


# WMCA BOARD OF DIRECTORS MEETING

LEO NAUMANN, CHAIRMAN

March 14, 2023 10:00 a.m.

Acuity Insurance, Sheboygan

## AGENDA

 Welcome and Roll Call

 Secretary's Report

 Membership Report

 Financial Report

 Safety Council Report

 Legislative Report

 Other Business

- 2023 Calendar Update
- Acuity Presentation

 ADJOURN/LUNCH

**THANK YOU TO OUR HOST AND SPONSOR!**



# 2022 MINUTES QUARTERLY BOARD WMCA BOARD OF DIRECTORS MEETING

**December 15, 2022**  
**Truck Country, 5000 Cake Parkway, De Forest, WI**

Dave Batterman, serving as Chairman in place of Leo Naumann due to bad weather conditions, called the Wisconsin Motor Carriers Association (WMCA) meeting to order at 10:05 a.m. on December 15, 2022 at Truck Country, De Forest, Wisconsin. An attendance sheet was circulated. A quorum was present. The chairman had attendees make introductions and thanked Truck Country for hosting the meeting.

The Minutes of the September 29, 2022 WMCA Board of Directors meeting was presented by Secretary Jon Coca. With no additions or corrections a motion to approve the minutes was made by Jim Stowell and seconded by Mike Marquardt. The motion carried.

The Membership Report was presented by Pauline Jaske. The membership of the WMCA consists of 1,170 members in the following divisions:

General Trucking	297
Allied	147
Movers	14
Milk	71
Tow	148
Coach	26
Independents	467

Membership in the WMCA and its Divisions remains generally strong and the Membership Committee continues to do its work of reaching out to those who may fall behind with their annual membership dues. Pauline put out the challenge that each board member should set a goal of recruiting five new members each this coming year. A motion to approve the Membership Report was made by John Anderson and seconded by Carrie Legg. The motion carried.

The Treasurer's Report was presented by Neal Kedzie in absence of Treasurer Mike Hribar who was sick. Between October 1, 2022 and December 1, 2022, the WMCA had expenditures of \$131,546 and revenue of \$91,443 with an ending fund balance of \$110,603. As of December 1, 2022, the Political Action Committee (W-TON) had a balance of \$23,087 and the Truckers for Wisconsin Fund (conduit) had a balance of \$19,725. The annual audit of the WMCA by Wenger CPAs has determined that the Association is in good financial standing. The report is available for viewing at the WMCA office. A motion to approve the Treasurer's Report was made by Mike Marquardt and seconded by Bob Schmit. The motion carried.

The Foundation Report was presented by Foundation Board Chair, Dave Batterman. As of December 1, 2022, the balance on the WMCA Foundation account was \$68,253.

The Foundation continues its issuance of scholarships to CDL and diesel technician students at Wisconsin Technical Colleges as well as supporting other charitable events and the Wisconsin Road Team.

The 11<sup>th</sup> Annual Sport Shooting Clay event is scheduled for June 7, 2023 at Milford Hills. We are hoping for another record breaking event.

In addition to Dave's report, Neal Kedzie gave an update on the student diesel technician shortage at Waukesha County Technical College (WCTC). If enrollment doesn't increase, the course may be scrapped after next semester. Any suggestions from WMCA members to increase enrollment should be sent to Neal and he will forward them to WCTC.

A motion to approve the Foundation Report was made by Carrie Legg and seconded by Craig Wolf. The motion carried.

The Safety Management Council Report was presented by Kim Conradt, Safety Programs Coordinator.

There were five Safety & Weight Enforcement Facilities (SWEF) visits in 2022 including Beloit, Coloma, Sparta, Superior and Kenosha. This year Road Team Captains attended free of charge. The April visit had the office of State Senator Duey Stroebel in attendance.

The Fleet Safety Contest had 21 entries. Awards were given to Division 1 – 4: Next Logistics, Dennis Hilker Trucking, Flash Trucking and Marten Transport.

