

2013 DRAFTING REQUEST

Bill

Received: 11/26/2012 Received By: agary
Wanted: As time permits Same as LRB:
For: Administration-Budget By/Representing: Byrnes
May Contact: Drafter: agary
Subject: Transportation - highways Addl. Drafters:
Extra Copies: EVM

Submit via email: YES
Requester's email:
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

DOA:.....Byrnes, BB0254 -

Topic:

Transportation alternatives program

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>
/?	agary 11/28/2012			_____			
/1		kfollett 11/29/2012	rschluet 11/29/2012	_____	sbasford 11/29/2012		State S&L

FE Sent For:

<END>

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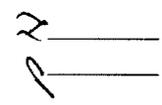
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1?	agary	11/5f 11/29					

FE Sent For:

<END>

Gary, Aaron

From: Hanaman, Cathlene
Sent: Monday, November 26, 2012 8:18 AM
To: Gary, Aaron; Mueller, Eric
Subject: FW: [Possible SPAM] Statutory Language Drafting Request - BB0254
Attachments: Transportation Alternatives.pdf

Importance: Low

From: Tyler.Byrnes@Wisconsin.gov [mailto:Tyler.Byrnes@Wisconsin.gov]
Sent: Friday, November 23, 2012 1:31 PM
To: Hanaman, Cathlene
Cc: Thornton, Scott - DOA; Frederick, Caitlin - DOA; Byrnes, Tyler - DOA
Subject: [Possible SPAM] Statutory Language Drafting Request - BB0254
Importance: Low

Biennial Budget: 2013-15

Topic: Create Transportation Alternatives Program

Tracking Code: BB0254

SBO Team: TLGED

SBO Analyst: Byrnes, Tyler - DOA
Phone: (608) 266-1039
E-mail: Tyler.Byrnes@Wisconsin.gov

Agency Acronym: WisDOT

Agency Number: 395

Priority: High

Intent:

Please prepare a draft creating a transportation alternatives program in the Department of Transportation. Please attached drafting instructions.

Attachments: True

Please send completed drafts to statlanguage@wisapps.wi.gov

**Department of Transportation
2013-2015 Biennial Budget Request
STATUTORY MODIFICATIONS**

DIN NUMBER: 5201

TOPIC: Transportation Alternatives Program

DESCRIPTION OF CHANGE:

The Department requests the following statutory modifications related to the consolidation of the state Transportation Enhancements, Safe Routes to School, and Bicycle and Pedestrian Facilities programs into a new Transportation Alternatives program to reflect changes in federal law and program efficiencies:

1. Create in Chapter 85, Wis. Stats., a Transportation Alternatives program:
 - a. Define transportation alternative activities as given in 23 USC 101(a);
 - b. Provide that the Department may administer a program to award grants of assistance to any political subdivision for transportation alternative activities consistent with federal regulations under 23 USC 213.
 - c. Provide that any project for which funds are awarded under the program must begin within four years of the date of the grant award. For a planning grant, this means the study must have been started and for an infrastructure project, construction must have started within the four-year timeframe.
2. Create three continuing appropriations in s. 20.395(2), Wis. Stats.:
 - a. SEG appropriation – suggest 225, s. 20.395(2)(jq), Wis. Stats.;
 - b. SEG-L appropriation – suggest 226, s. 20.395(2)(jv) Wis. Stats.; and
 - c. SEG-F appropriation – suggest 227, s. 20.395(2)(jx), Wis. Stats..
3. Delete s. 85.024, Wis. Stats.
4. Delete s. 85.026, Wis. Stats.
5. Delete s. 85.027, Wis. Stats.
6. Delete s. 85.029, Wis. Stats.
7. Delete s. 20.395(2)(ny), Wis. Stats.

JUSTIFICATION:

MAP-21 made significant changes to several federal highway programs, including the Transportation Enhancements and Safe Routes to School programs. Those two programs were eliminated as separate programs and the remaining eligible activities consolidated into a new Transportation Alternatives program. For the Safe Routes to School program, the consolidation also decreases the federal cost share from 100 percent to 80 percent.

Changes to the underlying federal programs require modification of the appropriation structure for the two state programs of the same name and for the Bicycle and Pedestrian Facilities program which was funded through the federal Transportation Enhancements program. The changes to the state programs required by the changes in MAP-21 also provide an opportunity to make these programs more efficient by consolidating the three programs into a single program.

Placing a statutory time limit on the use of grant funds would also be beneficial, not only to the program itself, but to all other programs funded with federal highway funds. To date, the state has not lost any federal funding due to these delays, but that has only been accomplished through overall federal funding management and cannot be assured into the future. Setting a statutory time limit on the use of the funds will not eliminate that risk, but will make it more manageable than with the current open-ended grants.

