

TRANSPORTATION

Omnibus Motion -- Change to Bill

Motion:

Move to adopt the Governor's recommendations for transportation, except for the following modifications:

**Transportation Finance**

1. *Transportation Fund Condition.* (LFB Paper #595) Adopt the reestimates of transportation fund revenue and general obligation bond debt service expenditures.

2. *Eliminate DOT Positions -- Funding Lapse.* Require the Secretary of the Department of Transportation (DOT) to eliminate 100.00 SEG positions in 2017-18 and an additional 100.00 SEG positions in 2018-19. In addition to the deleted positions, specify that DOT would be required to eliminate private management consultant positions in the local assistance program and accrue overtime savings (other than State Patrol workload). Specify that DOT would be required to submit a report to the Joint Committee on Finance, no later than January 1, 2019, identifying the positions eliminated and the appropriation accounts from which the positions are funded to be reduced. Require SEG-Lapse amounts of \$13,000,000 annually in associated funding to the transportation fund in the biennium.

3. *Land Sales -- Funding Lapse.* Require lapses of \$3,300,000 SEG-Lapse in 2017-18 and \$700,000 SEG-lapse in 2018-19 associated with account balances from land sales to the transportation fund.

4. *Hybrid-Electric/Electric Vehicle Fee.* Create a \$75 fee for hybrid-electric vehicles and a \$100 fee for electric vehicles, effective January 1, 2018, which would be paid in addition to the existing annual registration fees for passenger vehicles designed for highway use that are powered by hybrid-electric or electric engines. Specify that the fee would apply to automobiles, vans, sport utility vehicles, and light trucks with a gross vehicle weight of 8,000 pounds or less, but would not apply to municipal-plated vehicles, farm-use-plated vehicles, motorcycles, or vehicles registered with a gross vehicle weight in excess of 8,000 pounds. Increase estimated transportation fund revenue by \$2,621,300 SEG-REV in 2017-18 and by \$5,782,500 SEG-REV in 2018-19.

5. *Permit Sale of Dyed Diesel Fuel to Recreational Motor Boats.* Permit the sale of dyed diesel fuel for use in a recreational motor boat. Under current law, dyed diesel fuel is exempted from the state motor vehicle fuel tax. However, the sale of gasoline or diesel fuel for use in recreational motor boats is subject to the state's motor vehicle fuel tax. The revenue from the tax is then transferred from the transportation fund to the water resources (motorboats) accounts of the segregated conservation fund based on a formula that includes the motor vehicle fuel tax rate, a

standard number of gallons, and the number of annual motorboat registrations in the state. This would result in a decrease in revenue to the transportation fund of \$50,000 SEG-REV in 2017-18 and \$200,000 SEG-REV in 2018-19, while the amount of transportation fund revenue transferred to the conservation fund would be unchanged. Specify that the provision apply retroactively to July 1, 2013. The sales and use tax would apply to the sale of dyed diesel fuel to recreational motor boats, which would result in minimal additional revenue to the general fund. Transfer \$50,000 GPR from the general fund to the transportation fund in 2017-18 and \$200,000 GPR from the general fund to the transportation fund in 2018-19, and annually thereafter.

6. *Tolling Implementation Study.* Provide the Department \$2,500,000 SEG in 2017-18 to enter into a contract not to exceed that amount for a tolling implementation study to include the following: (a) an analysis to support the completion of a federal tolling application process; (b) a tolling concepts of operations plan that outlines the policies, procedures and operations needed to govern roadway tolling; (c) a traffic and revenue analysis including the revenue needed to support toll revenue-supported debt; and (d) an evaluation, or reevaluation of federal environmental requirements, including needed documentation. Require the firm under contract for this study to report its findings to DOT and each house of the Legislature by January 1, 2019.

### **Local Transportation Aid**

7. *Limit Authority to Incur Expenses Related to a Rail Fixed Guideway System in the City of Milwaukee.* Specify that a City of Milwaukee TIF district may not incur direct or indirect expense related to the operation of a rail fixed guideway transportation system in the City of Milwaukee ("Milwaukee Streetcar"). Prohibit the state and state agencies from incurring any direct or indirect expenses, including the forfeiture of any revenue, relating to the operation or construction of the Milwaukee Streetcar, unless the expense incurred or revenue forfeited is fully reimbursed by the City. Extend the current law prohibition that Milwaukee County cannot expend funds for operation of the fixed guideway system to include the expenditure of funds for construction. Provide that an eligible applicant for state urban mass transit operating assistance may not use aids provided for any purpose related to the operation of a streetcar system in the City of Milwaukee. Require the City of Milwaukee to reimburse any entity prohibited from incurring expenses related to the operation or construction of a streetcar system in the City of Milwaukee in the event the entity incurs such expenses. Delete the enumeration of the project resulting from the Milwaukee Downtown Transit Connector Study of the Wisconsin Center District ("Milwaukee Streetcar") as one of the major transit capital improvement projects enumerated in statutes.

8. *Town of Lafayette (Chippewa County) Disaster Damage Payment.* Require the DOT to provide a \$64,000 SEG disaster damage aid payment to the Town of Lafayette in Chippewa County in 2017-18 from the existing disaster damage aid sum sufficient appropriation. Increase the estimated expenditures from the sum sufficient appropriation by \$64,000 SEG in 2017-18 to reflect the payment.

## Local Transportation Assistance

9. *Local Roads Improvement Program.* (LFB Paper #610) Modify the Governor's recommendation (\$7,000,000 annual increase) to instead provide \$5,000,000 SEG annually for the local roads improvement program (LRIP) and \$5,000,000 SEG-L annually to reflect the local government share of project costs. Adjust the recommended discretionary local government funding allocations proportionately to reflect the reduced program funding increase, such that the additional funding would be allocated as follows: (a) \$1,668,600 annually for the formula-based component of the program; and (b) \$3,331,400 annually for the discretionary grant component of the program. Of the \$3,331,400 annual funding increase for the discretionary component of the program, \$266,400 would be provided to counties, \$2,873,900 would be provided to municipalities (cities and villages), and \$191,100 would be provided to towns. Delete the Governor's recommended increase in the required local share of project cost provisions from 50% to 60%.

