

2013 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB389)

Received: **9/27/2013** Received By: **emueller**
Wanted: **As time permits** Same as LRB:
For: **Paul Tittl (608) 266-0315** By/Representing: **Tim Fiocchi**
May Contact: Drafter: **emueller**
Subject: **Transportation - traffic laws** Addl. Drafters:
Extra Copies: **ARG**

Submit via email: **YES**
Requester's email: **Rep.Tittl@legis.wisconsin.gov**
Carbon copy (CC) to: **sen.petrovski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Increased speed limit on certain expressways/freeways; report to legislature on other expressways/freeways

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>
/?	emueller 9/27/2013	evinz 9/27/2013	jmurphy 9/27/2013	_____			
/1				_____	srose 9/27/2013	srose 9/27/2013	

FE Sent For:

10-4-13
per Tittl & speaker
vos' office

<END>

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/? emueller

/1 GJM
9/27/13

tee
9/27/13

jm

m+ev
9/27

FE Sent For:

<END>

Mueller, Eric

From: Fiocchi, Tim
Sent: Friday, September 27, 2013 1:18 PM
To: Mueller, Eric
Subject: RE: Speed Limits

Hi Eric,

I'm sorry for the miscue – I thought you were going to draft based on our conversation. To try to sum up, the bill should permit DOT to set speed limits up to 70 mph on Freeways or Expressways that are designated as Interstate highways. It should then require them to post the signs on the highways where the limit is to be changed within 6 months of the bill taking effect.

In addition, it should require DOT to study other Freeways and Expressways and report back to the standing (transportation) committees of the legislature within one year on the safety and suitability of changing over to 70 on those other roadways.

Please give me a call with questions,

Tim

From: Mueller, Eric
Sent: Friday, September 27, 2013 1:01 PM
To: Fiocchi, Tim
Subject: Speed Limits

Tim,

Were you going to send an email with drafting instructions regarding the ASA to AB389? Or did you want me to work off of my notes from our phone conversation? Or are things still in flux?

Eric Mueller
Attorney, Legislative Reference Bureau
Phone: (608)261-7032
eric.mueller@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs 0121/1 0128/1
EVM:sac&jld:jm

lsac/jld/leeu

RMNR

ASSEMBLY SUBSTITUTE AMENDMENT,
TO ASSEMBLY BILL 389

9/27/13

Today

reger

1 AN ACT to amend 346.57 (1) (ag), 346.57 (1) (am) and 346.57 (4) (gm); and to
2 create 349.11 (2) (d) of the statutes; relating to: the maximum speed limit on
3 freeways and expressways.

Analysis by the Legislative Reference Bureau

Under current law, the maximum speed limit on any freeway or expressway in this state is 65 miles per hour. A "freeway" is defined as any state trunk highway with four or more lanes of traffic separated by a barrier or median (a paved or landscaped strip between opposing traffic) that gives preference to through traffic by limiting access to only interchanges. An "expressway" is also defined as any state trunk highway, but only a state trunk highway that the Department of Transportation (DOT) determines has four or more lanes of traffic separated by a barrier or median that gives preference to through traffic by use of interchanges or by limiting at-grade access to selected public roads and driveways.

Also under current law, if DOT determines on the basis of an engineering and traffic investigation that any statutory speed limit on the state trunk highway system is greater or less than is reasonable or safe or that the actual speed of vehicles is greater or less than is reasonable and prudent, DOT may determine and declare a reasonable and safe speed limit on the applicable highway segment and post the highway segment with signs imposing this modified speed limit. However, there are limitations on DOT's authority to modify speed limits, and DOT may not declare a

speed limit greater than 55 miles per hour, except that the speed limit may be 65 miles per hour on a freeway or expressway.

This substitute amendment increases the maximum speed limit on freeways and expressways from 65 miles per hour to 70 miles per hour. This speed limit of 70 miles per hour does not take effect until DOT posts the limit by official traffic signs, but the substitute amendment requires DOT to post the 70 miles per hour limit on most freeways or expressways within approximately six months after the substitute amendment's effective date. The substitute amendment also limits DOT's authority to modify the statutory speed limit of 70 miles per hour on freeways and expressways. Under the substitute amendment, if DOT makes a determination following the process under current law, described above, that a reasonable and safe speed limit on a freeway or expressway is less than 70 miles per hour, DOT may notify the Joint Committee on Finance (JCF) in writing of the proposed lower speed limit. The proposed lower speed limit may be implemented by DOT, and DOT may post the applicable freeway or expressway with the lower speed limit, only if JCF expressly approves the proposed speed limit or implicitly approves the proposed speed limit by failing to schedule a meeting for the purpose of reviewing the proposed speed limit within 14 working days after the date of DOT's notification. Certain freeways and expressways with a current speed limit of less than 65 miles per hour may be posted at a speed limit less than 70 miles per hour without following this procedure.

