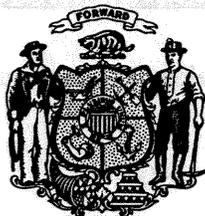


WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



Jane R. Henkel, Acting Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-152

AN ORDER to create chapter Trans 320, relating to calculation of fees for special events, security, traffic enforcement and escort services.

Submitted by **DEPARTMENT OF TRANSPORTATION**

10-29-99 RECEIVED BY LEGISLATIVE COUNCIL.

11-23-99 REPORT SENT TO AGENCY.

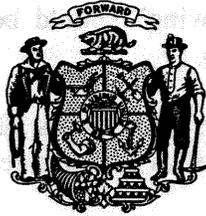
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Madison, WI 53701-2536
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CLEARINGHOUSE RULE 99-152

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

The use of a slashed alternative in s. Trans 320.02 (10) is improper. It appears that the word "or" should be substituted for the slashed alternative "and/or." [See s. 1.01 (9) (a), Manual.] In addition, the slash between the words "fringe" and "benefits" in s. Trans 320.02 (12) should be deleted.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section Trans 320.02 (3) would be more clear if the phrase "the officer's" were placed before both occurrences of the word "residence."

b. Section Trans 320.02 (3) would be more clear if it were redrafted to state that the "point of origin" refers to the starting point from which escort services are provided. This comment also applies to s. Trans 320.02 (17).

c. Section Trans 230.02 (8) is unclear because of ambiguity concerning to what the phrase "official business miles" refers. The department should clarify this subsection.

d. In s. Trans 230.03 (12) and (13), it is unclear what the phrase "an additional" refers to. If a request for special events services or escort services is canceled, what in addition to the

surcharge of \$100 is charged to the person who cancels the request? The department should clarify both of these subsections with respect to this question.

e. The phrase "all of the following" should be added before the colon in ss. Trans 320.03 (7) (intro.) and 320.04 (1) (intro.).

f. It appears that the word "hours" in s. Trans 320.05 (1) (c) should be replaced with the word "mileage" because "vehicle mileage" is the term defined in s. Trans 320.02 (17). Also, see s. Trans 320.04 (1) (c).



Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P.O. Box 7910
Madison, WI 53707-7910

Telephone: 608-266-8810
FAX: 608-267-6734
E-Mail: ogc.exec@dot.state.wi.us

October 29, 1999

Ronald Sklansky, Director
Rules Clearinghouse
Wisconsin Legislative Council
One East Main Street, P. O. Box 2536
Suite 401
Madison, Wisconsin 53701-2536

RE: NOTICE OF PUBLIC HEARING and Text of Proposed Rule, relating to calculation of fees for special events, security, traffic enforcement and escort services, Trans 320

Dear Mr. Sklansky:

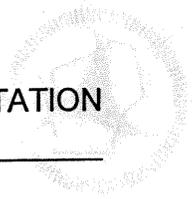
In accordance with § 227.15(1), Stats., I submit the enclosed text of proposed rule for Legislative Council staff review in the above-referenced matter. This document, along with written notice of WisDOT's submittal to joint Legislative Council staff, have also been filed with the Revisor of Statutes to be published in the Administrative Register in accordance with §§ 227.14(4m) and 227.17, Stats.

Sincerely,


Julie A. Johnson
Paralegal

Enclosure

cc: Sandy Beaupre
Mike Goetzman
David Schumacher
Dan McGuire
Loralee Brumund



The Wisconsin Department of Transportation proposes an order to create ch. TRANS 320, relating to calculation of fees for special events, security, traffic enforcement and escort services

**NOTICE OF HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to ss. 85.51 and 348.25(3), Stats., and interpreting ss. 85.51 and 348.26(2), Stats., the Department of Transportation will hold public hearings at the following locations to consider the creation of chapter Trans 320, Wisconsin Administrative Code, relating to calculation of fees for special events, security, traffic enforcement and escort services.

Tuesday, November 30, 1999

DSP District 4 Headquarters
2805 Martin Avenue
Wausau
1:30 PM

and

Wednesday, December 1, 1999

Hill Farms State Transportation Building
4802 Sheboygan Avenue
Room 144-B
Madison
12:30 PM

An interpreter for the hearing impaired will be available on request for this hearing.

Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

The public record on this proposed rule making will be held open until close of business December 15, 1999, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to Lorelee Brumund,

Transportation, Division of State Patrol, Room 551, P. O. Box 7912, Madison, WI 53707-7912.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

NOTE: This hearing is being conducted at 2 locations in order to give the public greater opportunity to present its facts, arguments and opinions. The records from both locations will be combined into a single Hearing Record on which the Department will base its decisions. Individuals need only attend one of the public hearings for their testimony to be fully considered.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.51 and 348.25(3), Stats.

STATUTES INTERPRETED: ss. 85.51 and 348.26(2), Stats.

General Summary of Proposed Rule. 1997 Wisconsin Act 27 created s. 85.51, Stats., which permits the Division of State Patrol to charge a fee for security and traffic enforcement services provided at any public event for which an admission fee is charged for spectators if the event is organized by a private organization. Act 27 also created ss. 25.40(1)(a)14 and 20.395.(5)(dg), Stats., which mandate that the fees for the events and for escort services be deposited in the general fund and credited to the appropriation account, and establishes that appropriation account s. 20.395(5)(dg), Stats.

This proposed rule making creates Ch. Trans 320 which establishes a uniform method for calculating fees charged to event organizers and motor carrier companies for traffic enforcement and escort services provided by the State Patrol beyond the normal traffic enforcement and safety tasks performed by State Patrol Troopers and Inspectors.

Fiscal Effect. The rule will increase revenues for providing special event security and traffic enforcement services by about \$35,000 per year. The Department already collects about \$75,000 per year for providing escort services for oversize and overweight loads. Since the rule incorporates the Department's existing formula for calculating escort fees, escort fee revenues should remain the same.

Initial Regulatory Flexibility Analysis. This proposed rule will have no adverse impact on small businesses.

Copies of Proposed Rule. Copies of the proposed rule may be obtained upon request, without cost, by writing to Lorelee Brumund, Department of Transportation, Division of State Patrol, Room 551, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 267-3622. Alternate formats of the proposed rule will be provided to individuals at their request.

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.51 and 348.25(3), Stats., the department of transportation hereby proposes to create a rule interpreting ss. 85.51 and 348.26(2), Stats., relating to calculation of fees for special events, security, traffic enforcement and escort services.

SECTION 1. Chapter Trans 320 is created to read:

CHAPTER TRANS 320

CALCULATION OF FEES FOR SPECIAL EVENTS, SECURITY, TRAFFIC ENFORCEMENT AND ESCORT SERVICES

TRANS 320.01 Purpose and scope. (1) **PURPOSE.** As authorized by ss. 85.51 and 348.25(3), Stats., the purpose of this chapter is to establish a uniform method to determine the fees that may be charged for special events, security and traffic enforcement services, and escort services provided by state traffic officers.

(2) **SCOPE.** This chapter applies to all special events in which state traffic officers provide security and traffic enforcement services for which an admission fee is charged, and the special event is organized by a private organization. This chapter also applies to motor carriers who require escort services for oversize or overweight vehicles or loads.

TRANS 320.02 Definitions. In this chapter:

- (1) "Department" means the department of transportation.
- (2) "District commander" means a Wisconsin division of state patrol captain who is the commander of one of the division of state patrol's 7 districts, or the commander's designee.

1 (5)
(3) "Duty hours" means a traffic officer's starting and ending times for each day, including travel time from residence or work location to the point of origin and travel returning from the final destination back to residence or work location, or travel to and from the escort or special event site for traffic officers with split shifts.

(4) "Escort services" means the escort of oversize or overweight vehicles by uniformed traffic officers using authorized law enforcement vehicles, in accordance with ch. Trans 252.

(5) "Inspection time" means the time spent by traffic officers performing a safety inspection, or re-inspection, for any vehicle or load requiring an oversize or overweight permit, and the time spent for travel by traffic officers to and from the inspection site.

(6) "Lodging allowance" means the cost of overnight lodging permitted for individual traffic officers per day as identified in the department's transportation administrative manual, or TAM, 8-6 entitled *Travel Expense Reimbursement Rates and Allowances*.

(7) "Meal allowance" means the cost of meals permitted for individual traffic officers per day as identified in the department's transportation administrative manual, or TAM, 8-6 entitled *Travel Expense Reimbursement Rates and Allowances*.

(5) (8) "Mileage rate" means the cost per mile for operation of a division of state patrol vehicle defined as "official business miles" and determined by the department fleet manager.