The Wisconsin Safety Management Council (WSMC) resumed in-person meetings in 2022. December 9 elections were held for the upcoming year. Officers elected are: Chair, Gillian Taylor (Duplainville Transportation), Vice Chair, Fay Urban (Heding Truck Service), Secretary, Eric Imlay (Schneider) and Treasurer, Kim Hurley (Tom Gullickson, Inc.). Thanks were given to Mark Abrahamson, HNI, for his extended term as chairman. Mark served as chair for 3 years during the COVID-19 pandemic.

The Safety Seminar/Webinar Program has training scheduled for the upcoming year including the week-long North American Transportation Management Institute (NATMI) training for Certified Director and Certified Safety Supervisor. The course is being sponsored by Truck Country. Women in Trucking (WIT) will also have scholarships available for women taking the course.

The Wisconsin Road Team has three members leaving but three new members joining for a total of 18 captains. The Road Team will once again participate in the national Head Up Phones Down campaign. Road Team Captain Development Day will be held by the WMCA on January 20, 2023.

The President's Safe Drivers Club (PSDC) is in its 26<sup>th</sup> year. Upcoming dates and locations in 2023 are: February 25 at Stoney Creek Hotel, Onalaska/La Crosse and March 4 at the Kalahari Resort, Wisconsin Dells.

The Driver of the Month/Driver of the Year will be announced at the annual Safety Banquet on March 4, 2023 at the Kalahari Resort, Wisconsin Dells.

The Thank a Trucker Day 10-4 took place again at the I-94 Kenosha Kwik Trip and was a great success. \$10 Kwik Trip gift cards were given out to truck drivers for a free meal on the WMCA. Money for the gift cards was raised from member donations. The event will return again in 2023.

Kim Conrardt also signed up eight new members this year and served on the Special Olympics Wisconsin Truck Convoy Committee and manned a booth at the Waupun Truck 'n' Show.

The Legislative Report was presented by President, Neal Kedzie.

The results of the State Elections are as follows:

- Governor Evers (D) won reelection by defeating businessman Tim Michels 51%-48%.
- The State Assembly gained three seats giving them a 64-35 majority; two votes shy of a veto-proof majority.
- Assembly GOP leadership election results – Robin Vos, Speaker and Tyler August, Majority Leader.
- Assembly Dem leadership election results – Greta Neubauer, Minority Leader
- The GOP Senate secured a veto-proof majority and holds a 22-11 edge in the upper house.
- Senate GOP leadership election results – Devin LeMahieu., Majority Leader, Assistant Majority Leader, Dan Feyen and Senate President, Chris Kapenga.
- Senate Dem leadership election results – Melissa Agard, Minority Leader
- Inauguration of state legislators will be January 3, 2023.
- Note: Senator Alberta Darling (R) announced her retirement effective December 1, 2022. A special election is schedule for April 4 with a primary, if necessary, February 21.
- Attorney General Josh Kaul (D) won reelection over Eric Toney 51%-49%.
- Secretary of State Doug La Follette (D) won a 12<sup>th</sup> term by defeating State Rep. Amy Loundenbeck 48.3% - 48.0%.
- State Treasurer race was won by John Leiber (R) over Aaron Richardson 49.7% - 48.1%.

The results of the Federal Elections are as follows:

- U.S. Senator Ron Johnson (R) won a third term over Lt. Governor Mandela Barnes 50.5% - 49.5%.
- In the 3<sup>rd</sup> Congressional District, Derrick Van Orden (R) defeated State Senator Brad Pfaff 52% - 48% flipping the seat to GOP control for the first time in 25 years. The seat was previously held by Rep. Ron Kind (D).

#### Wisconsin Supreme Court 2023 Election:

Four candidates have filed for the spring election to replace retiring conservative Justice Pat Roggensack. Conservatives currently outnumber liberal justices 4-3. The primary election is scheduled for February 21, 2023 and general election April 4, 2023. Candidates include:

- Everett Mitchell (liberal)
- Janet Potasiewics (liberal)
- Dam Kelly (conservative) – Previously appointed by Governor Walker and lost election to Justice Jill Karofsky (liberal).
- Jennifer Dorrow (conservative)

#### Miscellaneous Legislative Issues:

State Surplus – Wisconsin is projected to have a \$6.6 billion surplus. Governor Evers wants to dedicate a good portion of the money for education. The GOP and governor also want to use the money for tax cuts.

