



# WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

## Senate Bill 83

**Testimony from Senator Jerry Petrowski and Representative Keith Ripp**

*March 25, 2015*

Good morning Senators, and thank you for being here today to hear testimony on Senate Bill 83, trailer legislation to 2013 Act 377, our Implements of Husbandry package from last session.

Beginning in August 2012, we began working with an Implements of Husbandry (IoH) Study Group comprised of Wisconsin Department of Transportation (DOT) staff, industry stakeholders, and local government representatives to examine issues and possible solutions related to increasingly large and heavy farm equipment operating on roadways in Wisconsin.

Over the past thirty years, agricultural equipment has significantly increased in size and complexity. The newer, larger equipment brought the benefits of increased efficiency and capacity, but state statutes have not kept up with the changes. The outdated nature of the statutes was further complicated by the fact that there has been a broad misconception among farmers and others that, because agricultural equipment is exempt from registration requirements with the DOT, it was also exempt from laws governing weight and size. In fact, the equipment was and had always been limited to the same weight limits that apply to any other vehicle on the road.

2013 Act 377 was a comprehensive package that largely reflected the recommendations developed by the IoH Study group to address this problem, and was developed after extensive discussions with over twenty stakeholders. The bill passed with broad bipartisan support.

While last year's IoH package addressed major issues in previous law, it was always meant to serve as the beginning of the conversation. Since the enactment of Act 377, we have continued to work closely with stakeholders in the agricultural industry, local governments, and the Department of Transportation to carefully monitor implementation. SB 83 is intended to be a clean-up package of noncontroversial but necessary changes that address unforeseen issues that came up during implementation and to clarify ambiguous provisions in the law.

Act 377 created a no-fee permitting system that would allow overweight and over-length equipment to legally and responsibly operate on the road with approval from the maintaining authority of that road. This bill makes clarifications and adjustments to clarify the law and make it more workable for all parties.

The bill clarifies that a farmer operating with a permit from a maintaining authority can cross a road under the jurisdiction of another authority without obtaining a permit.

The bill codifies DOT's interpretation of current law to make it clear that IoH with rubber tracks, rather than tires, can operate legally on the roadways, but remain liable for any damage they cause. It also clarifies that a tractor can serve as a power unit for towed IoH and that IoH combinations can be pulled by a truck, farm truck, or farm truck tractor and may still maintain their status as IoH.

Act 377 created new definitions of both IoH and Agricultural Commercial Motor Vehicles (Ag-CMV) and created new weight, width, length, and height limitations for these vehicles. It also created, by definition, subsets of IoH equipment and requirements as to how essential planting and cultivation equipment, described in part B of the definition, are dealt with. One such stipulation requires that any denial of a route submitted by an applicant for this equipment must also include an approved alternative route by which an operator may travel to a field.

While Ag-CMVs also include essential equipment of this nature, the Ag-CMV definition in last year's legislation did not create similar categories and requirements. This bill revises the Ag-CMV definition to create parallel categories and requirements for Ag-CMV vehicles. This approach still maintains local control while ensuring that farmers and other operators can access their fields with essential equipment. The bill also clarifies that IoH and Ag-CMV essential to harvesting are included in "Category B."

The bill further addresses Ag-CMV vehicles that assist in harvesting and corrects an oversight in Act 377 to apply the current exemption for self-propelled potato harvesters to towed potato harvesters.

The bill maintains the current law requirement that the content of permit applications be kept confidential, and makes the requirement more workable by allowing local maintaining authorities to discuss initial applications outside an official meeting and requires local governments to handle appeals in closed session, similar to the way they would handle a personnel matter.

In an effort to improve communication between the agricultural community and local governments, the bill also moves up the date a maintaining authority must pass an IoH/Ag-CMV resolution or ordinance from January 15<sup>th</sup> of that year to November 30<sup>th</sup> of the prior year. It also requires that maintaining authorities notify DOT of their action by January 20<sup>th</sup> of each year. These deadlines will provide farmers and maintaining authorities with enough time before planting season to file and process the necessary permits.

Finally, in order to encourage a best practice of trailering equipment when practicable, the bill allows hauling of IoH and Ag-CMVs on trailers with the same expanded weight, length, and lighting requirements as if they were being operated on the road.

