

2005 DRAFTING REQUEST

Bill

Received: **06/30/2005**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - highways**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Access to highways

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	phurley 07/15/2005	kfollett 07/27/2005	rschluet 07/27/2005	_____	sbasford 07/27/2005	lnorthro 08/12/2005	

FE Sent For: **07/28/2005.**

<END>

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↪ 07-28-2005
("1")
↑ see attached

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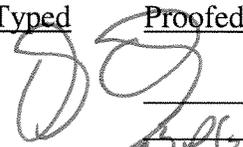
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/?	phurley	1/kjf 7/27					

FE Sent For:

<END>

Hurley, Peggy

From: Waldrop, Joyce
Sent: Friday, July 08, 2005 3:23 PM
To: Hurley, Peggy
Subject: RE: drafting request

Peggy,

In reference to f: Representative Albers wanted the DOT to deny an application for access to a state highway once before this law would "kick in".

g requires the lot that needs the access (driveway) have **no less** than 150 feet of frontage that abuts the highway (safety precaution).

h I believe Representative Albers wants to make sure that the local law enforcement official is supportive of the access to the state highway. I am not sure how you provide for this. I don't believe that the official would have to provide written approval. This is just an added precaution.

This is a specific situation in which the feeling is that DOT is being unreasonable and that a property owner's rights are being usurp by a government agency without just cause. The case involves a property owner, who when construction on the state highway was underway, was approached by DOT to agree to limit the access from their property to one driveway. Which they did. Subsequent to this, the property owner (commercial entity) has entered into negotiation to sell property which abuts their company lot and a state highway. The company interested in the location applied to obtain access to the state highway and was denied. Of course this is a deal breaker, unless access can be obtained the constituent is out a healthy sum of money. DOT has been in negotiations with our constituent, this office and Senator Schultz's office, which Representative has come to believe is being conducted in bad faith. Resolution has been offered then changed (more than once). Unfortunately DOT has not offered anything in writing and "so the wheel goes round and round." (Just a little levity).

I believe the above is a fair representation of the facts. Hope this helps with your drafting. If you have any other questions please call me.

Joyce Waldrop
Research Assistant
Representative Sheryl Albers
50th Assembly District
Rm. 15N State Capitol
e-mail jwaldrop@legis.state.wi.us
Ph. 608/266-8531

From: Hurley, Peggy
Sent: Friday, July 08, 2005 2:28 PM
To: Waldrop, Joyce
Subject: drafting request

Hi Joyce,

I've received Representative Albers' drafting request regarding access to a highway. I'm a little confused as to a couple of

Please draft a proposal that includes the following provision:

1. Prohibiting DOT from denying direct access onto a state highway when all of the following conditions are applicable: or DOT shall grant at least one access onto a state highway and shall not require "sharing" of privately owned property by rule or other means (condition/contact) when the following circumstances apply:
 - a. At least one of the named applicants previously gave up state highway access during the most recent reconstruction of the segment of state highway which abuts the private property lacking direct access to the state highway,
 - b. The distance between the closest edge of the proposed access is at least 400 feet from the center-point of the nearest controlled (stop lighted) intersection,
 - c. There is no frontage road parallel to the state highway, no frontage road is planned for,
 - d. No city street abuts or connects to the parcel needing access,
 - e. Where of the four sides, one side abuts the state highway, and the other three abuts properties that are privately owned,
 - f. DOT issued a letter of denial to the application,
 - g. The direct access driveway onto the state highway would come to be situated in a "lot" having no less than 150 feet of state highway frontage,
 - h. The police chief of the municipality where the property is subject to the application process, supports the applicant's request for direct access,
 - i. The segment of reconstructed state highway has a low accidents history, and
 - j. The municipality approved the applicant's plat, or, provided other support for applicant's request for direct access onto the state highway.

If you could provide this request a priority, I would be most grateful.

If you have any questions, please contact my office.

Hurley, Peggy

From: Northrop, Lori
Sent: Thursday, June 30, 2005 4:05 PM
To: Hurley, Peggy
Subject: FW: Drafting Request-transportation

-----Original Message-----

From: Paolino, Bob
Sent: Thursday, June 30, 2005 3:44 PM
To: LRB.Legal
Cc: LRB.Reference
Subject: FW: Drafting Request

This item was misdirected to Research.

-----Original Message-----

From: LRB.Reference
Sent: 30-June-2005 15:32
To: Roe, Richard; Radatz, Clark; Paolino, Bob; Keane, Michael; Ritsche, Daniel; Barish, Larry; Brown, Shanin; Gad, Anthony; Anderson, Jason
Subject: FW: Drafting Request

From: Waldrop, Joyce
Sent: Thursday, June 30, 2005 3:32:27 PM
To: LRB.Reference
Subject: Drafting Request
Auto forwarded by a Rule

Please find attached a drafting request from Representative Sheryl Albers.

Joyce Waldrop
Research Assistant
Representative Sheryl Albers
50th Assembly District
Rm. 15N State Capitol
e-mail jwaldrop@legis.state.wi.us
Ph. 608/266-0427

INTEROFFICE MEMORANDUM

TO: LEGISLATIVE REFERENCE BUREAU - DRAFTING
FROM: REPRESENTATIVE SHERYL K. ALBERS
SUBJECT: ACCESS TO STATE HIGHWAY
DATE: 6/30/05

the suggested conditions. First, (f) requires that DOT issues a letter of denial to the application. I'm not sure how that fits into the directive that, if the conditions are met, DOT may NOT deny the application. Please advise. Also, I don't understand (g). Do you mean that the driveway that will lead to the highway can't be located on any property that has more than 150 feet of frontage on the highway? Please let me know if I have this right and, if you don't mind, the reason behind this requirement. There may be a better way to achieve the goal behind this requirement. Finally, for (h), do you want DOT to require the signature of the police chief or require some other written proof of the police chief's approval? I'm not sure how to write this requirement into the statutes.