Gary, Aaron

From: Byrnes, Tyler - DOA <Tyler.Byrnes@wisconsin.gov>
Sent: Monday, November 26, 2012 4:08 PM
To: Gary, Aaron
Subject: RE: Statutory Language Drafting Request - BB0254

Aaron,

85.027 should be repealed. That program hasn't been funded for years and eliminating that reference as part of this transportation alternatives draft will help clean things up.

I will take note on the different SEG appn.

Thanks.

Tyler

From: Gary, Aaron [<mailto:Aaron.Gary@legis.wisconsin.gov>]
Sent: Monday, November 26, 2012 3:03 PM
To: Byrnes, Tyler - DOA
Subject: RE: Statutory Language Drafting Request - BB0254

Hi Tyler,

The instructions for this draft include in item 5. the repeal of s. 85.027 (traffic marking enhancement grants), but the description does not refer to these grants and instead discusses only the other three programs that are being combined. I just want to confirm that your intent is in fact to repeal s. 85.027.

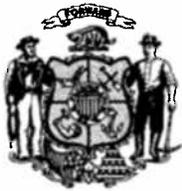
I also should mention that s. 20.395 (2) (jq) already exists, so I have numbered the SEG apprn as (2) (js).

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Hanaman, Cathlene
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Importance: Low



1A
11/28



tyf

DOA:.....Byrnes, BB0254 – Transportation alternatives program

FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION

Don't Gen

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

Under current law, DOT administers the following programs: 1) a bicycle and pedestrian facilities program to award grants to political subdivisions for planning, developing, or constructing bicycle and pedestrian facilities; 2) a transportation enhancement activities program to award grants to political subdivisions and state agencies for transportation enhancement activities, as described under federal law; 3) a safe routes to school program to award grants to political subdivisions and state agencies for infrastructure-related projects, as described under federal law, and to state agencies, other governmental units, and nonprofit organizations for noninfrastructure-related activities, as described under federal law; and 4) a traffic marking enhancement program to award grants to local governmental units for the installation of traffic marking enhancements to improve visibility for elderly drivers and pedestrians.

This bill eliminates the bicycle and pedestrian facilities program, transportation enhancement activities program, safe routes to school program, and traffic marking enhancement program and creates instead a transportation alternatives program. Under the transportation alternatives program, DOT may award grants to cities, villages, towns, or counties (political subdivisions) for transportation alternatives activities consistent with federal regulations.

Transportation alternatives activities include: construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation; construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non~~7~~drivers, including children, older adults, and individuals with disabilities; conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users; construction of turnouts, overlooks, and viewing areas; community improvement activities such as preservation of historic transportation facilities, vegetation management, and control of outdoor advertising; and environmental mitigation activities. A project for which DOT awards a grant under the transportation alternatives program must be commenced within four years from the date that the grant is awarded.

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. 20.395 (2) (ev) of the statutes is amended to read:

2 20.395 (2) (ev) *Local bridge improvement and traffic marking enhancement*
3 *assistance, local and transferred funds.* All moneys received from any local unit of
4 government or other source for improving bridges under ss. 84.12, 84.17 and 84.18,
5 for such purposes, and, for traffic marking enhancements under s. 85.027, all moneys
6 transferred from the appropriation account under s. 20.395 (3) (cq), as required by
7 2003 Wisconsin Act 33, section 9153 (4q).

History: 1971 c. 40 s. 93; 1971 c. 42, 107; 1971 c. 125 ss. 122 to 137, 522 (1); 1971 c. 197, 211, 215, 307; 1973 c. 90, 142, 243, 333, 336; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 200, 224, 270, 288, 340, 422; 1977 c. 29, 377, 418; 1979 c. 34 ss. 322e to 420, 574, 575; 1979 c. 221; 1981 c. 20 ss. 238 to 300, 2202 (51) (c), (e); 1981 c. 165, 234; 1981 c. 314 s. 146; 1981 c. 347 s. 80; 1981 c. 362; 1983 a. 27 ss. 270g to 315, 2202 (20); 1983 a. 243; 1985 a. 29 ss. 357 to 402, 3202 (51) (a); 1985 a. 65, 76, 341; 1987 a. 27, 137, 349, 369, 399, 403; 1989 a. 31, 56; 1991 a. 39, 104, 239, 269; 1993 a. 16, 285, 354, 437; 1995 a. 27, 113, 201, 338, 445; 1997 a. 27, 35, 135, 237, 255; 1999 a. 9, 109, 146, 167, 185; 2001 a. 16, 104, 109; 2003 a. 33, 64, 139, 220, 320; 2005 a. 25, 319, 335; 2007 a. 20, 42; 2009 a. 28, 224, 226, 276; 2011 a. 32, 257; 2011 a. 260 s. 80; s. 13.92 (2) (i).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 SECTION 2. 20.395 (2) (fv) of the statutes is amended to read:

9 20.395 (2) (fv) *Local transportation facility improvement assistance, local*
10 *funds.* All moneys received from any local unit of government or other source for
11 providing public access roads to navigable waters and for the purposes of ss. 84.27,
12 and 84.28, and 85.027 and for improving transportation facilities, including facilities

1 funded under applicable federal acts or programs, that are not state trunk or
2 connecting highways, for such purposes.

