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# JAMES W. EDMING

STATE REPRESENTATIVE • 87<sup>TH</sup> ASSEMBLY DISTRICT

DATE: December 8, 2015  
RE: Testimony on 2015 Assembly Bill 518  
TO: The Assembly Committee on Transportation  
FROM: Office of Representative James W. Edming

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Thank you for holding a hearing on Assembly Bill 518 and allowing me to testify in favor of this legislation.

In current farming practice, bore pipes and hoses are placed along roadways to pump liquid manure from a farm to a farm field. This concept is becoming more widespread and is a positive alternative to the use of trucks or heavy equipment to transport manure over roads.

Existing statutory language regarding this process lacks clarity. Assembly Bill 518 seeks to address ambiguity within current statute in order to provide local governments with more explicit authority regarding the placement of both temporary hoses and permanent in ground pipes in right-of-ways utilized during the transportation of liquid manure.

The idea for this legislation originated from a constituent, Joe Schmitz of the Town of Atlanta in Rusk County, who struggled to obtain the proper permits and authorization to pump manure from his farm to a field this past spring. This situation speaks directly to the need for clarification of statute.

As previously mentioned, the practice of pumping liquid manure is already increasing in practice and I am certain that this bill will lead to further usage. Additionally, this bill will lead to monetary savings for both local governments and taxpayers; road damage caused by trucks and other equipment will lessen and farmers will not have to purchase fuel for trucks or costly devices. Assembly Bill 518 is fiscally responsible and offers more authority to local governments to oversee this process and creates greater flexibility regarding when liquid manure can be pumped.

Throughout the drafting process, I worked closely with the Wisconsin Towns Association and was provided insight into the positive economic impact that this bill will have on local governments and farmers throughout our state.

Thank you for your time and attention and I ask that you support this legislation. I would be happy to answer any questions.

**Assembly Committee on Transportation  
Tuesday, December 8, 2015  
Testimony on Assembly Bill 518, Piping of Manure**

**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 518.**

**Wisconsin is reaching a point of critical mass when it comes to finding and implementing a sustainable method for funding the state transportation fund. The percentage of debt service payment on issued bonds for road projects is heading towards 20%. Current funding methods are not keeping up with the maintenance of current projects nor the planning for future ones.**

**WFBF believes one component, as insignificant as it may first appear, towards long-term road preservation is Assembly Bill 518. This bill would give clear authority for local municipalities to permit the piping of liquid manure within a highway right-of-way.**

**Agriculture makes up \$88 billion of Wisconsin's economy, only second to manufacturing as an industry. It is vitally important that we continue to promote its growth and use best management practices to keep that growth sustainable. Agriculture is heavily reliant on a good highway infrastructure so farmers can get into the fields to plant and harvest crops, but it doesn't end there. Our farmers' products are then transported to markets across the state and across the globe using a vast network of highways, waterways and rail.**

**With the idea of limiting excessive road use by semi tractors and manure tankers to help preserve an aging and underfunded infrastructure, it's important we find alternative means to transport liquid manure from point source to the fields. Assembly Bill 518 is certainly one concept that local governments and farmers can utilize to implement best management practices for manure application. This is a step in the right direction.**

**On behalf of WFBF, I urge your support for passage of Assembly Bill 518 and I'd be happy to answer any questions the committee may have at this time.**



To: Members of the Assembly Committee on Transportation  
From: Kara O'Connor, Government Relations Director, Wisconsin Farmers Union  
koconnor@wisconsinfarmersunion.com; 608-514-4541  
Date: December 8, 2015  
Re: Assembly Bill 518, relating to manure transport via pipelines

Wisconsin Farmers Union wishes to make two specific suggestions with regard to the proposed AB 518:

- 1) Advance notice to adjacent property owners and opportunity to comment prior to the issuance of a manure hose or pipeline permit
- 2) Resolving discrepancies between the treatment of above-ground manure hoses and below-ground manure pipelines

#### **Notice to adjacent property owners and opportunity to comment**

The manure transport structures that are the subject of this legislation have the potential to cause significant disruption and negative impacts on the owners of properties adjacent to the public right-of-way. As a practical matter, the narrow public right-of-ways adjacent to the road are nearly indistinguishable from most property owners' front yards. Property owners should have the right to advance notice of the earth disruption, heavy machinery, and odors that will accompany manure transport installation. Giving property owners the opportunity to suggest reasonable conditions that would minimize impact to, for example, disabled residents or owners of in-home businesses would hopefully reduce conflicts.

#### **Discrepancy between above- and below-ground manure transport structures**

Wisconsin Statutes 86.07 explicitly grants the highway authority the right "to make such additional rules, regulations and conditions not inconsistent herewith as may be deemed necessary and proper for the preservation of highways, or for the safety of the public, and to make the granting of any such permit conditional thereon."

Moreover, 86.07 spells out the recourse if damage occurs to the public right-of-way.

Assembly Bill 518 would place regulation of above-ground manure transport under Wisconsin Statute 86.07, but regulate below-ground transport under 86.16. Wisconsin Statutes 86.16 lacks the explicit protections for the public highway authority outlined above. The legislation would be improved by incorporating the above provisions from 86.07 into 86.16 as well.