(9) "Motor carrier" means any person, firm, partnership, corporation, or limited liability company that transports property for hire by motor vehicle upon public highways that requires escort services, including government and military agencies.

(10) "Oversize" means a vehicle or load exceeding the height, length and/or width limits in ss. 348.05, 348.06 and 348.07, Stats.

(11) "Overweight" means a vehicle or load exceeding weight limitations in ss. 348.15, 348.16, 348.17 and 348.175, Stats.

(12) "Rate of pay" means a traffic officer's average hourly wage, either for regular time or overtime, including time-off-with-pay percentage and fringe/benefits percentage where applicable, as determined by collective bargaining agreement or state of Wisconsin compensation plan.

(13) "Special event" means a public event organized by a private organization for which an admission fee is charged for spectators.

(14) "Special event services" means security and traffic enforcement services provided at a special event by the division of state patrol.

(15) "Sponsor" means a private organization that organizes a special event.

(16) "Traffic officer" means a division of state patrol officer, including an inspector, with the powers and duties described in s. 110.07, Stats.

(17) "Vehicle mileage" means all mileage traveled by each state patrol vehicle used for escort services, including travel to and from any inspection site, travel from residence or work location to the point of origin, and travel returning from the destination back to residence or work location, or travel to and from the escort or special events sites for traffic officers with split shifts.

NOTE: A copy of TAM 8-6, *Travel Expense Reimbursement Rates and Allowances*, may be obtained without cost by writing to the Division of State Patrol, Room 551, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 267-3622.

TRANS 320.03 General Requirements. (1) Requests for escort and special event services shall be submitted to the district commander of the division of state

patrol district in which the special event shall take place or in which the escort services shall originate.

(2) Fees for special event services requested by another law enforcement agency shall be charged to the special event sponsor in the same manner as requests received directly from a sponsor.

(3) Requests for special event services shall be submitted at least 48 hours prior to the beginning of the special event.

(4) Costs related to requests for services not made in advance of a special event for which the division of state patrol is ultimately required to provide services, shall be charged to the event sponsor.

(5) Requests for escort services shall be submitted at least 48 hours prior to the beginning of the escort.

(6) Requests for escort services shall be accompanied by a valid oversize or overweight permit issued by the department's division of motor vehicles, bureau of vehicle services, motor carrier services section, or an officer in charge of maintenance of local highways.

(7) Requests to the district commander shall include: ^{all --}

(a) Identification of the point of origin and the point of termination for any escort service.

(b) Identification of the location of the special event.

(c) Identification of roads and highways to be provided with security and traffic enforcement.

(d) Identification of the anticipated starting and ending dates and times for any escort service, or identification of the starting and ending dates and times, including the

number of days involved, for any special event for which security and traffic enforcement is to be provided.

(8) The district commander, in compliance with division of state patrol overtime policies, shall determine the number of, and authorize the use of, traffic officers or equipment to be used to provide special events security and traffic control or escort services with priority given to ensuring safe completion of the assignment.

(9) Routes for motor carriers which require escort services shall be approved by the department's motor carrier services section, which may receive advice from the division of state patrol district commander and the department's division of transportation districts' district engineer.

(10) Fees for special event services may be required to be paid in advance of the special event.

(11) Fees for escort services shall be reimbursed by the motor carrier no later than 30 days after the motor carrier receives the bill. For payments not received within 30 days, the department may deny future overweight or oversize permits or escort services for the motor carrier until payment is received.

(12) Notification of the cancellation of a request for special events services shall be provided to the appropriate division of state patrol district commander no later than 48 hours before the event was scheduled to commence. Failure to notify the district commander within 48 hours shall result in an additional surcharge of \$100.

(13) Notification of the cancellation of a request for escort services shall be provided to the appropriate division of state patrol district commander as soon as possible, but no later than 24 hours before the scheduled escort date. Failure to notify the district commander within 24 hours shall result in an additional surcharge of \$100.

TRANS 320.04 Formula for determining fees for special events. (1) The fee

formula for special events shall include: ^{all}

- (a) Duty hours.
- (b) Rate of pay.
- (c) Vehicle mileage.
- (d) Mileage rate.
- (e) Meal allowance.
- (f) Lodging allowance.
- (g) Number of days.

(2) Special events assignments shall be given as regular duty hours or overtime hours as determined by the district commander in accordance with division of state patrol policy and collective bargaining agreement.

