CHAPTER 85

DEPARTMENT OF TRANSPORTATION

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85.01 Definitions. In this chapter:

(1) "Department" means the department of transportation.

(2) "Division of hearings and appeals" means the division of hearings and appeals in the department of administration.

(2m) "Operator" has the meaning given in s. 340.01 (41).

(3) "Rail property" means all fixed property, real or personal, used in operating a railroad.

(4) "Rail property improvements" means rails, ties, switches, spurs, buildings, signals, trestles, bridges and other property, exclusive of land, that may be used in operating a railroad.

(5) "Railroad" means a railroad as defined in s. 195.02 (1) and any company, association, corporation or person managing, maintaining, operating or in possession of a railroad in whole or in part within this state whether as owner, contractor, lessee, mortgagee, trustee, assignee or receiver.

(7) "Railway" means a corporation described in s. 193.01, 1983 stats.

(8) "Secretary" means the secretary of transportation.

History: 1971 c. 125 s. 417; Stats. 1971 s. 85.01; 1973 c. 90; 1977 c. 29; 1981 c. 347; 1983 a. 27 ss. 1332, 1333, 1339, 1344, 1345; 1985 a. 29, 135; 1985 a. 187 s. 45; 1993 a. 16; 2003 a. 297; 2005 a. 179.

85.013 Hearings. (1) Except as provided in sub. (2), any hearing under s. 227.42 granted by the department may be conducted before the division of hearings and appeals which shall decide the matter.

(2) (a) The secretary shall designate employees of the department as hearing examiners to preside over all hearings arising under ch. 344.

(b) Any hearing under s. 227.42 shall be held before the tax appeals commission under s. 73.01 if the hearing concerns an additional assessment, refund or denial of refund under any of the following:

1. The international registration plan under s. 341.405.

2. A fuel tax agreement under s. 341.45.

History: 1993 a. 16; 1999 a. 145.

85.015 Transportation assistance contracts. All contracts entered into under this chapter to provide financial assistance in the areas of railroads, urban mass transit, specialized transportation, and harbors are subject to ss. 16.528, 16.752, and 16.753 but are exempt from ss. 16.70 to 16.75, 16.755 to 16.82, 16.85 to 16.87, and 16.875 to 16.89.

History: 1981 c. 20; 1985 a. 300; 1989 a. 345; 2005 a. 410.

85.02 Planning, promotion and protection. (1) The department may direct, undertake and expend state and federal aid for planning, promotion and protection activities in the areas of highways, motor vehicles, traffic law enforcement, aeronautics and astronautics, railroads, waterways, specialized transportation services, mass transit systems and for any other transportation mode. All state, regional and municipal agencies and commissions created under authority of law shall to the extent practicable, when dealing with transportation, follow the recommendations made by the secretary.

(2) The department shall implement the policy specified in s. 1.12 (6) in making all decisions, orders, and rules affecting the siting of new electric transmission facilities.

History: 1973 c. 90; 1979 c. 34; 1981 c. 20; 2003 a. 89; 2005 a. 335.

85.0205 Expenditures for aesthetic elements. (1) Except as provided in subs. (2) and (3), the department may not expend more than 1.5 percent of the project costs of any highway improvement project on elements that the department determines are primarily related to the aesthetic preferences of communities adjacent to the project, generally known as community sensitive solutions.

(1m) The department may not expend state moneys on elements of a highway improvement project that the department determines are primarily related to the aesthetic preferences of communities adjacent to the project, generally known as community sensitive solutions.

(2) Subsection (1) does not apply if any of the following apply:

(a) The elements are included in a federal record of decision or similar federal project approval issued prior to July 2, 2013.

(b) The inclusion of the elements is required to receive approval for the use of federal funds on the project.

(3) The department may expend more than the amount permitted under sub. (1) if the expenditures in excess of the amount permitted are reimbursed by another party.

History: 2013 a. 20; 2015 a. 55.

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

(a) "Eligible entity" has the meaning given in 23 USC 213 (c) (4) (B).

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

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

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

History: 2013 a. 20.

85.022 Multimodal transportation studies. (1) The department shall administer a program to study multimodal transportation. The department may make grants or pay contract costs from the appropriations under s. 20.395 (2) (hq) and (hx) for multimodal transportation studies and preliminary engineering of public transportation projects. The department may provide grants or contract with any person under this section to study interurban and intraurban area multimodal transportation, including an analysis of the potential impact of a transportation facility on local and statewide economic development. A study may consider any of the following:

(a) Present and future transit ridership.

(b) Existing railroad and other transportation right−of−way and potential right−of−way availability.

(c) The capacity of alternative transit facilities.

(d) Parking availability.

(e) Plans for completing transit projects.

(f) The creation of a regional operating authority.

(g) Analysis of alternative means of financing, including public and private cost−sharing.

(h) Coordination of rail passenger services with existing publicly operated mass transit systems.

(i) Technologies, costs, benefits and projected ridership of conventional rail passenger service, or of high−speed rail service.

(j) Express bus service.

(k) Commuter rail service.

(L) Travel data.

(m) Urban rail transit systems.

(2) (a) The department shall study high−speed rail service in the southern transportation corridor between this state and the state of Minnesota.

(b) 1. Except as provided in subd. 2., funds may be expended under par. (a) only to match funds, at the ratio of 1 to 1, from the state of Minnesota for the study.

2. No funds may be expended under par. (a) unless the federal government contributes funds for a study under par. (a) in an amount equal to the total amount of funds from this state and the state of Minnesota for the study.

(3) A recipient of funding under this section shall make the results of its study available to any interested city, village, town or county.

History: 1989 a. 31; 1991 a. 39; 1993 a. 16, 246; 1995 a. 113; 2005 a. 25; 2009 a. 28.

85.023 Planning for bicycle facilities. The department shall assist any regional or municipal agency or commission in the planning, promotion and development of bikeways as defined in s. 84.60 (1) (a). The department shall draft model local zoning ordinances for the planning, promotion and development of bikeways and bicycle racks.

History: 1979 c. 221.

85.025 Highway and bridge projects. The department shall adopt by rule criteria for selecting and evaluating all highway and bridge projects which are constructed from the appropriations under s. 20.395 (3) (bq), (bv), (bx), (cq), (cv) and (cx).

History: 1979 c. 221, 355; 1991 a. 39.

Cross−reference: See also ch. Trans 209, Wis. adm. code.

85.028 Milwaukee east−west transportation corridor. Upon implementation of a funding source to provide local funds for a Milwaukee east−west transportation corridor project, local units of government that will be affected by such a project shall reimburse the transportation fund for 50 percent of the nonfederal share of preliminary engineering costs relating to a Milwaukee east−west transportation corridor project.

History: 1993 a. 437 ss. 180, 267, 268; 1999 a. 85.

85.03 Federal reduction or termination of aid. All appropriations made to the department under s. 20.395 are subject to the specific provision that if federal government funding of any portion of a program under s. 20.395 is reduced or terminated, the secretary may terminate or reduce state participation in the program in such proportion as the secretary considers appropriate.

History: 1971 c. 125 s. 417; Stats. 1971 s. 85.02; 1973 c. 90 ss. 397e, 560 (4); Stats. 1973 s. 85.03; 1991 a. 316.

85.035 Reduction of department appropriations. Subject to s. 85.62, where the secretary deems that economic conditions warrant, the secretary, in conjunction with submission of estimates under s. 16.50, may recommend to the secretary of administration that authorized department appropriations be reduced to reflect revenue deficiencies.

History: 1977 c. 29; 1981 c. 30; 2007 a. 20; 2009 a. 178.

85.04 Acquisition of replacement lands. If federal law prohibits the acquisition of lands determined by the secretary to be necessary for transportation purposes unless replacement lands are provided, the department may acquire by gift, devise, purchase or condemnation any lands or interests in lands necessary to satisfy the replacement requirement.

History: 1977 c. 418.

This section applies only when federal law requires acquisition of replacement lands. When acquiring replacement lands is one option for gaining federal approval, this section does not apply. Mitton v. Transportation Dept. 179 Wis. 2d 321, 507 N.W.2d 126 (Ct. App. 1993).

Affirmed on other grounds. 184 Wis. 2d 738, 516 N.W.2d 709 (1994).

85.05 Evaluation of proposed major highway projects. The department by rule shall establish a procedure for numerically evaluating projects considered for enumeration under s. 84.013 (3) as a major highway project. The evaluation procedure may include any criteria that the department considers relevant. The rules shall establish a minimum score that a project shall meet or exceed when evaluated under the procedure established under this

section before the department may recommend the project to the transportation projects commission for consideration under s. 13.489 (4). This section does not apply to major highway projects identified in s. 84.013 (3) (ad).

History: 1997 a. 86; 1999 a. 9; 2011 a. 32.

Cross−reference: See also ch. Trans 210, Wis. adm. code.

85.052 Change management system for major highway projects. The department shall develop and implement a change management system for providing fiscal and management oversight for all major highway projects funded from any appropriation specified in s. 84.013 (2) (a).

History: 2003 a. 217.

85.055 Passenger railroad station improvements. (1) In this section, "local governmental unit" means a city, village, town or county or an agency or subdivision of a city, village, town or county.

(2) The department shall administer a passenger railroad station improvement grant program. From the appropriation under s. 20.395 (2) (ct), the department shall award grants to local governmental units or private entities for the construction or rehabilitation of passenger railroad stations along existing or proposed rail passenger routes. The amount of a grant awarded under this section shall be limited to an amount equal to 33 percent of the cost of the project or $60,000, whichever is less.

(3) The department may not award a grant under this section to a public entity unless the governing body of the city, town, village or county has adopted a resolution supporting the proposed project.

History: 1999 a. 9; 2015 a. 197 s. 51.

85.06 Rail passenger service assistance and promotion. (1) DEFINITIONS. In this section:

(a) "Amtrak" means the national railroad passenger corporation.

(b) "Local governmental unit" has the meaning given in s. 59.72 (1) (c).

(2) PROGRAM. The department shall administer a rail passenger service assistance and promotion program and may do any of the following:

(a) Conduct financial and technical planning for rail passenger service in this state and evaluate existing rail passenger service.

(b) Contract with Amtrak, railroads or other persons to provide rail passenger service or support services, equipment, station improvements, passenger platforms, equipment maintenance shops, parking areas or other support facilities for rail passenger service. The contract may provide for the sale or lease of any equipment or facilities acquired by the department under par. (g). Notwithstanding s. 16.75 (1) and (2m), the department may contract under this paragraph without competitive bidding or competitive sealed proposals.

(c) Consult with other states and with local governmental units regarding service levels for additional rail passenger service in this state.

(d) Monitor the quality of rail passenger service in this state.

(e) Conduct or contract for marketing studies and promotional activities to increase rail passenger service ridership in this state, to identify potential riders and to educate the public about the availability and advantages of rail passenger service.

(f) Apply for and accept federal funds for rail passenger service.

(g) Acquire equipment or facilities for the purpose of providing rail passenger service or support services for rail passenger service.

(h) Enter into agreements with other states to assist or promote rail passenger service.

History: 1991 a. 39; 1995 a. 113, 201; 1997 a. 27.

85.061 Rail passenger route development. (1) DEFINITION. In this section, "Amtrak" means the national railroad passenger corporation.

(2) LEGISLATIVE FINDINGS. The legislature finds that private capital and local governmental financial and technical resources are unable to fully meet the transportation needs of all citizens. It is determined that the program authorized under this section, including the improvement of the property or facilities of a railroad, whether publicly or privately owned, is a legitimate governmental function serving proper public purposes.

(3) PROGRAM. (a) The department shall administer a rail passenger route development program. From the appropriation under s. 20.866 (2) (up), the department may fund any of the following:

1. Capital costs related to Amtrak service extension routes or other rail service routes between the cities of Milwaukee and Madison, between the cities of Milwaukee and Green Bay, between the cities of Milwaukee and Chicago, between the cities of Madison and Eau Claire, and between the cities of Madison and La Crosse. Any route between the cities of Milwaukee and Green Bay funded under the program shall provide service to population centers along the route in a manner that makes the route most economically feasible.

2. Railroad track or rail passenger station improvements related to an Amtrak service extension route between the city of Milwaukee and Waukesha County, or the establishment of commuter rail service between these jurisdictions.

3. Rail passenger station improvements related to an existing rail passenger service.

(b) The department may not use any proceeds from the bond issue authorized under s. 20.866 (2) (up) unless the joint committee on finance approves the use of the proceeds and, with respect to a route under par. (a) 1. or 2., the department submits evidence to the joint committee on finance that Amtrak or the applicable railroad has agreed to provide rail passenger service on that route. The department may contract with Amtrak, railroads or other persons to perform the activities under the program.

History: 1993 a. 16; 1995 a. 113; 1997 a. 27; 2007 a. 20.

85.062 Major transit capital improvement projects. (1) In this section, "major transit capital improvement project" means a project that has a total cost of more than $5,000,000 and which involves any of the following:

(a) Construction of a separate roadway designated for use by buses or other high−occupancy modes of travel.

(b) Initial construction or expansion of a light rail transit system.

(c) Initial construction or expansion of a commuter rail transit system. In this paragraph, "commuter rail" has the meaning given in s. 85.064 (1) (a).

(2) No major transit capital improvement project may be constructed using any state transportation revenues unless the major transit capital improvement project is specifically enumerated in a list under sub. (3). Notwithstanding s. 84.013 (4), a major transit capital improvement project that is enumerated under sub. (3) may be constructed without being included in the list of major highway projects under s. 84.013 (3).

(3) The department may proceed with construction of the following major transit capital improvement projects:

(a) The Dane County commuter rail project.

(b) Any project resulting from the Milwaukee Downtown Transit Connector Study of the Wisconsin Center District.

History: 1993 a. 437; 2003 a. 33; 2009 a. 28; 2011 a. 32.

85.064 Commuter rail transit system development. (1) In this section:

(a) "Commuter rail" means rail passenger service, operating primarily on a dedicated right−of−way on existing railroad tracks used for rail freight service or intercity rail passenger service

between and within metropolitan and suburban areas, connecting these areas with large business or urban centers in this state or another. Commuter rail usually operates during peak travel times with limited stops and in conjunction with other transit modes as part of a regional transit system.

(b) "Political subdivision" means any city, village, town, county, or transit commission organized under s. 59.58 (2) or 66.1021 or recognized under s. 66.0301 within this state.

(2) (a) The department shall administer a commuter rail transit system development grant program. From the appropriations under s. 20.395 (2) (ct) and (cu), the department may award grants to political subdivisions for the development or extension of commuter rail transit systems in this state.

(b) Upon completion of a planning study to the satisfaction of the department, any political subdivision may apply to the department for a grant for the purpose specified in par. (a). No grant may be awarded under this section for a project unless the project meets the eligibility criteria established by the department under sub. (3).

