



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 893

**Assembly Substitute
Amendment 1**

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This memorandum summarizes the provisions of *Assembly Substitute Amendment 1* to 2003 Assembly Bill 893, relating to major highway projects and the transportation projects commission.

Assembly Bill 893 is a companion to Senate Bill 478. The companion bills were introduced by Joint Legislative Audit Committee Co-Chairpersons Jeskewitz and Roessler, respectively, in response to the findings and recommendations presented in the Legislative Audit Bureau's evaluation of the *Major Highway Program* (Audit Report 03-13) and to testimony offered at the Joint Audit Committee's January 26, 2004 public hearing on the audit report.

On March 10, 2004, Representative Jeskewitz introduced *Assembly Substitute Amendment 1*. The Assembly adopted the substitute amendment and passed the bill, both on voice votes.

BACKGROUND

Under *current law*, the Department of Transportation (DOT) administers the major highway projects program. A major highway project is defined, with limited exceptions, as a project having a total cost of more than \$5 million and involving either construction of a new highway of at least 2.5 miles, reconstruction or reconditioning of specified existing highways, or improvement of certain existing highways to freeway standards. Unlike other highway construction projects undertaken by DOT, major highway projects must generally receive the approval of the Transportation Projects Commission (TPC) and the Legislature (referred to as "enumeration") before the project may be constructed.

Currently, DOT submits a list of potential major highway projects to the TPC for study and recommendation by the TPC. The DOT may not begin preparing an environmental impact statement (EIS) or environmental assessment (EA) for a potential major highway project without TPC approval. Although DOT generally may not begin construction of a major highway project without approval of the TPC and the Legislature, the Legislature may enumerate and approve the construction of major highway

projects without approval of the TPC. The TPC may not recommend approval of a major highway project unless it determines that there is sufficient funding to begin construction of the project within six years.

ASSEMBLY SUBSTITUTE AMENDMENT 1

The substitute amendment contains the following provisions:

1. Timing of Transportation Projects Commission (TPC) Project Approval

The substitute amendment prohibits the TPC from recommending approval of any major highway project until the TPC has been notified that a final EIS or EA for the project has been approved by the Federal Highway Administration. This requirement first applies to major highway projects being considered by the TPC on the effective date of this provision.

2. Project Enumeration

The substitute amendment prohibits the Legislature from enumerating any major highway project unless the TPC has recommended approval of the project, with or without modifications.

3. DOT Reports on Project Status and Costs

The substitute amendment requires DOT to submit a report every six months to the TPC that does all of the following:

- a. Summarizes the current status of each project submitted by DOT that is under consideration by the TPC, including any project approved by the TPC, and of each project enumerated.
- b. Identifies all actual and estimated project costs for those projects, itemized by major cost categories, as of the date of preparation of the report. To the extent feasible, DOT must separately track and report the costs of environmental assessments, compliance, and mitigation.
- c. Reports the required information both on a cumulative basis from the inception of the project and on an updated basis for the period since the last report.

The first report must be submitted by February 1, 2005. These reporting requirements first apply to major highway projects enumerated, approved, or being considered by the TPC on the effective date of this provision.

4. Information DOT Required to Make Available

The substitute amendment requires that, notwithstanding the Open Records Law, DOT must make the following information available to the public, including available at no charge on DOT's Internet site, within the following time periods:

- a. Any report prepared by DOT for the TPC relating to project status and costs must be available within five business days of the report's completion and transmittal to the TPC.

b. Any materials or documents prepared by DOT, except the department's recommendations, for use at a TPC meeting must be available at least two business days prior to the meeting.

c. Any other information that the TPC directs be made available by DOT must be made available within the time specified by the TPC.

These requirements first apply to reports, materials, and documents prepared by DOT on the effective date of this provision.

5. Creation of Change Management System

The substitute amendment requires DOT to develop and implement a change management system for providing fiscal and management oversight for all major highway projects.

LEGISLATIVE HISTORY

Assembly Bill 893 was introduced and referred to the Joint Legislative Audit Committee. The committee held a public hearing and executive session on the bill on February 26, 2004. By unanimous consent, the committee introduced an amendment which became Assembly Amendment 1 and adopted the amendment on a vote of Ayes, 8; Noes, 1. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 9; Noes, 0. On March 10, 2004, Representative Jeskewitz introduced *Assembly Substitute Amendment 1*. The Assembly adopted the substitute amendment and passed the bill, both on voice votes. The bill was immediately messaged to the Senate.

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