(3) The formula for special events fees shall be calculated as:

(a) $[(\text{Number of duty hours per traffic officer}) \times (\text{duty hour rate of pay})] + [(\text{vehicle mileage per traffic officer}) \times (\text{mileage rate for type of vehicle used})] + [(\text{meal allowance per traffic officer}) \times (\text{number of meals per traffic officer})] + [(\text{lodging allowance per day per traffic officer}) \times (\text{number of days of lodging per traffic officer})] = \text{cost per traffic officer and vehicle for special events services.}$

(b) Total special events fee = cumulative costs per officer and vehicle.

(c) Total special events fee may not exceed the division of state patrol's reasonable and necessary costs.

TRANS 320.05 Formula for determining fees for escort services. (1) The

fee formula for escort services shall include all of the following:

parallel to 320.04(1)

(a) Duty hours.

(b) Rate of pay.

(c) Vehicle hours. *mileage?*

(d) Mileage rate.

(e) Meal allowance.

(f) Lodging allowance.

(g) Number of days.

(h) Inspection time.

(2) Escort services assignments shall be given as regular duty hours or overtime hours as determined by the district commander in accordance with division of state patrol policy and collective bargaining agreement.

(3) The formula for escort services fees shall be calculated as:

(a) $[(\text{Number of duty hours per traffic officer}) \times (\text{duty hour rate of pay})] + [(\text{vehicle mileage per traffic officer}) \times (\text{mileage rate for type of vehicle used})] + [(\text{meal allowance per traffic officer}) \times (\text{number of meals per traffic officer})] + [(\text{lodging allowance per day per traffic officer}) \times (\text{number of days of lodging per traffic officer})] = \text{cost per traffic officer and vehicle for escort services.}$

(b) Total escort services fee = cumulative costs per officer and vehicle.

(c) Total escort services fee may not exceed the division of state patrol's reasonable and necessary costs.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

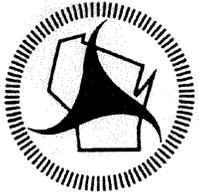
Signed at Madison, Wisconsin, this 28 day of October, 1999.

A handwritten signature in black ink, appearing to read "Charles H. Thompson, Dep Sec", written over a horizontal line.

CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation



FEB 11 2000

Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

Office of General Counsel
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E-Mail: ogc.exec@dot.state.wi.us

The Honorable Fred Risser
President, Wisconsin State Senate
Room 220 South, State Capitol
Madison, Wisconsin 53707

February 9, 2000

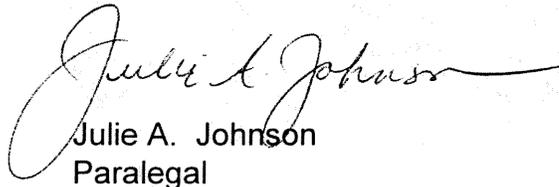
The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 320**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 99-152

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **99-152**, relating to **calculation of fees for special events, security, traffic enforcement and escort services**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,


Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson/Senator Judy Robson/Representative Glenn Grothman/
David Schumacher/Dan McGuire/Loralee Brumund

CR 99-152

The Wisconsin Department of Transportation proposes an order to create ch. TRANS 320, relating to calculation of fees for special events, security, traffic enforcement and escort services

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

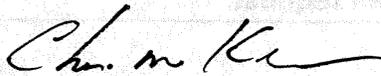
Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



CHARLES M. KERNATS
Assistant General Counsel
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
Transportation Building
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-8810

PART 1

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.51, 194.43 and 348.25(3), Stats.

STATUTES INTERPRETED: ss. 85.51, 194.43 and 348.26(2), Stats.

General Summary of Proposed Rule. 1997 Wisconsin Act 27 created s. 85.51, Stats., which permits the Division of State Patrol to charge a fee for security and traffic enforcement services provided at any public event for which an admission fee is charged for spectators if the event is organized by a private organization. Act 27 also created ss. 25.40(1)(a)14 and 20.395.(5)(dg), Stats., which mandate that the fees for the events and for escort services be deposited in the general fund and credited to the appropriation account, and establishes that appropriation account s. 20.395(5)(dg), Stats.

This proposed rule making creates Ch. Trans 320 which establishes a uniform method for calculating fees charged to event organizers and motor carrier companies for traffic enforcement and escort services provided by the State Patrol beyond the normal traffic enforcement and safety tasks performed by State Patrol Troopers and Inspectors.