This substitute amendment also changes the definition of expressway to "a state trunk highway that, as determined by [DOT], has 4 or more lanes of traffic physically separated by a median or barrier and that gives preference to through traffic by allowing only some at-grade access to roads and driveways" and the definition of freeway to "a state trunk highway that, as determined by [DOT], has 4 or more lanes of traffic physically separated by a median or barrier and that gives preference to through traffic by limiting access to interchanges only."

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

- 1 SECTION 1. 346.57 (1) (ag) of the statutes is amended to read:
- 2 346.57 (1) (ag) "Expressway" means a state trunk highway that, as determined
- 3 by the department, has 4 or more lanes of traffic physically separated by a median
- 4 or barrier and that gives preference to through traffic by utilizing interchanges or
- 5 limiting allowing only some at-grade access to selected public roads and public
- 6 driveways. An "expressway" may include a highway that utilizes interchanges.

7 SECTION 2. 346.57 (1) (am) of the statutes is amended to read:

requires
requires DOT to prepare a report regarding the suitability
of a 70 miles per hour speed limit on freeways and expressways
that are not interstate highways.

speed limit of

1 346.57 (1) (am) "Freeway" means a state trunk highway that, as determined
2 by the department, has 4 or more lanes of traffic physically separated by a median
3 or barrier and that gives preference to through traffic by limiting access to
4 interchanges only.

plain

SECTION 3. 346.57 (4) (gm) of the statutes is amended to read:

5
6

346.57 (4) (gm) ~~Sixty-five~~ ^{undo strike} Seventy miles per hour on any freeway or
7 expressway.

SECTION 4. 349.11 (2) (d) of the statutes is created to read:

8
9 349.11 (2) (d) 1. Modify the speed limit stated in s. 346.57 (4) (gm), except as
10 provided in this paragraph. If the department has satisfied the requirements under
11 sub. (1) (a) and determined that a speed limit less than 70 miles per hour is a
12 reasonable and safe speed limit on an expressway, as defined in s. 346.57 (1) (ag), or
13 a freeway, as defined in s. 346.57 (1) (am), the department may notify the joint
14 committee on finance in writing of the proposed lower speed limit. If the
15 cochairpersons of the committee do not notify the department that the committee has
16 scheduled a meeting for the purpose of reviewing the proposed speed limit within 14
17 working days after the date of the department's notification, the department may
18 consider the proposed speed limit to be approved. If, within 14 working days after
19 the date of the department's notification, the cochairpersons of the committee notify
20 the department that the committee has scheduled a meeting for the purpose of
21 reviewing the proposed speed limit, the proposed speed limit is not approved unless
22 it is expressly approved by the committee. The department may not post the
23 proposed speed limit as provided in sub. (1) (a) unless it has been approved under this
24 paragraph.

of
that is not a part of the national system of interstate and
defense highways and 70 miles per hour on any freeway or
expressway that is a part of the national system of interstate and
defense highways

1 2. Notwithstanding subd. 1., if the department has declared a speed limit of less
 2 than 65 miles per hour on an expressway, as defined in s. 346.57 (1) (ag), or a freeway,
 3 as defined in s. 346.57 (1) (am) on the effective date of this subdivision [LRB
 4 inserts date], the department may maintain that speed limit of less than 70 miles per
 5 hour on the expressway or freeway on the effective date of this subdivision [LRB
 6 inserts date], without following the procedure under subd. 1. The department shall
 7 follow the procedure under subd. 1. for a modification of a speed limit after the
 8 effective date of this subdivision [LRB inserts date].

9 SECTION 5. Nonstatutory provisions.

10 (1) Except with respect to expressways or freeways for which the speed limit
 11 is modified or established as provided in section 349.11 (2) (d) of the statutes, as
 12 created by this act, the department of transportation shall erect official signs giving
 13 notice of the limit under section 346.57 (4) (gm) of the statutes, as affected by this act,
 14 no later than the first day of the 7th month beginning after publication.

15 $70 \frac{\text{mile}}{\text{hour}} = \text{per hour} = \text{(END)}$

NS:sub

(2) No later than one year after the effective date of this subsection, the department of transportation shall submit ~~to~~ to the appropriate standing committees of the legislature, as determined by the Speaker of the assembly and the president of the senate, a report on the suitability of a 70 ~~seven~~ $\frac{\text{mile}}{\text{hour}}$ speed limit on expressways and freeways that are not a part of the national system of interstate and defense highways.