10. *Local Bridge Improvement Assistance Program.* (LFB Paper #611) Modify the Governor's recommendation (\$2,500,000 SEG annually) to provide an additional \$7,500,000 annually for the local bridge assistance program. The total funding increase would be \$10,000,000 annually. Provide an increase of \$1,875,000 SEG-L annually to reflect the local share of project cost.

11. *Airport Improvement Project Funding.* Provide \$5,700,000 SEG in 2017-18 and require DOT to make the following grants, notwithstanding the statutory requirements of the aeronautics assistance program: (a) \$4,000,000 SEG in 2017-18 to the City of Wisconsin Rapids for improvements to the Alexander Field; and (b) \$1,700,000 SEG in 2017-18 to the Appleton International Airport for design and construction services related to making improvements necessary for the airport to be an airport rescue and firefighting facility.

12. *Harbor Assistance Funding for Fincantieri Bay Shipbuilding.* (LFB Paper #613) Provide \$3,200,000 SEG in 2017-18 and require the Department to provide a harbor assistance grant in 2017-18 to Fincantieri Bay Shipbuilding in Door County for a dockwall construction and dredging project, notwithstanding the eligibility and match requirements for the program. Specify that the amount of the grant would be \$3,200,000 or the total cost of the project, whichever is less.

13. *Study of Consolidation of SEG in Local Program (Federal Aid "Swap" Bill).* Require DOT to study and report on the effects of consolidating SEG in the surface transportation program (STP) and replacing these funds with FED from the state highway program. Permit DOT to submit a 13.10 request to the Joint Committee on Finance that would accomplish such transfers. If the Department's submits such a request, require that it include an estimate of the potential savings or costs to local governments and the state that could be associated with the requested program changes. Create a SEG local transportation facility improvement assistance appropriation (STP program appropriation) to which funds could be transferred in the event the Committee acts under the 13.10 process. Stipulate that DOT submit the report required under this provision to the Joint Committee on Finance no later than May 1, 2018.

14. *Village of Rib Lake -- Reimbursement of Local Expenditure.* Provide \$20,000 SEG in 2017-18 to the Village of Rib Lake in Taylor County, from the transportation alternatives program

SEG appropriation to reimburse the Village for the costs incurred on the design of a federally-funded safe routes to school project that was awarded the Village, but later rescinded under a 2013 Act 20 provision that required the project to commence within four years of the grant award.

15. *Traffic Control Lights in City of Greenfield -- Milwaukee County.* Require DOT to study the potential installation of traffic control lights at the intersection of Layton Avenue and 124<sup>th</sup> Street near the entrance and exit to I-43 in the City of Greenfield in Milwaukee County. Specify that DOT report the results of the study to the transportation committees of each house of the Legislature by June 30, 2018.

16. *Aeronautics Local Government Zoning.* Specify that no county, city, village, or town airport or spaceport protection ordinance may prohibit the use of a physical barrier in lieu of compliance with a 48-hour drainage requirement for storm retention pond that is located in a residential subdivision underlain by natural clay soil.

17. *Prohibit Condemnation Authority for Recreational and Pedestrian Trails.* Prohibit any entity with the power of condemnation from using that power for the purpose of establishing or extending recreational trails, bicycle ways or lanes, or pedestrian ways. Under current law, certain entities, including county boards, city councils, village or town boards, or DOT, have the authority to acquire land for specified public purposes through condemnation. Specify that this provision would first apply to condemnation proceedings in which title to the subject property has not vested in the condemnor on the effective date of the bill.

18. *Limit Condemnation Authority of Railroad Corporations.* Require that prior to a railroad corporation acquiring any property through condemnation that exceeds 100 feet in width, the Legislature must enact a law that: (a) states a legislative finding that the railroad corporation's acquisition serves the public interest; and (b) authorizes the acquisition of the property or property interest.

## **State Highway Program**

19. *State Highway Rehabilitation Program (LFB Paper #620).* Make the following modifications to the bill in order to provide total state highway rehabilitation program funding of \$1,619,432,400 in the 2017-19 biennium: (a) increase SEG by \$108,069,200 in 2017-18 and by \$104,669,100 in 2018-19; (b) increase FED by \$6,900,000 annually; and (c) reduce transportation fund-supported, general obligation bonding by \$308,738,300. Reduce transportation fund-supported, general obligation bond debt service by \$13,863,100 SEG in 2018-19 to reflect the reduction in bonding.

The following table shows the net effect of these changes, as compared to bill.

**State Highway Rehabilitation Program -- Funding Comparison  
(\$ in Millions)**

<u>Fund Source</u>	<u>2017-19 (AB 64/SB 30)</u>		<u>Biennial Total</u>
	<u>2017-18</u>	<u>2018-19</u>	
SEG	\$278,933,200	\$278,933,200	\$557,866,400
FED	417,883,000	417,144,700	835,027,700
General Obligation Bonds	<u>152,238,300</u>	<u>156,500,000</u>	<u>308,738,300</u>
Total	\$849,054,500	\$852,577,900	\$1,701,632,400

<u>Fund Source</u>	<u>2017-19 (Motion)</u>		<u>Biennial Total</u>
	<u>2017-18</u>	<u>2018-19</u>	
SEG	\$387,002,400	\$383,602,300	\$770,604,700
FED	424,783,000	424,044,700	848,827,700
General Obligation Bonds	<u>0</u>	<u>0</u>	<u>0</u>
Total	\$811,785,400	\$807,647,000	\$1,619,432,400

% Change in Total Resources -4.8%

Note: Values are shown inclusive of standard budget adjustments and adjustments to the base.

20. *State Highway Rehabilitation -- State Highway 154 (Sauk County)*. Require DOT to complete state highway rehabilitation work in the 2017-19 biennium on STH 154 in Sauk County, from the Richland/Sauk County line to Village of Loganville. Require that the rehabilitation work include milling, overlay, and safety improvements to the existing facility.

