~ farm tractors shall not be moved, towed, or
17 hauled on any Wisconsin highway, ~~other than any overwidth machinery that is not~~
18 ~~a commercial motor vehicle on that portion of USH 51 between Wausau and STH 78~~
19 ~~and that portion of STH 78 between USH 51 and the I 90/94 interchange near~~

1 ~~Portage upon their federal designation as I 39, which~~ that is part of the national
2 system of interstate and defense highways, ~~other than that portion of I 39 between~~
3 USH 51 and I 90/94, without a special permit issued under s. 348.27 (14).

History: 1975 c. 50; 1977 c. 26; 1977 c. 29 s. 1654 (9) (b); 1981 c. 22; 1983 a. 78, 508; 1985 a. 187; 1993 a. 353, 404; 1995 a. 7, 225, 348; 1999 a. 85; 2003 a. 213; 2011 a. 243.

4 **SECTION 14.** 348.05 (3m) of the statutes is [✓]created to read:

5 348.05 (3m) Implements of husbandry exceeding the width limitations in sub.
6 (2) (a) may be moved, towed, or hauled over the highways without a special permit
7 issued under s. 348.27 (14m) between one-half hour before sunrise and sunset on
8 Mondays to Thursdays and from one-half hour before sunrise to 2 p.m. on Fridays.
9 Implements of husbandry may not be moved, towed, or hauled under this subsection
10 on any Wisconsin highway that is part of the national system of interstate and
11 defense highways, other than that portion of I 39 between USH 51 and I 90/94,
12 without a special permit issued under s. 348.27 (14m).

13 **SECTION 15.** 348.06 (2) of the statutes is amended to read:

14 348.06 (2) Implements of husbandry of any height may be temporarily
15 operated upon a highway without a permit for excessive height. The implement of
16 husbandry operator is responsible for ensuring that there is adequate height
17 clearance between the implement of husbandry and any overhead structure or
18 obstruction, including any utility line.

operator of the

History: 1999 a. 85; 2005 a. 11; 2007 a. 11.

19 **SECTION 16.** 348.07 (2) (e) of the statutes is [✓]renumbered 348.07 (2) (e) 2. and
20 amended to read:

21 348.07 (2) (e) 2. ~~No limitation~~ One hundred feet for implements of husbandry
22 ~~temporarily operated upon a highway that are 2-vehicle combinations, unless a~~

1 written authorization has been issued under s. 348.40 allowing this length to be
 2 exceeded.

History: 1975 c. 279; 1977 c. 29 ss. 1487g to 1487m/1654 (9) (b); 1977 c. 418; 1979 c. 255; 1981 c. 159, 176; 1983 a. 20, 78, 192; 1985 a. 165, 187; 1987 a. 30; 1991 a. 39, 72; 1995 a. 193; 1997 a. 27; 1999 a. 85, 186; 2003/213, 234; 2005 a. 363, 365; 2007 a. 11, 93; 2011 a. 53, s. 2, 2011 a. 54, 243.

3 **SECTION 17.** 348.07 (2) (e) 1. of the statutes is created to read:

4 348.07 (2) (e) 1. Sixty feet for an implement of husbandry that is a single
 5 vehicle, unless a written authorization has been issued under s. 348.40 allowing this
 6 length to be exceeded.

7 **SECTION 18.** 348.08 (1) (b) of the statutes is amended to read:

8 348.08 (1) (b) ~~Two trailers used primarily as implements of husbandry in~~
 9 ~~connection with seasonal agricultural activities or one such trailer and any other~~
 10 ~~implement of husbandry may, without such permit, be drawn by a farm tractor if the~~
 11 ~~operation of such combination of vehicles is exclusively a farming operation and not~~
 12 ~~for the transportation of property for hire and, or attached to, another implement of~~
 13 ~~husbandry~~ if the overall length of such combination of vehicles does not exceed 60
 14 70 feet or if a written authorization has been issued under s. 348.40 allowing this
 15 length to be exceeded.

