



## Fiscal Estimate Narratives

DOT 10/31/2011

LRB Number	11-2430/1	Introduction Number	AB-0332	Estimate Type	Original
<b>Description</b> Inclusion in the economic impact analysis for a proposed rule an assessment of the impact that the proposed rule will have on public health and the environment					

### Assumptions Used in Arriving at Fiscal Estimate

The Department of Transportation has commenced rulemaking by publishing scope statements 31 times in the three-year period ending October 1, 2011. During that sample period, the Department has commenced an average 10 rulemakings per year. The bill requires an impact assessment for every rulemaking. It is unclear from the bill what might be considered an "impact on public health or the environment." Because failure to comply with rulemaking requirements can result in invalidation of the rule, the Department will liberally construe the requirement to apply to any rule that conceivably makes any change to human health or the environment. Some of the rulemakings will have no discernible impact and might be summarily written.

It appears that approximately one-half of the proposed rulemakings may have significant impacts on human health and the environment and will require some significant assessment. For example, each of the following rules was among rulemakings commenced during the 3-year sample period and may have significant impacts on human health and the environment:

Trans 327, relating to motor carrier safety;

Trans 405, relating to siting noise barriers;

Trans 75, relating to requiring bicycle and pedestrian accommodations in transportation projects funded in whole or part with state or federal funds;

Trans 131, relating to the allowance of a "cost waiver" in certain circumstances, programmatic operational changes, refining references to testing requirements for diesel vehicles, and other minor changes reflecting current operations;

Trans 101, relating to the Graduated Driver License, demerit points for parking violations, and demerit points for serious traffic offenses;

Trans 264, relating to permits for wind tower oversize and overweight transport movement;

Trans 252, relating to policies that apply to escort vehicles for oversize or overweight transport;

Trans 100 to conform to the minimum mandatory insurance limit requirements set in 2011 Wis. Act 14;

Trans 263, relating to a multiple trip permit for certain overweight vehicles or vehicle combinations transporting granular roofing materials; and

Trans 131, relating to the vehicle emission inspection program.

The Department assumes the bill will require approximately 5 impact assessments be completed annually.

The bill does not specify how thorough or comprehensive the assessment of impacts must be. Similar language to that contained in the bill is used in s. 1.11, Wis. Stats., "Governmental consideration of environmental impact" and in federal law. The documentation and analysis required under those laws can take years to complete and can cost many tens of thousands of dollars. For example, the Department's proposed rule Trans 264, relating to permits for wind tower oversize and overweight transport movement will affect the immediate transport of wind towers, but may result in the siting of additional wind towers in this state. It is unclear whether the Department must consider the secondary effects of siting additional wind towers, such as bird kills, noise impacts, or reducing the need for and environmental consequences of energy generated by other means. Similarly, Trans 101, relating to the Graduated Driver License, will affect the licensing of youthful drivers. It is unclear how changes to driver licensing may affect human health or how detailed an assessment of the consequences of that rulemaking must be.

The Department assumes that secondary effects need not be assessed under this bill, and that a satisfactory assessment of direct impacts to human health and the environment could be completed in an average of 100 hours of staff time at a blended labor rate of \$50 per hour for salary and fringe, for a cost of \$5,000 each. The Department's estimated cost to complete assessments for the projected 5 rulemakings annually is \$25,000 and 0.25 FTE.

**Long-Range Fiscal Implications**

See above.