Fiscal Effect. The rule will increase revenues for providing special event security and traffic enforcement services by about \$35,000 per year. The Department already collects about \$75,000 per year for providing escort services for oversize and overweight loads. Since the rule incorporates the Department's existing formula for calculating escort fees, escort fee revenues should remain the same.

Copies of Proposed Rule. Copies of the proposed rule may be obtained upon request, without cost, by writing to Lorelee Brumund, Department of Transportation, Division of State Patrol, Room 551, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 267-3622. Alternate formats of the proposed rule will be provided to individuals at their request.

PART 2

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.51, 194.43 and 348.25(3), Stats., the department of transportation hereby proposes to create a rule interpreting ss. 85.51, 194.43 and 348.26(2), Stats., relating to calculation of fees for special events, security, traffic enforcement and escort services.

SECTION 1. Chapter Trans 320 is created to read:

CHAPTER TRANS 320 CALCULATION OF FEES FOR SPECIAL EVENTS, SECURITY, TRAFFIC ENFORCEMENT AND ESCORT SERVICES

TRANS 320.01 Purpose and scope. (1) **PURPOSE.** As authorized by ss. 85.51 and 348.25(3), Stats., the purpose of this chapter is to establish a uniform method to determine the fees that may be charged for special events, security and traffic enforcement services, and escort services provided by state traffic officers.

(2) **SCOPE.** This chapter applies to all special events in which state traffic officers provide security and traffic enforcement services for which an admission fee is charged, and the special event is organized by a private organization. This chapter also applies to motor carriers and private motor carriers who require escort services for oversize or overweight vehicles or loads.

TRANS 320.02 Definitions. In this chapter:

(1) "Department" means the department of transportation.

(2) "District commander" means a Wisconsin division of state patrol captain who is the commander of one of the division of state patrol's 7 districts, or the commander's designee.

(3) "Duty hours" means a traffic officer's starting and ending times for each work day. This includes travel time from the traffic officer's residence or work location to the starting point from which special event or escort services are provided. It also includes travel time returning from the special event or escort site back to the traffic officer's residence or work location, or travel to and from the escort or special event site for traffic officers with split shifts.

(4) "Escort services" means the escort of oversize or overweight vehicles by uniformed traffic officers using authorized law enforcement vehicles, in accordance with ch. Trans 252.

(5) "Inspection time" means the time spent by traffic officers performing a safety inspection, or re-inspection, for any vehicle or load requiring an oversize or overweight permit, and the time spent for travel by traffic officers to and from the inspection site.

(6) "Lodging allowance" means the cost of overnight lodging permitted for individual traffic officers per day as identified in the department's transportation administrative manual, or TAM, 8-6 entitled *Travel Expense Reimbursement Rates and Allowances*.

(7) "Meal allowance" means the cost of meals permitted for individual traffic officers per day as identified in the department's transportation administrative manual, or TAM, 8-6 entitled *Travel Expense Reimbursement Rates and Allowances*.

(8) "Mileage rate" means the cost per mile for operation of a division of state patrol vehicle while performing official duties including special event or escort services.

(9) "Motor carrier" means any person, firm, partnership, corporation, or limited liability company that transports property for hire by motor vehicle upon public highways that requires escort services, including government and military agencies.

(10) "Oversize" means a vehicle or load exceeding the height, length, or width limits in ss. 348.05, 348.06 and 348.07, Stats.

(11) "Overweight" means a vehicle or load exceeding weight limitations in ss. 348.15, 348.16, 348.17 and 348.175, Stats.

(12) "Private motor carrier" means any person, firm, partnership, corporation or limited liability company that transports property by motor vehicle, other than an automobile or trailer, upon public highways, that requires escort services.

(13) "Rate of pay" means a traffic officer's average hourly wage, either for regular time or overtime, including time-off-with-pay percentage and fringe benefits percentage

where applicable, as determined by collective bargaining agreement or state of Wisconsin compensation plan.

(14) "Special event" means a public event organized by a private organization for which an admission fee is charged for spectators.

(15) "Special event services" means security and traffic enforcement services provided at a special event by the division of state patrol.

(16) "Sponsor" means a private organization that organizes a special event.

(17) "Traffic officer" means a division of state patrol officer, including an inspector, with the powers and duties described in s. 110.07, Stats.