History: 1977 c. 29 s. 1654 (8) (a); 1981 c. 276, 277; 1983 a. 78; 1985 a. 202, 209; 1987 a. 164; 1991 a. 14, 39, 72; 2011 a. 59 s. 2, 243.

****NOTE: I did not amend or repeal s. 348.08 (1) (d) because all three vehicles in the train under that paragraph are not implements of husbandry. Do you want me to treat s. 348.08 (1) (d)?

16 **SECTION 19.** 348.08 (2) of the statutes is amended to read:

17 348.08 (2) Whenever any train of ~~agricultural vehicles~~ implements of
 18 husbandry is being operated under sub. (1) (b), the train shall be equipped as
 19 provided in s. 347.21 (1m) and (2). Whenever any train of agricultural vehicles is
 20 being operated under sub. (1) (d), the train shall be equipped as provided in s. 347.21

Strike
↓

1

(1) ~~and (2)~~. The trailer hitches of a train of agricultural vehicles described in this

2

subsection shall be of a positive nature so as to prevent accidental release.

3

History: 1977 c. 29 s. 1654 (8) (a); 1981 c. 276, 277; 1983 a. 78; 1985 a. 202, 209; 1987 a. 164; 1991 a. 14, 39, 72; 2011 a. 59 s. 2, 243.

SECTION 20. 348.15 (3) (b) of the statutes is amended to read:

4

348.15 (3) (b) The gross weight imposed on the highway by the wheels of any

5

one axle may not exceed 20,000 pounds or, if the vehicle or combination of vehicles

6

is an implement of husbandry, 23,000 pounds. In addition, the gross weight imposed

7

on the highway by the wheels of the steering axle of a truck tractor may not exceed

8

13,000 pounds unless the manufacturer's rated capacity of the axle and the tires is

9

sufficient to carry the weight, but not to exceed 20,000 pounds.

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279.

***NOTE: I did not amend s. 348.15 (3) (a) to increase the per wheel weight limit.

Please advise if you want this 11,000 pound limit increased for implements of husbandry.

10

SECTION 21. 348.15 (3) (d) of the statutes is amended to read:

11

348.15 (3) (d) Notwithstanding ~~par.~~ pars. (c) and (g), 2 consecutive sets of

12

tandem axles may impose on the highway a gross load of 34,000 pounds each if the

13

overall distance between the first and last axles of such consecutive sets of tandem

14

axles is 36 feet or more.

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279.

15

SECTION 22. 348.15 (3) (f) 2. of the statutes is amended to read:

16

348.15 (3) (f) 2. Notwithstanding pars. (a) to (c) and (g), sub. (4), and ss. 348.17

17

and 349.16, and subject to subd. 3., in the case of a heavy-duty vehicle equipped with

18

idle reduction technology, the gross weight of the vehicle, and the gross weight

19

imposed on the highway by the wheels of any one axle or axle group of the vehicle,

20

may exceed the applicable weight limitation specified in pars. (a) to (c) or (g) or posted

1 as provided in s. 348.17 (1) by not more than 400 pounds or the weight of the idle
2 reduction technology, whichever is less.

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279.

3 **SECTION 23.** 348.15 (3) (g) of the statutes is created to read:

4 348.15 (3) (g) (intro.) Notwithstanding par. (c), if the vehicle or combination of
5 vehicles is an implement of husbandry, the gross weight imposed on the highway by
6 any group of 2 or more consecutive axles of the vehicle or vehicle combination may
7 not exceed the maximum gross weights in the following table for each of the
8 respective distances between axles and the respective numbers of axles of a group:

9 [See Figure 348.15 (3) (g) following]

10
11 **INSERT TABLE HERE FROM 13-2913/?insJF2**
12

***NOTE: This table is derived from Appendix D of the study. Appendix D does not include information for a 34 inch axle distance.

13 **SECTION 24.** 348.15 (8) of the statutes is amended to read:

14 348.15 (8) Unless the department provides otherwise by rule, any axle of a
15 vehicle or combination of vehicles which does not impose on the highway at least 8%
16 of the gross weight of the vehicle or combination of vehicles may not be counted as
17 an axle for the purposes of sub. (3) (c) and (g).