(c) The amount of a grant awarded under this section shall be limited to an amount equal to 50 percent of the portion of the project cost in excess of the federal aid funding for the project or 25 percent of the total project cost, whichever is less.

(3) The department shall prescribe the form, nature, and extent of information that shall be contained in applications for grants under this section and shall establish criteria for evaluating applications and determining eligibility for the award of grants under this section.

History: 2003 a. 33; 2005 a. 25; 2009 a. 28; 2011 a. 32; 2015 a. 197 s. 51.

85.065 Urban rail line relocations. (1) (a) Any county, city, village, town or combination thereof may apply to the department for a study of the cost and benefits of the location and form of railroad lines, associated facilities, and railroad operations within an urban area. Upon receiving such application, the department may undertake or contract for a study to determine the extent to which the existing location of such lines, facilities and operations serves the public interests in:

1. Reliable, economical and expeditious commercial transportation;

2. Safe and orderly movement of pedestrian and vehicular traffic;

3. Coordinated and environmentally sound planning for development or preservation of the area; and

4. Conservation of scarce land or energy resources.

(b) The study shall be performed in consultation with the applicant and other interested parties and shall result in a report describing alternatives to the existing location and form of such railroad lines, facilities and operations which assesses each alternative in light of those criteria.

History: 1977 c. 29.

85.066 Transit safety oversight program. (1) DEFINITION. In this section, "rail fixed guideway transportation system" means a public transportation system being designed, engineered, constructed, or operated that is intended to operate upon a fixed guideway, including a railway, and that is not subject to regulation by the federal railroad administration.

(2) PROGRAM AND FUNDING. The department shall develop and administer a transit safety oversight program. Under the program, the department may oversee, enforce, investigate, and audit all safety aspects of rail fixed guideway transportation systems.

(3) COUNTIES CONTAINING A FIRST CLASS CITY. A county containing a 1st class city may not incur any direct or indirect expenses, including the forfeiture of any revenue, relating to the operation of a rail fixed guideway transportation system in the 1st class city unless the expense incurred or revenue forfeited will be fully reimbursed by the 1st class city.

History: 2015 a. 55.

85.067 Midwest interstate passenger rail compact. The midwest interstate passenger rail compact is enacted into law and entered into by this state with all other states legally joining therein substantially in the following form:

MIDWEST INTERSTATE
PASSENGER RAIL COMPACT

The contracting states solemnly agree:

(1) ARTICLE I — STATEMENT OF PURPOSE. Through joint or cooperative action, the purposes of this compact are to do all of the following:

(a) Promote development and implementation of improvements to intercity passenger rail service in the midwest.

(b) Coordinate interaction among elected state officials in the midwest and their designees on passenger rail issues.

(c) Promote development and implementation of long−range plans for high−speed passenger rail service in the midwest and among other regions of the United States.

(d) Work with the public and private sectors at the federal, state, and local levels to ensure coordination among the various entities having an interest in passenger rail service and to promote interests of the midwestern region regarding passenger rail.

(e) Support efforts of transportation agencies that are involved in developing and implementing passenger rail service in the midwest.

(2) ARTICLE II — ESTABLISHMENT OF THE COMMISSION. To further the purposes of this compact, a midwest interstate passenger rail commission, hereinafter called "the commission," is created to carry out the duties specified in this compact.

(3) ARTICLE III — COMMISSION MEMBERSHIP. (a) The commission shall consist of 4 resident members of each state as follows:

1. The governor or the governor's designee who shall serve during the term of office of the governor, or until a successor is named;

2. Two legislators, one from each house (or 2 legislators from any unicameral legislature), who shall serve 2−year terms, or until successors are appointed, and who shall be appointed by the appropriate appointing authority in each house of the legislature; and

3. One member of the private sector who shall be appointed by the governor and shall serve during the tenure of office of the governor, or until a successor is named.

(am) All vacancies shall be filled in accordance with the laws of the appointing states. Any commissioner appointed to fill a vacancy shall serve until the end of the incomplete term. Each member state shall have equal voting privileges, as determined by the bylaws of the commission.

(b) The manner of appointment of commission members, terms of office consistent with the terms of this compact, provisions for removal and suspension, and manner of appointment to fill vacancies shall be determined by each party state under its laws, but each commissioner shall be a resident of the state of appointment.

(c) All members of the commission shall serve without compensation from the commission.

(4) ARTICLE IV — POWERS AND DUTIES OF THE COMMISSION. (a) The duties of the commission are to:

1. Advocate for the funding and authorization necessary to make passenger rail improvements a reality for the region.

2. Identify and seek to develop ways that states can form partnerships, including with rail industry and labor, to implement improved passenger rail service in the region.

3. Seek development of a long−term, interstate plan for high−speed passenger rail service implementation.

4. Cooperate with other agencies, regions, and entities to ensure that the midwest is adequately represented and integrated into national plans for passenger rail development.

5. Adopt bylaws governing the activities and procedures of the commission, and addressing, among other subjects, the powers and duties of officers, the voting rights of members of the commission, voting procedures, commission business, and any other purposes necessary to fulfill the duties of the commission.

6. Expend such funds as required to carry out the powers and duties of the commission.

7. Report on the activities of the commission to the legislatures and governors of the member compacting states on an annual basis.

(b) In addition to its exercise of the duties specified in par. (a), the commission is empowered to:

1. Provide multistate advocacy necessary to implement passenger rail systems or plans, as approved by the commission.

2. Work with local elected officials, economic development planning organizations, and similar entities to raise the visibility of passenger rail service benefits and needs.

3. Educate other state officials, federal agencies, other elected officials, and the public on the advantages of passenger rail as an integral part of an intermodal transportation system in the region.

4. Work with federal agency officials and members of congress to ensure the funding and authorization necessary to develop a long−term, interstate plan for high−speed passenger rail service implementation.

5. Make recommendations to member states.

6. If requested by each state participating in a particular project and under the terms of a formal agreement approved by the participating states and the commission, implement or provide oversight for specific rail projects.

7. Establish an office and hire staff as necessary.

8. Contract for or provide services.

9. Assess dues, in accordance with the terms of this compact.

10. Conduct research.

11. Establish committees.

(5) ARTICLE V — OFFICERS. The commission shall elect annually, from among its members, a chairperson, a vice chairperson who shall not be a resident of the state represented by the chairperson, and other officers as approved by the commission in its bylaws. The officers shall perform the functions and exercise the powers that are specified in the bylaws of the commission.

(6) ARTICLE VI — MEETINGS AND COMMISSION ADMINISTRATION. (a) The commission shall meet at least once in each calendar year, and at such other times as may be determined by the commission.

(b) Commission business shall be conducted in accordance with the procedures and voting rights specified in the bylaws of the commission.

(7) ARTICLE VII — FINANCE. (a) Except as otherwise provided for, the moneys necessary to finance the general operations of the commission in carrying forth its duties, responsibilities, and powers as stated herein shall be appropriated to the commission by the compacting states, when authorized by the respective legislatures, by equal apportionment among the compacting states. Nothing in this compact shall be construed to commit a member state to participate in financing a rail project except as provided by law of a member state.

(b) The commission may accept, for any of its purposes and functions, donations, gifts, grants, and appropriations of money, equipment, supplies, materials, and services from the federal government, from any party state or from any department, agency, or municipality thereof, or from any institution, person, firm, or corporation.

(c) All expenses incurred by the commission in executing the duties imposed upon it by this compact shall be paid by the commission out of the funds available to it. The commission shall not issue any debt instrument. The commission shall submit to the officer designated by the laws of each party state, periodically as required by the laws of each party state, a budget of its actual past and estimated future expenditures.

(8) ARTICLE VIII — ENACTMENT, EFFECTIVE DATE, AND AMENDMENTS. (a) The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin are eligible to join this compact. Upon approval of the commission, according to its bylaws, other states may also be declared eligible to join the compact.

(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law, provided that the compact shall not become initially effective until enacted into law by any 3 party states incorporating the provisions of this compact into the laws of such states.

(c) Amendments to the compact shall become effective upon their enactment by the legislatures of all compacting states.

(9) ARTICLE IX — WITHDRAWAL, DEFAULT, AND TERMINATION. (a) Withdrawal from this compact shall be by enactment of a statute repealing the same and shall take effect one year after the effective date of such statute. A withdrawing state shall be liable for any obligations that it may have incurred prior to the effective date of withdrawal.

(b) If any compacting state shall at any time default in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this compact, all rights, privileges, and benefits conferred by this compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the commission, and the commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless such default shall be remedied under the stipulations and within the time period set forth by the commission, this compact may be terminated with respect to such defaulting state by affirmative vote of a majority of the other commission members. Any such defaulting state may be reinstated, upon vote of the commission, by performing all acts and obligations as stipulated by the commission.

(10) ARTICLE X — CONSTRUCTION AND SEVERABILITY. The provisions of this compact entered into hereunder shall be severable and, if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact entered into hereunder shall be held contrary to the constitution of any compacting state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.

History: 2007 a. 117.

85.07 Highway safety coordination. (1) DUTIES. The secretary, under the direction of the governor, shall coordinate the highway safety activities of the various agencies of state government; evaluate and make recommendations to the governor with respect to program proposals submitted by state agencies and political subdivisions for federal and state funds in conjunction with the federal highway safety program; advise the governor on matters relating to highway safety and the implementation of the federal highway safety program in this state; and assist governmental units and private organizations in the planning and execution of programs relating to highway safety.

(2) COUNCIL ON HIGHWAY SAFETY. The council on highway safety shall confer with the secretary or the secretary's designee on matters of highway safety and with respect to the functions of the secretary, under the direction of the governor, and shall advise the secretary on such matters. The council shall meet with the secretary or the secretary's designee at least once each quarter.

(3) INFORMATION; REPORTS; RECOMMENDATION. The secretary shall furnish all information requested by the governor or by any member of the legislature, and shall report biennially in accordance with s. 15.04 (1) (d), including therein a report relating to the implementation of the comprehensive highway safety program in this state. This report shall include but not be limited to:

(a) Current statistical information on motor vehicle accidents, injuries and deaths and their related causation factors.

(am) An assessment of the impact of mental and physical impairments upon the ability of a driver to exercise reasonable control over a motor vehicle.

(b) The implementation of highway safety performance standards promulgated by the state or federal government.

(c) A general accounting of all state or federal funds expended in implementing the comprehensive highway safety program.

(d) Recommendations for additional legislation, programs and funds necessary for the effective implementation of a comprehensive highway safety program.

(e) Current statistical information compiled from the information submitted under sub. (8) (b).

(4) BICYCLE RULES. The department shall publish literature setting forth the state rules governing bicycles and their operation and shall distribute and make such literature available without charge to local enforcement agencies, safety organizations, and schools and to any other person upon request.

(7) FEDERAL FUNDS. (a) The department shall annually prepare a plan to use, for purposes of state and local emergency medical services, at least 25 percent of any federal funds transferred under 23 USC 153 (h). The department shall prepare the plan after consulting with the council on highway safety, the department of health services and the emergency medical services board. Funds expended under the plan may not be used to supplant other federal and state funds used for emergency medical services purposes. Funds may not be expended under the plan unless any necessary federal approval of the plan has been obtained.

(b) When evaluating and selecting proposed hazard elimination projects to be funded using federal funds available under 23 USC 152, the department shall consider the reduction in motor vehicle accidents that will result from the proposed projects, except that, if a proposed project will reduce the response time of emergency vehicles, the department shall consider both the reduction in motor vehicle accidents that will result from the proposed project and the public safety benefits that will result from a reduction in the response time of emergency vehicles.

(8) POLICE PURSUIT INFORMATION. (a) In this subsection, "police pursuit" means an active attempt by a traffic officer in a police vehicle to apprehend one or more occupants of a moving motor vehicle, the operator of which is resisting apprehension by disregarding the officer's visual or audible signal to stop his or her vehicle, increasing the speed of the vehicle or extinguishing the lights of the vehicle.

(b) Not later than August 15 of each year, each law enforcement agency, as defined in s. 165.83 (1) (b), that uses police vehicles shall report to the department, on a form prescribed by the department, information on police pursuit engaged in during the preceding 12 months by law enforcement officers employed by that agency. The information shall include the circumstances of the police pursuit, including the distance, location and maximum speed of the pursuit; the reasons for commencing the police pursuit; and the outcome of the police pursuit, including the number if any of resulting deaths or great bodily injuries and an estimate of the value of any resulting property damage, if any. The department shall collect and maintain information submitted under this paragraph for not less than 10 years.

History: 1973 c. 182; 1975 c. 200; 1977 c. 196 s. 131; 1979 c. 34 ss. 19 to 24; Stats. 1979 s. 85.07; 1983 a. 74; 1985 a. 337; 1987 a. 40, 403; 1993 a. 251; 1995 a. 27 s. 9126 (19); 1997 a. 88; 1999 a. 9, 85; 2007 a. 20 s. 9121 (6) (a); 2015 a. 193.

85.075 Rail program rules. The department shall adopt rules to carry out the railroad programs under ss. 85.08 and 85.09.

History: 1983 a. 27; 1985 a. 135 s. 85.

85.077 Railroad projects and competitive bidding. (1) Except as provided in subs. (2) and (4), if a project involving the construction, rehabilitation, improvement, demolition, or repair of rail property or rail property improvements is funded in any part with public funds, the department or the recipient of the public funds shall let the project by contract on the basis of competitive bids and shall award the contract to the lowest responsible bidder.

(2) The provisions of sub. (1) do not apply if any of the following applies:

(a) The project is in response to a public emergency.

(am) The project is for the installation or maintenance of warning devices at railroad highway crossings.

(b) The estimated cost of the project is less than $25,000.

(c) The project involves only rail property or rail property improvements owned or leased by a railroad and the project is to be performed by the railroad using its own employees.

(3) The department or the recipient of public funds may not subdivide a project into more than one contract, allocate work or workers in any manner, or transfer the jurisdiction of a project to avoid the requirements of sub. (1).

(4) If no responsible bid is received, the contract may be awarded without complying with sub. (1).

History: 2009 a. 28.

85.08 Freight railroad assistance. (1) LEGISLATIVE FINDINGS. The legislature finds that private capital and local governmental financial and technical resources are unable to fully meet the transportation needs of all citizens. It is determined that the programs authorized under this section are legitimate governmental functions serving proper public purposes.

(2) GENERAL POWERS. The department shall administer the programs of financial and technical assistance under this section for the purpose of assistance to or restoration of freight railroad service and shall maximize the use of available federal aid in conjunction with the allocation of state aid. The department may exercise those powers necessary to establish freight railroad assistance programs, including authority:

(b) To plan, promote and engage in financial and technical assistance programs for continuing, restoring and operating rail branch line transportation services.

(c) To maintain adequate programs of investigation, research, promotion and development in connection with transportation programs authorized under this section and to provide for public participation in these programs.

(d) To comply with federal regulations affecting federal transportation service continuation or restoration, or operating assistance programs.

