



OFFICE OF THE GOVERNOR

EXECUTIVE ORDER #56

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

WHEREAS, the Department of Agriculture, Trade and Consumer Protection estimates that the 1988 drought caused the loss of 50% of the State of Wisconsin's total annual hay production and created a deficit of approximately 3.9 million tons of hay as of December 1, 1988; and,

WHEREAS, the Department of Agriculture, Trade and Consumer Protection estimates that it will be necessary to import between 560,000 to 2,000,000 tons of hay between now and May 1, 1989 for use as farm livestock feed; and,

WHEREAS, such tonnages represent approximately 24,900 to 88,900 semitrailer loads of hay at 1,000 rectangular bales per load; and,

WHEREAS, dairy farming and other domestic livestock operations are important to the economy of the state and the welfare of its citizens; and,

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

WHEREAS, the State of Minnesota allows loads of hay up to 11 feet 6 inches on state highways other than Interstate highways and, since January 16, 1989, has issued permits for the transportation of loads of hay up to 11 feet 6 inches wide on Interstate highways for the duration of the hay emergency in that state, subject to the same daytime and warning flag requirements as described in this order; and,

WHEREAS, the State of Iowa issues permits for the daytime transportation of overwidth loads of round bales of hay, up to 12 feet 5 inches wide, on all state highways including Interstate highways; and,

WHEREAS, the State of Illinois allows the transportation of loads of hay up to 12 feet wide on all highways in the state, including Interstate highways; and,

WHEREAS, on January 30, 1989, the Federal Highway Administration indicated to the Department of Agriculture, Trade and Consumer Protection through its Wisconsin Division office that even though a state cannot impose a width limitation of more or less than 102 inches, including all "enforcement tolerances," on any vehicle operating on the National Network, federal regulations allow a state to issue "special use permits" to motor vehicles exceeding 102 inches in width; and,

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WHEREAS, the term "special use permit" is not defined by federal statute, regulation or court decision; and,

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

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

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

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

(a) Round bales up to 6 feet in diameter in loads up to 12 feet wide may be transported on any highway in this state, expressly including interstate and defense highways and highways where the width of a single traffic lane is less than 12 feet, without regard for the origin or destination of the load, except that in construction zones where the width of the traffic lane is less than 12 feet, the width of the load may not exceed the lane width.

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

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

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

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

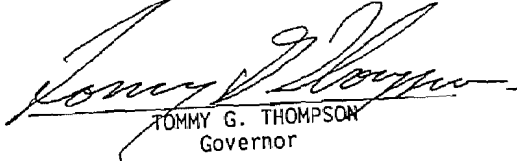
(4) This order does not suspend the operation of any state or federal laws within the State of Wisconsin except as specifically described in the order. All other laws remain in full force and will be enforced. This order does not authorize any person transporting hay to exceed any statutory vehicle weight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

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

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TOMMY G. THOMPSON
Governor

By the Governor:


DOUGLAS LA FOLLETTE
Secretary of State