History: 1971 c. 40 s. 93; 1971 c. 42, 107; 1971 c. 125 ss. 122 to 137, 522 (1); 1971 c. 197, 211, 215, 307; 1973 c. 90, 142, 243, 333, 336; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 200, 224, 270, 288, 340, 422; 1977 c. 29, 377, 418; 1979 c. 34 ss. 322e to 420, 574, 575; 1979 c. 221; 1981 c. 20 ss. 238 to 300, 2202 (51) (c), (e); 1981 c. 165, 234; 1981 c. 314 s. 146; 1981 c. 347 s. 80; 1981 c. 362; 1983 a. 27 ss. 270g to 315, 2202 (20); 1983 a. 243; 1985 a. 29 ss. 357 to 402, 3202 (51) (a); 1985 a. 65, 76, 341; 1987 a. 27, 137, 349, 369, 399, 403; 1989 a. 31, 56; 1991 a. 39, 104, 239, 269; 1993 a. 16, 285, 354, 437; 1995 a. 27, 113, 201, 338, 445; 1997 a. 27, 35, 135, 237, 255; 1999 a. 9, 109, 146, 167, 185; 2001 a. 16, 104, 109; 2003 a. 33, 64, 139, 220, 320; 2005 a. 25, 319, 335; 2007 a. 20, 42; 2009 a. 28, 224, 226, 276; 2011 a. 32, 257; 2011 a. 260 s. 80; s. 13.92 (2) (i).

3 **SECTION 3.** 20.395 (2) (js) of the statutes is created to read:

4 20.395 (2) (js) *Transportation alternatives program, state funds.* As a
5 continuing appropriation, the amounts in the schedule for the transportation
6 alternatives program under s. 85.021.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 4.** 20.395 (2) (jv) of the statutes is created to read:

8 20.395 (2) (jv) *Transportation alternatives program, local funds.* All moneys
9 received from any local unit of government for purposes of the transportation
10 alternatives program under s. 85.021, for such purposes.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 5.** 20.395 (2) (jx) of the statutes is created to read:

12 20.395 (2) (jx) *Transportation alternatives program, federal funds.* All moneys
13 received from the federal government for purposes of the transportation alternatives
14 program under s. 85.021, for such purposes.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

move to p 4

15 **SECTION 6.** 20.395 (2) (qv) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 7.** 20.395 (2) (qx) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 8.** 20.395 (2) (nv) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 SECTION 9. 20.395 (2) (nx) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2 SECTION 10. 20.395 (2) (ny) of the statutes is repealed.

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4 SECTION 12. 20.395 (2) (ov) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 SECTION 13. 20.395 (2) (ox) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 SECTION 14. 85.021 of the statutes is created to read:

7 **85.021 Transportation alternatives program.** (1) DEFINITIONS. In this
8 section:

9 (a) "Political subdivision" means any city, village, town, or county.

10 (b) "Transportation alternatives" has the meaning given in 23 USC 101 (a) (29)

11 (2) PROGRAM. (a) The department may administer a program to award grants
12 of assistance to any political subdivision for transportation alternatives activities
13 consistent with federal regulations promulgated under 23 USC 213. The grants shall
14 be awarded from the appropriations under s. 20.395 (2) (js), (jv), and (jx).

15 (b) Any project for which a grant is awarded under par. (a) shall be commenced
16 within 4 years from the date that the grant is awarded. For purposes of this
17 paragraph, a planning project is commenced when a planning study is commenced
18 and an infrastructure project is commenced when construction is commenced.

insert

10

17
18

(29)

commenced begun

commenced

1 **SECTION 15.** 85.024 of the statutes is repealed.

2 **SECTION 16.** 85.026 of the statutes is repealed.

3 **SECTION 17.** 85.027 of the statutes is repealed.

4 **SECTION 18.** 85.029 of the statutes is repealed.

5

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0609/1
ARG:kjfrs

DOA:.....Byrnes, BB0254 – Transportation alternatives program

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT** ...; relating to: the budget.

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4 20.395 (2) (js) *Transportation alternatives program, state funds.* As a
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9 (b) “Transportation alternatives” has the meaning given in 23 USC 101 (a).

10 **(2) PROGRAM.** (a) The department may administer a program to award grants
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12 consistent with federal regulations promulgated under 23 USC 213. The grants shall
13 be awarded from the appropriations under s. 20.395 (2) (js), (jv), and (jx).

14 (b) Any project for which a grant is awarded under par. (a) shall be commenced
15 within 4 years from the date that the grant is awarded. For purposes of this
16 paragraph, a planning project is commenced when a planning study is begun and an
17 infrastructure project is commenced when construction is begun.

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