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279.

18 **SECTION 25.** 348.15 (9) of the statutes is created to read:

19 348.15 (9) The increased weight allowance for implements of husbandry under
20 sub. (3) (b) and (g) applies in lieu of, not in addition to, any other increased weight
21 allowance for implements of husbandry authorized under this chapter. Except as

1 provided in s. 348.40, the maximum gross weight for an implement of husbandry
2 operated on a highway without a permit may not exceed 92,000 pounds.

3 SECTION 26. 348.17 (5) of the statutes is renumbered 348.17 (5) (a) and
4 amended to read:

5 348.17 (5) (a) From September 1 to December 31 of each year, no permit shall
6 be required for the transportation of corn, soybeans, potatoes, vegetables, or
7 cranberries from the field to storage on the grower's owned or leased land, from the
8 field to initial storage at a location not owned or leased by the grower, or from the field
9 to initial processing in a vehicle or combination of vehicles having a registered gross
10 weight of 50,000 pounds or more or described in s. 340.01 (24) (b) that exceeds the
11 weight limitations under s. 348.15 by not more than 15 percent, and that satisfies
12 any of the following:

13 (b) This subsection does not apply to the national system of interstate and
14 defense highways, except for that portion of I 39 between USH 51 and I 90/94.

History: 1991 a. 316; 1995 a. 348 ss. 11, 13 to 15, 17; 2005 a. 364; 2011 a. 52, 279

15 SECTION 27. 348.17 (5) (a) 1. and 2. of the statutes are created to read:

16 348.17 (5) (a) 1. Has a registered gross weight of 50,000 pounds or more.

17 2. Is a motor truck, farm truck, road tractor, truck tractor, or farm truck tractor

18 or such a vehicle combined with a semitrailer, trailer or farm trailer, when the vehicle
19 or combination is a commercial motor vehicle operated on a highway.

20 SECTION 28. 348.17 (6) (a) 2. of the statutes is amended to read:

21 348.17 (6) (a) 2. Is ^{plain} described in s. 340.01 (24) (b) a motor truck, farm truck, road
22 tractor, truck tractor, or farm truck tractor or such a vehicle combined with a

1 semitrailer, trailer or farm trailer, when the vehicle or combination is a commercial
2 motor vehicle operated on a highway.

History: 1991 a. 316; 1995 a. 348 ss. 11, 13 to 15, ~~17~~ 2005 a. 364; 2011 a. 52, 279.

3 SECTION 29. 348.17 (6) (a) 3. of the statutes is repealed.

4 SECTION 30. 348.21 (3) (intro.) of the statutes is amended to read:

5 348.21 (3) (intro.) Except as provided in sub. (3g), and subject to sub. (3t), any
6 person violating s. 348.15 or 348.16 or any weight limitation posted as provided in
7 s. 348.17 (1) or in a declaration issued under s. 348.175 or authorized under s. 348.17
8 (3), (5), or (6) or in an overweight permit issued under s. 348.26 or 348.27 may be
9 penalized as follows:

History: 1971 c. 164 s. 83; 1971 c. 278, 307; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a); 1981 c. 312; 1985 a. 201, 332; 1995 a. 348; 1997 a. 27; 2005 a. 167, 364; 2007 a. 20, 97; 2009 a. 28, 180, 222, 241; 2011 a. 279; 2013 a. 20.

10 SECTION 31. 348.21 (3t) of the statutes is created to read:

11 348.21 (3t) (a) In the case of a violation of s. 348.15 (3) (g), the penalty shall be
12 computed on the basis of the weights stated in s. 348.15 (3) (c).

13 (b) In the case of a violation of s. 348.15 (3) (b) involving an implement of
14 husbandary, the penalty shall be computed on the basis of a permissible weight of
15 20,000 pounds.

