



1995 ASSEMBLY BILL 11

January 13, 1995 - Introduced by Representatives GARD, LEHMAN, KREIBICH, GOETSCH, FREESE, RYBA, ZUKOWSKI, OTT, MUSSER, LADWIG, SILBAUGH, BLACK, HANSON and ROBSON, cosponsored by Senators DRZEWIECKI and DARLING. Referred to Committee on Highways and Transportation.

1 **AN ACT to renumber and amend** 84.02 (10) (b); **to amend** 84.20; and **to create**
2 84.02 (10) (b) 2. of the statutes; **relating to:** requiring the department of
3 transportation to obtain permission of a local highway maintenance authority
4 before routing a detour or hauling certain materials over a local highway.

Analysis by the Legislative Reference Bureau

Under current law, the department of transportation (DOT) may suspend travel over part of the state trunk highway system when that part is impassable or dangerous to travel or when necessary because of construction or maintenance work. DOT may route a detour over any other public or temporary highway to accommodate travel, but must repair the damage caused by use of that highway as either a route for hauling construction or maintenance materials or as a detour.

This bill provides that DOT may not route a detour over a highway that is not part of the state trunk highway system or use such a highway for hauling operations that are likely to cause damage unless DOT first obtains permission from the authority in charge of maintaining that highway and enters into a written repair and maintenance agreement with that authority. These requirements do not apply in cases of emergency.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

5 **SECTION 1.** 84.02 (10) (b) of the statutes is renumbered 84.02 (10) (b) 1. and
6 amended to read:

1 84.02 (10) (b) 1. When any portion of the state trunk highway system is
2 impassable or dangerous to travel or when ~~it shall be deemed~~ the department
3 determines that it is necessary because of construction or maintenance work or for
4 other reasons to suspend all or part of the travel ~~thereon~~ on that portion, the
5 department may route ~~such~~ travel over a detour around ~~such~~ that portion of the state
6 trunk highway system. ~~Such detour may be routed~~ Except as otherwise provided in
7 subd. 2., the department may route the detour over any other public highway or
8 temporary highway which may be improved or maintained as part of the cost of
9 constructing or maintaining the state trunk highway system to the extent necessary,
10 as determined by the department, because of ~~such~~ the additional travel. ~~Such~~ The
11 routing of state trunk highway traffic over other public highways ~~shall~~ does not alter
12 the existing status of ~~such~~ the other public highways.

13 **SECTION 2.** 84.02 (10) (b) 2. of the statutes is created to read:

14 84.02 (10) (b) 2. Except in cases of emergency, the department may not route
15 a detour over a highway that is not part of the state trunk highway system unless
16 the department first obtains the permission of the authority in charge of the
17 maintenance of that highway and enters into a written agreement with that
18 authority for the repair and maintenance of that highway.

19 **SECTION 3.** 84.20 of the statutes is amended to read:

20 **84.20 State repair and maintenance of highways and streets.** Damage
21 to any county trunk or town highway or city or village street caused by reason of its
22 use as a detour designated by the department or for hauling materials incident to the
23 maintenance, repair or construction by the department of any state trunk highway
24 or street over which a state trunk highway is routed, shall be repaired by the
25 department. ~~Such~~ The highway or street shall also be maintained by the department

1 during such use. Except in cases of emergency, the department may not route a
2 detour over a county trunk or town highway or city or village street or use such a
3 highway or street for hauling operations that are likely to damage the highway or
4 street unless the department first obtains the permission of the authority in charge
5 of its maintenance and enters into a written agreement with that authority for the
6 repair and maintenance of that highway or street. The cost of such repairs and
7 maintenance shall be paid from funds appropriated and available to the department
8 for the maintenance and improvement of state trunk highways and connecting
9 highways under s. 20.395 (3).

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(END)