Thank you for any guidance you can give. I look forward to hearing from you.

Peggy Hurley
Legislative Reference Bureau
608 266 8906

2005 BILL

7-15-05
soon

Gen

1 AN ACT ...; relating to: access to highways.

Analysis by the Legislative Reference Bureau

Under current law, no person may excavate, fill, alter, or disturb a state trunk highway or a connecting highway maintained by the Department of Transportation (DOT), including opening a driveway or otherwise constructing access to the highway, without first obtaining a permit issued by DOT. If DOT denies an application to construct an entrance to a state trunk highway from an abutting property, the applicant may request a reconsideration of that decision.

Under this bill, DOT must reverse an initial decision to deny an application to construct an entrance to a state trunk highway from an abutting property if all of the following are true:

1. The most recent reconstruction or alteration of the highway that abuts the applicant's premises resulted in loss of access from the premises to the highway.

2. The distance between the nearest edge of the proposed access is at least 400 feet from the center point of the closest controlled intersection.

X 3. There is no frontage road parallel to that portion of the highway, and DOT does not anticipate constructing a frontage road parallel to that portion of the highway.

4. No city street abuts or connects to the applicant's premises.

X 5. The premises is abutted by the highway on one side, and by private property on each of the other sides.

6. The premises that would have direct access to the highway under the proposed plan has at least 150 feet of frontage along the highway.

BILL

7. The applicant submits proof that the police chief or sheriff of the municipality where the premises is located approves the proposed plan for access to the highway.

8. The segment of highway that abuts the premises has a low rate of accidents.

9. The municipality approved the applicant's plat or the applicant provides other proof that the municipality approves the proposed plan for access to the highway.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 86.073 (1) of the statutes is amended to read:

2 86.073 (1) If a district office of the department denies a request for a permit
3 under s. 86.07 (2) to construct an entrance to a state trunk highway from abutting
4 premises or revokes a permit issued under s. 86.07 (2), the department shall, upon
5 written request by the applicant within 30 days after the denial, review the decision
6 of the district office. The 30-day requirement does not apply to an applicant who
7 seeks a reversal of the decision under sub. (2m).

History: 1983 a. 177; 1993 a. 16.

8 **SECTION 2.** 86.073 (2) of the statutes is amended to read:

9 86.073 (2) ~~After~~ Except as provided in sub. (2m), after review, the department
10 may reverse, confirm or modify the decision of the district office.

History: 1983 a. 177; 1993 a. 16.

11 **SECTION 3.** 86.073 (2m) of the statutes is created to read:

12 86.073 (2m) The department shall reverse the decision of the of the district
13 office to deny a request for a permit under s. 86.07 (2) to construct an entrance to a
14 state trunk highway from abutting premises if all of the following are true:

15 (a) The most recent reconstruction or alteration of the highway that abuts the
16 applicant's premises resulted in loss of access from the premises to the highway.

BILL

1 (b) The distance between the closest edge of the proposed access is at least 400
2 feet from the center point of the nearest controlled intersection.

3 (c) There is no frontage road parallel to that portion of the highway and DOT
4 does not anticipate constructing a frontage road parallel to that portion of the
5 highway.

6 (d) No city street abuts or connects to the applicant's premises.

7 (e) The premises is abutted by the highway on one side and by private property
8 on each of the other sides.

9 (f) The premises that would have direct access to the highway under the
10 proposed plan has at least 150 feet of frontage along the highway.

11 (g) The applicant submits proof that the police chief or sheriff of the
12 municipality where the premises is located approves the proposed plan for access to
13 the highway.

14 (h) The segment of highway that abuts the premises has a low rate of accidents.

15 (i) The municipality approved the applicant's plat or the applicant provides
16 other proof that the municipality approves the proposed plan for access to the
17 highway.

18

(END)

Barman, Mike

From: Waldrop, Joyce
Sent: Thursday, July 28, 2005 10:00 AM
To: LRB.Legal
Subject: Submitted: LRB 05-3285/1 Topic: Access to highways?body=

Please prepare a fiscal note for this proposal.

Thanks

Joyce Waldrop
Chief of Staff
Representative Sheryl Albers
50th Assembly District
Rm. 15N State Capitol
e-mail jwaldrop@legis.state.wi.us
Ph. 608/266-8531

Northrop, Lori

From: Waldrop, Joyce
Sent: Friday, August 12, 2005 3:51 PM
To: LRB.Legal
Subject: Draft review: LRB 05-3285/1 Topic: Access to highways

It has been requested by <Waldrop, Joyce> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-3285/1 Topic: Access to highways

Memo

To: Senator Representative Albers

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2005 draft.

LRB Number: LRB -3285

Version: "1"

Fiscal Estimate Prepared By: (agency abbr.) DOT

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 08 / 04 / 2005

* * * * *

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

> **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.

> **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

> **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2005 AB649

Barman, Mike

From: Barman, Mike
Sent: Thursday, August 04, 2005 2:50 PM
To: Rep.Albers
Cc: Waldrop, Joyce
Subject: LRB 05-3285/1 (un-introduced) (FE by DOT - attached - for your review)

Attachments: FE_Albers.PDF



FE_Albers.PDF (980
KB)