16 SECTION 32. Subchapter IV (title) of chapter 348 [precedes 348.25] of the
17 statutes is amended to read:

18 CHAPTER 348

19 SUBCHAPTER IV

20 PERMITS AND WRITTEN AUTHORIZATIONS

21 SECTION 33. 348.25 (1) of the statutes is amended to read:

22 348.25 (1) No Except as provided in s. 348.40, no person shall operate a vehicle
23 on or transport an article over a highway without first obtaining a permit therefor

1 as provided in s. 348.26 or 348.27 if such vehicle or article exceeds the maximum
 2 limitations on size, weight or projection of load imposed by this chapter.

History: 1973 c. 316, 333, 336; 1975 c. 66; 1977 c. 29 ss. 1488, 1654 (8) (a); 1979 c. 34, 221; 1981 c. 20, 69, 215, 312; 1981 c. 347 s. 80 (2); 1981 c. 391; 1983 a. 78 s. 37; 1985 a. 212; 1987 a. 27; 1989 a. 35, 130; 1991 a. 39, 316; 1993 a. 16; 1995 a. 163, 348; 1999 a. 9, 80; 2001 a. 78; 2003 a. 33; 2005 a. 167; 2007 a. 171; 2009 a. 28, 222; 2011 a. 55, 56, 57, 58, 243; s. 13.92 (1) (bm) 2., (2) (i); s. 35.17 correction in (8) (b) 3. (intro.).

***NOTE: I have not treated s. 348.25 (4) (b). Please advise if you would like any changes to that provision.

3 **SECTION 34.** 348.25 (12) of the statutes is created to read:

4 348.25 (12) No permit issued under this subchapter may authorize operation
 5 of a farm tractor or implement of husbandry on the highway unless the operator is
 6 at least 18 years of age and holds a valid operator's license issued under ch. 343.

7 **SECTION 35.** 348.27 (14) of the statutes is amended to read:

8 348.27 (14) FARM MACHINERY ~~TRACTOR PERMITS~~. The Subject to s. 348.25 (12), the
 9 department may issue annual or consecutive month permits for the movement,
 10 towing, or hauling of farm tractors ~~exceeding 12 feet in width and all other farm~~
 11 ~~machinery and implements of husbandry exceeding 8 feet 6 inches in width not being~~
 12 ~~operated in the course of performance of its work on highways designated as part of~~
 13 ~~the national system of interstate and defense highways that are not implements of~~
 14 ~~husbandry and that exceed the width limitations in s. 348.05 (2) (c).~~ A permit under
 15 this subsection is not required for the movement, towing, or hauling of any overwidth
 16 ~~machinery that is not a commercial motor vehicle and which is authorized by s.~~
 17 ~~348.05 (3) on that portion of USH 51 between Wausau and STH 78 and that portion~~
 18 ~~of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their~~
 19 ~~federal designation as I 39 such a farm tractor as authorized under s. 348.05 (3).~~

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; s. 13.92 (1) (bm) 2., (2) (i).

***NOTE: Please review these changes carefully. I find it difficult to harmonize ss. 348.05 (2) (c) and (3) and 348.27 (14). It seems that modification of these provisions is necessary to make them fit together.

20 **SECTION 36.** 348.27 (14m) of the statutes is created to read:

1 348.27 (14m) IMPLEMENTS OF HUSBANDRY PERMITS. Subject to s. 348.25 (12), the
2 department may issue annual or consecutive month permits for the movement,
3 towing, or hauling of implements of husbandry exceeding the width limitations in s.
4 348.05 (2) (a). A permit under this subsection is not required for the movement,
5 towing, or hauling of any implement of husbandry as authorized under s. 348.05
6 (3m).

7 SECTION 37. 348.40 of the statutes is created to read:

8 **348.40 Written authorization to operate oversize or overweight**
9 **implements of husbandry.** (1) In this section, “maintaining authority” means the
10 following:

11 (a) The department with respect to state trunk highways.

12 (b) The local authority responsible for maintenance of the highway with respect
13 to any highway that is not a state trunk highway, including any connecting highway.

14 (2) Subject to sub. (3), a person may apply to the maintaining authority of a
15 highway for written authorization to operate on the highway, without a permit, an
16 implement of husbandry that exceeds limitations on size or weight or both imposed
17 by this chapter.