(18) "Vehicle mileage" means all mileage traveled by each state patrol vehicle used for special event or escort services. This includes travel to and from any special event or inspection site, and travel from a traffic officer's residence or work location to the starting point from which special event or escort services are provided. It also includes travel returning from the destination back to a state traffic officer's residence or work location, or travel to and from the escort or special events sites for traffic officers with split shifts.

NOTE: A copy of TAM 8-6, *Travel Expense Reimbursement Rates and Allowances*, may be obtained without cost by writing to the Division of State Patrol, Room 551, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 267-3622.

TRANS 320.03 General Requirements. (1) Requests for escort and special event services shall be submitted to the district commander of the division of state patrol district in which the special event shall take place or in which the escort services shall originate.

(2) Fees for special event services requested by another law enforcement agency shall be charged to the special event sponsor in the same manner as requests received directly from a sponsor.

(3) Requests for special event services shall be submitted at least 48 hours prior to the beginning of the special event.

(4) Costs related to requests for services not made in advance of a special event for which the division of state patrol is ultimately required to provide services, shall be charged to the event sponsor.

(5) Requests for escort services shall be submitted at least 48 hours prior to the beginning of the escort.

(6) Requests for escort services shall be accompanied by a valid oversize or overweight permit issued by the department's division of motor vehicles, bureau of vehicle services, motor carrier services section, or an officer in charge of maintenance of local highways.

(7) Requests to the district commander shall include all of the following:

(a) Identification of the point of origin and the point of termination for any escort service.

(b) Identification of the location of the special event.

(c) Identification of roads and highways to be provided with security and traffic enforcement.

(d) Identification of the anticipated starting and ending dates and times for any escort service, or identification of the starting and ending dates and times, including the number of days involved, for any special event for which security and traffic enforcement is to be provided.

(8) The district commander, in compliance with division of state patrol overtime policies, shall determine the number of, and authorize the use of, traffic officers or equipment to be used to provide special events security and traffic control or escort services with priority given to ensuring safe completion of the assignment.

(9) Routes for motor carriers and private motor carriers which require escort services shall be approved by the department's motor carrier services section, which may receive advice from the division of state patrol district commander and the department's division of transportation districts' district engineer.

(10) Fees for special event services may be required to be paid in advance of the special event.

(11) Fees for escort services shall be reimbursed by the motor carrier or private motor carrier no later than 30 days after the motor carrier or private motor carrier receives the bill. For payments not received within 30 days, the department may deny future overweight or oversize permits or escort services for the motor carrier or private motor carrier until payment is received.

(12) Notification of the cancellation of a request for special events services shall be provided to the appropriate division of state patrol district commander no later than 48 hours before the event was scheduled to commence. Failure to notify the district commander within 48 hours shall result in a surcharge of \$100.

(13) Notification of the cancellation of a request for escort services shall be provided to the appropriate division of state patrol district commander as soon as possible, but no later than 24 hours before the scheduled escort date. Failure to notify the district commander within 24 hours shall result in a surcharge of \$100.

TRANS 320.04 Formula for determining fees for special events. (1) The fee

formula for special events shall include all of the following:

- (a) Duty hours.
- (b) Rate of pay.
- (c) Vehicle mileage.
- (d) Mileage rate.
- (e) Meal allowance.
- (f) Lodging allowance.
- (g) Number of days.

(2) Special events assignments shall be given as regular duty hours or overtime hours as determined by the district commander in accordance with division of state patrol policy and collective bargaining agreement.

(3) The formula for special events fees shall be calculated as:

(a) $[(\text{Number of duty hours per traffic officer}) \times (\text{duty hour rate of pay})] + [(\text{vehicle mileage per traffic officer}) \times (\text{mileage rate for type of vehicle used})] + [(\text{meal allowance per traffic officer}) \times (\text{number of meals per traffic officer})] + [(\text{lodging allowance per day per traffic officer}) \times (\text{number of days of lodging per traffic officer})] = \text{cost per traffic officer and vehicle for special events services.}$

(b) Total special events fee = cumulative costs per officer and vehicle.

(c) Total special events fee may not exceed the division of state patrol's reasonable and necessary costs.

TRANS 320.05 Formula for determining fees for escort services. (1) The

fee formula for escort services shall include all of the following:

(a) Duty hours.

(b) Rate of pay.

(c) Vehicle mileage.

(d) Mileage rate.

(e) Meal allowance.

(f) Lodging allowance.

(g) Number of days.

(h) Inspection time.