21. *Major Highway Development Program (LFB Paper #621)*. Make the following modifications to the bill in order to provide total major highway development program funding of \$563,700,000 in the 2017-19 biennium: (a) reduce SEG by \$78,450,000 in 2017-18 and by \$953,800 in 2018-19; (b) increase FED by \$5,850,000 annually; and (c) reduce SEG-S (revenue bond) appropriations by \$34,400,000 in 2017-18 and by \$4,061,700 in 2018-19. Reduce the transportation revenue bond authority that would be provided by \$38,461,700 in the 2017-19 biennium. Increase estimated transportation fund revenue by \$430,000 in 2017-18 and by \$2,811,100 in 2018-19 to reflect the bonding reduction.

The following table shows the net effect of these changes, as compared to bill.

**Major Highway Development Program -- Funding Comparison**  
**(\$ in Millions)**

<u>Fund Source</u>	<u>2017-19 (AB 64/SB 30)</u>		<u>Biennial Total</u>
	<u>2017-18</u>	<u>2018-19</u>	
SEG	\$129,126,800	\$23,820,900	\$152,947,700
FED	160,309,900	203,326,200	363,636,100
Trans. Revenue Bonds	<u>82,632,700</u>	<u>70,649,000</u>	<u>153,281,700</u>
Total	\$372,069,400	\$297,796,100	\$669,865,500

<u>Fund Source</u>	<u>2017-19 (Motion)</u>		<u>Biennial Total</u>
	<u>2017-18</u>	<u>2018-19</u>	
SEG	\$50,676,800	\$22,867,100	\$73,543,900
FED	166,159,900	209,176,200	375,336,100
Trans. Revenue Bonds	<u>48,232,700</u>	<u>66,587,300</u>	<u>114,820,000</u>
Total	\$265,069,400	\$298,630,600	\$563,700,000

% Change in Total Resources -15.8%

Note: Values are shown inclusive of standard budget adjustments and adjustments to the base.

22. *Construction Work on STH 23.* Reserve the first \$19,400,000 in major highway development let savings (SEG, FED, and bond revenue) for the STH 23 major highway development project in the 2017-19 biennium. Specify that if these let savings are not expended on the STH 23 project by January 1, 2019, DOT could expend the funds on other major highway development projects. Require DOT to complete rehabilitation work on STH 23 in Sheboygan and Fond du Lac counties the 2017-19 biennium.

23. *Enumerate I-94 between USH 12 and STH 65 (St. Croix County).* Enumerate the 7.5-mile segment of I-94 between USH 12 and 130<sup>th</sup> Street near STH 65 in St. Croix County in the statutes as a major highway development project. [This is a federally-designated truck route between the Twin Cities and St. Croix County. The proposed improvements include reconstruction of the existing freeway and addition of a third lane in each direction to create a six-lane divided highway between USH 12 and STH 65. The estimated cost is \$144 million (in current year dollars). At its meeting in December, 2014, the TPC recommended the enumeration of this project.]

24. *Southeast Wisconsin Freeway Megaprojects Program (LFB Paper #622).* Make the following modifications to the bill in order to provide total southeast Wisconsin freeway megaprojects program funding of \$101,181,500 in the 2017-19 biennium (this total does not include the contingent bonding provisions of engrossed SS AB 1, which would provide an additional \$252,400,000 in GPR-supported bonds, for total program funding of \$353,581,500): (a) reduce funding by \$5,000,000 SEG in 2017-18 and \$4,061,700 SEG in 2018-19; and (b) reduce funding by \$5,850,000 FED annually.

The following table shows the net effect of these changes, inclusive of the \$252.4 million in GPR-supported contingent bonds that would be authorized under engrossed SS AB 1, as compared to bill.

**Southeast Wisconsin Freeway Megaprojects Program -- Funding Comparison  
(\$ in Millions)**

<u>Fund Source</u>	<u>2017-19 (AB 64/SB 30)</u>		<u>Biennial Total</u>
	<u>2017-18</u>	<u>2018-19</u>	
SEG	\$11,488,300	\$15,721,800	\$27,210,100
FED	<u>59,745,000</u>	<u>34,988,100</u>	<u>94,733,100</u>
Total	\$71,233,300	\$50,709,900	\$121,943,200

<u>Fund Source</u>	<u>2017-19 (Motion)</u>		<u>Biennial Total</u>
	<u>2017-18</u>	<u>2018-19</u>	
SEG	\$6,488,300	\$11,660,100	\$18,148,400
FED	53,895,000	29,138,100	83,033,100
General Oblg. Bonds (GPR)*	<u>126,200,000</u>	<u>126,200,000</u>	<u>252,400,000</u>
Total	\$186,583,300	\$166,998,200	\$353,581,500

% Change in Total Resources 190.0%

\*These bonds would be authorized under the provisions of SS AB 1 and would be contingent on the state's receipt of federal moneys specifically for the I-94 North-South corridor project and Joint Committee on Finance approval.

Note: Values are shown inclusive of standard budget adjustments and adjustments to the base.

25. *Prohibit Southeast Wisconsin Freeway Megaproject Funding for North Leg of the Zoo Interchange Project in the Biennium.* Specify that DOT would not be permitted to expend southeast Wisconsin freeway megaprojects program funding from any source (SEG, FED, or bond revenue) for the north leg of the Zoo Interchange project (between Swan Boulevard and Burleigh Street in Milwaukee County) in the 2017-19 biennium. Further, prohibit DOT from using any contract let savings from construction contracts funded from the southeast Wisconsin freeway megaprojects program in the 2017-19 biennium for construction work on the north leg of the Zoo Interchange project.

26. *State Highway Construction -- "Replace-In-Kind" Alternative Requirement.* Require DOT to study, consider, and provide a cost estimate for a "replace-in-kind" alternative when developing state highway construction projects plans. Define "replace-in-kind" alternatives as plans that would not include bicycle lanes, added lanes of travel, or significant design modifications that would include any of the following: (a) geometric or safety modifications; (b) changes to highway alignment; or (c) changes to access points. Specify that this provision would first apply a highway improvement project commenced on the effective date of the bill.