18 (3) (a) With respect to a highway under its jurisdiction, a maintaining
19 authority may issue a written authorization to operate on the highway, without a
20 permit, an implement of husbandry that exceeds limitations on size or weight or both
21 imposed by this chapter if all of the following apply:

22 1. The applicant identifies each potential operator of the implement of
23 husbandry under the written authorization and provides proof that each such
24 operator is at least 18 years of age and holds a valid operator’s license issued under
25 ch. 343.

1 2. The implement of husbandry complies with all equipment and other
2 requirements for an implement of husbandry specified in ch. 347.

3 3. The application is accompanied by a route plan for operation of the
4 implement of husbandry on the highway and this route plan is approved by the
5 maintaining authority.

6 (b) Unless suspended or revoked under sub. (7), written authorizations issued
7 under this section shall be valid for a one-year period.

8 (4) (a) A maintaining authority may impose reasonable conditions in
9 conjunction with, or as a prerequisite to, the issuance of any written authorization
10 under this section. These conditions may include any operating requirement or
11 restriction, or any other condition, that the maintaining authority deems necessary
12 for the safety of the traveling public and the protection of the highways, including
13 requirements relating to financial responsibility of the

owner or operator of the

14 owner or operator

15 (b) A maintaining authority shall impose as conditions in any written
16 authorization issued under this section that the implement of husbandry may be
17 operated only in compliance with the requirements for issuance of the written
18 authorization under sub. (3) (a).

19 (5) Any written authorization issued under this section shall be carried on the
20 implement of husbandry while the implement of husbandry is being operated under
21 the written authorization.

22 (6) (a) Implements of husbandry operated under a written authorization issued
23 under this section are exempt from the restrictions and limitations imposed by this
24 chapter on size and weight to the extent stated in the written authorization. Any
25 person who violates any condition of a written authorization under which the person

1 is operating, including any weight limitation specified in the written authorization,
2 is subject to the same penalties as would be applicable if that person were operating
3 without a written authorization.

4 (b) Any person violating sub. (5) shall be subject to the same penalty specified
5 in s. 348.28 (2).

6 (7) A maintaining authority that issues a written authorization may, for good
7 cause including violation of any term or condition of the written authorization,
8 suspend or revoke the written authorization after having given the person to whom
9 the written authorization is issued reasonable notice and an opportunity for a
10 hearing.

11

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2913/Plins
ARG:.....

1

2

INSERT 2-16:

3

(b) A combination of vehicles in which each vehicle in the vehicle combination

4

is an implement of husbandry as described in par. (a).

5

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2913/?ins
ARG:....jf

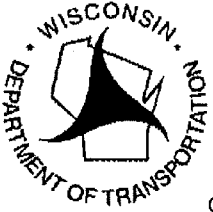
*Insert
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p. 9*

Figure 348.15(3)(g): (B)