Rail Strike – A potential economy-crippling U.S. rail strike was averted when congress passed a resolution and the President signed into law a new contract for rail workers. ATA was part of a coalition urging congress to intervene.

Truck Parking Safety Improvement Act – This bill and a senate companion has been introduced that would authorize \$755 million for expanded commercial truck parking across the U.S.

Unique Electronic Identifiers – The FMCSA is proposing a requirement for UElS on large trucks. The vast majority of public comments were in opposition. ATA is withholding support until the feds can prove that this will enhance safety.

President Neal Kedzie presented the 2023 Proposed WMCA Budget for the WMCA and its divisions as approved by the Executive Committee. Divisions include: Wisconsin Towing Association, Wisconsin Motor Coach Association, Wisconsin Milk Haulers Association and Wisconsin Movers Association. Key points included:

- The previous year's budget ended \$20K better than projected due in part to a 6% membership dues increase for 2022, more sponsorships and not hiring a replacement for the Membership Coordinator position.
- A slight deficit of -\$3, 7216 is projected for F 2022-23.
- Event income has been conservatively projected.
- The executive committee has recommended a 2% membership dues increase for F2022-23 and a minimum automatic 2% increase for each subsequent budget year going forward.
- \$10K was deposited in the Rainy Day Fund for this fiscal year.
- Despite a projected deficit for F2023, the WMCA comes into the year with adequate reserves to sustain any losses. The beginning balance for the fiscal year was \$306,700 plus \$136,300 in the Rainy Day Fund for \$443,000 in available funds to navigate 2023.

A motion was made by Jim Stowell to approve the 2023 budget with the exception of the increase in membership dues to be voted on separately. The motion was seconded by Carrie Legg. The motion carried.

Discussion regarding membership dues followed with support for an increase by various board members including Craig Wolf, Craig Olson, Jim Stowell and Carrie Legg. It was felt that inflation and operating costs need to be addressed with a dues increase. The value received for what members pay is a real deal and warrants a dues increase. A motion was made by Craig Olson to

automatically raise the membership dues fee by a minimum of 2% each year, starting with 2023. The motion was seconded by Bob Schmit. The motion carried.

A motion was then made by Jim Stowell to add an additional 3% dues increase for 2023, bringing the total fees increase to a total of 5% for 2023. The motion was seconded by Carrie Legg. The motion carried.

Neal Kedzie thanked the board for their support.

The 2023 Events Calendar Update was presented by Maddie Minik.

Neal Kedzie led a discussion on the topic of WMCA Political Endorsements as requested by board member Marty Draxler. At present there is no process to endorse and the WMCA has not been active with candidate endorsements. V.P. Dan Johnson reminded the board that the only endorsement in recent years was when the WMCA endorsed Governor Walker for reelection in 2014 but there was not a formal vetting process. After much discussion, it was felt that endorsements are risky and should be done on a limited, informal basis involving input from the Legislative Committee.

A proposal by board members Tim Kordula, Karl's Transport and Bill Skinner, Skinner Transfer, to create a WMCA Educational Committee was presented by Tim Kordula via teleconferencing and included a PowerPoint presentation. Bill Skinner was unable to attend due to the snow storm and local storm damage. Key points for the need to form a committee included:

- To provide information on Entry Level Driver Training (ELDT), FMCSA's new mandate.
- To provide information on the benefits of online theory and in-person theory.
- To help members better understand driver contracts and the ramifications of going after a student under contract.
- To provide WMCA members a resource for drivers through driver training schools.
- To provide information on what constitutes a reputable school versus a CDL mill.

- To offer assistance when considering a school or entering the Safe Driver Apprentice Program.
- To provide members resources for HAZMAT and remedial training.
- To keep members up to date on changes in training and certification.
- To attract new members or schools to join the WMCA.

A motion was made by Tim Kordula to approve the formation of a WMCA Education Committee and seconded by Rob Sowinski. The motion carried.

A slide show on Truck Country and new product innovation for Freightliner was presented by our host and board member Dan Armstrong, Truck Country. The presentation was very informative.