27. *Repeal Prevailing Wage.* Approve the Governor's recommendations that previously

had been removed as a non-fiscal policy item. The restored provisions would eliminate the state prevailing wage law for state building projects and state highway projects as well as retain the current law prohibition against local governments enacting or administering their own prevailing wage laws or similar ordinances. Specify that for a project of public works that is subject to bidding, the prevailing wage repeal first applies to a project for which the request for bids is issued on or after September 1, 2018. Specify that for a project of public works that is not subject to bidding, the prevailing wage repeal first applies to a contract that is entered into on or after September 1, 2018.

28. *Directional Signs for Bergstrom Waterfowl Complex.* Direct DOT to erect and maintain two directional signs along eastbound and westbound STH 54 that direct motorists to the Bergstrom Waterfowl Complex in the Town of Bovina in Outagamie County. Specify that no state funds could be used in the fabricating, erecting, or maintaining the signs other than the contributions received from interested parties.

29. *Directional Signs for Shoreland Lutheran High School.* Direct DOT to erect and maintain directional signs for Shoreland Lutheran High School in Kenosha County on I-94 near the north and south exits near Somers Road. Specify each sign would indicate the appropriate exit for Shoreland Lutheran High School. Specify that no state funds could be used in the fabricating, erecting, or maintaining the signs other than the contributions received from interested parties.

30. *Directional Signs for Soldiers Walk Memorial Park in City of Arcadia.* Direct DOT to erect and maintain all of the following directional signs for Soldiers Walk Memorial Park in the City of Arcadia: (a) two signs along eastbound and westbound I-94 at the STH 95 interchange and two signs along the exit ramps that correspond to the signs along the main roadway in Jackson County; (b) one sign along northbound STH 93 at the intersection with STH 95 in Trempealeau County; and (c) one sign along westbound STH 95 at the intersection with STH 93 in Trempealeau County. Specify that no state funds could be used in the fabricating, erecting, or maintaining the signs other than the contributions received from interested parties (including county, city, village, or town contributions). Specify that no later than six months following the receipt of sufficient contributions (for fabrication, erection, and maintenance of the signs) from interested parties, DOT shall erect and maintain the signs.

31. *Boundary Signs for Town of Lawrence (Brown County).* Direct DOT to erect and maintain boundary signs that would display the words, "Town of Lawrence," at the north and south entrances to the Town of Lawrence along I-41 in Brown County. Specify that no state funds could be used in the fabricating, erecting, or maintaining the signs other than the contributions received from interested parties.

32. *Allow Overweight, 11-Axle Trucks To Travel On Certain Highways.* Specify that trucks transporting raw forest products and lumber, weighing up to 164,000 pounds with an 11-axle configuration, with no per-axle or per wheel weight limitations, notwithstanding current law restrictions, may operate year-round on the following routes: (a) the segment of STH 13 that begins at the junction of USH 2 and STH 13 and ending at Old Airport Road (near Ashland Mats) in Ashland County; and (b) STH 70 from Eagle River to the junction of STH 70 with USH 51 in Vilas County. Specify that these modifications would first apply on the effective date of the bill.



33. *Repeal of Implements of Husbandry Sunset Provisions.* Eliminate the January 1, 2020, sunset provisions related to weight allowances and permitting provisions applicable to implements of husbandry and agricultural commercial motor vehicles.

34. *Transportation Projects Commission and Engineering and Construction Study.* Make the following modifications related to the Transportation Projects Commission (TPC) membership, staffing, duties, and meeting requirements:

a. *TPC Membership.* Modify the membership of the TPC as follows: (a) reduce from three to two, the number of public members appointed by the Governor; (b) reduce the Assembly membership from five to three (two members would be appointed by the Speaker of the Assembly and one member would be appointed by the Minority Leader); (c) reduce the Senate membership from five to three (two members would be appointed by the Majority Leader and one would be appointed by the Minority Leader); (d) specify that there would be four public members of the commission appointed by Legislature (the Speaker and Minority Leader of the Assembly would each be able to make one appointment and the Senate Majority Leader and Senate Minority Leader would each be able to make one appointment); and (e) specify that either the DOT or DOA secretary would be appointed to the commission, as a non-voting member, as determined by the Governor. Specify that these membership changes would be effective on January 1, 2018. Under current law, the TPC includes the Governor, who acts as the chairperson, five senators, five representatives, three public members appointed by the Governor, and the Secretary of Transportation (a nonvoting member).

b. *TPC Staff.* Provide 3.00 GPR positions, funded from a newly-created, GPR-supported appropriation. Specify that these positions would be responsible for providing staff services to the TPC. Specify that one position would be responsible for appointing and directing the staff of the commission ("the Director," an ESG 5 position) and that the TPC staff would report to, and serve at the discretion of, the Director. Require that the staff of the TPC would be required to include an engineer, legal counsel, and a financial auditor. Specify that the Director be appointed by a majority vote of the TPC no later than January 12, 2018 and that this appointment would require confirmation by the Senate. Specify that the Director may serve until the Senate votes to confirm or deny the appointment. Provide \$150,000 GPR in 2017-18 to a newly-created, biennial GPR appropriation to fund the initial costs associated with the Director position.