Maximum Gross weight in pounds on a group of $\frac{1}{M}$

| Distances in feet between foremost and rear-most axles of a group | 2 axles of a vehicle or combination of vehicles | 3 axles of a vehicle or combination of vehicles | 4 axles of a vehicle or combination of vehicles | 5 axles of a vehicle or combination of vehicles | 6 axles of a vehicle or combination of vehicles | 7 axles of a vehicle or combination of vehicles | 8 axles of a vehicle or combination of vehicles |
|---|---|---|---|---|---|---|---|
| 4 | 39,500 | 45,000 | 51,500 | 58,500 | 65,000 | 72,000 | 79,000 |
| 5 | 40,500 | 46,000 | 52,500 | 59,000 | 66,000 | 72,500 | 79,500 |
| 6 | 41,500 | 47,000 | 53,000 | 60,000 | 66,500 | 73,500 | 80,000 |
| 7 | 43,000 | 47,500 | 54,000 | 60,500 | 67,000 | 74,000 | 80,500 |
| 8 | 44,000 | 48,500 | 54,500 | 61,000 | 68,000 | 74,500 | 81,500 |
| 9 | 45,000 | 49,500 | 55,500 | 62,000 | 68,500 | 75,500 | 82,000 |
| 10 | 46,000 | 50,500 | 56,000 | 62,500 | 69,000 | 76,000 | 82,500 |
| 11 | | 51,000 | 57,000 | 63,500 | 70,000 | 76,500 | 83,500 |
| 12 | | 52,000 | 57,500 | 64,000 | 70,500 | 77,500 | 84,000 |
| 13 | | 53,000 | 58,500 | 65,000 | 71,500 | 78,000 | 84,500 |
| 14 | | 53,500 | 59,500 | 65,500 | 72,000 | 78,500 | 85,500 |
| 15 | | 54,500 | 60,000 | 66,000 | 72,500 | 79,500 | 86,000 |
| 16 | | 55,500 | 61,000 | 67,000 | 73,500 | 80,000 | 86,500 |
| 17 | | 56,500 | 61,500 | 67,500 | 74,000 | 80,500 | 87,500 |
| 18 | | 57,000 | 62,500 | 68,500 | 75,000 | 81,500 | 88,000 |
| 19 | | 58,000 | 63,000 | 69,000 | 75,500 | 82,000 | 88,500 |
| 20 | | 59,000 | 64,000 | 70,000 | 76,000 | 82,500 | 89,500 |
| 21 | | 60,000 | 64,500 | 70,500 | 77,000 | 83,500 | 90,000 |
| 22 | | 60,500 | 65,500 | 71,500 | 77,500 | 84,000 | 90,500 |
| 23 | | 61,500 | 66,000 | 72,000 | 78,000 | 84,500 | 91,500 |
| 24 | | 62,500 | 67,000 | 72,500 | 79,000 | 85,500 | 92,000 |
| 25 | | 63,000 | 67,500 | 73,500 | 79,500 | 86,000 | |
| 26 | | 64,000 | 68,500 | 74,000 | 80,500 | 86,500 | |
| 27 | | 65,000 | 69,000 | 75,000 | 81,000 | 87,500 | |
| 28 | | 66,000 | 70,000 | 75,500 | 81,500 | 88,000 | |
| 29 | | | 71,000 | 76,500 | 82,500 | 88,500 | |

| Distances in feet between foremost and rear- most axles of a group | 2 axles of a vehicle or combina- tion of vehicles | 3 axles of a vehicle or combina- tion of vehicles | 4 axles of a vehicle or combina- tion of vehicles | 5 axles of a vehicle or combina- tion of vehicles | 6 axles of a vehicle or combina- tion of vehicles | 7 axles of a vehicle or combina- tion of vehicles | 8 axles of a vehicle or combina- tion of vehicles |
|--|---|---|---|---|---|---|---|
| 30 | | | 71,500 | 77,000 | 83,000 | 89,500 | |
| 31 | | | 72,500 | 77,500 | 83,500 | 90,000 | |
| 32 | | | 73,000 | 78,500 | 84,500 | 90,500 | |
| 33 | | | 74,000 | 79,000 | 85,000 | 91,500 | |
| 34 | | | | | | | |
| 35 | | | 75,500 | 80,500 | 86,500 | | |
| 36 | | | 76,000 | 81,500 | 87,000 | | |
| 37 | | | 77,000 | 82,000 | 88,000 | | |
| 38 | | | 77,500 | 83,000 | 88,500 | | |
| 39 | | | 78,000 | 83,500 | 89,500 | | |
| 40 | | | 79,000 | 84,000 | 90,000 | | |
| 41 | | | 80,000 | 85,000 | 90,500 | | |
| 42 | | | 80,500 | 85,500 | 91,500 | | |
| 43 | | | 81,500 | 86,500 | 92,000 | | |
| 44 | | | 82,500 | 87,000 | | | |
| 45 | | | 83,000 | 88,000 | | | |
| 46 | | | 84,000 | 88,500 | | | |
| 47 | | | 84,500 | 89,000 | | | |
| 48 | | | 85,500 | 90,000 | | | |
| 49 | | | 86,000 | 90,500 | | | |
| 50 | | | 87,000 | 91,500 | | | |
| 51 | | | 87,500 | 92,000 | | | |
| 52 | | | 88,500 | | | | |
| 53 | | | 89,000 | | | | |
| 54 | | | 90,000 | | | | |
| 55 | | | 90,500 | | | | |
| 56 | | | 91,500 | | | | |
| 57 | | | 92,000 | | | | |



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September 23, 2013

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Recommendations made on use of farm equipment on public roads

Implements of Husbandry Study Group sends report to Wisconsin Legislature

Final recommendations on the use of farm equipment on public roads have been submitted to the Wisconsin Legislature for consideration.