The next WMCA quarterly board meeting has not yet been confirmed but will be sometime in March 2023.

With no further business, a motion to adjourn was made by Jim Stowell and seconded by Craig Wolf. The meeting adjourned at 12:04 p.m.



# MEMBERSHIP REPORT

March 14, 2023

Pauline Jaske, Reporting

Membership in the WMCA consists of **1,103** members in the following divisions:

	<u>December 2022</u>	<u>March 2023</u>
General	297	296
Allied	147	149
Movers	14	15
Milk	71	70
Tow	148	150
Coach	26	26
Independents	467	397
<b>TOTAL:</b>	<b>1,170</b>	<b>1,103</b>

January was a strong month for membership and the other Divisions continue to hold their own, but the Independent owner/operator divisions continues on a downward trend.

Membership rates have increased slightly for 2023 as directed by the Board, but the membership rate for first time membership remains at \$200 for carriers for the first year.

This concludes the Membership report.

**TREASURER'S REPORT  
WMCA ANNUAL MEETING  
March 14, 2023**

Between December 1, 2022 and March 1, 2023, the WMCA had expenditures of \$312,630 and revenue of \$304,373 with an ending fund balance of \$110,603.

In regard to other WMCA accounts, as of March 1, 2023, the Political Action Committee (W-TON) account had a balance of \$23,087 and the Truckers for Wisconsin Fund had a balance of \$19,754.

The Balance Sheet and Profit and Loss Statement are included in your packet and this concludes the Treasurer's report.

**Wisconsin Motor Carriers Association**  
**Profit Loss by Class**  
**October 2022 through February 2023**

	<u>Oct 2022-Feb 2023</u>
Other Income/Expense	
Other Income	
Administrative Income	40,416.85
Advertising	8,675.00
ATA Commissions	500.00
Contribution Income	6,219.51
Convention Income	20,313.48
Diamond Club	45,000.00
Dues	159,147.40
Golf Outing Income	150.00
Independent Operator Fees	15,519.00
Interest Income	905.83
Mover Dues	1,350.00
PSDC Income	0.00
Road Team Income	0.00
Safety Banquet Income	0.00
Seminar Income	3,439.00
Services Royalties	1,677.68
Sporting Clays Shootout	960.00
SWEF Visits	0.00
Thank A Trucker	100.00
Truck Driving Champ Income	0.00
Total Other Income	<u>304,373.75</u>
Other Expense	
Office Services	1,125.00
Computer & Software Expense	981.13
Accounting Services	20,164.59
Administrative Fees	0.00
Advertising & PR	211.75
Association Meetings	0.00
ATA-TAEC Expenses	1,745.74
Automobile Allowance	2,500.00
Banking Fees	448.97
Business Insurance	2,299.00
Contributions & Scholarships	500.00
Convention Expenses	32,624.57
Gifts	98.29
Golf Outing Expenses	217.08
Lobbying Fees	1,173.10
Membership Dues/Subscriptions	2,696.53
Merchant Fees	4,366.34
Office Supplies	-72.88
Payroll & Related	192,739.29
Pension Plan Admin Fees	596.00

3/7/23  
Cash Basis

**Wisconsin Motor Carriers Association**  
**Profit Loss by Class**  
October 2022 through February 2023

	<u>Oct 2022-Feb 2023</u>
Postage & Mailing Supplies	1,791.62
Professional Fees	500.00
PSDC Expenses	0.00
Rent	14,935.00
Road Team Expenses	0.00
Safety Banquet Expenses	0.00
Sales & Use, Property Taxes	41.15
Seminar Expenses	841.60
Tailgate Expenses	17,962.51
Telephone & Internet	1,679.98
Thank A Trucker Expenses	5,229.37
Travel Expenses	2,778.02
Truck Driving Champ Expenses	90.28
Utilities	1,866.40
Web Site	500.00
<b>Total Other Expense</b>	<u>312,630.43</u>
<b>Net Other Income</b>	<u>-8,256.68</u>
<b>Net Income</b>	<u><b>-8,256.68</b></u>