(e) To enter into joint service agreements or other agreements providing for mutual cooperation related to transportation services and projects, including joint applications for federal aids with any county or other body public and corporate.

(f) To receive, use or reallocate federal funds, grants, gifts and aids.

(g) To adopt rules necessary to effectuate and enforce this section and to prescribe conditions and procedures, including auditing and accounting methods and practices, to assure compliance in carrying out the purposes for which state financial and technical assistance is made.

(i) To make and execute contracts with the federal government, any other state or any county, city, village, town, railroad, or any transit commission organized under s. 59.58 (3), 66.0301 or 66.1021, to ensure the continuance and improvement of quality

transportation service at reasonable rates or to provide for rail service on rail property owned by the state.

(j) To audit the operating revenues and expenditures of all transportation systems participating in the aids program under this section in accordance with accounting methods and practices prescribed by the department.

(k) To allow other uses of rail corridors owned by the state that are being used for freight rail service when such uses serve the purpose of providing assistance to or restoration of freight rail service, and to regulate the safety and compatibility of such uses with the provision of freight rail service by issuing a permit for any such use.

Cross−reference: See also ch. Trans 31, Wis. adm. code.

(L) To acquire rail property for the purpose of preserving freight rail service or improving the efficiency of freight rail service if, in the department's judgment, the public interest requires acquisition of the rail property.

(3) COORDINATION AND COOPERATION. (a) The department shall coordinate the transportation activities of the state to effectuate the purposes of this section and is responsible for negotiating with the federal government for transportation service programs authorized under this section.

(b) The department may cooperate with other states in connection with the acquisition, rehabilitation, construction or operation of any transportation properties within this state or in other states in order to carry out the purposes of this section. The department may enter into contractual arrangements for such purposes, including joint acquisition of transportation properties with other states and entering into leases jointly with other states affected thereby.

(4) RAIL PLANNING AND TECHNICAL ASSISTANCE GRANTS. Upon its own initiative or upon application by a government agency, the department may make grants of financial assistance and provide technical assistance for rail system, service and technical studies.

(4m) FREIGHT RAILROAD LOANS AND GRANTS. (a) *Purpose; findings.* The purpose of this subsection is to assist in the preservation and improvement of freight rail service in this state. The legislature finds that private capital and local government contributions are insufficient for adequate freight rail service. The legislature finds that freight rail service preservation and improvement bear a significant relationship to the conservation of energy, the preservation of existing economic and tax bases and the maintenance of a balanced transportation system. The legislature further finds that these are proper governmental functions and that the programs authorized under this subsection are therefore valid governmental functions serving proper public purposes. It is the intent of this subsection to promote the public good by preserving and improving freight rail service in this state.

(b) *Definitions.* In this subsection:

1. "Eligible applicant" means a county, municipality or town or agency thereof, a railroad, a current or potential user of freight rail service or a transit commission organized under s. 59.58 (3), 66.0301 or 66.1021.

3. "Rail service" means a level of rail service which the department determines to be an acceptable level of service.

(c) *Railroad facilities acquisition grants and loans.* The department may make grants to eligible applicants for the purpose of preserving freight rail service through the acquisition of rail property. The grant may be composed of state funds, federal funds, state property, the use of state property, or any combination of state funds, federal funds, state property, and the use of state property. No grant for the acquisition of rail property improvements may exceed 80 percent of the acquisition cost. No grant for the acquisition of rail property exclusive of rail property improvements may exceed 100 percent of the acquisition cost. The department shall give priority in awarding grants to those projects for which the applicant agrees to pay greater than 20 percent of the cost of the acquisition of rail property improvements. A grant may be made to an eligible applicant before or after abandonment of a railroad line as defined in s. 85.09 (3). The department may permit an eligible applicant's share of an increase in the acquisition cost of rail property or rail property improvements to be paid in installments if the increase in acquisition cost is caused by negotiation or litigation. No grant may be made under this paragraph for the acquisition of rail property if the acquisition price exceeds an amount deemed reasonable by the department. If a grant is made to an eligible applicant under this paragraph, the department may award a loan to the eligible applicant for not more than 15 percent of the acquisition cost. A grant of money or a loan made under this paragraph shall be paid from the appropriation under s. 20.395 (2) (bq), (bu), or (bx) or 20.866 (2) (uw). The department shall administer this program and shall have all powers necessary and convenient to implement this paragraph and par. (d), including the following powers:

1. To develop the specifications and provisions of the grants and loans which are made to eligible applicants.

2. To receive and review applications for grants and loans and to prescribe the form, nature and extent of the information which shall be contained in applications.

3. To determine whether the proposed rail service to be provided on the rail property acquired, rehabilitated or constructed with financial assistance under this paragraph or par. (d) has a likelihood of attaining and sustaining economic self−sufficiency and to employ such findings in the awarding of grants and loans.

4. To determine whether the rail property to be acquired with financial assistance under this paragraph offers satisfactory opportunity for alternate public use or recovery of public funds and to employ such findings in the awarding of grants and loans.

5. To make and execute agreements with eligible applicants for grants and loans. These agreements shall ensure that any public purpose served by the financial assistance is appropriately maintained by the eligible applicant, that rail service on the line is adequately continued and that the required corridor preservation, maintenance, rehabilitation and improvement activities are performed.

6. To determine whether rail service is being adequately continued and the grantee or, if applicable, the railroad providing service on the affected rail line is performing any corridor preservation, maintenance or improvement activities that are required by the department on a rail line for which a grant is made under this paragraph or par. (d). If, without the approval of the department, rail service is discontinued or the grantee disposes of any portion of the rail property for which financial assistance was obtained under this paragraph or par. (d), or if corridor preservation, maintenance or improvement activities are inadequate, including failing to meet any federal or state safety or performance standards specified in the agreement with the department or established by departmental rule, the rail property for which financial assistance was obtained shall revert to the ownership and control of the department unless the department elects to accept repayment from the grantee of the full amount of all grants and loans received from the department for the line, including any interest accrued on loans.

7. To provide technical assistance to the eligible applicant and any railroad using the rail property in a manner deemed necessary by the department.

(d) *Railroad rehabilitation and construction grants and loans.* The department may make grants to eligible applicants for the purpose of rehabilitating or constructing rail property improvements. Construction shall be limited to that which is required to continue rail service on a particular line or to provide alternative rail service when a line has been abandoned. A grant under this paragraph may be composed of state funds, federal funds, state property, the use of state property, technical assistance, or any combination of state funds, federal funds, state property, the use of state property, and technical assistance. The value of a grant may not exceed 80 percent of the costs of rehabilitation or construction. The department shall give priority in awarding grants

to those projects for which the applicant agrees to pay greater than 20 percent of the costs of rehabilitation or construction. If a grant is made to an eligible applicant under this paragraph, the department may award a loan to the eligible applicant for not more than 15 percent of the rehabilitation or construction costs. A grant may be made before or after abandonment of a railroad line as defined in s. 85.09 (3). A grant or loan made under this paragraph shall be paid from the appropriation under s. 20.395 (2) (bq), (bu), or (bx) or 20.866 (2) (uw).

(e) *Freight rail infrastructure improvement loans.* 1. Upon the request of an eligible applicant, the department may negotiate and enter into a loan agreement with the eligible applicant for purposes of rehabilitating a rail line or to finance an economic development and transportation efficiency project, including a project designed to promote safety or the viability of a statewide system of freight rail service, to assist intermodal freight movement or to provide industry access to a rail line. A loan made under this paragraph shall finance a project that confers a public benefit or enhances economic development in this state. Loans made under this paragraph shall be paid from the appropriation under s. 20.395 (2) (bu), (bw) or (bx).

2. Projects for which a loan made under this paragraph may be used include all of the following:

a. Line upgrades that will expand the use of a rail line for the public benefit, including increased passenger service and increased use of double−stack technology and piggyback service.

b. Rail branch line stabilization or upgrading.

c. Projects associated with rail intermodal facilities, such as terminals, team tracks, docks, conveyers and other loading and unloading facilities.

d. Relocation of a freight rail off−loading facility that has been agreed to by the owner of the facility; the city, village or town in which the facility is located; and the city, village or town in which the facility will be relocated.

e. Rail line relocation or consolidation.

3. Loans made under this paragraph shall be allocated by the department on bases that protect the public interest, including a cost−benefit analysis. A loan made under this paragraph may cover up to 100 percent of a project's cost.

4. The department shall administer this program and shall have all powers necessary and convenient to implement this paragraph, including the following powers:

a. To establish standards and schedules for railroad infrastructure improvement projects and to establish the specifications and provisions of a loan that is made to an eligible applicant.

b. To establish the level and period of rail service to be provided by the railroad in any loan agreement.

c. To negotiate and establish the financial participation required of an eligible applicant in any loan agreement.

d. To provide technical assistance to an eligible applicant.

5. An application for a loan under this paragraph may not be made if an abandonment or discontinuance application is pending on the line or portion of line, or the line or portion of line on which the rail property improvements are located has been designated by the railroad to the federal surface transportation board on its system diagram map as anticipated to be the subject of an abandonment or discontinuance application within a 3−year period following the date of the application or the date on which the loan is scheduled, unless the secretary determines that this restriction may be waived for a particular application.

(g) *Exemption from bond requirements.* The secretary may exempt contracts involving the performance of labor or furnishing of materials for any public improvement or public work under the railroad rehabilitation and construction program of par. (d) or the loan program for freight rail infrastructure improvements under par. (e) from the performance and payment bond requirements of s. 779.14 if the secretary determines that:

1. Adequate guarantees or warranties are provided for by contract;

2. Adequate safeguards are provided by accounting and payment controls;

3. Adequate security is available;

4. Public benefits of proceeding with the project substantially outweigh the risk of waiving the performance and payment bond requirements of s. 779.14; and

5. The project cannot proceed in a timely and efficient manner unless the performance and payment bond requirements of s. 779.14 are waived in whole or in part.

(5) ASSISTANCE TO RURAL AREAS. (a) In this subsection, "rural municipality" means any of the following:

1. A city, town or village with a population of 4,000 or less.

2. A city, town or village that is located in a county with a population density of less than 150 persons per square mile.

(b) In awarding assistance under this section, the department shall make a good faith effort to select eligible applicants that represent or will benefit various geographical regions and populations of this state, including rural municipalities.

History: 1977 c. 29, 418; 1979 c. 34 ss. 912 to 932, 2102 (52) (b); 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 29; 1987 a. 27; 1989 a. 31; 1991 a. 269; 1993 a. 16, 437, 491; 1995 a. 113, 201; 1999 a. 150 s. 672; 2005 a. 179; 2011 a. 32.

Cross−reference: See also ch. Trans 29, Wis. adm. code.

85.085 Private road crossings. (1b) In this section, "rehabilitated" means a significant rebuilding of railroad track that restores severely deteriorated track to a minimum service standard or, for track that is at or above a minimum service standard, that increases the service standard of the track.

(1m) The department shall make payments from the appropriation under s. 20.395 (2) (bu) to fund the rebuilding of any private road crossing across the tracks of a rail transit commission within this state if the applicable tracks of the rail transit commission were rehabilitated during the 1992−93 fiscal year or thereafter, the private road crossing has not been rebuilt since the tracks were rehabilitated and the private road crossing user obtains a private road crossing permit from the applicable rail transit commission.

(2) The department shall make payments from the appropriation under s. 20.395 (2) (bu) to reimburse any private road crossing user for costs incurred by the user in financing the rebuilding of a private road crossing across the tracks of a rail transit commission within this state if the applicable tracks of the rail transit commission were rehabilitated during the 1992−93 fiscal year or thereafter and the private road crossing user has obtained a private road crossing permit from the applicable rail transit commission.

(3) The department shall not make any payment under this section unless the applicable private road crossing permit provides that the rail transit commission shall, at the user's sole cost and expense, maintain, repair and renew the private road crossing. "Maintain, repair and renew" does not include any rebuilding of a private road crossing that is required because the applicable tracks have been rehabilitated.

History: 1993 a. 354; 1995 a. 113.

85.09 Acquisition of abandoned rail property. (1) DEFINITIONS. As used in this section:

(b) "Municipality" means any city, village or town.

(c) "State agency" means state departments and independent agencies.

(d) "System diagram map" means the map required under federal law to be filed with the department by the railroad operating in this state that indicates rail lines in the process of abandonment, rail lines the railroad expects to abandon and the rail lines that are under study by the railroad for possible abandonment in the future.

(2) FIRST RIGHT OF ACQUISITION. (a) The department of transportation shall have the first right to acquire, for present or future transportational or recreational purposes, any property used in operating a railroad or railway, including land and rails, ties,

switches, trestles, bridges, and the like located on that property, that has been abandoned. The department of transportation may, in connection with abandoned rail property, assign this right to a state agency, the board of regents of the University of Wisconsin System, any county or municipality, or any transit commission. Acquisition by the department of transportation may be by gift, purchase, or condemnation in accordance with the procedure under s. 32.05. In addition to its property management authority under s. 85.15, the department of transportation may, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), lease and collect rents and fees for any use of rail property pending discharge of the department's duty to convey property that is not necessary for a public purpose. No person owning abandoned rail property, including any person to whom ownership reverts upon abandonment, may convey or dispose of any abandoned rail property without first obtaining a written release from the department of transportation indicating that the first right of acquisition under this subsection will not be exercised or assigned. No railroad or railway may convey any rail property prior to abandonment if the rail property is part of a rail line shown on the railroad's system map as in the process of abandonment, expected to be abandoned, or under study for possible abandonment unless the conveyance or disposal is for the purpose of providing continued rail service under another company or agency. Any conveyance made without obtaining such release is void. The first right of acquisition of the department of transportation under this subsection does not apply to any rail property declared by the department to be abandoned before January 1, 1977. The department of transportation may acquire any abandoned rail property under this section regardless of the date of its abandonment.

(b) The first right of acquisition under this subsection applies only to the following property:

1. In unincorporated areas, any land measured 50 feet from the center line of each outermost track bed and any land between such tracks.

2. In incorporated areas, any land measured 33 feet from the center line of each outermost track bed and any land between such tracks.

3. Any property not included in subds. 1. and 2. that consists of a loading or unloading facility, a vehicular access facility, or a building that is, in the department's judgment, suitable for a freight or rail passenger station.

(3) DETERMINATION OF ABANDONMENT. For purposes of this section, rail property shall be deemed abandoned if par. (a) or (b) applies:

(a) A certificate or approval of abandonment has been issued by the federal surface transportation board or federal court or any other federal or state agency having jurisdiction over the rail property.