After analyzing feedback from a series of town hall meetings and public input from surveys, emails and letters, the Implements of Husbandry (IoH) Study Group prepared a Phase II Addendum Report to the secretaries of the Department of Transportation (WisDOT) and the Department of Agriculture, Trade and Consumer Protection (DATCP). Those recommendations were forwarded today to legislative transportation committees.

In all, over 1,200 attended the town hall meetings and over 150 individuals, associations and companies expressed their opinions and shared additional information regarding the Study Group's preliminary recommendations.

"The IoH Study Group did a thorough job of looking into the effect of agricultural equipment on pavement and structures," said WisDOT Secretary Mark Gottlieb. "The group's recommendations balance the need for agricultural productivity with the prudent management of our highway system."

"It's important to remember these recommendations were drafted after listening to what people in the agricultural community had to say," added Department of Agriculture, Trade and Consumer Protection Secretary Ben Brancel. "These options allow farmers to do their job while recognizing the need for public safety and the protection of our infrastructure. It's now up to the legislature to decide."

Final recommendations include:

- Create a clearer, simpler definition of IoH to reflect today's agricultural equipment, which would also include a definition for commercial motor vehicles used exclusively for agricultural operations.
- Require all IoH that cross over the centerline of the roadway during operation to meet the lighting and marking standards of the American Society of Agricultural Engineers (ASAE S279).
- Create a 60-foot limit for a single IoH and a 100-foot limit for combinations of two IoH. For combinations of three IoH the limit is 70 feet, but a three IoH combination may operate at lengths exceeding 70 feet, to a limit of 100 feet, at a speed no greater than 20 miles per hour.

- Create a new loH weight limit which is up to 15 percent weight allowance more than currently established by the federal bridge formula. This equates to a maximum single axle weight of 23,000 pounds and a maximum gross vehicle weight of 92,000 pounds except where posted and during periods of spring thaw.
- Require written authorization to exceed weight limits. Each year, loH operators may submit a travel or route plan and request written authorization to exceed the weight limit from the maintaining authority of the roadways. A nominal fee may be charged and additional conditions may be set by each maintaining authority. loH vehicles operating in excess of the 15 percent allowance will be fined for the amount in excess of standard gross motor vehicle weight or individual axle weight.
- Support exploration of best practices to assist in reducing the wear of roadways and structures. This includes the development of emerging innovations and best practices in manure management.
- Develop further training requirements for the operation of large loH equipment. Age requirements are to remain as presently allowed in statute, but the group recommends developing advanced training for operating larger and heavier loH.

The Study Group also sees the need to advance these issues to groups such as the Federal Highway Administration (FHWA) and the American Association of State Highway and Transportation Officials (AASHTO) to encourage the development of national standards. This approach will foster additional research where needed and encourage manufacturers to develop more road compatible equipment.

The loH Study Group started examining the size and weight of agricultural equipment and the potential impact it has on public roads and bridges in fall 2012. The group, brought together by WisDOT and DATCP, includes representatives from various transportation and farm organizations, equipment manufacturers, law enforcement, local officials and the University of Wisconsin-Madison/Extension.

The loH Study Group Phase II Addendum Report, with the detailed recommendations, is available at www.dot.wisconsin.gov/business/ag/index.htm.

###

NOTE: View this document on the Web at: <http://www.dot.wisconsin.gov/news/index.htm>.



Mark Gottlieb, P.E.
Secretary

Scott Walker
Governor

Ben Brancel
Secretary



September 23, 2013

The Honorable Senator Jerry Petrowski
The Honorable Representative Keith Ripp
Wisconsin State Capitol
Madison, WI 53707

Dear Senator Petrowski and Representative Ripp:

We are pleased to submit the final recommendations of the Implements of Husbandry Study Group for your review and use.