**Wisconsin Motor Carriers Association**  
**Balance Sheet**  
As of February 28, 2023

	<u>Feb 28, 23</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
Checking - General (OCB)	32,385.31
Money Market - General (OCB)	99,512.89
Reserve Fund (OCB)	136,796.12
Petty Cash	276.50
Total Checking/Savings	<u>268,970.82</u>
Total Current Assets	<u>268,970.82</u>
<b>TOTAL ASSETS</b>	<b><u><u>268,970.82</u></u></b>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Total Current Liabilities	<u>0.00</u>
Total Liabilities	0.00
Equity	
Fund Balance	110,603.70
Unrestricted Net Assets	166,623.80
Net Income	-8,256.68
Total Equity	<u>268,970.82</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u><u>268,970.82</u></u></b>

**FOUNDATION REPORT  
WMCA Board Meeting  
March 14, 2023**

As of March 1, 2023 the balance in the WMCA Foundation account was \$67,853.

The Foundation provides grants up to \$1,000 to the truck driving diesel technician programs at the Fox Valley, Chippewa Valley, Waukesha County and Milwaukee Area technical colleges, and donations to Wisconsin Special Olympics.

The 11<sup>th</sup> Annual Sport Shooting Clay event – the main source of revenue for the Foundation – is scheduled for June 7, 2023 at Milford Hills and registration is now open. This event has been selling out so get your team signed up early.

More information can be found on the WMCA Web site at [WWW.WITRUCK.ORG/EVENTS](http://WWW.WITRUCK.ORG/EVENTS)

This concludes the Foundation Report.

# 2023 MARCH LEGISLATIVE REPORT

## WMCA Board of Directors Meeting March 14, 2023 Acuity Insurance, Sheboygan, Wisconsin

### **Governor's State of the State Address:**

Governor Evers delivered his State of the State Address on February 3<sup>rd</sup>. He announced has a \$7.1B surplus going into the current biennium, the largest in State history. The Governor's priorities for the next two years include: mental health, child care subsidies, PFAP clean up and workforce innovation grants.

### **Governor's State Budget 2023-25:**

Governor Evers introduced his biennial budget for the State of Wisconsin during his budget address on February 15. He proposes a budget of \$103.8 billion over the next two fiscal years and adding 816 FTE positions. For comparison, the 2021-23 state budget spent \$87.5 billion with a net reduction of 174 FTE positions.

By law, the governor's budget has been introduced as a bill (AB-43/SB-70) in the Wisconsin Legislature. The Joint Finance Committee (JFC) will spend the next few months reviewing and altering the proposal, as will the Senate and Assembly. The goal is to pass a budget bill by the end of the fiscal biennium – June 30, 2023. The bill then goes back to the governor, where he will apply his line-item veto authority. The following steps in the process are:

- The Legislative Fiscal Bureau (LFB) will release a plain-language summary of the budget recommendations, usually by mid-March.
- JFC will hold agency briefings and conduct public hearings on the budget around the state.
- The co-chairs of JFC will identify non-fiscal policy and remove them from the budget bill.
- JFC will vote, agency by agency, on changes to the budget.
- The final version of the budget aims for debate and passage by both houses of the Legislature by sometime in June.
- The governor will then receive the budget bill and apply his line-item veto and sign the final version into law or he could completely reject the budget bill and start the process over.