No later than March 1, 2018, specify that the TPC would be required to submit a 14-day passive review request to the Joint Committee on Finance for not more than an additional 4.00 GPR-funded positions, as determined necessary by the TPC in consultation with the Director. Provide \$550,000 GPR in 2017-18 to the Joint Committee on Finance account to fund costs associated with TPC staff positions, supplies, and services, as approved by the Committee.

c. *Duties of TPC Staff.* Require that TPC staff periodically review accounts and financial records to assure DOT transactions are legal and proper. Specify that the TPC staff would have access to any record of DOT. Require that TPC staff annually complete an evaluation of DOT based on goals and performance measures established by the TPC and submit the results of these evaluations to the Governor, DOT, the Legislature, and the Joint Committee on Finance no later than December 31 of each year, beginning in 2018. Specify that the Director may periodically enter into a contract for an independent audit of the Department.

d. *TPC Meetings.* Require the TPC to meet at least twice yearly and provide it with the authority to hold public hearings.

e. *Requirements of the TPC.* Require the TPC to consider the denumeration of projects that are least 10 years old in each even-numbered year. Specify that the TPC staff would submit the Commission's biannual budget request directly to the Department of Administration by September 15 of even-numbered years. Require the Commission to submit a report to the Governor and Legislature describing the short-term and long-term impacts of each DOT biennial budget request on state and local roads. Require that the report be submitted no later than thirty days following the receipt of the Department's request. Specify that following the Governor's submission of budget recommendations to the Legislature, that the TPC would again be required to submit a report to the Governor and the Legislature that would describe the short-term and long-term impacts of the Governor's recommendations on state and local roads. Require that the report be submitted no later than thirty days following the receipt of the Governor's recommendations.

f. *DOT Requirements.* To the extent permitted by federal and state law, require DOT to adopt the long-range planning recommendations made by the TPC. At least once every year, require DOT to provide the TPC with a list of any major highway development and southeast Wisconsin freeway megaprojects that are not yet being considered for environmental study or enumeration and require that this list include the estimated costs and scopes of any such projects. Require DOT to provide the TPC with lists of any proposed or planned state highway rehabilitation projects and southeast Wisconsin freeway megaprojects in even-numbered years (when the TPC is also considering major highway development project enumerations and approvals). Require that these lists would include the estimated costs, scopes, and locations of the projects. Require DOT to provide its biennial budget request to the TPC.

g. *TPC Sunset Provisions.* Specify that the membership and duties of the TPC, as modified by the above provisions, would sunset on June 30, 2021.

h. *Engineering Study.* Require DOT, in consultation with the TPC, to enter into an agreement with an independent engineering firm that has not previously conducted business with the state to prepare a report that does all of the following: (a) reviews the standards of all 50 states related to transportation engineering and highway construction and recommend any "best practices"; (b) an analysis of DOT's project prioritization process and whether this process reflects reasonable financing and completion time assumptions; and (c) an evaluation of the allocation of funds between the state highway rehabilitation, major highway development, and southeast Wisconsin freeway megaprojects programs. Specify that the engineering firm would be required to report its findings to the TPC and the Department by January 1, 2019.

## **Motor Vehicles**

35. *Authorize DOT to Issue Permits For Certain Garbage or Refuse Collection Vehicles.* Specify that DOT may issue an annual or consecutive month permit for the transportation of garbage or refuse in any of the following vehicles that exceed statutory weight and length limitations and for the return of the vehicle when empty: (a) a self-compactor equipped vehicle (as allowed under current law); and (b) a roll-off trailer equipped vehicle that uses all axles while

transporting garbage or refuse. Specify that DOT may issue a permit for these vehicles for use on any highway in the state. Modify the related administrative code to include a roll-off trailer equipped vehicle that uses all axles while transporting garbage or refuse in the list of vehicles for which DOT may issue transportation of garbage or refuse permits.

36. *Authority to Share Certain Information with Elections Commission.* Authorize DOT to share information obtained through applications for vehicle titles, driver licenses, and identification cards, including applicant social security numbers, with the Elections Commission for the sole purpose of allowing the Chief Election Officer to comply with an agreement between the state and the Electronic Registration Information Center, Inc., related to the maintenance of interstate voting records.

37. *Recreational Vehicle Dealers -- Assessment of Service Fee or Charge.* Delete the current law provision and the related DOT administration code provision that prohibit recreational vehicle dealers from assessing an additional service fee or charge for completing any sales-related vehicle inspections or forms which are required by law or rule. Allow recreational vehicle dealers to assess such fees or charges, if the dealer has made full disclosure of the service fee or charge to the prospective retail customer. Specify that the service fee or charge may not be increased after this disclosure, but may be reduced. Stipulate that recreational vehicle dealers who assess a service fee or charge shall include the following disclosure on the purchase or lease contract: "A service fee or charge is not required by law, but may be charged to recreational vehicle purchasers or lessees for services related to compliance with state and federal laws, verifications and public safety, and must be reasonable." Upon request from a purchaser, require that the dealer provide a written disclosure of the services included in this service fee or charge. Specify that DOT would reserve the right to audit fees or charges to determine whether they are reasonable. These provisions would first apply on the effective date of the bill.

## State Patrol

38. *In-Vehicle Video Camera Replacement (LFB Paper #630).* Modify the Governor's recommendation and provide \$2,750,000 GPR in 2017-18 for the direct purchase of approximately 500 in-vehicle video cameras (rather than purchasing the cameras through a master lease). Create a GPR-funded appropriation for this purpose. This modification would delete the Governor's recommendation and related funding (\$1,388,600 SEG annually) to purchase the cameras through a three-year master lease and to fund the costs associated with the wireless, remote storage of data produced by these cameras.

39. *Tactical Vests and Helmets (LFB Paper #630).* Modify the Governor's recommendation and provide \$800,000 GPR in 2017-18 (rather than \$800,000 SEG) to the GPR-funded appropriation created under the prior provision and specify that the appropriation may also be used to fund the purchase of tactical vests and helmets. These moneys would fund the purchase of the 500 level IV, bulletproof, tactical vests and helmets rather than acquiring them through a four-year master lease agreement.

40. *Removal of Funding for State Patrol Class (LFB Paper #631).* Modify the Governor's

recommendation for the State Patrol and delete \$1,417,300 SEG in 2017-18 and provide \$1,417,300 SEG in 2018-19 compared to the bill. This modification would delete recruit class funding in the first year of the biennium and would restore recruitment funding in the second year in order to retain ongoing base funding for this purpose.

## **Departmentwide**

41. *Administrative Facilities -- Transportation Revenue Bond Authorization.* Modify the Governor's recommendation and reduce revenue bonding authority by \$2,800,000 (SEG-Revenue Bonds) for administrative facility construction projects. [This would reduce the transportation revenue bond authorization provided for administrative facility construction to \$9,080,000 in the biennium.] Reduce transportation revenue bond expenditure authority for administrative facilities by \$1,400,000 SEG-S annually. Increase estimated transportation fund by \$17,600 in 2017-18 and by \$129,900 in 2018-19 to reflect the bonding reduction.