(b) A certificate or approval of abandonment is not required and the use of the rail property for railroad or railway purposes has been discontinued with the intent not to resume. Intent not to resume may be inferred from circumstances including, but not limited to, the following:

1. If the rail property is not used for railroad purposes for 2 consecutive years.

2. If the facilities on the rail property are removed or rendered unfit for service.

3. If the rail property is used for other than railroad purposes.

(4) ACQUISITION AND CONVEYANCE. Upon its own initiative, the department may determine at any time whether the rail property is abandoned, and whether it is in the best interest of the state to acquire the rail property. Within 90 days after being requested by any state agency, any railroad or any county or municipality in which the rail property is located, the department shall, subject to sub. (5) (b), make a determination of the abandonment status and, if found to be abandoned, shall determine whether it is in the best interest of the public to acquire the rail property. If it is determined to acquire the rail property or any part or interest therein, the department shall, within 180 days of the determination of its abandoned status, or the interstate commerce commission's final order permitting the abandonment, or the termination of any efforts to negotiate an agreement for continual operation of rail service on the line, whichever occurs last, determine the fair market value of the rail property and acquire the rail property at a price deemed reasonable by the department or make a relocation order under s. 32.05. In making its determination, the department shall consider long−range potential for use of the rail property for restoration of railroad service and for other transportation related purposes. The department shall solicit the opinions of appropriate state agencies, affected counties and municipalities and other interested persons. The department shall give due consideration to an expressed desire by a state agency or an affected county or municipality to acquire, in whole or in part, the rail property under consideration. Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1) and subject to sub. (6), all or part of any interest in abandoned rail property acquired by the department under this section or under s. 66.941 (7), 1975 stats., may be subsequently conveyed to another state agency or a county or municipality for transportational purposes, recreational purposes, scenic purposes or for the purpose of constructing a correctional institution, or to a railroad for continued railroad transportation operations when the railroad has operated on the rail property for 5 years and the department may make such conveyances for such purposes. Any determination of the department under this section that rail property is not abandoned shall not preclude the undertaking of a subsequent investigation and determination concerning the same rail property or any portion thereof. If at any time subsequent to the acquisition of rail property under this section the department determines that the rail property is not suitable for transportational purposes, recreational purposes, scenic purposes or for the purpose of constructing a correctional institution, or that the rail property or any interest therein may be conveyed to any other person on terms which are not inconsistent with the potential use of the rail property for transportational purposes, recreational purposes, scenic purposes or for the purpose of constructing a correctional institution or which yield a benefit, including financial benefits, to the state which outweighs the benefit derived from the rail property if used for transportational purposes, recreational purposes, scenic purposes or for the purpose of constructing a correctional institution, the department may convey the rail property or such interest therein, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1) and subject to sub. (6). The department shall give notice of its intention to make the conveyance, and state and local units of government shall have the first 6 months in which to exercise their opportunity to acquire the rail property or interest therein. The railroad from which the rail property was acquired shall have the next 6 months in which to exercise its opportunity to reacquire the rail property or interest therein.

(4i) DISPOSAL OF RAIL PROPERTY. The department, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), shall sell at public or private sale rail property acquired under sub. (4) when the department determines that the rail property is not necessary for a public purpose and, if real property, the real property is not the subject of a petition under s. 16.310 (2). Upon receipt of the full purchase price, the department shall, by appropriate instrument, transfer the rail property to the purchaser. The funds derived from sales under this subsection shall be deposited in the transportation fund, and the expense incurred by the department in connection with the sale shall be paid from the appropriation under s. 20.395 (2) (bq).

(4m) RELOCATION PLAN. The department is exempt from s. 32.25 (1) if the department determines that acquiring rail property under this section will not result in any displaced persons as defined in s. 32.19 (2) (e). The department shall file a statement of its determinations with the department of administration.

(5) DUTIES OF RAILROADS AND OTHERS. (a) Any railroad which places a rail line or portion of a line on a system diagram map shall within 60 days of such action provide to the department one legi-

ble copy of each map in the railroad's possession which shows rail property boundaries or engineering stations for the line involved. At the same time the railroad shall provide to the department all other pertinent information in its possession requested by the department relating to the title to the rail property covered by the line involved. The department shall determine the reasonable cost to the railroad of providing documents and information under this paragraph and shall reimburse the railroad in this amount. Any conveyance by the railroad made without providing the information required by this paragraph is void.

(b) Any state agency, railroad, county or municipality which requests the department to make a determination of abandonment status and public interest in acquisition of rail property under sub. (4) shall provide a formal legal description of the rail property which is the subject of the request. The department may decline to take action on requests which do not contain an adequate description of the rail property involved. When the department provides a release of its first right to acquire rail property, the state agency, railroad, county or municipality which receives the release shall within 90 days have the release recorded by the register of deeds for each county in which the rail property is located.

(6) STATE RIGHTS SUBORDINATE TO FEDERAL LAW. To the extent that the first or subsequent rights of acquisition under this section conflict with rights conferred by 49 USC 10905 (f) (4) or 10910 (h), the rights conferred by this section are subordinate to such federal rights and shall take effect only when consistent with 49 USC 10905 (f) (4) and 10910 (h).

(7) RULES. The department may adopt such rules as it deems necessary to accomplish the purposes of this section.

History: 1977 c. 29, 418; 1979 c. 34 s. 1018; Stats. 1979 s. 85.09; 1981 c. 20; 1983 a. 27, 192; 1985 a. 29 ss. 1583 to 1586, 3200 (51); 1985 a. 332 s. 253; 1987 a. 5; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3525, 9116 (5); 2003 a. 33; 2005 a. 179; 2007 a. 20; 2011 a. 32; 2013 a. 20.

Cross−reference: See also ch. Trans 29, Wis. adm. code.

85.095 Harbor assistance program. (1) DEFINITIONS. In this section:

(a) "Eligible applicant" means a county, municipality, town or agency thereof, a board of harbor commissioners organized under s. 30.37, or a person who owns a harbor facility.

(am) "Harbor facility" has the meaning given in s. 30.01 (3).

(b) "Harbor improvements" means any dock wall repair and maintenance, construction of new dock walls, dredging of materials from a harbor or the placement of dredged materials in containment facilities.

(2) ADMINISTRATION. The department, in consultation with the Wisconsin coastal management council created under s. 14.019, shall administer the harbor assistance program and shall have the following powers:

(a) To make grants for the purpose of reimbursing eligible applicants for moneys expended to make harbor improvements and to fund other harbor assistance and improvement projects. The amount of a grant may not exceed 80 percent of the moneys expended by the eligible applicant for harbor improvements.

(b) To establish criteria for evaluating applications for harbor assistance grants in order to provide for the disbursement of grants. In establishing these criteria, the department shall give priority to applicants based on the amount of tonnage and waterborne transportation handled in the harbor.

(c) To receive and review applications for grants under this section and to prescribe the form, nature and extent of the information which shall be contained in the applications.

(d) To direct, with the approval of the governor, that state debt subject to the limitations in s. 20.866 (2) (uv) be contracted in accordance with ch. 18 to fund harbor improvements and other harbor assistance and improvement projects.

(3) PLANNING REQUIREMENTS. (a) Except as provided in par. (c), no grant may be made under this section unless the eligible applicant submits information to the department regarding harbor projects for which the eligible applicant may request state aid under this section or federal aid, or both, during the next 3−year period. The information shall be submitted prior to the April 1 which precedes the fiscal year in which the eligible applicant seeks aid under this section.

(b) The department shall, by rule, establish the starting date of each 3−year period and the form, nature and extent of the notice required under par. (a).

(c) The department may waive the requirements under this subsection.

(4) HARBOR IMPROVEMENTS ON MISSISSIPPI RIVER. An eligible applicant may receive a grant under this section for harbor improvements located on an island in the Mississippi River regardless of the state in which the island is located if the island is owned by a city, village, town or county in this state.

(5) PRIVATE HARBOR FACILITY ELIGIBILITY. (a) Notwithstanding subs. (2) and (3), the department may award a grant under this section to fund harbor improvements and other harbor assistance and improvement projects to a privately owned harbor facility only if the harbor facility is to be held open for public use for at least 10 years following completion of the improvement or project for which reimbursement is provided under sub. (2) (a) or for any period specified by the department in any grant agreement, whichever is longer.

(b) If the recipient of a grant described under par. (a) fails to hold the harbor facility open for public use for the period specified in par. (a), the grant recipient shall repay the grant funds to the department to the extent and in the manner directed by the department, and the department shall include this requirement in any grant agreement with the grant recipient.

History: 1979 c. 34, 221, 355; 1981 c. 314; 1983 a. 27; 1987 a. 27, 399; 1989 a. 31, 359; 1995 a. 27 s. 9116 (5); 1995 a. 130; 2003 a. 208; 2011 a. 32.

Cross−reference: See also ch. Trans 28, Wis. adm. code.

85.10 Sale of aerial photographic survey products. The department may sell to any person the selection of photographic products from the aerial photographic survey conducted under s. 23.325. The department may retain an amount equal to the costs that it incurs in selling and reproducing the photographic products.

History: 1977 c. 418; 1979 c. 175 s. 53; 1987 a. 27; 1991 a. 39.

85.103 Disclosure of personal identifiers. (1) In this section, "personal identifier" means a name, social security number, telephone number, street address, post−office box number or 9−digit extended zip code.

(2) The department shall include on any form for application for original registration under s. 341.08, for application for renewal of registration under s. 341.08, for application for a certificate of title under s. 342.06, for application for a license or identification card or renewal of a license or identification card under s. 343.14 and for application for a special identification card under s. 343.51, a place for the individual to designate that the individual's personal identifiers may not be disclosed in information compiled or maintained by the department that contains the personal identifiers of 10 or more individuals, a statement indicating the effect of making such a designation and a place for an applicant or registrant who has made a designation under this subsection or sub. (3) to reverse the designation.

(3) The department shall provide to an individual upon request a form that includes a place for the individual to designate that the individual's personal identifiers may not be disclosed in information compiled or maintained by the department that contains the personal identifiers of 10 or more individuals, a statement indicating the effect of making such a designation and a place for an applicant or registrant who has made a designation under this subsection or sub. (2) to reverse the designation.

(4) The department shall treat a designation made under s. 341.08 (1m), 1997 stats., s. 342.06 (1) (i), 1997 stats., s. 343.14 (2m), 1997 stats., or s. 343.51 (1m), 1997 stats., as if the designation were made under sub. (2) or (3).

(5) In providing a person with any information that is collected or prepared by the department and that consists in whole or in part of the personal identifiers of 10 or more persons, the department may not disclose the personal identifier of any person who has made a designation under sub. (2) or (3), except as provided in sub. (6).

(6) The department may disclose the personal identifier of any person who has made a designation under sub. (2) or (3) if the department discloses the personal identifier under s. 341.17 (9), 342.06, 343.027, 343.14, 343.234, 343.235, 343.24 (3) and (4), or 343.247.

(7) (a) The department shall establish by rule a reasonable period for complying with designations made under subs. (2) and (3).

(b) If an unanticipated number of designations result in the department not being able to comply with a reasonable effort with designations made under subs. (2) and (3) within the period established by the department under par. (a), the department may establish the temporary extension by rule, using the procedure under s. 227.24.

History: 1999 a. 88; 2001 a. 93; 2005 a. 25, 59; 2009 a. 326.

85.105 Sale of motor vehicle records. (1) Notwithstanding s. 343.24 (2m), the department may contract with a person to periodically furnish that person with any records on computer tape or other electronic media that contain information from files of motor vehicle accidents or uniform traffic citations and that were produced for or developed by the department for purposes related to maintenance of the operating record file database. The department and the person desiring to contract with the department shall make a good faith effort to negotiate the purchase price for the records to be provided under this section.

(2) Beginning with contracts entered into, extended, modified or renewed on November 1, 2000, in providing information under this section that contains the personal identifiers, as defined in s. 85.103 (1), of 10 or more individuals, the department may not include a personal identifier of any person who has made a designation under s. 85.103 (2) or (3).

History: 1997 a. 27 s. 5504, 5505; Stats. 1997 s. 85.105; 1999 a. 88, 185.

85.107 Scholarship and loan repayment incentive grant program. (1) PURPOSE. The scholarship and loan repayment incentive grant program is created to assist in improving the representation of targeted group members within job classifications in which targeted group members are underutilized in the department.

(2m) DEFINITIONS. In this section:

(am) "Person with a disability" means any person who has a physical or mental disability that constitutes or results in a substantial barrier to employment.

(b) "Targeted group member" means a person with disabilities, or a person who belongs to a class of race, color, or sex, whose percent of the workforce within any job classification in the department is less than that class's percent of the statewide labor market for such job activities.

(3) ADMINISTRATION. From the appropriation under s. 20.395 (4) (aq), the department may:

(a) Award scholarships to targeted group members who are enrolled full time and registered as sophomores, juniors or seniors in a bachelor degree program offered by an accredited institution of higher education in this state. Scholarships under this paragraph shall not exceed the following amounts:

1. For a sophomore, $1,500.
2. For a junior, $2,000.
3. For a senior, $2,500.

(am) Award scholarships of not more than $2,000 each to any targeted group member who is registered in his or her 2nd year of full−time enrollment in an associate degree program, as defined in s. 38.01 (1), or vocational diploma program, as defined in s. 38.01 (11), at a technical college in this state.

(b) 1. Make loan repayment grants to targeted group members who are employed by the department and have education loans outstanding. Subject to subd. 2., loan repayment grants under this subdivision shall not exceed the following amounts:

a. After one year of employment by the department, $1,000.

b. After 2 years of employment by the department, an additional $1,200.

c. After 3 years of employment by the department, an additional $1,700.

d. After 4 years of employment by the department, an additional $2,100.

2. The total amount of loan repayment grants under this paragraph made to an employee shall not exceed the amount of the employee's education loans outstanding.

(4) RULE MAKING. The department shall promulgate rules to implement and administer this section.

History: 1987 a. 27; 2001 a. 16.

Cross−reference: See also ch. Trans 403, Wis. adm. code.

85.12 Statewide public safety radio management program. (1) The department shall administer a statewide public safety radio management program. From the appropriations under s. 20.395 (5) (dk) and (dq), the department may provide statewide tower site management, public safety frequency management, public safety database administration and planning services related to statewide public safety radio management.

(2) The department shall maintain any existing communications equipment at state patrol towers and stations that is used by emergency medical services programs under s. 256.12 unless the cost of maintaining the equipment exceeds the benefits that will result from such maintenance.

(3) The department may contract with any local governmental unit, as defined in s. 16.97 (7), to provide that local governmental unit with services under this section.

History: 1993 a. 16; 1999 a. 9, 185; 2001 a. 16; 2003 a. 33; 2007 a. 130.

85.13 Cost of traffic violation and registration program. The department shall develop a system for charging local units of government or other authority as defined in s. 345.28 (1) (a) for the cost of the development and operation of the traffic violation and registration program under ss. 341.08 (4m), 341.10 (7) and (7m), 341.63 (1) (c), 345.28 (4) and 345.47 (1) (d) based on the number of transactions processed by the local unit of government or other authority. A notice under s. 345.28 (4) submitted by an authority with respect to unpaid towing and storage charges shall be considered a separate transaction for purposes of this section. No notices under s. 345.28 (4) submitted by an authority or under s. 345.47 (1) (d) submitted by the court may be processed by the department unless the local unit of government or other authority involved has paid the department the appropriate amount determined by the department under this section.

