



# JERRY PETROWSKI

WISCONSIN STATE SENATOR

## Senate Bill 390

January 7, 2016

Thank you for taking the time to hear Senate Bill 390 regarding permitting for pumping of liquid manure.

In current farming practice, bore pipes and large gauge 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. Senate Bill 390 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 Implements of Husbandry Study group at the Department of Transportation identified pumping as a best practice as it helps, “avoid infrastructure damage and highway operational issues while allowing large application equipment to operate [in the field] as designed and avoiding impacts of seasonal road weight limits.”

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 other costly equipment. This 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 this bill will have on local governments and farmers throughout our state.

I have introduced Senate Amendment 1 which makes two clean up changes to the language of the bill.

First, DOT defines a bridge as a structure of greater than twenty feet in length. A concern was raised that the bill provision allowing pipes or hoses to be connected to or laid on the deck of a bridge might inadvertently exclude shorter structures. The amendment clarifies that it also applies to these structures.

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### 29TH SENATE DISTRICT

Second, the purpose of the bill was to explicitly spell out local authority to issue these permits, but was not intended to change anything for DOT. The amendment makes some language changes to have the bill only apply to county and local governments.

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



To: Members of the Senate Committee on Transportation and Veterans Affairs  
From: Kara O'Connor, Government Relations Director, Wisconsin Farmers Union  
koconnor@wisconsinfarmersunion.com; 608-514-4541  
Date: January 7, 2015  
Re: Senate Bill 390, relating to manure transport via pipelines

Wisconsin Farmers Union wishes to make two specific suggestions with regard to the proposed SB 390:

- 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.

**Senate Committee on Transportation and Veterans Affairs  
Thursday, January 7, 2016  
Testimony on Senate Bill 390, Piping of Manure**

**Good afternoon 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 390.**

**The state of 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 costs to maintain and preserve our existing roads nor the planning for future ones.**

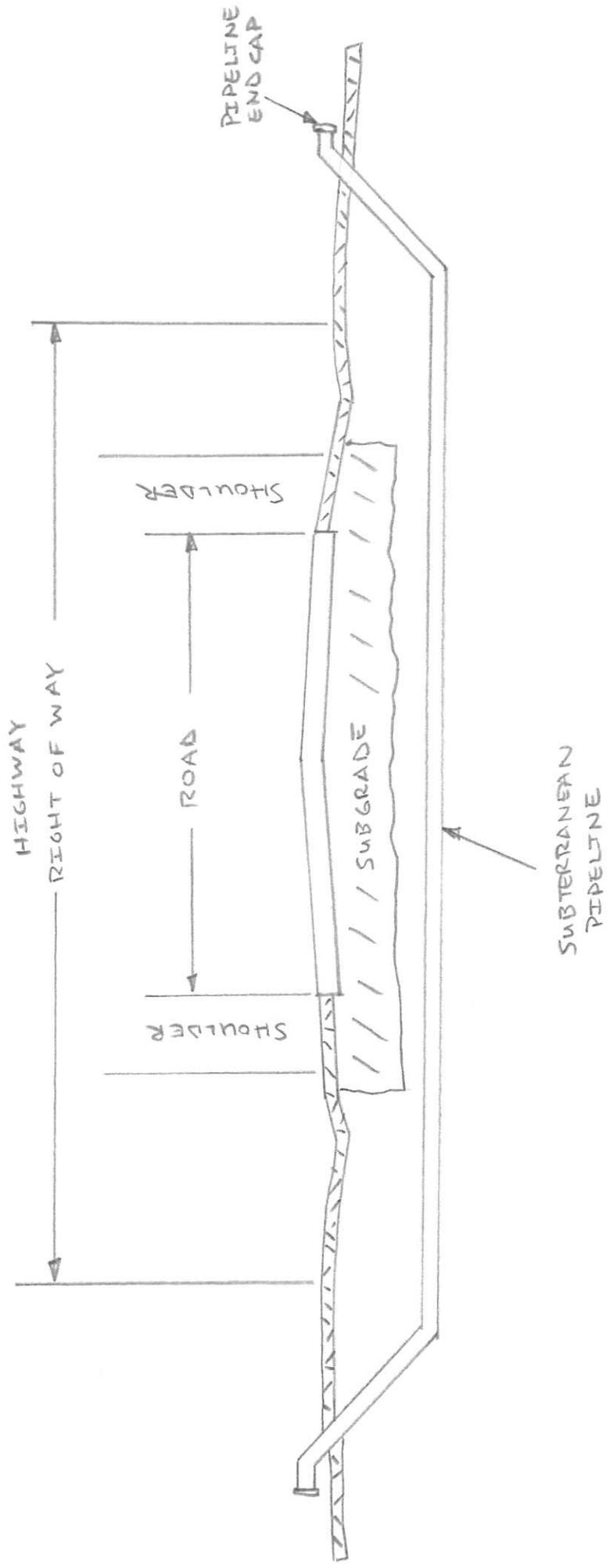
**With this in mind, WFBF believes one component, as insignificant as it may first appear, towards long-term road preservation in the rural community is Senate Bill 390. This bill would give clear authority for local municipalities to permit the piping of liquid manure within a highway right-of-way.**