42. *Jurisdictional Transfer Agreements and Cooperative Plans.* Specify that any highway that is under the jurisdiction of a municipality or county and that satisfies all of the following requirements shall be transferred to the jurisdiction of the Department of Transportation: (a) prior to the effective date of this provision jurisdiction of the highway was transferred by the Department to a municipality or county under a jurisdictional transfer agreement to which more than one municipality or county was party; (b) the municipality or county to which jurisdiction of the highway was transferred under "a" was subsequently transferred under a cooperative plan territory in which the highway is located to another municipality or county and the cooperative plan agreement did not specifically address jurisdiction of the highway; (c) not later than 6 months after the effective date of this provision, the governing body of the transferor and transferee municipalities or counties under "b" adopt resolutions stating the intent of the municipality or county to revert jurisdiction of the highway to DOT and provide a copy of the resolution to the Department.

## **Other Provisions**

43. *Litigation Expenses in Condemnation Awards.* For condemnation awards under which condemnees may recover litigation expenses, increase the current law threshold from \$700 and 15% of the previous offer or award to \$2,700 and 15% of the previous offer or award. Beginning January 1, 2018, and annually thereafter, the Department of Administration (DOA) would be required to index the amount of the dollar threshold (\$2,700) for inflation to the nearest dollar amount. DOA would be required to publish the indexed dollar amounts on its website, but the adjusted amounts would not need to be promulgated in rule. Through statutory cross reference, this threshold would also apply in cases where damage awards are appealed to circuit court related to town highway maintenance.

These provisions would first apply to written offers and jurisdictional offers made on the effective date of the bill.

44. *Local Ordinance Conflicting With Statutory Provision.* Create a provision under the Chapter 66 municipal law requirements of the statutes to prohibit a political subdivision, defined as a county, city, village, or town, from enforcing an ordinance if any of the following applies: (a) a statutory provision expressly prohibits the political subdivision from enforcing the ordinance; (b) the ordinance logically conflicts with a statutory provision; (c) the ordinance defeats the purpose of a statutory provision; or (d) the ordinance violates the spirit of a statutory provision.

45. *Local Regulation of Quarry Operations.* Limit the authority of political subdivisions to place limits or conditions on the operations of a quarry. A political subdivision would include a county, city, village, or town. The provisions would take effect on April 1, 2018, except for the noise limitation requirement described in a later section. Include the following provisions:

A. Definitions. Create the following definitions:

(1) "Quarry" would mean the surface area from which nonmetallic minerals, including soil, clay, sand, gravel, and construction aggregate, that are used primarily for a public works project or a private construction or transportation project, are extracted and processed.

(2) "Quarry operations" would mean the extraction and processing of minerals at a quarry and all related activities, including blasting, vehicle and equipment access to the quarry, and loading and hauling of material to and from the quarry.

(3) "Public works project" would mean a federal, state, county, or municipal project that involves the construction, maintenance, or repair of a public transportation facility or other public infrastructure and in which nonmetallic minerals are used.

(4) "Permit" would mean a form of approval granted by a political subdivision allowing for the operation of a quarry.

(5) "Nonconforming quarry site" would mean land on which the operation of a quarry existed lawfully before the quarry became a nonconforming use, and includes any parcel of land that, as of the effective date of the bill, is contiguous to the land on which the quarry is located, is under the common ownership, leasehold, or control of the person who owns, leases, or controls the land on which the quarry is located, and is located in the same political subdivision. The motion would maintain the current law definition of a nonconforming use to mean a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance.

(6) "Contiguous" would mean sharing a common boundary or being separated only by a waterway, section line, private road, transportation right-of-way, or utility right-of-way.

B. Local Regulation of Quarry Operations. Specify that none of the new provisions may be construed to affect the authority of a political subdivision to regulate land use for a purpose other than the operation of a quarry, including the provisions related to permits, blasting, water quality or quantity, air quality, fugitive dust, property value guarantees, noise, quarry production, and setbacks. Specify that none of these listed provisions may be construed to exempt a quarry from a regulation of general applicability placed by a political subdivision that applies to other property in

the political subdivision that is not a quarry unless the regulation is inconsistent with the provisions of the motion. Specify that, except for provisions making unenforceable certain local regulations under a later section of the motion, these provisions may not be interpreted to affect a legal claim that involves an ordinance or limit on the operation of a quarry that is in effect on January 1, 2017.

Create the following prohibitions and authorizations related to local regulation of quarry operations.

(1) Except as provided in (2) and (3), authorize a political subdivision to require a quarry operator to obtain a zoning or non-zoning permit to conduct quarry operations.

(2) Prohibit a political subdivision from requiring a quarry operator to obtain a non-zoning permit to conduct quarry operations at a nonconforming quarry site.

(3) Prohibit a political subdivision from requiring a quarry operator to obtain a zoning or non-zoning permit to conduct nonmetallic mining unless the political subdivision enacts an ordinance that requires the permit.

(4) Prohibit a political subdivision from enacting an ordinance that prohibits the continued operation of a quarry at a nonconforming quarry site. The continued operation of a quarry would include performing quarry operations in an area of a nonconforming quarry site that has not previously been used as a quarry. If quarry operations at a nonconforming quarry site are discontinued for a period of 12 months, any future use of the land, buildings, premises, or structures would be required to conform to the ordinance.

(5) Require that, if a political subdivision adopts a non-zoning ordinance regulating the operations of a quarry that was not in effect when quarry operations began, the ordinance would not apply to that quarry or to a parcel of land that, as of April 1, 2018, is contiguous to the land on which the quarry is located, is under the common ownership, leasehold, or control of the person who owns, leases, or controls the land on which the quarry is located, and is located in the same political subdivision.