These final recommendations come after the analysis of feedback from many interested stakeholders following a successful outreach campaign that included extensive media coverage. Feedback was sought from farmers, local highway superintendents, custom operators, elected officials and other interested citizens. Attendance at a series of six town hall meetings, held in locations across the state, exceeded the group's expectations. In all, over 1,200 participated at the meetings. Those who were unable to attend were encouraged to submit comments via an online survey, a dedicated email box or mail. Over 150 individuals, associations and companies used these outlets to express their opinions and share additional information with the study group.

The town halls and surveys also provided the study group with more information regarding the equipment in use today on Wisconsin's farms. Much of the equipment is larger and heavier than originally thought. It also appears that many of the largest pieces of equipment are on the roads seasonally for spring planting and fall harvest.

Below is a brief summary of the IoH Study Group final recommendations that received majority support. Full detail is contained in the Addendum report, including dissenting opinions.

- **Clarify the IoH Definition:** Create a clearer, simpler definition of IoH to reflect today's agricultural equipment, noting:
 - All IoH will be exempt from registration.
 - There is a need for an IoH-CMV definition for commercial motor vehicles used exclusively for agricultural operations.
- **Create size limits or an "envelope" for IoH:**
 - Width envelope: No width limit for IoH, however if IoH is wide enough that it crosses over the centerline of the roadway during operation lighting and marking are required. This requirement applies the lighting standards of ASAE S279 (American Society of Agricultural Engineers) to **all IoH** (new and those in currently in service) that operate across the center line of a public roadway. Lighting must be visible to traffic bi-directionally.

Width of IoH CMV – 10' (feet).

- Height envelope: No height limit, however the IoH operator is responsible for ensuring safe clearance of any overhead obstructions.
- Length envelope: Create 60' (feet) limit for a single IoH and 100' (feet) for combinations of two IoH. For combinations of three IoH the limit is 70' (feet), but a three IoH combination may operate at lengths exceeding 70' (feet) to a limit of 100' (feet) at a speed no greater than 20 miles per hour (MPH).
- **Create a new IoH Weight limit**: IoH is given an expanded 15% weight allowance over the limits as established by the Federal Bridge Formula, except where posted and during periods of spring thaw. This equates to a maximum single axle weight of 23,000 pounds and a maximum gross vehicle weight of 92,000 pounds.
- **Require Written Authorization to exceed weight limit**: On an annual basis IoH operators may submit a travel or route plan and request written authorization to exceed the weight limit on an annual basis from the maintaining authority of the roadway(s). A nominal fee may be charged and additional conditions may be set by each maintaining authority. IoH vehicles operating in excess of the 15% allowance will be fined for the amount in excess of standard gross motor vehicle weight or individual axle weight.
- **Support Best Practices**: Support exploration of best practices to assist in reducing the wear of roadways and structures. This includes supporting the development of emerging innovations and best practices in manure management.
- **Develop further training requirement for large IoH equipment operation**: Age requirements are to remain as presently allowed in statute, but provide an option for advanced training for operating an oversize/overweight IoH.
- **Establish a standing forum to continue to address issues regarding the use of agricultural equipment on our roadways**. These are issues that remain due to lack of time or research. Many of the current members have expressed willingness to continue to dedicate time and effort to this issue. New participants will be considered for membership.
- **Advance these issues of size, weight and more to groups such as Federal Highway Administration (FHWA) and the American Association of State Highway and Transportation Officials (AASHTO) to encourage the development of national standards**. This approach will foster additional research where needed and drive manufacturers to develop more road compatible equipment.

Thank you for the opportunity to share these findings with the Senate and Assembly Transportation Committees. Please contact us with any questions or concerns.

Sincerely,



Mark Gottlieb, P.E.
Secretary
Wisconsin Department of Transportation



Ben Brancel
Secretary
Wisconsin Department of Agriculture, Trade
and Consumer Protection