**Key provisions in the governor's budget include:**

- Welfare expansion – Eliminating drug testing and work requirements for public assistance.
- Automatic voter registration with driver's license application and decreasing residency requirements from 28 days to 10 days.
- Changes statutes to gender-neutral terminology.
- Freezes enrollment in school choice programs.
- Provides \$290M for Milwaukee Brewers stadium if the Brewers commit to stay in Milwaukee through 2043 and future development around American Family Field will be exempt from property tax.
- Legalizes medical and recreational marijuana.
- Repeals Act 10 provisions, repeals right-to-work which disallows working from being forced to join a union as a condition of employment, and reinstates prevailing wage.
- Includes tuition for undocumented individuals.
- Increases minimum wage to \$10.25 per hour by 2026 and indexed to inflation.
- Creates a task force to study \$15 per hour minimum wage.
- Allows municipalities to use eminent domain for bike and pedestrian paths.
- 10% tax cut for single filers under \$100,000 and Joint filers under \$150,000 (Note: GOP discussing a 3.25% flat tax.)
- Allows Milwaukee County to add 1% to the sales tax to fund local services and all other counties .05% sales tax increase.
- Allows cities with populations of 30,000 or more to raise their sales tax by .05%.
- Creates largest increase in education funding in Wisconsin history with \$2.4B (15% increase).
- Expands Medicaid.
- Free school breakfast and lunch programs.
- Provides 12 weeks paid family and medical leave for public and private sectors.
- Includes driver's licenses for undocumented individuals (not valid for voting purposes).
- Renewal of drivers licenses electronically without eyesight test or photograph.
- Allows local governments to establish regional transit authorities for taxing purposes.
- Directs a portion of the sales tax of electric vehicles to the transportation fund.
- Directs a portion of the sale tax on the sale of auto parts, tires and repair services to the transportation fund.
- Requires interlock ignition devices for all OWI offences.
- Increases the seatbelt violation penalty from \$10 to \$25



- Requires DOT to issue an identifying decal for all hybrid and electric vehicles at a cost of \$1.
- Increases the seasonal CDL agriculture license from 180 days to 210 per calendar year.
- Adds 35 state trooper positions and 10 FTE positions for motor carrier inspectors.

### **Spring Primary Elections:**

Spring primary elections were held on February 21, 2023. Four candidates were on the ballot for an open seat on the Wisconsin Supreme Court. Former Justice Dan Kelly, a judicial conservative and Milwaukee County Judge Janet Protasiewicz, a judicial liberal, were the two top vote-getters. They will face off in the general election on April 4.

Over 958,000 votes were cast, a record number for a Wisconsin Supreme Court primary, and representing 20.5% of the voting age population. The previous record was 16% set in 2020. The results were as follows:

- Janet Protasiewicz: 46.4%
- Dan Kelly: 24.2%
- Jennifer Dorow: 21.9%
- Everett Mitchell: 7.5%

Currently, judicial conservatives have a 4-3 majority on the court and have controlled the court since 2008. The race is hotly contested and drawing national attention. This will be the most expensive Wisconsin Supreme Court race on record with \$9M total spent in the primary and an equal amount or more to be spent for the general election, potentially making it the most expensive State Supreme Court race ever in the U.S.. The current national record spending for a Supreme Court race occurred in Pennsylvania in 2015 for three seats and totaled \$21M.

One regional primary election of significance was in the state 8<sup>th</sup> Senate District, which covers a mostly suburban area north and northwest of the City of Milwaukee. Rep. Dan Konodl (R-Germantown) defeated two other candidates in a Republican primary. The seat is currently vacant after Sen. Alberta Darling (R-River Hills) retired in December. Governor Evers called a special election coinciding with the April 4, 2023 spring election to fill the seat.

Rep. Knodl will face Democratic candidate Jodi Habush-Sinykin of Whitefish Bay. Habush-Sinykin is an environmental attorney. The election will determine if the Republican Party maintains a two-thirds, veto-proof majority of 22 members in the Senate.

Under the Wisconsin Constitution, a two-thirds Senate majority would give the Republicans enough votes to convict "civil officers" in impeachment trials. The

state constitution does not define civil officers. The state Supreme Court has ruled that the term doesn't include legislators, but the constitution makes specific mention of the governor as an impeachable officer.

### **State Legislation Update:**

SB-1/AB-1: (Sen. LeMahieu/Rep. Brooks) Eliminates the state tiered income tax which currently has four brackets and establishes a single flat tax of 3.25% for all taxpayers, phased in over three years. Currently the lowest end of the bracket is 3.45% and the high-end is capped at 7.65%. 13 states have a flat tax including IN 3.23%, IA 3.9% by 2026 and MI 4.25%. OH has a top rate of 3.99%.

SB-2/AB-2: (Sen. Stroebel/Rep. Knodl) Personal property tax repeal. This is Wisconsin's oldest tax. This legislation passed both houses last session and was subsequently vetoed by the governor. Supported by the WMCA.