**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. Senate Bill 390 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 Senate Bill 390 and I'd be happy to answer any questions the committee may have at this time.**

CROSS SECTION OF RURAL ROAD







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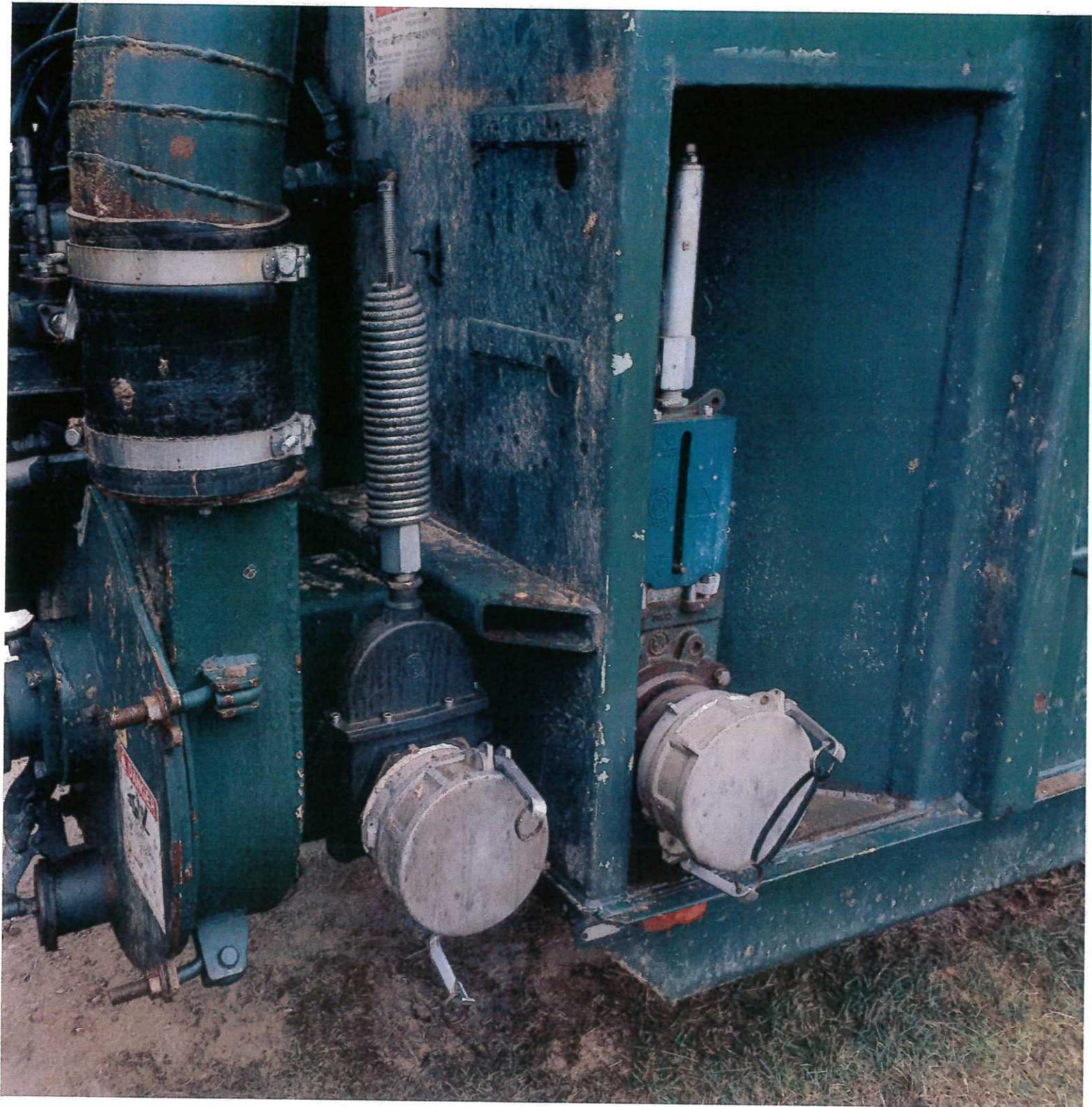
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