History: 1979 c. 221 s. 903x; 1981 c. 165; 1983 a. 330; 2003 a. 201.

Cross−reference: See also ch. Trans 128, Wis. adm. code.

85.14 Payments by credit card or other electronic payment mechanism; electronic transactions. (1) (a) The department may accept payment by credit card, debit card, or any other electronic payment mechanism of any fee that is required to be paid to the department. The department shall determine which fees may be paid by credit card, debit card, or any other electronic payment mechanism and the manner in which the payments may be made. If the department permits the payment of a fee by credit card, debit card, or any other electronic payment mechanism, the department may charge a convenience fee for each transaction in an amount to be established by rule. The convenience fee shall approximate the cost to the department for providing this service to persons who request it. If the department permits the payment of a fee by credit card, debit card, or any other electronic payment

mechanism, the department may charge a service fee of $2.50 for each transaction until a rule is promulgated under this paragraph.

(b) If the secretary of administration assesses any charges against the department relating to the payment of fees by credit cards, debit cards, or other electronic payment mechanisms, the department shall pay, from the appropriation under s. 20.395 (5) (cg), to the secretary of administration or to any person designated by the secretary of administration the amount of these assessed charges.

(c) The department may contract for services relating to the payment of fees by credit cards, debit cards, or other electronic payment mechanisms under this subsection. Any charges associated with a contract under this paragraph shall be paid from the appropriations under s. 20.395 (5) (cg) and (cq).

(2) The department shall certify to the secretary of administration the amount of charges associated with the use of credit cards that is assessed to the department on deposits accepted under s. 345.26 (3) (a) by state traffic patrol officers and state motor vehicle inspectors, and the secretary of administration shall pay the charges from moneys under s. 59.25 (3) (j) and (k) that are reserved for payment of the charges under s. 20.907 (5) (e) 12e.

(3) The department may establish procedures for conducting any transaction in an electronic format or using an electronic process. Any form prescribed by the department may be prescribed in an automated format to facilitate the department's authority under this subsection.

(4) The department may promulgate rules requiring a person to pay an additional fee for conducting an in−person, telephone, or paper transaction in lieu of using an electronic filing or submission option when the department has made an electronic filing or submission option available. These rules providing for an additional fee shall not apply to individuals unless the department offered an electronic filing or submission option in connection with a service on July 1, 2011, and the department charged an additional fee to individuals for electing this option as of that date. These rules may provide for exemptions from the additional fee for designated categories of persons or transactions. The fee authorized under this subsection is in addition to any other fee that may be imposed by the department.

History: 1985 a. 29; 1989 a. 31; 1991 a. 39; 1995 a. 201; 2003 a. 33; 2009 a. 28; 2011 a. 32.

Cross−reference: See also ch. Trans 196, Wis. adm. code.

85.15 Property management. (1) Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), the department may improve, use, maintain or lease any property acquired for highway, airport or any other transportation purpose until the property is actually needed for any such purpose and may permit use of the property for purposes and upon such terms and conditions as the department deems in the public interest.

(2) The department shall credit to the appropriation account under s. 20.395 (4) (ew) the amount, if any, by which moneys received in any year from the sale or lease of property acquired by the department exceeds $2,750,000. The department shall use 50 percent of any proceeds credited to this appropriation account from the sale or lease of any property to supplement the costs of management and operations of the district office of the department that initiated the sale or lease of that property.

History: 1977 c. 29; 1991 a. 269; 1997 a. 27; 2013 a. 20.

Cross−reference: See also chs. Trans 29 and 31, Wis. adm. code.

85.16 Department rules and forms. (1) The secretary may make reasonable and uniform orders and rules deemed necessary to the discharge of the powers, duties and functions vested in the department. The secretary may also prescribe forms for applications, notices and reports required by law to be made to the department or which are deemed necessary to the efficient discharge of all powers, duties and functions and prescribe the form and manner in which those applications, notices and reports may be filed or submitted.

(2) Any person violating an order, determination or rule adopted under chs. 84 to 86, 110, 114, 218 and 341 to 349 and not subject to another statutory penalty shall be required to forfeit not less than $20 nor more than $400.

History: 1983 a. 175 ss. 1, 3; 1983 a. 538; 1989 a. 31.

85.17 Storage of highway salt. (1) DEFINITIONS. In this section:

(a) "Highway salt" means bulk quantities of a chloride intended for application to highways during winter months, and includes mixtures in any proportion of sand and chlorides.

(b) "Waters of the state" has the meaning specified under s. 281.01 (18).

(2) STORAGE OF HIGHWAY SALT. Every person who stores highway salt shall comply with the standards adopted under sub. (3).

(3) STANDARDS. The department shall adopt by rule standards for the storage of highway salt for the purpose of protecting the waters of the state from harm due to contamination by dissolved chlorides. The rule shall comply with ch. 160. The rule may include different standards for various types of chlorides, or for mixtures of sand and chlorides. The rule may not require the storage of mixtures of sand and chlorides in a building or structure. The rule may include different standards for various storage facilities and conditions, quantities of highway salt and times during the year when salt is stored. All standards under this section shall provide substantially similar protection for the waters of the state.

(4) INFORMATION. The department may collect and publish information relating to this section and distribute it to municipalities and persons subject to this section.

(5) ENFORCEMENT. (a) The department shall enforce this section.

(b) The department may enter and inspect, during regular business hours, places where highway salt is stored on private or public property.

(c) The department shall conduct periodic inspections, at least once annually, of each location where highway salt is stored, to ascertain compliance with this section.

(d) The department shall issue special orders directing and requiring compliance with the rules and standards of the department adopted under this section whenever, in the judgment of the department, the rules or standards are threatened with violation, are being violated or have been violated.

(e) The circuit court for any county where violation of such an order occurs has jurisdiction to enforce the order by injunctive and other appropriate relief.

(6) PENALTY. Any person who violates this section or any rule or order adopted under this section shall forfeit not less than $10 nor more than $1,000 for each violation. Each violation of this section or any rule or order under this section constitutes a separate offense and each day that a violation continues is a separate offense.

History: 1983 a. 410; Stats. 1983 s. 85.16; 1983 a. 538 s. 118; Stats. 1983 s. 85.17; 1995 a. 227.

Cross−reference: See also ch. Trans 277, Wis. adm. code.

85.18 Groundwater protection. The department shall comply with the requirements of ch. 160 in the administration of any program, responsibility or activity assigned or delegated to it by law.

History: 1983 a. 410.

85.19 Construction site erosion control. (1) STANDARDS. The department, in consultation with the department of natural resources under s. 281.33 (3) (a) 2., shall, by rule, establish standards for the control of soil erosion related to highway and bridge construction that is funded in whole or in part with state or federal funds. The standards shall require the use of best management practices.

(2) TRAINING. (a) The department shall establish a program of training for persons who prepare plans for, review plans for,

conduct inspections of or engage in construction activities subject to the standards under sub. (1). The department shall do all of the following:

1. Identify those persons involved in plan preparation, plan review, construction supervision or inspections who are required to be trained.

4. Identify other persons who may benefit from the training program, and encourage those persons to enroll in the training program.

(b) The department may impose fees for the training program.

(c) The department shall establish the training program in consultation with the department of natural resources.

(d) Any training required under this subsection may be conducted by the department or by another person with the approval of the department.

History: 1991 a. 309; 2013 a. 20.

Cross−reference: See also ch. Trans 401, Wis. adm. code.

85.193 Borrow and material disposal sites for transportation projects. (1) DEFINITIONS. In this section:

(a) "Borrow" means soil or a mixture of soil and stone, gravel, or other material suitable for use in the construction of embankments or other similar earthworks constructed as part of a transportation project.

(b) "Borrow site" means a site off of the transportation project property from which borrow is excavated for use in a transportation project.

(c) "Material disposal site" means a site off of the transportation project property used for the lawful disposal of surplus materials from a transportation project and that is under the direct control of the transportation project contractor or a transportation project subcontractor. "Material disposal site" does not include a private landfill that is not managed by the transportation project contractor or a transportation project subcontractor or a landfill that is owned or directly controlled by a political subdivision.

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

(e) "Transportation project" means a construction or maintenance project directed and supervised by the department that relates to an airport, railroad, highway, bridge, or other transportation facility and that is subject to an agreement under s. 30.2022.

(2) EXEMPTION FROM LOCAL ZONING. No zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35, or 62.23 may apply to a borrow site or material disposal site if all of the following apply:

(a) The owner of the property consents to the establishment of a site on his or her property.

(b) The department determines that the site is not a commercial establishment that has a fixed place of business from which the establishment regularly supplies processed or manufactured materials or products.

(c) The transportation project contractor assumes sole responsibility for the operation of the site.

(d) The site is used solely for the specified transportation project and solely during the period of construction of the specified transportation project.

(e) The transportation project contractor or a transportation project subcontractor does not crush, screen, wash, blast, or apply another manufacturing process to mineral aggregate from the borrow site, on or off the borrow site, to produce finished aggregate products.

(g) The transportation project contractor complies with all of the following:

1. Any applicable noise limit standards for mine and quarry operations established under s. 101.15 (2) (e).

2. Any applicable restoration requirements for construction site erosion control established under s. 85.19 (1) and any applicable restoration requirements established under an agreement under s. 30.2022.

History: 2011 a. 32.

85.195 Coordination with land conservation committees. (1) In this section, "land conservation committee" means a committee established under s. 92.06 or its designated representative.

(2) Before commencing construction on a highway construction project, the department shall consult with the local land conservation committee to determine the presence and extent of local practices to conserve soil and water resources within the county, including surface and subsurface drainage systems.

History: 1997 a. 27.

85.20 Urban mass transit operating assistance program. (1) DEFINITIONS. In this section:

(ag) " Disabled persons" means individuals who, by reason of illness, injury, age, congenital malfunction, or other temporary or permanent incapacity or disability, are unable without special planning or design to use mass transit facilities and services as effectively as persons who are not so affected.

(am) "Elderly persons" means individuals age 65 or over.

(b) "Eligible applicant" means a local public body in an urban area which is served by an urban mass transit system incurring an operating deficit.

(d) "Local public body" includes counties, municipalities or towns, or agencies thereof; transit or transportation commissions or authorities and public corporations established by law or by interstate compact to provide mass transportation services and facilities or 2 or more of any such bodies acting jointly under s. 66.0301 to 66.0303.

(e) "Mass transit system" means transportation by bus, shared−ride taxicab, rail, or other conveyance, either publicly or privately owned, that provides the public with general or special service on a regular and continuing basis.

(f) "Operating deficit" means the amount by which the total operating expenses incurred in the operation of an urban mass transit system exceeds the amount of operating revenue derived therefrom.

(g) "Operating expenses" mean costs accruing to an urban mass transit system by virtue of its operations, including costs to subsidize fares paid by disabled persons for transportation within the urban area of the eligible applicant, and maintenance. "Operating expenses" do not include costs accruing to an urban mass transit system from services provided by a publicly owned urban mass transit system under a contract awarded on the basis of competitive bids unless the urban mass transit system's bid used the fully allocated cost methodology described in sub. (8). For a publicly owned system, operating expenses do not include profit, return on investment or depreciation as costs. If a local public body contracts for the services of a privately owned system on the basis of competitive bids, operating expenses may include as costs depreciation on the facilities and equipment that the privately owned system acquired without benefit of public financial assistance, profit and return on investment. If a local public body contracts for the services of a privately owned system on the basis of negotiated procurement, operating expenses may include as costs depreciation on the facilities and equipment that the privately owned system acquired without benefit of public financial assistance. In an urban area which is served exclusively by shared−ride taxicab systems, operating expenses may include costs to subsidize reasonable fares paid by all users for transportation within the urban area of the eligible applicant.

(h) "Operating revenues" mean income accruing to an urban mass transit system by virtue of its operations, but do not include income accruing from operations under a contract awarded on the basis of competitive bids to a publicly owned urban mass transit

system that did not use the fully allocated cost methodology described in sub. (8).

(hm) "Reasonable fare" means a charge for mass transit service which complies with rules of the department relating to the fairness of such charges for purposes of this section.

(j) "Revenue passenger trip" means a trip taken on an urban mass transit system by any passenger who pays a fare to use an urban mass transit system, or by any passenger for whom a fare has been paid by another under a contract or other arrangement with an urban mass transit system.

(k) "Urban area" means any area that includes a city or village having a population of 2,500 or more that is appropriate, in the judgment of the department, for an urban mass transit system or an area that includes 2 American Indian reservations and that is served by a mass transit system operated by a transit commission.

(L) "Urban mass transit system" means a mass transit system operating within an urban area.

(2) PURPOSE. The purpose of this section is to promote the general public good by preserving and improving existing urban mass transit systems in this state and encouraging their effective and efficient operation.

(3) ADMINISTRATION. The department shall administer the urban mass transit operating assistance program and shall have all the powers necessary and convenient to implement this section, including the following powers:

(a) To receive applications for aid under this section and to prescribe the form, nature and extent of information which shall be contained in applications.

(b) To make and execute contracts with any eligible applicant to ensure the continuance and improvement of quality urban mass transit service at reasonable fares. No such contract may be effective for a period of more than one year in length and no such contract may be enforced against the state unless the following conditions are met:

1. The eligible applicant pays the operating deficit of the urban mass transit systems involved in accordance with a schedule approved by the department;

2. The participating urban mass transit system provides reduced fare programs for elderly and disabled persons during nonpeak hours. Such reduced fares may not exceed one−half of the full adult cash fare applicable during peak hours of operation; and

3. The eligible applicant establishes and maintains accounting procedures and documentation requirements as prescribed or approved by the department.

4. The eligible applicant complies with any applicable provisions of ss. 59.58 (2) (j) 2., (k) 2. and (L) and (3) (h) 2. and (j) and 66.1021 (10) (b), (11) (b) and (12) with respect to limitation on service.

(c) Except as provided in par. (cm), to audit the operating revenues and expenses of all urban mass transit systems participating in the program in accordance with generally accepted accounting principles and practices. Except as provided in par. (cm), the audits shall be the basis for computing the maximum share of state and federal aids each eligible applicant can apply against operating deficits for each state aid contract period.

(cm) To conduct an audit of a privately owned urban mass transit system with which a local public body contracts for services on the basis of competitive bids to determine that system's compliance with the terms of that contract for services. An audit under this paragraph shall be the basis for computing the maximum share of state and federal aids that an eligible applicant that contracts with a privately owned urban mass transit system on the basis of competitive bids may apply against operating deficits for each state aid contract period.

(cr) To conduct a management performance audit of all urban mass transit systems participating in the program at least once every 5 years.