SB-66: (Sen. Tomczyk/Rep. Plumer) Extends the state seasonal farm CDL from 180 calendar days per year to 210 calendar days per year, same as federal law. Supported by the WMCA.

SB-89: (Sen. Jacque/Rep. Wichgers) Relating to depositing sales tax revenue from the sale of motor vehicles and motor vehicle parts, accessories and services into the transportation fund. Supported by the WMCA.

### **State Legislative Issues:**

Tolling: State Assembly Speaker Robin Vos (R-Rochester), in an interview with the Milwaukee Journal Sentinel (March 1, 2023), announced that he will once again attempt to implement a tolling system in Wisconsin during the current biennium to generate revenues for transportation infrastructure. The item could be added to the Legislature's version of the state budget or as standalone legislation.

In response, the WMCA sent out an updated version of our Truth Be Told in a legislative notice sent to the offices of all State Senators and State Representatives informing them of the WMCA's opposition to tolling. Efforts will be ongoing to form an anti-tolling coalition to fight this measure as was done during the previous legislative session when the idea to establish tolling in the state was attempted.

Administrative Code Trans 327 (CR 22-051): A DOT public hearing was held February 20, 2023 relating to the motor carrier safety assistance program. The rulemaking comment period has since closed. The intent of the rule is to mirror existing federal statutes and regulations and would make Wisconsin consistent with other adjacent states that are presently compliant with federal law.

This rulemaking makes the following changes as they apply to intrastate commercial operation:

- Deletes a requirement that a driver with diabetes controlled by insulin must provide statements from 2 physicians that the diabetes is not likely to cause loss of ability to control or operate a vehicle. Only a statement from the driver's doctor and the medical examiner would be needed.
- Limits the federal driver qualifications to CMVs weighing 26,001+ pounds rather than the federal minimum CMV weight of 10,001 pounds.
- Limits law enforcement to declare a driver out-of-service for HOS to the state HOS limits, not the more restrictive federal HOS limits.
- Makes various changes to HOS limitations. Increases the number of continuous 12 driving hours permissible for a property-carrying CMV driver from 11 to 12 hours. All applicable 16 exemptions from the ELD mandate for interstate transportation will also be applied.
- Repeals existing state HOS limitations since the rule adopts federal HOS limitations.
- Provides authority to the Division of State Patrol to issue citations of \$50-\$100 per violation of certain federal motor carrier regulations, for which only warnings are now issued, including falsified records and incorrect vehicle markings for controlled substance and alcohol testing violations.
- Authorizes the State Patrol to stop and inspect a vehicle if the officer has a reasonable basis to believe a violation of 49 CFR 390 (an expansive federal regulation covering Motor Carrier Safety Regulations) has occurred.
- Makes drivers of school buses used in charter activities and in extracurricular activities, that are not school-related, subject to HOS and driver qualifications.
- Contains a note summarizing the exemptions for school bus drivers engaged in intrastate operations.
- Updates a cross reference to reflect changes made by this rule to retain existing HOS limitation exemptions for authorized emergency vehicles: tow trucks and drivers of CMVs that weigh 26,000 pounds or less, that transport fewer than 16 passengers or transport hazardous materials that do not require placarding.
- Expands an exemption from HOS to any vehicle that does not meet the state definition of a CMV.
- Deletes the authority of motor carriers to declare emergencies that exempt themselves from driver qualifications and HOS limitations. These drivers are subject to federal HOS requirements.
- Deletes exemptions from HOS limitations for drivers located within 150 miles of home office or work site. This follows the federal short-haul rule.

Wisconsin Ag Coalition: The WMCA has joined a coalition of agribusinesses in support of the Governor and Legislature creating a Critical Agricultural Road Improvement WisDOT Grant program as part of the 2023-25 biennial budget bill. The DOT would identify critical Agricultural routes and establish a grant program to provide local road improvement grants to towns and counties to use for roads and bridges. The grant funds cannot be weight-restricted based on spring thaw restrictions.