(6) Effective on April 1, 2018, prohibit a political subdivision from limiting the noise emitted from a quarry, as measured off of the property where the nonmetallic mining site is located without the use of a hearing protector, to be less than 76.5 percent of the decibel standards established under 30 CFR 62.100 to 62.190 of federal code. Effective on April 1, 2019, amend this provision to allow a political subdivision to require trucks and other equipment owned or controlled by an operator, when used in quarry operations during the hours of darkness, to use a white noise alarm instead of a beeping alarm for worker and vehicle safety.

(7) Prohibit a political subdivision from imposing a limit on any of the following related to quarry production: (a) the quantity of minerals extracted from or processed by a quarry; (b) the depth of mineral extraction at a quarry; (c) the number of truck loads that exits a quarry or the number of trucks that enters a quarry, unless the purpose of the limit is to protect the structural condition of a roadway within the political subdivision; (d) the times that any of the following may occur: (1) quarry operations if the materials produced by the quarry will be used in a public works project that requires construction work to be performed during the night or an emergency repair,

except that a political subdivision may limit the number of consecutive days an operator may conduct quarry operations during the hours of darkness to five consecutive days; (2) the transportation of unloaded equipment within a quarry; (3) maintenance of vehicles, equipment, or buildings at a quarry; (4) administrative activities at a quarry; and (5) entry of unloaded trucks into a quarry at the times during which a quarry is permitted to operate, unless the purpose of the limit is to protect the structural condition of a roadway within the political subdivision; and (e) limit the hours of operation at a quarry to less than 72 hours per week, excluding hours on Sunday and holidays.

(8) Prohibit a political subdivision from establishing a setback for quarry operations that is more than 200 feet from the boundary of the property of a quarry. Notwithstanding this prohibition, a political subdivision that enacts an ordinance imposing setback requirements would be required to allow an operator to conduct quarry operations nearer to the boundary of the property of the quarry than the distance of the setback requirement if all of the following apply: (a) each property owner of a lot that is located within a radius of 200 feet of the boundary of a quarry consents in writing to that performance of quarry operations; (b) the quarry operator provides the clerk of the political subdivision with a copy of the written agreement entered into under "(a)"; and (c) the operator records the written agreement with the Register of Deeds for the county in which the land is located.

(9) Prohibit a political subdivision from adding conditions to a permit during the duration of the permit, unless the permit holder consents.

(10) Specify that, if a political subdivision requires a quarry to comply with another political subdivision's ordinance as a condition for obtaining a permit, the political subdivision that grants the permit may not require the quarry to comply with a provision of the other political subdivision's ordinance enacted after the permit is granted while the permit is in effect. Prohibit a town from requiring, as a condition for granting a permit to a quarry, that the quarry satisfy any condition imposed by a county ordinance enacted after the permit is granted that the quarry is required to satisfy in order to obtain a permit from a county. Prohibit a county from requiring, as a condition for granting a permit to a quarry, that the quarry satisfy any condition imposed by a town ordinance enacted after the permit is granted that the quarry is required to satisfy in order to obtain a permit from a town.

(11) Prohibit a political subdivision from enacting an ordinance that requires a permit as a condition for performing quarry operations at a quarry site in existence prior to the enactment of such ordinance.

(12) Require that, when a quarry owner or operator submits a permit renewal application, the political subdivision shall renew the permit if the permit has a duration of less than 10 years. Authorize the political subdivision to require, as a condition of renewing the permit, that the quarry satisfy a condition as allowed by law. Authorize a political subdivision to deny the renewal of a permit having a duration of less than 10 years if the permit holder fails to cure a material violation of the conditions of the permit after reasonable notice from the political subdivision of the violation and a reasonable opportunity for the quarry to cure the violation.

(13) Prohibit a political subdivision from imposing a condition on a permit for a quarry that

is inconsistent with the provisions of the motion or s. 295.12 of the statutes. (Section 295.12 includes statewide standards for a nonmetallic mining reclamation program to be administered by a county, city, village, or town.)

C. Local Regulation of Blasting at Nonmetallic Mining Operations. Create the following definitions related to blasting at quarries:

(1) "Affected area" would mean an area within a certain radius of a blasting site that may be affected by a blasting operation, as determined using a formula established by the Department of Safety and Professional Services (DPS) by rule that takes into account a scaled-distance factor and the weight of explosives to be used. (Administrative code Chapter SPS 307.41 (2) includes a scaled-distance formula calculation. In general, a scaled-distance formula is used to determine the maximum amount of explosives that can be used that ensures safety to structures within a certain distance of the blasting site.)

(2) "Airblast" would mean an airborne shock wave caused by a blast. (This definition is adapted from SPS 307.20 (1).)

(3) "Flyrock" would mean rock that is propelled through the air as a result of a blast. (This definition is adapted from SPS 307.20 (15).)

(4) "Ground vibration" would mean a shaking of the ground caused by the elastic wave emanating from a blast. (This definition is adapted from SPS 307.20 (16).)

Prohibit a city, village, town, or county from limiting blasting at a quarry. Notwithstanding the prohibition, authorize a political subdivision to require the operator of a quarry to do any of the following: (a) provide pre-blast notice of the blasting operation to all political subdivisions in which the quarry is located and owners of dwellings or other structures within the affected area; (b) require that a pre-blast building survey be conducted by a third party on dwellings and other structures within the affected area; (c) require that pre-blasting well surveys and testing be conducted by a third party within the affected area; (d) maintain records and prepare and submit reports related to blasting operations at the quarry; and (e) impose other blasting requirements not related to airblast, flyrock, or ground vibrations.

Authorize a political subdivision to enforce properly adopted local blasting requirements. In addition, authorize a political subdivision to suspend a permit for a violation of the state blasting requirements under s. 101.15 of the statutes, and rules promulgated by DPS related to blasting under s. 101.15 (2)(e), only if DPS determines that a violation of the requirements or rules has occurred and only for the duration of the violation, as determined by DPS. (Under s. 101.15, DPS administers rules under Chapter SPS 307, which regulate blasting and use of explosives at nonmetallic mining sites.)

