

Points of Interest

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Spreading Log

April 2013

Full Pits, Late Spring, and Manure Hauling on Roads

This year's colder than usual spring has not only delayed manure application and crop planting, but will leave most rural roads in a weaker than usual condition into the planting season.

In many areas of the state, farmers have been prohibited from moving manure from one farm to emergency storage on another farm by town officials fearful of potential road damage. For those of you in this position, we have created a 3-step strategy jointly with the Wisconsin Towns Association (WTA), and the WTA is willing to pro-actively work with local town boards to help.

The strategy is as follows:

1. Farmer secures permission from a neighboring farm to accept manure into their storage (that has excess capacity) or a field that can safely take enough manure to prevent the overflow.
2. Farmer should approach town board chair and explain the need to move the manure to prevent risk to human and environmental health, and ask for permission to move the minimal amount possible (1-2 weeks capacity max). Ask for town's assistance to pick the best route to the secondary storage site.
3. Farm should take steps to minimize any potential road damage. This includes running partial loads, running the center of the road, and moving manure during the early part of the day.

Can I Put Manure in That Pit?

With many farms at or near manure storage capacity, the question of moving manure from one farm to another temporarily has come up many times this spring. Here are a few quick guidelines for farmers and applicators to consider:

If the farm is a CAFO: The farmer will need advance permission from their DNR regional contact. Many permit farms already have emergency storage approved, and in that case, a phone call notifying of the transfer is all that is needed. If the storage is not pre-approved, then the DNR will need to examine the engineering drawings/construction report to ensure

that the storage meets the current NR243 guidelines.

Non-CAFO farms: It depends on the county's manure storage ordinance. It is always best to double check with the county Land and Water Conservation Department to ensure that the storage is built to the proper standards and can be used, however, in most cases, this is not required.

A written agreement (even notes on a napkin) is a good idea so everyone knows who is responsible for the cost of agitating and land applying the manure transferred into the emergency storage.

Retro-Fitting Spreaders with Scales

Information provided by Robin Starkenburg, Digi-Star, Inc.

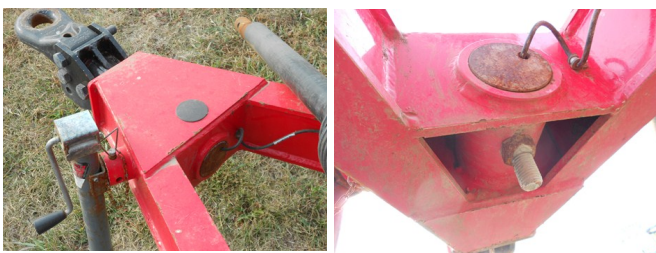
***** Note: Mention of a particular firm's technology or equipment is not an endorsement by PNAAW or UW Extension, nor is omission of a firm a lack of endorsement. This information is provided as an example only. *****

Over the past 6 years, Wisconsin's custom manure applicators have added more than 60 truck and tractor pulled manure spreaders to their fleet. After last summer's Manure Expo, several applicators have asked how practical it is to retro-fit an existing manure spreader with a scale system. This article provides a general overview of what is usually required to retro-fit a manure spreader with a scale system.

For Solid Frame Models:



- A five point load Requires 4 spindles and 1 hitch load cell system utilizing the spreaders spindles and hitch is required - each spindle is replaced with a spindle containing a load cell as well as a hitch system that incorporates a load cell.
- Spindles with load cells cannot be welded in place, they must be bolted in place to ensure accuracy.
- Dimensions of the original spindle and the carrying capacity of the spreader are required for proper sizing of spindle load cells.
- Modifications to the hitch are often necessary. It is recommended that a professional fabrication shop be used for any hitch modifications.



Hitch mounting example



Separated mounting examples

- 6, 8, or 10 point load cell systems are required.
- The most common style are the bolt on bracket designs.
- Total load of spreader and the strength of the frame will determine how many load cells to use.

Once load cells have been added to the spreader the applicator can choose a range of different scale heads from basic indicators that simply show Net & Gross weights to data recording scale heads, and



Current manufactured

GPS systems. An integrated GPS product will capture spreader position data combined with the application rate. Manure application and spreading information can then be mapped using software that utilizes Google Map or other software programs to provide color graphical representations of application rates.