Chippewa County Milk Haulers Permit: Dan Johnson, on behalf of the Wisconsin Milk Haulers Association (WMHA), sent a letter in January to the Chippewa County Highway Commissioner filing a formal objection to a proposed county milk hauling permit that would charge \$100 per truck per year. The purpose of the new fee is intended for road repairs occurring during the spring thaw but only targets milk haulers. A county board committee is reviewing its ordinance and the fee was then reduced to \$30 annually. In March, an amendment was added, recommending that the spring permit be free of charge if certain axle weight restrictions are met. The amendment was adopted and will be forwarded to the Chippewa County Board for approval. The WMHA has also been working through this process with the support of the Wisconsin Farm Bureau Federation.

Wisconsin Towing Association (WTA) Legislative Priorities:

1. Vehicle Registration Denial for unpaid towing and storage fees: The DMV would compile a "Do Not Register" list. Once the fees are paid, the prohibition would be lifted.
2. Private Property Impound Rates and Indexing: Private property towing would be increased by \$50 along with other necessary and reasonable charges and both rates would be adjusted and indexed annually to the annual consumer price index. In addition, a new fee schedule would be created for vehicles with a GVW greater than 10,000 pounds.
3. Special Identifying Plates for Electric Vehicles: Creates either a new license plate or decal for electric vehicles so tow operators can make proper safety decisions when recovering such vehicles.

Legislative Office Visits: WMCA President Neal Kedzie and Vice President Dan Johnson made legislative office visits in February to meet with the chairs and vice chairs of the Wisconsin State Senate and Assembly Committees on Transportation and Agriculture. Legislative priorities were discussed for the WMCA and its divisions, the WTA, WMCA, WMHA and WMA.

## **Federal Legislative Issues:**

**Side Underride Guards:** The National Highway Traffic Safety Administration (NHTSA) recently sent an advance notice of proposed rulemaking (ANPRM) on side underride guards to the Office of Management and Budget. An ANPRM, or “pre-rule”, is a notice primarily intended to request information and data before developing a proposed rule.

**FET Repeal:** The ATA sent a letter to Congressional leadership encouraging repeal of the Federal Excise Tax (FET) on heavy-duty commercial vehicles. The burden of this tax is preventing a greater deployment of cleaner, safer new trucks on the highway. The American Truck Dealers and Zero Emissions Transportation Association joined ATA on the letter.

The heavy-duty excise tax was established in 1917 to defray costs of World War I and today adds 12% to the cost of new truck, making these investments cost-prohibitive for smaller fleets.

**Drug and Alcohol Clearinghouse:** As of January 6, 2023, carriers can conduct a free employment query within the clearinghouse. FMCSA is working toward creating a system within the clearinghouse that would automatically notify fleets if any driver records they’ve looked at in the past year have new driver information, such as a failed drug test. This proactive function is expected to be implemented later this year.

## **ATRI Top 100 Truck Bottlenecks – 2023:**

The American Transportation Research Institute (ATRI), the research branch of the ATA, released its Top 100 Truck Bottlenecks for this year. In the top 10, two were in Chicago and two others were in Atlanta. Other top 10 cities listed included Fort Lee, NJ (#1), Houston, Los Angeles, Nashville and San Bernadino.

One Wisconsin bottleneck was identified in Milwaukee, WI (#94): I-94/I-794 at I-43.

All upper Midwest states had at least one bottleneck identified with the exception of Iowa.

## **CVSA International Roadcheck:**

The Commercial Vehicle Safety Alliance (CVSA) has scheduled this year’s International Roadcheck event for May 16-18. This year’s event will feature an emphasis on anti-lock braking systems and cargo securement.

The high-visibility, high-volume 72-hour inspection of CMVs and drivers will be conducted at weigh/inspections stations and along roadways In the U.S., Canada and Mexico.

## **WMCA Call on Washington 2023:**

The annual Call on Washington (COW) will resume in-person for the first time since 2020. The dates are Wednesday, May 10 and Thursday, May 11 with flights home on Friday, May 12. The reservation deadline for the AC Hotel Washington DC Capitol Hill Navy Yard is April 14.

The tentative itinerary includes:

- Wed: ATA briefing and issuance of legislative issues packets.
- Wed: FMCSA representative update.
- Wed: Tour of the new ATA headquarters.
- Thurs.: Congressional office visits.
- Thurs.: ATA rooftop reception at ATA Hill Office.