(d) To apply for and receive federal grants for the department or as requested on behalf of eligible recipients.

(3m) USER−SIDE SUBSIDY PROGRAMS. (a) In this subsection, "user−side subsidy" means a voucher provided by an eligible applicant directly to a mass transit system user for use in full or partial payment of a mass transit system fare.

(b) After June 30, 1991, if an eligible applicant's urban mass transit system operates a user−side subsidy program, that system may include user contributions under the user−side subsidy program in its calculation of operating expenses for purposes of sub. (4m).

(4m) STATE AIDS. Payments of state aids appropriated for this program shall be in accordance with the terms and conditions of contracts executed between the department and eligible applicants. State aid payments shall be subject to the following limitations:

(a) The department shall pay annually to the eligible applicant described in subd. 6. cm. the amount of aid specified in subd. 6. cm. The department shall pay annually to the eligible applicant described in subd. 6. d. the amount of aid specified in subd. 6. d. The department shall allocate an amount to each eligible applicant described in subd. 6. e., 7., or 8. to ensure that the sum of state and federal aids for the projected operating expenses of each eligible applicant's urban mass transit system is equal to a uniform percentage, established by the department, of the projected operating expenses of the mass transit system for the calendar year. The department shall make allocations as follows:

6. cm. From the appropriation under s. 20.395 (1) (ht), the department shall pay $61,724,900 for aid payable for calendar years 2012 to 2014 and $64,193,900 for calendar year 2015 and thereafter, to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses of $80,000,000 or more. If the eligible applicant that receives aid under this subd. 6. cm. is served by more than one urban mass transit system, the eligible applicant may allocate the aid between the urban mass transit systems in any manner the eligible applicant considers desirable.

d. From the appropriation under s. 20.395 (1) (hu), the department shall pay $16,219,200 for aid payable for calendar years 2012 to 2014 and $16,868,000 for calendar year 2015 and thereafter, to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses in excess of $20,000,000 but less than $80,000,000. If the eligible applicant that receives aid under this subd. 6. d. is served by more than one urban mass transit system, the eligible applicant may allocate the aid between the urban mass transit systems in any manner the eligible applicant considers desirable.

e. From the appropriation under s. 20.395 (1) (hw), the department may pay the uniform percentage for each eligible applicant for a commuter or light rail system that has been enumerated under s. 85.062 (3). An eligible applicant may not receive aid under subd. 6. cm. or d., 7., or 8. for a commuter rail or light rail transit system.

7. a. From the appropriation under s. 20.395 (1) (hr), beginning with aid payable for calendar year 2002 and for each calendar year thereafter, the uniform percentage for each eligible applicant served by an urban mass transit system operating within an urbanized area having a population as shown in the 2010 federal decennial census of at least 50,000 or receiving federal mass transit aid for such area, and not specified in subd. 6.

b. For the purpose of making allocations under subd. 7. a., the amounts for aids are $23,267,200 in calendar years 2012 and 2013, $23,544,900 in calendar year 2014, and $24,486,700 in calendar year 2015 and thereafter. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

8. a. From the appropriation under s. 20.395 (1) (hs), beginning with aid payable for calendar year 2002 and for each calendar

year thereafter, the uniform percentage for each eligible applicant served by an urban mass transit system operating within an area having a population as shown in the 2010 federal decennial census of less than 50,000 or receiving federal mass transit aid for such area.

b. For the purpose of making allocations under subd. 8. a., the amounts for aids are $5,267,000 in calendar years 2012 and 2013, $4,989,300 in calendar year 2014, and $5,188,900 in calendar year 2015 and thereafter. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

(b) 1. Except as provided in subd. 2., each eligible applicant shall provide a local contribution, exclusive of user fees, toward operating expenses in an amount equal to at least 20 percent of state aid allocations to that eligible applicant under this section.

2. Subdivision 1. does not apply to an eligible applicant that is served exclusively by a shared−ride taxicab system.

(em) The sum of the state aid allocations made to each applicant under par. (a) may not exceed any of the following:

1. An amount equal to the same percentage of the audited operating expenses for the project year of the applicant's urban mass transit system that is specified for allocations to the applicant under par. (a) 6. to 8.

2. The nonfederal share of the audited operating deficit for the project year of the applicant's urban mass transit system.

3. Five times the amount of an eligible applicant's required local contribution under par. (b) 1.

(er) Eligible applicants shall repay the department any overpayments in state aids under this section which are made because of differences between projected financial data and audited financial data or because of differences between projected financial data and contract compliance audits.

(f) If more than one local public body contributes assistance to the operation of an urban mass transit system, the state aids allocated under this section shall be distributed among the contributors in accordance with any cost−sharing agreement that is filed with the department. If no agreement is filed, the aids shall be distributed among the contributors in proportion to their contributions.

(4r) EXPANSION OF SERVICE. An eligible applicant shall notify the department if the eligible applicant anticipates receiving new or expanded services provided by an urban mass transit system in a manner that will increase operating expenses. The eligible applicant shall provide the notice during the calendar year preceding the calendar year in which the new or expanded services will first be provided. The notice shall include an estimate of the projected annual operating expenses of the new or expanded services.

(4s) PAYMENT OF AIDS UNDER THE CONTRACT. The contracts executed between the department and eligible applicants under this section shall provide that the payment of the state aid allocation under sub. (4m) (a) for the last quarter of the state's fiscal year shall be provided from the following fiscal year's appropriation under s. 20.395 (1) (hr), (hs), (ht), (hu), or (hw).

(5) REGULATION. For such time as any urban mass transit system participates in this program, it shall be exempt from regulation under ch. 194.

(6) PLANNING REQUIREMENTS. As a condition of eligibility to receive state aids, an applicant is required to do all of the following:

(a) Annually prepare and submit to the department a 4−year transit development program, in the form and manner prescribed by the department. The rules adopted to implement this paragraph and par. (b) shall be compatible with applicable federal regulations.

(b) Establish multiyear service and performance goals and assess the effectiveness of its mass transit system in relation to those goals at intervals specified by the department by rule.

(c) Disclose to the department the amount of federal aid over which the eligible applicant has spending discretion and that the eligible applicant intends to apply towards operating expenses for a calendar year.

(6m) LOCAL SEGREGATED ACCOUNT REQUIRED. (a) Notwithstanding sub. (4m), the department may not pay state aid under this section to an eligible applicant unless the eligible applicant does all of the following:

1. Establishes and administers a separate segregated account from which moneys may be used only for purposes related to a mass transit system.

2. Deposits in the account established under subd. 1. all moneys received from this state and from the federal government for a mass transit system.

(b) If an eligible applicant does not meet the requirements under par. (a) at the time that aid should be paid under this section, the aid payment may be forfeited.

(c) Rules implementing this subsection may not require any eligible applicant to do any of the following:

1. Pay expenses related to law enforcement using moneys from an account established under this subsection.

2. Maintain separate checking accounts to implement this subsection, if the eligible applicant implements this subsection by segregating revenues and expenditures described in this subsection in the eligible applicant's bookkeeping system.

(7) COST−EFFICIENCY STANDARDS. (a) The department shall establish cost−efficiency standards for the urban mass transit system specified in sub. (4m) (a) 6. to 8. The contracts executed between the department and eligible applicants under this section for any period beginning on or after January 1, 1997, shall provide that the department may do any of the following if costs are incurred by the eligible applicant's urban mass transit system which are inconsistent with the standards established under this subsection:

1. Exclude those costs from operating expenses for purposes of sub. (4m).

2. Reduce the amount of state aid allocation under sub. (4m) (a).

(b) The department shall specify by rule the cost−efficiency standards under this subsection, including rules for the implementation of par. (a) 1. and 2.

(c) Beginning with contracts for aid payable for calendar year 2000, the department may not enter into a contract for payment of state aids under sub. (4m) unless the rules promulgated under this subsection are in effect and unless the contract requires the urban mass transit system to comply with those rules as a condition of receiving aid under sub. (4m).

(8) FULLY ALLOCATED COST BIDDING. If a local public body solicits bids to contract for services, the bids of a publicly owned urban mass transit system shall use a fully allocated cost methodology established by the department by rule. The fully allocated cost methodology shall do all of the following:

(a) Be based on generally accepted accounting principles.

(b) Consider all shared costs and direct costs of the mass transit system that are related to and support the service being considered. A publicly owned urban mass transit system's costs include all subsidies provided to the system, including operating subsidies, capital grants and the use of public facilities.

(c) Assign each cost of a publicly owned urban mass transit system to one of the following categories:

1. Costs that depend on the number of vehicle hours operated, including operators' salaries and fringe benefits.

2. Costs that depend on the number of vehicle miles traveled, including fuel costs, maintenance costs and maintenance personnel salaries and fringe benefits.

3. Costs that depend on the maximum number of vehicles that are in service during the day, including administrative and capital costs.

History: 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1979 c. 34 ss. 911p, 911r, 2102 (52) (a); 1979 c. 110 s. 60 (11); 1981 c. 20 ss. 1202 to 1207, 1232 to 1233; Stats. 1981 s. 85.20; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31; 1991 a. 39, 239; 1993 a. 16, 279; 1995 a. 113, 201; 1997 a. 27; 1999 a. 9; 1999 a. 150 ss. 626, 672; 2001 a. 4, 16, 38; 2003 a. 33; 2005 a. 25; 2007 a. 20; 2009 a. 28; 2011 a. 32; 2013 a. 20.

Cross−reference: See also chs. Trans 3, 4, 6, and 8, Wis. adm. code.

85.205 Paratransit aids. (1) DEFINITIONS. In this section:

(a) "Eligible applicant" has the meaning given in s. 85.20 (1) (b).

(b) "Paratransit service" means comparable transportation service required by the federal Americans with Disabilities Act for individuals with disabilities who are unable to use fixed route transportation services.

(c) "Urban mass transit system" has the meaning given in s. 85.20 (1) (L).

(2) ADMINISTRATION. (a) From the appropriation under s. 20.395 (1) (hq), the department shall provide aid payments to eligible applicants that receive state aid payments under s. 85.20 (4m) and that are served by an urban mass transit system that provides paratransit service to assist those eligible applicants in providing paratransit service.

(b) In awarding grants under par. (a), the department shall do all of the following:

1. Maximize the level of paratransit service provided by urban mass transit systems serving eligible applicants.

2. Give priority to eligible applicants for maintaining paratransit service provided by urban mass transit systems on July 1, 2011.

History: 2011 a. 32.

85.21 Specialized transportation assistance program for counties. (1) PURPOSE. The purpose of this section is to promote the general public health and welfare by providing financial assistance to counties providing transportation services for seniors and individuals with disabilities, and to thereby improve and promote the maintenance of human dignity and self−sufficiency by affording the benefits of transportation services to those people who would not otherwise have an available or accessible method of transportation.

(2) DEFINITIONS. In this section:

(a) "Copayment" means the fee imposed on a person for the use of the specialized transportation service.

(b) "County proportionate share" means the amount allocated to a county under this section which is based on the total amount appropriated for purposes of this section during the current fiscal year multiplied by the ratio of the number of seniors and individuals with disabilities in the county to the total number of seniors and individuals with disabilities in this state and which provides for a minimum base amount for each county, as determined by the department.

(c) "Designated service area" means that area to be provided specialized transportation service for any fiscal year.

(e) "Eligible applicant" means any county or agency thereof.

(f) "Human service vehicle" has the meaning given in s. 340.01 (23g).

(fg) "Individual with a disability" means any individual who, because of any temporary or permanent physical or mental condition or institutional residence is unable without special facilities or special planning or design to use available transportation facilities and services as effectively as individuals who are not so affected.

(ft) "Senior" means any individual age 65 or over.

(g) "Specialized transportation service" means a transportation system, either publicly or privately owned, which provides to seniors or individuals with disabilities general or special service on a regular and continuing basis in a designated service area.

(3) ADMINISTRATION. The department shall administer the specialized transportation service assistance program and shall have all the powers necessary and convenient to implement this section, including the following powers:

(a) To receive and review county plans for specialized transportation service assistance under this section and to prescribe the form, nature and extent of the information which shall be contained in the county plans. County plans may also include specialized transportation services to persons age 55 or over.

(b) To determine the county proportionate share in accordance with a generally accepted statistical methodology and practice.

(c) To make and execute contracts with counties to ensure the provision of specialized transportation service. Payments under such contracts to eligible applicants shall not exceed the county proportionate share, except as supplemented under par. (e) or (f). A contract under this section shall require the county to make a matching contribution of 20 percent of the contract amount and to furnish information determined necessary by the department for periodic program monitoring and year−end auditing and evaluation. A contract may permit a county to hold aids received under this section on or after July 2, 1983, in trust, according to rules promulgated by the department, for the purpose of providing services authorized under this section or of acquiring or maintaining equipment used for services authorized under this section or both. All aids held in trust, as well as any accumulated interest, not expended for the authorized purposes, shall be returned to the department for deposit in the transportation fund. Nothing in this paragraph entitles a county to any investment interest accumulated prior to the time the aid payment is actually received by the county.

(e) If any county fails to apply to the department for its entire county proportionate share by January 1 of any fiscal year, the department may distribute the remaining amount by supplemental application and supplemental contract with other counties.

(f) Notwithstanding the determination of county proportionate share under par. (b), to make supplemental payments under contracts to eligible applicants under this section. The department shall make supplemental payments under this paragraph to ensure that payments to any eligible applicant for calendar year 1994 and for each calendar year thereafter are at least equal to payments made to the eligible applicant for calendar year 1992.

(3m) SERVICE PROHIBITIONS. (b) Notwithstanding ss. 111.321, 111.322, and 111.335, and subject to par. (bm), no specialized transportation service that is operated by a county or that contracts with a county for services under this section may do any of the following:

4. Employ as an operator of a human service vehicle any person who the specialized transportation service knows or should have known does not meet the requirements for a school endorsement specified under s. 343.12 (7) and (8) and any rule established by the department under s. 343.12 (7) and (8).

5. Employ as an operator of a human service vehicle any person who the specialized transportation service knows or should have known does not possess a valid operator's license issued under ch. 343 or by another jurisdiction that authorizes the operation of any human service vehicle to be operated by that operator.

7. Employ as an operator of a human service vehicle any person for whom the specialized transportation service has not obtained an operating record as required under par. (dm).

10. Employ as an operator of a human service vehicle any person who has not, within the previous 24 months, been fully trained in the proper use of all passenger restraint systems available in the human service vehicle operated by that operator.

(bm) Notwithstanding par. (b) 4. and 7., a specialized transportation service that is operated by a county or that contracts with a county for services under this section may employ as an operator of a human service vehicle any person holding a valid school bus endorsement under s. 343.12 that was issued or renewed within 4 years prior to employment.