It is important to take note that some scale heads and technology are not compatible with guidance monitors such as Raven's Cruiser II platform and Trimble's CFX-750, so check the manuals before investing in any technology.

Several equipment companies, including Digi-Star will offer free consultation to any applicator who wants to explore the feasibility and/or cost of retrofitting an existing spreader.

Wisconsin Court of Appeals: Truck Mounted Manure Spreader

Is Not an Implement of Husbandry

Prepared by: Anna J. Wildeman and David A. Crass, Michael Best & Friedrich LLP

In Wisconsin, implements of husbandry are afforded certain exemptions from roadway limits that other commercial motor vehicles must comply with. In what may prove to be an important decision for manure haulers and farmers throughout Wisconsin, the District III Wisconsin Court of Appeals, issued an opinion earlier this month declaring that a manure spreader, owned and operated by a Pepin County dairy farmer, *is not* an implement of husbandry, but *is a commercial motor vehicle* and is subject to relevant state highway roadway limits.

The case began after the manure application vehicle was involved in a crash, and a vehicle inspection resulted in a state police officer issued a series of citations to the Pepin County dairy farmer. The citation involved in this case was for operating a vehicle more than 8 feet, 6 inches wide. The vehicle cited was a truck with a large solid manure spreader. The vehicle was used to transport and apply manure to fields, some of which are located a distance from the dairy farm that required the vehicle to be operated on a highway.

Under state law, implements of husbandry are exempt from roadway width limits, while commercial motor vehicles are limited to 8 feet, 6 inches. The court's inquiry focused on whether the truck mounted manure spreader is an implement of husbandry and thus eligible for exemption from the roadway width limits.

In determining whether the manure spreader constituted an *implement of husbandry*, the Court of Appeals analyzed the statutory (legal) definition of the term, which contains both a definition and an exception. An implement of husbandry *is* "a vehicle or piece of equipment or machinery designed for agricultural purposes, used exclusively in the conduct of agricultural operations and used principally off the highway, or a trailer-mounted bulk fertilizer container" (§340.04(24)(a), Wis. Stats.); however, this definition does not include "any motor truck, farm truck, road tractor, or farm truck tractor or such a vehicle combined with a semitrailer, trailer or farm trailer, when the vehicle or combination is a commercial motor vehicle operated on a highway" (§340.01(24)(b), Wis. Stats.).

The court determined that to resolve the matter, it only needed to determine if the manure spreader falls within the exception—the second part of the above-cited statutory definition. To that end, the court first determined that the manure spreader is a "motor truck" as defined by statute because it is designed and used primarily to transport large quantities of property (manure).

See §340.01(8)(a), Wis. Stats. The court then concluded that because the manure spreader was used on a highway, it clearly falls within the second part of the above-cited statutory definition and is not an implement of husbandry.

The court noted an important textual difference between (a) and (b) of the above-cited definition: (a) requires a determination whether a vehicle is "used principally off the highway" whereas (b) only requires a determination that a vehicle is "operated on a highway." Because the court determined that (b) is the only relevant provision, there was no need to consider whether the manure spreader is used *principally* off the highway—it was enough that the manure spreader was used once on the highway.

The court further recognized a potential inequity in the outcome because trailer-mounted bulk fertilizer containers *are* considered implements of husbandry but manure spreaders, which perform essentially the same task, *are not* implements of husbandry. However, the court concluded that such inequity must be resolved by the Legislature, not the courts.

Practically speaking, this decision requires manure haulers to be aware of roadway width limitations whenever transporting manure on a highway. The appeals court determined that the vehicle met the 340.01(24)(b) definition, therefore, as a truck it could be no wider than 8 feet 6 inches. The citation issued to the farmer reads, "The vehicle was 8 ft. 10 inches due to the tires".

Furthermore, this decision puts a finer point on the need to evaluate the current framework for defining and regulating implements of husbandry and sets the table for possible legislative reform.

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Wisconsin Court of Appeals: Truck Mounted Manure Spreader Is Not an Implement of Husbandry *(see page 3)*

Level 1 Certification

We will be working on the Level 1 and 2 certification cards soon, so be sure to submit your employee's exam scores to Kevin Erb kaerb@wisc.edu, fax (920) 391.4617. Cards will be sent when updated Performance Standard sheets are received.

Spreading Log

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