



HOWARD MARKLEIN

STATE SENATOR • 17TH SENATE DISTRICT

February 4, 2020

Senate Committee on Transportation, Veterans and Military Affairs Testimony on Senate Bill 669

Thank you Chairman Petrowski and committee members for hearing Senate Bill (SB) 669, which would extend the “agricultural commodity” exception from federal hours-of-service and Electronic Logging Device (ELD) requirements for truck drivers driving within a 150-mile radius of the product source. The current exception runs from March 15 to December 15. SB 669 would make this “agricultural commodity” exception year-round. Thank you Sen. Cowles for co-authoring this legislation.

To demonstrate the arbitrary nature of this exception in its current form, imagine this scenario. It is December 4 and a milk hauler is 15 miles from the processor, but reaches his federal driving hours limit. As long as the driver is within 150-miles of the product source, under current law, the driver is allowed to continue to his destination. However, if this same scenario occurs on January 4, the driver is required to stop and take a federally mandated break before continuing to his destination.

Generally, commercial truck drivers are subject to federal hours-of-service regulations which limit the number of hours they may consecutively drive. Federal rule also requires truck drivers to install an ELD, which automatically records driving time. However, there is a limited “agricultural commodity” exception to these hours-of-service and ELD regulations. This exception covers planting and harvesting periods for commercial truck drivers who are transporting certain agricultural commodities or farm supplies within a 150-mile radius of the product source.

Under federal law, states are allowed to designate their own planting and harvesting seasons. Currently, under a Department of Transportation (DOT) Administrative Rule, Wisconsin’s planting and harvesting season for this exception is March 15 to December 15.

SB 669 simply extends Wisconsin’s planting and harvesting season to year-round for the purposes of this “agricultural commodity” exception.

The need for milk and commodity hauling, including livestock transport, does not stop in the winter. When drivers are forced to stop a few miles from their destination, this leaves perishable goods and animals in limbo. In addition, as a result of the unpredictable weather we experienced this harvest season, many crops were still in the field on December 15. Expanding this exception will help farmers across the state move their products to market as efficiently as possible.

Current law arbitrarily places a detrimental burden on commodity haulers throughout the state and limiting an individual's ability to be on the road creates inefficiencies in an already delicately balanced transportation network.

At least 20 other states have already established a year-round planting and harvesting season for the "agricultural commodity" exception including Minnesota, Iowa, Illinois, Indiana, North Dakota, and South Dakota.

AB 743, the Assembly companion to SB 669, received a public hearing in the Assembly Committee on Transportation on January 28, 2020 and is scheduled for an executive session vote today, February 4, 2020.

SB 669 is a recommendation of the Dairy Task Force 2.0 and is supported by the Wisconsin Motor Carriers Association, the Wisconsin Milk Haulers Association, and numerous agriculture groups including the Wisconsin Farm Bureau Federation. Thank you again to the committee for hearing this proposal, and your timely action on the bill.



NANCY VANDERMEER

STATE REPRESENTATIVE • 70TH ASSEMBLY DISTRICT

TO: Honorable Members of the Senate Committee on Transportation, Veterans and Military Affairs

FROM: State Representative Nancy VanderMeer

DATE: February 4, 2020

SUBJECT: Testimony in Support of Senate Bill 669

Thank you Chairman Petrowski and members of the Senate Committee on Transportation, Veterans and Military Affairs for holding a hearing on SB 669 today. Truck drivers are an integral part of Wisconsin's agricultural economy and I must point out how important Wisconsin's \$88 billion agriculture industry is to the state. In order to move products from the farm to processors, it is important to have a robust transportation network and a sufficient number of drivers.

Generally, commercial truck drivers are subject to hours-of-service regulations mandated by federal rule, limiting the number of hours they may consecutively drive. Federal rule also requires truck drivers to install an electronic logging device (ELD), which automatically records driving time, for easier, more accurate hours of service tracking. However, there is a limited "agricultural commodity" exception to the hours-of-service regulation. This exception covers planting and harvest periods for commercial truck drivers who are transporting certain agricultural commodities or farm supplies within a 150-mile radius of the product source. Under this exception, individual states are allowed to designate the planting and harvesting period. Under a Wisconsin Department of Transportation (DOT) administrative rule, Wisconsin's current planting and harvesting season is March 15 through December 15 each year.

For example, if it is December 4 and a driver is 15 miles from the processor and their hours-of-service time runs out, under Wisconsin's exception, they are allowed to continue to the destination. However, if this same scenario happens on January 4, they are required to take a break. This leaves perishable goods, such as milk, and animals in limbo while truck drivers stop. The need for milk and commodity hauling, in addition to livestock transport, doesn't stop in the winter.

Under the current rule, hours of service requirements, as they relate to the ELD rule, are placing a detrimental burden on commodity haulers throughout the state. There is a lack of qualified personnel available and limiting an individual's ability to be on the road creates inefficiencies in an already delicately balanced transportation network. The legislation before you today extends the "agricultural commodity" exception to the entire year by stating that the applicable planting and harvesting period for purposes of this exception is January 1 to December 31 for farm supplies or commodities traveling within 150 miles of the source.

At least 20 other states have established a year-round planting and harvesting period exception including: Minnesota, Iowa, Illinois, Indiana, North Dakota, and South Dakota.



NANCY VANDERMEER

STATE REPRESENTATIVE • 70TH ASSEMBLY DISTRICT

I think that it's also important to note that is legislation is a direct recommendation of the Dairy Task Force 2.0 and is supported by the Wisconsin Milk Haulers Association, the Wisconsin Motor Carriers Association, the Wisconsin Corn Growers Association, and the Wisconsin Farm Bureau on behalf of their members, and some of those members are here today to testify as well and offer their support.

Again, thank you for the opportunity to be here today and the opportunity for a public hearing on this legislation.