We are currently drafting a small amendment to the bill including language that will clarify that an approved no-fee permit may be amended to modify the route or map of highways or any other information. In addition, the amendment will clarify that an amendment to a no-fee permit for that operating year is not necessary for replacement IoH or Ag-CMV of equal or lesser gross and axle weight or length. However, if the replacement IoH or Ag-CMV is of greater weight or height, a new no-fee permit must be submitted for that operating year.

The goal of SB 83 is the same as our goal with Act 377; to ensure the continued success of agriculture, continue to grow our now \$88 billion agricultural economy by updating our statutes to reflect modern standards in the industry, and balance the need for increased weight and capacity with the need to maintain public safety and manage impacts on infrastructure.

Thank you again for your attention and we would be happy to answer any questions.



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# HOWARD MARKLEIN

STATE SENATOR • 17<sup>TH</sup> SENATE DISTRICT

## Senator Howard Marklein Testimony in Support of Senate Amendment 1 to Senate Bill 83

Thank you to the members of the Senate Committee on Transportation and Veterans Affairs for allowing me to offer a friendly amendment to Senate Bill 83. Senate Bill 83, with leadership from Senator Petrowski and Representative Ripp, seeks to resolve some problems and iron out issues with our new IOH permitting system.

Last session a new framework was implemented to categorize implements of husbandry, establish size and weight standards on our roads, and create a no fee permitting process for agricultural equipment. Updating our state statutes to reflect the reality of new, larger agricultural equipment was an important step. However, we are finding that more adjustments to the law are needed.

This friendly amendment comes directly from the farmers that are being affected most by new IOH regulation. The goal of the amendment is simple, to include “attached” agricultural equipment in Category B with other “towed” equipment. Attached equipment is utilized in a very similar way as other towed equipment in Category B, the only distinction is attached equipment does not have an axle.

Innovations in the design of equipment have led many farmers to utilize attached equipment for planting, tillage, cultivation, and harvesting in the exact same way they utilize towed equipment. It should follow that attached equipment be treated equally with those that are towed and that’s what this amendment seeks to clarify. Thank you for your consideration and I would welcome any questions or requests for more information.



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBa0268/1  
ARG:jld:kf

SENATE AMENDMENT,  
TO SENATE BILL 83

1 At the locations indicated, amend the bill as follows:

2 1. Page 7, line 15: after "towed" insert "or attached".

3 2. Page 7, line 16: delete "unit;" and substitute "unit or farm tractor or other  
4 power unit to which it is attached;".

5 (END)



# WISCONSIN CORN GROWERS ASSOCIATION

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Phone: (262) 495-2232 Fax: (262) 495-3178

March 24, 2015

RE: SB 83

## **The Wisconsin Corn Growers Association (WCGA) is in support of SB 83.**

We would like to thank Sen. Petrowski and Rep. Ripp for all the time and effort they have put into the issue of Implements of Husbandry (I o H) and especially for their outreach to the agribusiness community. This bill makes some much needed “tune-ups” to the original bill.

We are especially supportive of the clarification that equipment using belts instead of tires are legal on highways and that you will not need a separate permit to merely cross an intersection.

We would however, like to suggest 3 ways to improve the bill.

**1 – Increase the half mile exemption to 2 miles** – Many of our farmers find that they are having to apply for 90 or more permits and allowing the incidental travel near the home farm would eliminate many of those permit requests.

**2 – Make the State Highway system operate as Option “F”** – We sympathize with local government, and especially towns, that their road have not been built to sustain the heavier weight of today’s modern agricultural equipment. But the State Highway system was certainly built to higher standards and generally is in better condition. If the vast majority of local governments are comfortable with Option “F”, then the state should be able to live with this as well.

Option “F” allows an exemption on axle weights for all Category “B” Implements and is perhaps the most important aspect of the whole I of H debate in terms of making sure that our agricultural producers remain competitive with their Midwestern neighbors.

**3 – Make the axle weight exemption for Category “B” statewide** – Again, our biggest issue is that by regulating axle weights, when other states do not, we will put our farmers at a competitive disadvantage and make operating a modern grain farm difficult. Since only about 10% of local governments chose to enforce axle weights by choosing Option “E”, we think that the vast majority of rural Wisconsin governments have spoken and the outliers should not be allowed to impose this onerous provision. The posting of roads and bridges would still be allowed.