(d) Notwithstanding ss. 111.321, 111.322, and 111.335, prior to employing any person, other than a person holding a valid school bus endorsement under s. 343.12 that was issued or renewed within 4 years prior to employment, as an operator, a specialized transportation service shall obtain from the records maintained by the department of justice, and the department of justice shall provide, a criminal history search of the person. Notwithstanding ss. 111.321, 111.322, and 111.335, if the person who is the subject of the criminal history search is not a resident of this state, or if at any time within the 3 years preceding the date of the search that person has not been a resident of this state, the specialized transportation service shall make a good faith effort to obtain promptly from any state in which the person is a resident, or was a resident within the 3 years preceding the date of the search, information that is equivalent to a criminal history.

(dm) 1. Every specialized transportation service that is operated by a county or that contracts with a county for services under this section shall, prior to employing any person, other than a person holding a valid school bus endorsement under s. 343.12 that was issued or renewed within the previous 4 years, as an operator of a human service vehicle, obtain the person's operating record from the department under s. 343.24 or, if the operating record has already been obtained by another entity, from that entity if there are reasonable grounds to believe that the operating record obtained from that entity is accurate and was furnished by the department to that entity not more than 2 months previously.

2. No later than every 4 years, every specialized transportation service that is operated by a county or that contracts with a county for services under this section shall obtain, in the manner provided in subd. 1., an updated operating record for any person employed as an operator of a human service vehicle by the specialized transportation service.

(4) COUNTY PLAN PROVISIONS; COPAYMENTS. (a) The county may establish the transportation of seniors and individuals with disabilities to medical, nutritional, and work−related activities as the priority for the specialized transportation services.

(b) Specialized transportation services may at the discretion of the county be open to the general public on a space−available basis.

(c) 1. The county shall either require a copayment by the user of the specialized transportation service or provide the user with an opportunity to make a voluntary contribution to the cost of the service.

2. The county shall establish the amount of copayment if copayment is required and shall recommend an amount for a voluntary contribution if an opportunity to make a voluntary contribution is provided. The county shall establish the method by which the copayment or voluntary contribution is collected from the user.

3. The county shall collect and incorporate into the county plan data regarding the purposes and activities for which individuals use the specialized transportation services.

4. A county may exempt a user from payment under subd. 1. if an emergency exists, if the user does not have the economic resources to make a payment or if the user is not competent to make a payment.

(d) A county may not use aids provided under this section to support the regular route services of an urban mass transit system receiving state aids under s. 85.20. A county may use aids provided under this section to support subsystems of urban mass transit systems that provide special services to seniors or individuals with disabilities.

History: 1981 c. 20 ss. 1220m, 1221, 1221m, 1233m, 1234; 1981 c. 93; 1983 a. 27, 189; 1985 a. 29; 1987 a. 27; 1991 a. 239; 1993 a. 16; 2003 a. 297, 327; 2005 a. 147, 438; 2015 a. 55.

Cross−reference: See also ch. Trans 1, Wis. adm. code.

85.215 Tribal elderly transportation grant program. The department shall award grants to federally recognized American Indian tribes or bands to assist in providing transportation services for elderly persons. Grants awarded under this section shall be paid from the appropriation under s. 20.395 (1) (ck). The department shall prescribe the form, nature, and extent of the information that shall be contained in an application for a grant under this section. The department shall establish criteria for evaluating applications and for awarding grants under this section.

History: 2009 a. 28.

85.22 Specialized transportation program. (1) PURPOSE. The purpose of this section is to promote the general public health and welfare by providing assistance to eligible applicants providing transportation services to seniors and individuals with disabilities.

(2) DEFINITIONS. In this section:

(am) "Eligible applicant" means any applicant that meets eligibility requirements for federal assistance under 49 USC 5310.

(bm) "Individual with a disability" means any individual who, because of any temporary or permanent physical or mental condition or institutional residence is unable without special facilities or special planning or design to use available transportation facilities and services as effectively as persons who are not so affected.

(c) "Local public body" has the meaning given in s. 85.20 (1) (d), except as limited by rule of the department.

(d) "Senior" means any individual age 65 or older.

(3) ADMINISTRATION. The department shall administer the grant program and shall have all the powers necessary and convenient to implement this section, including the following powers:

(a) To receive and review applications for aid under this section and to prescribe the form, nature, and extent of information which shall be contained in applications. Each applicant shall indicate whether the transportation services it provides or proposes to provide conflict with any transportation services being assisted under s. 85.21.

(b) To establish criteria for evaluating all applications and for placing each application in a statewide priority ranking for distribution of available federal and state moneys.

(c) To make and execute agreements with eligible applicants to provide for the undertaking of transportation services to seniors or individuals with disabilities.

(d) To audit the records of all eligible applicants receiving aids under this section in accordance with generally accepted accounting principles and practices.

(e) To require eligible applicants receiving aids under this subsection to furnish information deemed necessary by the department.

(f) To apply for and receive federal grants on behalf of eligible recipients.

(g) To establish an application cycle for the program.

(h) To establish, by rule, standards for the coordination of transportation services to seniors and individuals with disabilities. These standards may require certification by a local public body that any application for aid under this section shall be consistent with the recommendations of a local coordinating committee on transportation that has membership which is, in the department's judgment, sufficient to provide for adequate coordination of services available in the applicable area.

(4) AMOUNT AND USE OF AID. Commencing with the highest ranked application and to the extent that state and federal moneys are available, the department shall offer to each eligible applicant an amount of aid such that the sum of federal and state aid received by an applicant does not exceed the funding limitations defined in 49 USC 5310.

History: 1981 c. 20 s. 1222; 1991 a. 239; 1993 a. 437; 1999 a. 9; 2015 a. 55.

Cross−reference: See also ch. Trans 2, Wis. adm. code.

85.23 Rural public transportation assistance program. The department may administer a program for the distri-

bution of rural public transportation aids made available to the state under section 18 of the urban mass transportation act of 1964, as amended, or under any similar federal act.

History: 1981 c. 20 s. 1223.

Cross−reference: See also ch. Trans 6, Wis. adm. code.

85.24 Transportation employment and mobility program. (1) PURPOSE. The purpose of this section is to promote the conservation of energy, reduce traffic congestion, improve air quality, enhance the efficient use of existing transportation systems, and enhance the success of welfare−to−work programs by providing efficient and effective transportation services that link low−income workers with jobs, training centers, and child care facilities, by planning and promoting demand management and ride−sharing programs, and by providing technical and financial assistance to public and private organizations for job access and employment transportation assistance programs and for the development and implementation of demand management and ride−sharing programs.

(2) DEFINITIONS. In this section:

(a) "Demand management" means policies and programs designed to reduce the number of automobile trips, especially during peak hours of traffic congestion, including policies and programs designed to do any of the following:

1. Promote the reduction of unnecessary single−occupancy automobile trips.

2. Promote alternatives to automobile travel, such as biking and walking.

3. Encourage the use of high−occupancy modes of travel, such as ride sharing and all forms of public transportation.

4. Increase the convenience of alternatives to single−occupancy automobile trips, such as appropriate land−use planning and preferential parking privileges for car and van pools.

(ag) "Job access and employment transportation assistance" means policies and programs that are directed at resolving the transportation needs of low−income workers and recipients of public assistance with respect to transportation to−and−from jobs, including welfare−to−work programs, and activities related to their employment.

(b) "Ride sharing" means the use of a single motor vehicle by 2 or more persons for the purpose of commuting to and from their places of employment or attendance at postsecondary institutions, and includes commuting by means of a car pool or a van pool.

(br) "Transportation employment and mobility" means policies and programs that encompass demand management, ride sharing, and job access and employment transportation assistance.

(3) ADMINISTRATION. (a) The department of transportation shall be the lead state agency in demand management and ride−sharing activities and shall collaborate with the department of workforce development in job access and employment transportation assistance programs. The department of transportation shall have all powers necessary to develop and implement a state transportation employment and mobility program that includes the coordination of demand management, ride−sharing, and job access and employment transportation assistance activities in this state; the promotion and marketing of demand management, ride−sharing, and job access and employment transportation assistance activities; the dissemination of technical information; the provision of technical and financial assistance to public and private organizations for the planning, development, and implementation of demand management, ride−sharing, and job access and employment transportation assistance programs; and the development and distribution of computer and manual ride−matching systems.

(b) The department may apply for and receive federal grants on its own behalf or as requested on behalf of other private and public organizations.

(c) The department may administer a program for the distribution of any federal funds for ride sharing, demand management, and job access and employment transportation assistance that are made available to the state.

(d) The department may award grants from the appropriation under s. 20.395 (1) (bs) to public and private organizations for the development and implementation of demand management, ride−sharing, and job access and employment transportation assistance programs. As a condition of obtaining a grant under this paragraph, a public or private organization may be required to provide matching funds at any percentage. For demand management and ride−sharing purposes, the department shall give priority in the awarding of grants to those programs that provide the greatest reduction in automobile trips, especially during peak hours of traffic congestion. The department shall have all powers necessary and convenient to implement this paragraph, including the following powers:

1. To promulgate, by rule, procedures and criteria for the review and award of grants under this paragraph.

2. To receive and review applications for grants and to prescribe the form, nature and extent of the information which shall be contained in applications.

3. To audit and inspect the records of grant recipients.

4. To require reports from grant recipients as needed.

(4) CONFIDENTIALITY OF INFORMATION. (a) Except as provided in par. (b), a record containing any of the following information collected under this section relating to any applicant for ride−sharing services shall be kept confidential and may not be inspected or copied under s. 19.35 (1):

1. Residential address and phone number.

2. The time of beginning and ending work.

3. Current mode of commuting between home and workplace.

4. Type of ride−sharing service information requested.

(b) Paragraph (a) does not prohibit the disclosure of the information to the extent necessary to administer the ride−sharing program nor, if requested under s. 49.22 (2m), does it prohibit disclosure of the name or address of a person or of his or her employer to the department of children and families or a county child support agency under s. 59.53 (5).

(c) Any person who willfully discloses or who, under false pretenses, willfully requests or obtains information in violation of par. (a) may be required to forfeit not more than $500 for each violation. This paragraph does not apply to information disclosed, requested or obtained to the extent necessary to administer the ride−sharing program or, if requested under s. 49.22 (2m), to the department of children and families or a county child support agency under s. 59.53 (5).

History: 1981 c. 20; 1991 a. 39; 1995 a. 423; 1997 a. 191; 2001 a. 16; 2007 a. 20.

Cross−reference: See also ch. Trans 5, Wis. adm. code.

85.245 Congestion mitigation and air quality improvement program. (1) The department may administer a program for the distribution of federal funds for congestion mitigation and air quality improvement projects made available to the state under 23 USC 149. The cost of any project shall be funded from the appropriations under s. 20.395 (2) (kv) and (kx).

(2) The department shall pay to the department of natural resources $624,000 in fiscal year 1993−94 and $552,000 in fiscal year 1994−95 from the appropriation under s. 20.395 (2) (kx) for air quality improvement related to mobile sources of air contaminants.

History: 1993 a. 16.

85.25 Disadvantaged business mobilization assistance program. (1) FINDINGS AND PURPOSE. The legislature finds that the lack of working capital is a major barrier to the participation of certain businesses in construction contracts with the department. This problem is most acute for newer, less experi-

enced businesses, and, in particular, for disadvantaged businesses, many of which lack the assets necessary to obtain financing under normal business lending standards. The disadvantaged business mobilization assistance program is created to assist disadvantaged businesses in obtaining working capital in order to participate in construction contracts with the department and to increase the representation of disadvantaged businesses among contractors performing on construction projects for the department.

(2) DEFINITIONS. In this section:

(a) "Business development organization" means the Wisconsin Housing and Economic Development Authority under s. 234.02 or any private organization that prepares business and loan plans for and provides other financial, management, and technical assistance to disadvantaged businesses.

(b) "Deficiency" means the unpaid principal amount of a defaulted mobilization loan guaranteed under sub. (4). "Deficiency" does not include any interest, any origination fees or other charges relating to the guaranteed loan or any expenses incurred by the lender in enforcing the security interest taken in the capital equipment or other asset resulting from the proceeds of the guaranteed loan.

(c) "Disadvantaged business" means any of the following:

1m. A sole proprietorship, partnership, limited liability company, joint venture or corporation that fulfills all of the following requirements:

a. It is at least 51 percent owned, controlled and actively managed by a disadvantaged individual, as defined in s. 84.076 (1) (a).

b. It is currently performing a useful business function as defined in s. 16.287 (1) (h).

2m. A disabled veteran−owned business, as defined in s. 84.075 (1c) (a).

(d) "Guaranteed loan" means a mobilization loan which is guaranteed by a business development organization under a grant under sub. (3).

(e) "Mobilization loan" means a short−term loan, as specified by the department by rule, to a disadvantaged business to provide working capital in order to finance the purchase of capital equipment, insurance or any other service or consumable good necessary to enable the disadvantaged business to participate in transportation−related construction contracts with the department.

(f) "Participating lender" means a bank, credit union, savings bank, savings and loan association or other person who makes mobilization loans.

(3) ADMINISTRATION. The department shall administer the disadvantaged business mobilization assistance program. Subject to sub. (4), the department may make grants for the purpose specified in sub. (1) to a business development organization in order to provide funding for the guarantee by the business development organization of a mobilization loan made by a participating lender to a disadvantaged business certified by the department.

(4) RULE MAKING. The department shall promulgate rules to implement the disadvantaged business mobilization assistance program. The rules shall specify all of the following:

(a) Conditions for eligibility of a business development organization for a grant under sub. (3).

(b) Conditions for eligibility of a disadvantaged business for a guaranteed loan. The conditions may include requirements relating to certification of a disadvantaged business by the department.

(c) Conditions for the guarantee of a mobilization loan by a business development organization applying for a grant under sub. (3). The conditions shall include requirements relating to the term of a mobilization loan. The conditions may include a requirement for execution of a guarantee agreement between the business development organization and the participating lender and review of such an agreement by the department. The conditions may specify a percentage of principal of any mobilization loan which must be guaranteed by a business development organization applying for a grant under sub. (3). The conditions may include requirements relating to the rate of a mobilization loan. The conditions may include requirements relating to defaulted mobilization loans and deficiencies.

(d) Conditions relating to the total principal amounts of all mobilization loans which may be guaranteed by business development organizations at one time, not to exceed $1,500,000.

(e) Conditions under which a business development organization may not guarantee additional mobilization loans. The conditions shall include a prohibition on the guarantee of additional mobilization loans by a business development organization if the amount of the grant to the business development organization not yet expended under the disadvantaged business mobilization assistance program is equal to or less than $100,000.

(f) Conditions under which a grant made under sub. (3) to a business development organization may be required to be repaid.

(5) MORAL OBLIGATION. Recognizing its moral obligation to do so, the legislature expresses its expectation and aspiration that, if ever called upon to do so, it shall make an appropriation from the transportation fund to meet all demands for funds relating to defaulted mobilization loans and deficiencies under this section.