Prohibit a political subdivision from making or enforcing a local order that limits blasting at a quarry. Authorize a political subdivision to petition DPS for an order granting the political subdivision the authority to impose additional restrictions and requirements related to blasting on the operator of a quarry. If DPS issues the order, the order may grant the political subdivision the authority to impose restrictions and requirements related to blasting at the quarry that are more



restrictive than the state blasting requirements under s. 101.15, and DSPS rules promulgated under s. 101.15. Prohibit DSPS from charging a fee for a petition submitted by a political subdivision under this provision. Specify that, if a petition requests an order because of impacts to a qualified historic building, DSPS would be authorized to require the quarry operator to pay the costs of an impact study related to the qualified historic building.

D. Local Regulation of Water Quality and Quantity Related to Quarry Operations. Prohibit a political subdivision from doing any of the following with respect to the operation of a quarry: (1) establish or enforce a water quality standard; (2) issue permits, including permits for discharges to the waters of the state, or any other form of approval related to water quality or quantity; (3) impose any restriction related to water quality or quantity; and (4) impose any requirement related to monitoring water quality or quantity.

Authorize a political subdivision to require the operator of a quarry to conduct and provide water quality and quantity baseline testing and ongoing water quality testing, to occur not more frequently than annually, of all wells within 1,000 feet of the perimeter of a quarry site when a new high-capacity well is added to an existing quarry site or a new quarry site is established. A testing requirement under this provision could not impose any standard that is more stringent than the standards for groundwater quality required by rules promulgated by the Department of Natural Resources (DNR). Authorize the political subdivision to request a report of well testing results within 30 days of the completion of testing and require the quarry operator to provide the results within that time. Specify any person offered the opportunity to have a well tested under this requirement, but who knowingly refuses testing, would waive any claim against a quarry operator related to the condition of the well, if within 90 days of the offer, the quarry operator records against the property associated with the person with the Register of Deeds for the county in which the land is located a written certification, under oath, verifying that the person knowingly refused testing. Authorize a political subdivision that imposes a requirement to conduct any ongoing water quality or quantity testing of wells adjacent to existing quarry sites prior to April 1, 2018, to continue to do so.

Authorize a political subdivision to enforce properly adopted local water regulations. In addition, authorize a political subdivision to suspend a permit for a quarry operation for a violation of state law or rules promulgated by DNR relating to water quality or quantity, only if DNR determines that a violation of state law or rules has occurred and only for the duration of the violation, as determined by DNR.

Specify that these provisions would not limit the authority of a political subdivision to take actions related to water quality or quantity that are specifically required or authorized by state statute.

E. Local Regulation of Air Quality and Fugitive Dust Related to Quarry Operations. Notwithstanding the current authorization in s. 285.73 of the statutes for local governments to administer certain air pollution control programs, prohibit a political subdivision from doing any of the following with respect to the operation of a quarry: (1) establish or enforce an ambient air quality standard, standard of performance for a new stationary source, or other emission limitation related to air quality; (2) issue permits or any other form of approval related to air quality; (3)

impose any restriction related to air quality; or (4) impose any requirements related to monitoring air quality.

Authorize a political subdivision to take actions related to air quality that are specifically required or authorized by state statute.

Authorize a political subdivision to require the operator or a quarry to use best management practices to limit off-site fugitive dust. In addition to enforcing properly adopted fugitive dust regulation, authorize a political subdivision to suspend a permit for operation of a quarry for a violation of state law or rules promulgated by DNR relating to air quality, only if DNR determines that a violation of state statute or rules has occurred and only for the duration of the violation, as determined by DNR.

F. Previous Restrictions. Notwithstanding the limitations on local regulation of quarry operations included in the motion, if a political subdivision has in effect on January 1, 2017, an ordinance that is more restrictive than the provisions of the motion, the political subdivision would be authorized to maintain and enforce the ordinance. However, if a political subdivision has in effect on January 1, 2017, an ordinance provision that violates a prohibition or requirement under the following provisions of the motion, the ordinance provision would not apply and may not be enforced: (1) limitations on blasting [Section C. of motion]; (2) water quality or quantity requirements [Section D.]; (3) air quality requirements [Section E.]; and (4) requirements for nonmetallic mining production at night related to use of the materials for public works projects [Section B.].

If a political subdivision has in effect on January 1, 2017, a requirement not based on the political subdivision's authority under the nonmetallic mining provisions of Chapter 295, that an operator obtain a non-zoning permit that is more restrictive than the provisions of the motion, the political subdivision would be authorized to maintain and enforce that requirement if the political subdivision had authority to impose the requirement. However, such a requirement that violates the prohibition or limitations related to blasting, water quality or quantity, air quality, or production at night for public works projects, would not apply and could not be enforced.

Notwithstanding the limitations on local regulation created by the motion, a zoning or non-zoning permit that is held by an operator and in effect on January 1, 2017, would remain in effect for the duration of the permit.

A condition in a zoning or non-zoning permit held by an operator and in effect on January 1, 2017, would be invalid if either of the following applies: (1) the political subdivision required a condition for obtaining the zoning or non-zoning permit that the political subdivision did not have the authority to require; or (2) a condition required in order to obtain the zoning or non-zoning permit violates the prohibition or limitations related to blasting, water quality or quantity, air quality, or production at night for public works projects.

Note:

	<u>Change to Bill</u>		
	<u>2017-18</u>	<u>2018-19</u>	<u>Biennium</u>
<b>Funding</b>			
GPR	\$4,250,000	\$0	\$4,250,000
FED	6,900,000	6,900,000	13,800,000
PR	0	0	0
SEG	31,916,700	97,456,900	129,373,600
SEG-L	807,800	807,800	1,615,600
SEG-S	<u>-35,800,000</u>	<u>-5,461,700</u>	<u>-41,261,700</u>
Total	\$8,074,500	\$99,703,000	\$107,777,500
GPR-Transfer	\$50,000	\$200,000	\$250,000
Bond-REV	-\$188,038,300	-\$161,961,700	-\$350,000,000
<b>Positions Changes</b>			
GPR	3.00	0.00	3.00
SEG	<u>-100.00</u>	<u>-100.00</u>	<u>-200.00</u>
Total	-97.00	-100.00	-197.00

