

**Assembly Committee on Transportation**  
**Tuesday, March 31, 2015**  
**Testimony on Assembly Bill 113, Implements of Husbandry**

Good afternoon Chairman Ripp 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 Assembly Bill 113.

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 Assembly Bill 113 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)." Assembly Bill 113 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 Assembly Bill 113 for taking on the task.

WFBF respectfully asks the members of the committee to support and vote in favor of Assembly Bill 113. Thank you!



# WISCONSIN LEGISLATURE

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

## Assembly Bill 113

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

*March 31, 2015*

Good morning Representatives, and thank you for being here today to hear testimony on Assembly Bill 113, 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. AB 113 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, height, 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 length, a new no-fee permit must be submitted for that operating year.

The goal of AB 113 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.

The following groups support AB 113:

Association of Equipment Manufacturers  
Cooperative Network Association  
Farm Equipment Manufacturers Association  
Wisconsin Agri-Business Association  
Wisconsin Agribusiness Council  
Wisconsin Cattlemen's Association  
Wisconsin Corn Growers Association  
Wisconsin Counties Association  
Wisconsin Farm Bureau Federation  
Wisconsin Independent Businesses, Inc.  
Wisconsin Manufacturers & Commerce  
Wisconsin Pork Association  
Wisconsin Potato and Vegetable Growers Association  
Wisconsin Soybean Association  
Wisconsin State Cranberry Growers Association  
Wisconsin Towns Association

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



# WISCONSIN CORN GROWERS ASSOCIATION

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

March 31, 2015

RE: AB 113

## **The Wisconsin Corn Growers Association (WCGA) is in support of AB 113.**

We would like to thank Rep. Ripp and Sen. Petrowski for all the time and effort they have put into the issue of Implements of Husbandry (IoH) 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 IoH 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 chairman 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.



# THE BADGER COMMON'TATER

June 2014

THE VOICE OF THE WISCONSIN POTATO-VEGETABLE INDUSTRY

## *Getting Creative with Potato Vine Kill*

Volume 66 Number 6  
\$18.00 per year  
\$1.50 per copy

*Interview with  
Dan Kakes*



*SpudPro To Release Two New  
Wisconsin Potato Varieties*

*Plus: Wisconsin Spuds Star in New TV Commercial • Lockwood Introduces New Harvester • Row Crop Components of the Farm Bill*

HARVEST ISSUE

# WISCONSIN *pork* ASSOCIATION

## *Committed to Pork Producers*

The Wisconsin Pork Association (WPA) represents the pork industry in the state. From farms to associated businesses, we work to promote pork, provide the latest resource information to farmers, and help to educate future farmers and consumers.

The mission of the Wisconsin Pork Association is to ensure the future success of the industry in Wisconsin. WPA is governed by a 9-member board of directors, who are elected by the membership. We represent the diverse Wisconsin industry, including farms of all types and sizes.

There is a network of county pork producer organizations in the state who actively promote pork and provide outreach within the local area. In addition, WPA works with UW-Extension, the University of Wisconsin system, and other farm/commodity organizations across the state.

On the national level, WPA partners with the National Pork Board for consumer information, promotion, education and research programs, as well as with the National Pork Producers Council on public policy and advocacy issues. Visit [www.pork.org](http://www.pork.org) or [www.nppc.org](http://www.nppc.org) for further information.



## *Did You Know?*

Today, pig farmers are raising more pork, while using **41 percent less water** and **78 percent less land**, and have reduced their carbon footprint by **35 percent** since 1959.

## *Committed to Pork Production*

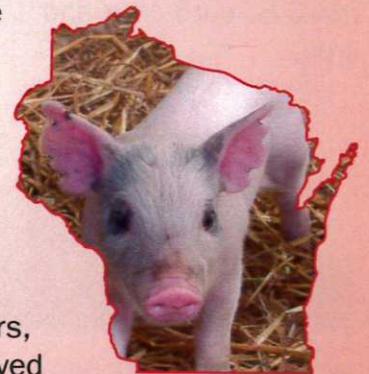
Nationally, Wisconsin ranks 17<sup>th</sup> in the nation in the value of hogs that state farmers sell for processing into meat products such as bacon, pork chops, ribs and roasts. In 2012, Wisconsin pig farmers marketed 854,000 hogs.

## *Did you know?*

Pork is the most widely consumed protein in the world. The pork tenderloin is as lean as skinless chicken breast. The seven most common pork cuts are **16 percent leaner** than 25 years ago.

## *Wisconsin, a State Great for Pigs*

- Abundant corn and soybean production.
- Cropland to utilize the nutrients in swine manure as a soil fertilizer.
- Innovative and experienced pork producers.
- Lower hog numbers, allowing for improved herd health.



## *Wisconsin Pork;*

### *Job creation on Main Street*

In addition to the families that live and work on Wisconsin hog farms, the pork industry creates another 3,500 jobs. These jobs include swine management and care, meat processing, construction and related building fields, trucking, animal nutrition, and feed mill operations.

## Did You Know?

The pig is serving essential human needs every day. From the safe and high-quality meat on your plate to a medical lifesaving device and everything in between, no other animal provides society with a wider range of products than the hog.



### *Wisconsin Pork; Adding value to corn and soybeans*

Corn and soybean acres serve a dual purpose to the success of Wisconsin hog production:

- First, the crops provide an excellent, locally grown feed for hogs.
- Secondly, the acres where corn and soybeans grow must be replenished with nutrients that are naturally found in swine manure.

Nationally, the pork industry consumes 10% of the U.S. corn crop and 10% of the U.S. soybean crop.



## Did You Know?

Pigs cannot sweat. That is why most modern barns have sprinkler systems to cool the pigs during the summer months. By raising pigs in barns, farmers can better protect them from extreme weather and disease, and provide a clean, comfortable growing environment.



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## Did You Know?

In 2012, U.S. pork exports added \$54 per head to each market hog sold. Japan is the largest U.S. pork customer, followed by Mexico, China/Hong Kong, and Canada.

### *Wisconsin Pork; Dedicated to animal care*

Farmers are eager to explain how pigs are raised and cared for. Few people have firsthand knowledge of what modern pig farming looks like. Now more than ever, we have access to many tools and resources to better care for our animals and meet consumer demand.



These advancements have helped make the U.S. pork supply safer and more nutritious than at any time in our nation's history. No matter the farm, the basic tenet of animal agriculture is the same: Good animal care is imperative to produce healthy food for consumers. For pig farmers, ensuring the well-being of animals is about more than taking care of business. It is part of America's agricultural heritage. We are intent on preserving — and building upon — that legacy. For more on how pigs are raised and cared for, visit [www.porkcares.org](http://www.porkcares.org).

## Did You Know?

USDA recommends a medium rare internal temperature of 145 degrees Fahrenheit with a resting time of three minutes before carving or eating for whole cuts of pork such as chops, roasts and tenderloins. Those cuts will be slightly pink on the inside. To achieve medium doneness, cook whole pork cuts to 160 degrees Fahrenheit.



Be inspired