Again we thank the chairmen and the committee for listening to our comments. I trust that we all agree that Wisconsin Agriculture contributes a great deal to our state and having a set of transportation rules that make modern agricultural practices available to our producers is in everyone’s best interest.

**Senate Committee on Transportation and Veterans Affairs**  
**Wednesday, March 25, 2015**  
**Testimony on Senate Bill 83, Implements of Husbandry**

Good morning Chairman Petrowski and members of the committee –

My name is Rob Richard and I am Senior Director of Governmental Relations for the Wisconsin Farm Bureau Federation (WFBF). I am here to submit WFBF's support for Senate Bill 83.

In the course of time since 2013 WI Act 377 (Implements of Husbandry) was signed into law, I, and a handful of others, have been traveling the state educating farmers, agribusiness, agriculture associations, local elected officials, law enforcement and the general public about the law. As much as I think we are educating them, the discussions that have ensued with our presentations have also led to them educating us, or at least me, at times. I have done my best to convey those concerns, questions and comments to the authors of this legislation. I believe this IOH "trailer legislation" to 2013 WI Act 377 is good for farmers because not only does it address the many things that need to be better clarified and specified, but many of these ideas came from the very people it will affect.

Some of these provisions in Senate Bill 83 are:

- 1) Better clarifies that a single IOH or a combination of IOH being towed by a farm truck, farm truck tractor or motor truck is legal and the IOH being towed do not lose IOH status.
- 2) Specifies that towed harvesting equipment is an IOH and carries "Category B" status like other towed planting, tillage and cultivating equipment.
- 3) Instead of relying on legal interpretation, this clarifies in statute that IOH with rubber tracks can legally operate on highways.
- 4) Specifies that "grain cart" carries Category C status because it is substantially similar in use and purpose to other farm wagons or farm trailers.
- 5) Clarifies that an Agricultural Commercial Motor Vehicle (Ag-CMV) off-loading manure when field conditions do not permit direct manure application to the field remains an Ag-CMV.
- 6) Similar to the Category B status given to planting, cultivating, tillage and harvesting IOH, this bill gives that same status (including no-fee permit alternate route approval) to certain Ag-CMVs.

7) Clarifies that weight limit exceptions for potato harvesters apply to both self-propelled and towed potato harvesters.

8) Instead of a January 15 deadline for local maintaining authorities (MA) to pass a resolution/ordinance to implement or amend their “local option”, the bill moves it to November 30 and also requires those MAs to submit it to WisDOT by January 20 to be posted on the agency’s website.

9) To alleviate the potential issuance of hundreds, if not thousands, of no-fee permits across the state, this bill authorizes an IOH or Ag-CMV being operated in compliance with a permit to cross any highway that intersects with a highway under the jurisdiction of the MA that issued the permit.

10) To help incentivize the use of trailers to better distribute weight load, the bill expands the increased weight limit for IOH and Ag-CMV to also apply to two-vehicle combinations transporting by trailer or semitrailer an IOH or Ag-CMV from farm-to-field, from field-to-field, or from farm-to-farm.

11) The bill provides the same length and height restrictions for transporting IOH by trailer or semitrailer as if the IOH were being operated on the roadway.

12) WI Act 377 inadvertently deleted a portion of a statute that allowed “wide” IOH to “be moved, towed or hauled over the highways without a special permit issued under s. 348.27(14).” Senate Bill 83 corrects that and allows IOH of any width to be transported by trailer or semitrailer, without a permit, at times other than hours of darkness, subject to certain lighting and marking requirements.

In the nine months, and the 60-plus IOH presentations that WFBF staff has been a part of, there is one thing that stands out as being the most critical to making WI Act 377 and any trailer legislation work – communication. Local government officials need to talk to farmers. Farmers need to talk to local government officials. IOH stakeholder groups need to keep communicating with WisDOT and legislators, and the groups need to keep talking to each other. As long as those communication channels remain open I believe most challenges that lie ahead of us, as difficult as they may be, can eventually be resolved.

At the end of the day, WFBF remains committed to ensuring that overweight and over length farm machinery has the means and the opportunity to operate legally on Wisconsin roads. WI Act 377 was a good start, but we know more work needs to be done. We sincerely thank the authors of Senate Bill 83 for taking on the task.

WFBF respectfully asks the members of the committee to support and vote in favor of Senate Bill 83. Thank you!

# Implements of Husbandry County Adoption

As of 3/24/2015