History: 1987 a. 399; 1989 a. 31; 1991 a. 221; 1993 a. 112; 2001 a. 104; 2009 a. 299; 2011 a. 32.

Cross−reference: See also ch. Trans 404, Wis. adm. code.

85.26 Intercity bus assistance program. (1) DEFINITIONS. In this section:

(a) "Intercity bus service" means regularly scheduled bus service for the general public that operates with limited stops over fixed routes connecting 2 or more urban areas not in close proximity, that has the capacity for transporting baggage carried by passengers, and that makes meaningful connections with scheduled intercity bus service to more distant points if service to more distant points is available.

(b) "Net operating loss" means the portion of the reasonable costs of operating an intercity bus service route that cannot reasonably be financed from revenues derived from the route.

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

(2) ADMINISTRATION. (a) The department shall develop and administer an intercity bus assistance program to increase the availability of intercity bus service in this state. Under this program, the department may do any of the following:

1. Contract with private providers of intercity bus service to support intercity bus service routes of the provider.

2. Make grants to political subdivisions to support intercity bus service routes having an origin or destination in the political subdivision.

(b) All expenditures under the program shall be made from the appropriations under s. 20.395 (1) (bq), (bv), and (bx). The department may not enter into any contract under par. (a) 1., or award any grant under par. (a) 2., that provides funds to support any intercity bus service route in an amount exceeding the lesser of the following:

1. Fifty percent of the net operating loss of the intercity bus service route.

2. The portion of the net operating loss of the intercity bus service route for which federal funds are not available.

(c) 1. The department shall prescribe the form, nature, and extent of the information which shall be contained in an application for a grant under par. (a) 2.

2. The department shall establish criteria for evaluating applications for grants under par. (a) 2.

History: 2009 a. 28.

85.28 Driver license reinstatement training program. The department shall administer a driver license reinstatement training program. From the appropriation under s. 20.395 (5) (cq), the department may contract with public or private entities for pro-

grams that provide persons whose driver's license has been revoked or suspended under the laws of this state with training and assistance in meeting the requirements of ch. 343 for license reinstatement.

History: 1993 a. 16.

85.30 Type 1 motorcycle, moped and motor bicycle safety program. The department shall develop and administer a Type 1 motorcycle, moped and motor bicycle safety program. The program shall include operational skills training, safety education and public awareness and such other elements as the department deems desirable. The safety education program for Type 1 motorcycles shall include instruction as to the proper eye protection to be worn during hours of darkness. The department may make grants under this program for establishment of courses which further the aims of this program. The department shall adopt rules to implement this section.

History: 1981 c. 20; 1983 a. 243, 534, 538; 1985 a. 65, 135.

85.31 Information for tax bills. By October 1, the department shall provide to the department of revenue the information about the aids paid under s. 86.30 to each municipality and county that will enable the department of revenue to furnish to taxation districts the information required under s. 73.03 (31).

History: 1985 a. 12.

85.32 Statewide trauma care system transfer. Beginning July 1, 2000, and annually thereafter, the secretary shall transfer $80,000 from the appropriation under s. 20.395 (5) (dq) to the appropriation under s. 20.435 (1) (kx) for the purposes of the statewide trauma care system under s. 256.25.

History: 1999 a. 9; 2007 a. 130.

85.35 Motor carrier projects program. The department may administer a program for the study of motor carrier operations and may participate in projects, including pilot projects in cooperation with other jurisdictions, for the evaluation of programs affecting motor carriers.

History: 1987 a. 27.

85.51 State traffic patrol services. (1) SPECIAL EVENTS FEE. The department may charge an event sponsor, as defined by rule, a fee, in an amount calculated under a uniform method established by rule, for security and traffic enforcement services provided by the state traffic patrol at any public event for which an admission fee is charged for spectators. The department may not impose a fee for such services except as provided in this section.

(2) SECURITY AND TRAFFIC ENFORCEMENT SERVICES FEE. The department may charge any person a fee, in an amount calculated under a uniform method established by rule, for security and traffic enforcement services provided by the state traffic patrol during that person's installation, inspection, removal, relocation, or repair of a utility facility, as defined in s. 30.40 (19), located on a highway, as defined in s. 340.01 (22), if that person requests such services in writing.

(3) USE OF FEES. All moneys received under this section shall be deposited in the general fund and credited to the appropriation account under s. 20.395 (5) (dg).

History: 1997 a. 27; 2001 a. 16.

Cross−reference: See also ch. Trans 320, Wis. adm. code.

85.52 Transportation infrastructure loan program. (1) DEFINITIONS. In this section:

(ac) "Capital project" has the meaning given in 49 USC 5302.

(ag) "Eligible applicant" means a county, city, village, town or combination thereof, Amtrak, as defined in s. 85.061 (1), a railroad, as defined in s. 85.01 (5), a private nonprofit organization that is an eligible applicant under s. 85.22 (2) (am), or a transit commission created under s. 59.58 (2) or 66.1021.

(am) "Fund" means the transportation infrastructure loan fund established under s. 25.405.

(bm) "Other assistance" has the meaning given in P.L. 104−59, section 350 (L) (3).

(c) "Revenue obligation" has the meaning given in s. 18.52 (5).

(2) ACCEPTANCE OF FEDERAL CAPITALIZATION GRANTS. The department may enter into an agreement with the U.S. department of transportation to receive a capitalization grant under P.L. 104−59, section 350. The agreement may contain any provision required by P.L. 104−59, section 350, and any regulation, guideline or policy adopted under that section.

(3) ADMINISTRATION. (a) The department shall administer a transportation infrastructure loan program to make loans, and to provide other assistance, to eligible applicants for highway projects or transit capital projects. The department of transportation may not make a loan or provide other assistance under the program unless the secretary of administration approves of the loan or other assistance and determines that the amounts in the fund, together with anticipated receipts, will be sufficient to fully pay principal and interest costs incurred on the revenue obligations issued under sub. (5). Loans or other assistance under the program for highway projects shall be credited to the highway account. Loans or other assistance under the program for transit capital projects shall be credited to the transit account.

(bm) Any loan made under the program shall comply with P.L. 104−59, section 350, and any regulation, guideline or policy adopted under that section. The department may not provide other assistance under the program to an eligible applicant unless such assistance complies with P.L. 104−59, section 350, and any regulation, guideline or policy adopted under that section.

(cm) The joint committee on finance may transfer moneys, at the request of the department, in amounts not to exceed the amounts necessary to meet the requirements under P.L. 104−59, section 350, from the transportation fund to the transportation infrastructure loan fund. The department shall submit to the joint committee on finance for its review and approval proposed reductions among the transportation fund appropriations to the department equal to the amount transferred under this paragraph. The joint committee on finance may approve, disapprove or modify the proposed reductions. Upon approval of the proposed reductions, as may be modified by the committee, an amount equivalent to each approved reduction is lapsed from the appropriation account for each reduced appropriation to the transportation fund.

(4) RULES. (a) The department of transportation and the department of administration shall promulgate rules necessary to implement the transportation infrastructure loan program. The rules shall specify the terms and conditions of loans or other assistance provided under the program and shall establish criteria for determining which eligible applicants and which projects are eligible to receive loans or other assistance under the program. The criteria shall include all of the following:

1. The impact of funding a project under the program on accelerating the completion of a major highway project under s. 84.013.

2. The statewide and local economic impact of the projects.

3. The level of commitment by the eligible applicant to the project.

4. The type and quality of intermodal transportation facilities affected by the project.

(b) The department of transportation and the department of administration may charge and collect fees, established jointly by rules, from eligible applicants to recover the costs of administering the program.

(4m) INVESTMENT MANAGEMENT. The department of administration may:

(a) 1. Subject to par. (b), direct the investment board under s. 25.17 (2) (e) to make any investment of the fund, or in the collection of the principal and interest of all moneys loaned or invested from such fund.

2. Subject to par. (b), purchase or acquire, commit on a standby basis to purchase or acquire, sell, discount, assign, negoti-

ate, or otherwise dispose of, or pledge, hypothecate or otherwise create a security interest in, loans as the department of administration may determine, or portions or portfolios of participations in loans, made or purchased under this section. The disposition may be at the price and under the terms that the department of administration determines to be reasonable and may be at public or private sale.

(b) The department of administration shall take an action under par. (a) only if all of the following conditions occur:

1. The action provides a financial benefit to the transportation infrastructure fund.

2. The action does not contradict or weaken the purposes of the transportation infrastructure loan fund.

3. The building commission approves the action before the department of administration acts.

(5) REVENUE OBLIGATIONS. (a) The transportation infrastructure loan program is a revenue−producing enterprise or program as defined in s. 18.52 (6).

(b) Deposits, appropriations or transfers to the fund for the purposes specified in s. 20.395 (2) (pq) may be funded with the proceeds of revenue obligations issued subject to and in accordance with subch. II of ch. 18. Revenue obligations issued under this section shall not exceed $100 in principal amount, excluding obligations issued to refund outstanding revenue obligations.

(c) The department of administration may, under s. 18.561 or 18.562, deposit in a separate and distinct fund in the state treasury or in an account maintained by a trustee outside the state treasury, any portion of the revenues derived under s. 25.405 (2). The revenues deposited with a trustee outside the state treasury are the trustee's revenues in accordance with the agreement between this state and the trustee or in accordance with the resolution pledging the revenues to the repayment of revenue obligations issued under this subsection.

(d) The building commission may pledge any portion of revenues received or to be received in the fund established in par. (c) or the transportation infrastructure loan fund to secure revenue obligations issued under this subsection.

(e) The department of administration has all other powers necessary and convenient to distribute the pledged revenues and to distribute the proceeds of the revenue obligations in accordance with subch. II of ch. 18.

(f) The department of administration may enter into agreements with the federal government, political subdivisions of this state, individuals or private entities to insure or in any other manner provide additional security for the revenue obligations issued under this subsection.

(g) Revenue obligations may be contracted by the building commission when it reasonably appears to the building commission that all obligations incurred under this subsection can be fully paid on a timely basis from moneys received or anticipated to be received by the fund.

(h) Unless otherwise expressly provided in resolutions authorizing the issuance of revenue obligations or in other agreements with the holders of revenue obligations, each issue of revenue obligations under this subsection shall be on a parity with every other revenue obligation issued under this subsection and in accordance with subch. II of ch. 18.

History: 1997 a. 27, 237; 1999 a. 9; 1999 a. 150 s. 672.

Cross−reference: See also ch. Trans 512, Wis. adm. code.

85.55 Safe−ride grant program. The department may award grants to any county or municipality or to any nonprofit corporation, as defined in s. 66.0129 (6) (b), to cover the costs of transporting persons suspected of having a prohibited alcohol concentration, as defined in s. 340.01 (46m), from any premises licensed under ch. 125 to sell alcohol beverages to their places of residence. The amount of a grant under this section may not exceed 80 percent of the costs necessary to provide the service. The liability of a provider of a safe−ride program to persons transported under the program is limited to the amounts required for an automobile liability policy under s. 344.15 (1). Grants awarded under this section shall be paid from the appropriation under s. 20.395 (5) (ek).

History: 1999 a. 109; 2003 a. 33; 2009 a. 263.

85.605 Professional football stadium maintenance and operating costs. (1) In this section:

(am) "District board" has the meaning given in s. 229.821 (5).

(b) "Football stadium" has the meaning given in s. 229.821 (6).

(c) "Football stadium facilities" has the meaning given in s. 229.821 (7).

(d) "Professional football team" means a professional football team described in s. 229.823.

(2) From the appropriation under s. 20.395 (1) (ig), the department annually shall deposit payments into the fund established under s. 229.8257 by each local professional football stadium district created under subch. IV of ch. 229. The amount of any deposit under this section shall be the sum of money credited to the appropriation account under s. 20.395 (1) (ig) during the previous fiscal year that is attributable to the professional football team whose home stadium, as defined in s. 229.821 (8), is located in the local professional football stadium district over which the district board that established the fund has jurisdiction.

History: 1999 a. 167.

85.61 Compliance with federal Help America Vote Act. (1) The secretary of transportation and the administrator of the elections commission shall enter into an agreement to match personally identifiable information on the official registration list maintained by the commission under s. 6.36 (1) and the information specified in s. 6.34 (2m) with personally identifiable information in the operating record file database under ch. 343 and vehicle registration records under ch. 341 to the extent required to enable the secretary of transportation and the administrator of the elections commission to verify the accuracy of the information provided for the purpose of voter registration.

(2) The secretary of transportation shall enter into an agreement with the commissioner of the federal social security administration for the purpose of verifying whether the name, date of birth, and social security number of an individual in the operating record file database under ch. 343 or vehicle registration records under ch. 341 match the information contained in the records of the social security administration. The agreement shall include safeguards to ensure the maintenance of the confidentiality of any personally identifiable information disclosed and procedures to permit the secretary of transportation to use any applicable personally identifiable information disclosed for purposes related to maintenance of departmental records.

History: 2003 a. 265; 2007 a. 1; 2015 a. 118, 261.

85.62 Transportation fund balance and appropriation reductions. (1) During any fiscal biennium, if at any time the department determines that, at the close of the fiscal biennium, net appropriations and fund reserves from the transportation fund will exceed estimated transportation fund revenues by more than $30,000,000, the department shall develop a plan to eliminate, by the close of the fiscal biennium, this projected deficit by reducing state funds appropriations under s. 20.395, other than those for debt service and sum sufficient appropriations, from the transportation fund. This plan may not include the reduction of any state funds appropriation if the reduction would violate a condition imposed by the federal government on the receipt of federal funds or if the reduction would violate the federal or state constitution. The secretary shall submit this plan to the joint committee on finance.

(2) If the cochairpersons of the joint committee on finance do not notify the secretary within 14 working days after the date on which the secretary submits the plan under sub. (1) that the committee has scheduled a meeting for the purpose of reviewing the plan, the secretary shall implement the plan. If, within 14 working

days after the date on which the secretary submits the plan, the cochairpersons of the joint committee on finance notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the plan, the secretary may implement the plan only as approved, or modified and approved, by the committee.

(3) Notwithstanding ss. 13.101 (6) and 20.001 (3) (c), if a plan is implemented as provided under sub. (2), the appropriation accounts shall be reduced as specified in the plan implemented under sub. (2).

History: 2007 a. 20.

85.63 Surveying reference station system. (1) The department shall administer a surveying reference station system consisting of all of the following:

(a) A passive system consisting of a network of monuments located throughout the state that are used to generate latitude, longitude, and elevation data.

(b) An active surveying reference station system consisting of reference stations statewide that continuously transmit global positioning system data to a system server, and the server that receives and processes the data received from the reference stations.

(2) The department may charge a fee for providing access to the system under sub. (1) in an amount to be established by rule. All fees received under this subsection shall be deposited in the general fund and credited to the appropriation account under s. 20.395 (3) (jg).

History: 2013 a. 20.