(2) Escort services assignments shall be given as regular duty hours or overtime hours as determined by the district commander in accordance with division of state patrol policy and collective bargaining agreement.

(3) The formula for escort services fees shall be calculated as:

(a) $[(\text{Number of duty hours per traffic officer}) \times (\text{duty hour rate of pay})] + [(\text{vehicle mileage per traffic officer}) \times (\text{mileage rate for type of vehicle used})] + [(\text{meal allowance per traffic officer}) \times (\text{number of meals per traffic officer})] + [(\text{lodging allowance per day per traffic officer}) \times (\text{number of days of lodging per traffic officer})] = \text{cost per traffic officer and vehicle for escort services.}$

(b) Total escort services fee = cumulative costs per officer and vehicle.

(c) Total escort services fee may not exceed the division of state patrol's reasonable and necessary costs.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 7 day of February, 2000.


CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation

PART 4
CR 99-152

ANALYSIS OF FINAL DRAFT OF TRANS 320

(a) **Need for Rule.** 1997 Wisconsin Act 27 created s. 85.51, Stats., which permits the Division of State Patrol to charge a fee for security and traffic enforcement services provided at any public event for which an admission fee is charged for spectators if the event is organized by a private organization. Act 27 also created ss. 25.40(1)(a)14 and 20.395.(5)(dg), Stats., which mandate that the fees for the events and for escort services be deposited in the general fund and credited to the appropriation account, and establishes that appropriation account s. 20.395(5)(dg), Stats.

This proposed rule making creates Ch. Trans 320 which establishes a uniform method for calculating fees charged to event organizers and motor carrier companies for traffic enforcement and escort services provided by the State Patrol beyond the normal traffic enforcement and safety tasks performed by State Patrol Troopers and Inspectors.

(b) **Modifications as a Result of Testimony at Public Hearing.** Two public hearings were held—one in Wausau on November 30, 1999 and one in Madison on December 1, 1999. No modifications were made as a result of testimony at the hearing. Other modifications were made following the hearings and are listed as follows:

Trans 320.01(2) was modified by adding private motor carriers to the businesses covered by this rule.

Trans 320.02(3) was modified by adding more information to the definition of "duty hours" to provide more clarity.

Trans 320.02(8) was modified to clarify the definition of "mileage rate." This was done at the request of the Legislative Council.

Trans 320.02(12) was created to provide a definition of "private motor carrier." This definition is a paraphrase of the definition in s. 194.01(11), Stats.

Trans 320.02(18) was modified by adding more information to the definition of "vehicle mileage" to provide more clarity.

Trans 320.03(9) and (11) were modified by adding the phrase "private motor carriers."

Trans 320.03(12) and (13) were modified by deleting the word "additional" before the word "surcharge." This was done at the request of the Legislative Council.

Trans 320.05(1)(c) was modified by substituting "vehicle mileage" for "vehicle hours."

At the beginning of the plain language analysis, and in the introductory paragraph preceding section 1 of the rule text, a citation to s. 194.43, Stats., was inserted as additional statutory authority.

(c) **List of Persons who Appeared or Registered at Public Hearing.** No one appeared or registered at the public hearing in Wausau. At the Madison hearing, the following individual appeared and spoke in favor of the rule:

Tom Howells, President, Wisconsin Motor Carriers Association, P. O. Box 4484, Madison, WI 53744-4849.

(d) **Response to Legislative Council Recommendations.** All of the Legislative Council comments have been incorporated into the proposed rule.

(e) **Final Regulatory Flexibility Analysis.** This proposed rule will have no adverse impact on small businesses.

NOV 01 1999



Wisconsin Department of Transportation

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The Honorable Judy Robson
Senate Chairman
Joint Committee for Review
of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin 53702

October 29, 1999

The Honorable Glenn Grothman
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 15 North, State Capitol
Madison, Wisconsin 53702

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to **calculation of fees for special events, security, traffic enforcement and escort services**, Trans 320

Dear Senator Robson and Representative Grothman:

Enclosed for your information is a Notice of Public Hearing and Text of Proposed Rulemaking relating to the above-entitled matter. These documents have also been filed with the Revisor of Statutes, the Legislative Council, and the Department of Administration in accordance with the requirements of §§ 227.15 and 227.17, Stats.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

Enclosure

cc: Sandy Beaupre
Mike Goetzman
David Schumacher
Dan McGuire
Loralee Brumund