

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

*Joint Committee for
Review of
Administrative Rules
(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
- 97hr_JCR-AR_CRule_98-167
-
- Committee Hearings ... CH
-
- Committee Reports ... CR
-
- Executive Sessions ... ES
-
- Hearing Records ... HR
-
- Miscellaneous ... Misc
-
- Record of Comm. Proceedings ... RCP
-

TRANS 200 - SIGN PLACEMENT
98-167 (PUBUC HIGHWAY)

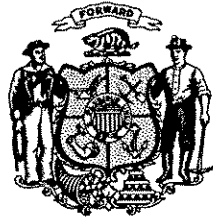
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-167

AN ORDER to amend Trans 200.01; and to create Trans 200.055, relating to the location for placement of utility work signs.

Submitted by **DEPARTMENT OF TRANSPORTATION**

10-29-98 RECEIVED BY LEGISLATIVE COUNCIL.

11-20-98 REPORT SENT TO AGENCY.

RS:DLS:jal

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

IN THE MATTER OF a proposed rule to amend TRANS 200.01; and create TRANS 200.055, Wisconsin Administrative Code, relating to the location for placement of utility work signs

**NOTICE OF INTENT TO ADOPT RULE
WITHOUT PUBLIC HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to the authority of 1997 Wis. Act 277, section 8m, and 227.11, Stats., and according to the procedure set forth in s. 227.16(2)(e), Stats., the Wisconsin Department of Transportation will adopt the following rule creating s. Trans 200.055 without public hearing unless, within 30 days after publication of this notice [revisor to insert date], the Department of Transportation is petitioned for a public hearing by 25 natural persons who will be affected by the rule; a municipality which will be affected by the rule; or an association which is representative of a farm, labor, business or professional group which will be affected by the rule.

Questions about this rule and any petition for public hearing may be addressed to Bob Fasick, Division of Infrastructure Development, Room 501, P. O. Box 7986, Madison, Wisconsin 53707-7986, telephone (608) 266-3438.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: 1997 Wis. Act 277, Section 8m
STATUTES INTERPRETED: s. 340.01(73m), Stats.

General Summary of Proposed Rule. 1997 Wis. Act 277, Section 8m, mandates the Department to establish by administrative rule the specifications for the locations for placement of signs indicating the beginning and ending of a utility work area for the purposes of enforcing the "double fines" law. This rule making will create s. Trans 200.055 to specify the locations for the placement of these warning signs.

Section 1 of the Act states that a "utility work area" means the entire section of roadway between the first advance warning sign of work on a utility facility ... and an 'END UTILITY WORK' sign. Advance warning signs are diamond shaped (square with one

diagonal vertical) having a black symbol or message on an orange background. The proper location of a warning sign depends on all of the following:

- ◆ Posted speed limit and traffic volume.
- ◆ Character of the highway (freeway, expressway, 2-lane highway, or local collector or arterial).
- ◆ Topography and layout of the road and hazard.
- ◆ Weather and light conditions.
- ◆ Available sight distance.

Distances may be shown on the sign itself; for example, "UTILITY WORK 1500 FT."

Therefore, this proposed rule states that uniform guidance for the placement of warning signs is contained in the Wisconsin Manual on Uniform Traffic Control Devices (MUTCD), as required by s. 84.02(4)(e), Stats. These advance warning and end utility signs shall be placed in accordance with the Wisconsin MUTCD. The Department has also developed specific work zone traffic control diagrams in its Utility Accommodation Policy that are derived from the Wisconsin MUTCD. Local highway agencies may also have specific work zone traffic control diagrams derived from the Wisconsin MUTCD for use on their own highways.

Fiscal Effect. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

Initial Regulatory Flexibility Analysis. This proposed rule will have no adverse impact on small businesses.

Copies of Rule. Copies of this proposed rule can be obtained upon request, free of charge, by writing to Bob Fasick, Wisconsin Department of Transportation, Division of Transportation Infrastructure Development, P. O. Box 7986, Room 501, Madison, WI 53707-7986, or by calling (608) 266-3438.

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by 1997 Wis. Act 277, section 8m, the department of transportation hereby proposes to amend a rule interpreting s. 340.01(73m), Stats., relating to the location for placement of utility work signs.

SECTION 1. Trans 200.01 is amended to read:

TRANS 200.01 Purpose. The purpose of this chapter is to interpret and implement ss. 86.19, 86.191, 86.195, 86.196, 340.01(73m), 346.41, and 346.503, Stats., relating to erection and maintenance of signs on public highways and signs related to reserved parking spaces for handicapped persons. This chapter does not apply to signs erected and maintained on property beyond the limits of a public highway, except signs related to reserved parking spaces for handicapped persons.

SECTION 2. Trans 200.055 is created to read:

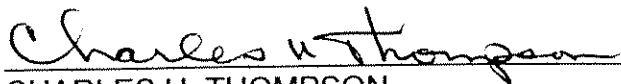
TRANS 200.055 Warning signs for utility work areas. The first advance warning sign and the "END UTILITY WORK" sign shall be placed in accordance with the Wisconsin manual on uniform traffic control devices, the department's utility accommodation policy, or any other work zone traffic control guidance that has been accepted for regular use by the department with respect to the state trunk highway system, or a county, town, or municipality with respect to highways under their jurisdiction. X

NOTE: Authority for the Manual on Uniform Traffic Control Devices is found at s. 84.02(4)(e), Stats. Section 227.01(13)(d), Stats., also states that the Department is exempt from rulemaking with regard to use of highways that is made known to the public by means of signs or signals. A copy of the Department's Utility Accommodation Policy may be obtained, without cost, by writing to the Division of Transportation Infrastructure Development, Bureau of Highway Operations, P. O. Box 7986, Room 501, Madison, WI 53707-7986.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

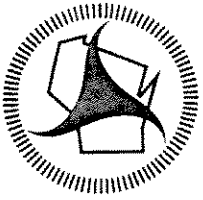
Signed at Madison, Wisconsin, this 28 day of October, 1998.



CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation



Wisconsin Department of Transportation



Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

September 21, 1998

Mr. Gary L. Poulson, Deputy Revisor
Revisor of Statutes Bureau
131 West Wilson Street
Suite 800
Madison, Wisconsin 53703

RE: **STATEMENT OF SCOPE OF PROPOSED RULEMAKING, TRANS 200**

Dear Mr. Poulson:

Enclosed is the Statement of Scope for the proposed amendment of ch. Trans 200. Please publish the Scope Statement in accordance with § 227.135(3), Stats., in the Administrative Register.

Sincerely,



Julie A. Johnson
Paralegal

Enclosures

cc: Richard G. Chandler/DOA State Budget Director
Senator Robert Welch, Co-Chair/JCRAR
Representative Glenn Grothman, Co-Chair/JCRAR
Gene Kussart
Sandy Beaupre
Mike Goetzman
Jim Gruendler
Bob Fasick

STATEMENT OF SCOPE

DESCRIPTION OF THE OBJECTIVE OF THE RULE:

This rule making will amend ch. Trans 200, relating to the location and placement of signs on public highways, by specifying the locations for placement of (orange) warning signs indicating the beginning and ending of a utility work area, as mandated by the enactment of 1997 Wis. Act 277, Section 8m.

DESCRIPTION OF EXISTING POLICIES RELEVANT TO THE RULE AND OF NEW POLICIES PROPOSED TO BE INCLUDED IN THE RULE AND AN ANALYSIS OF POLICY ALTERNATIVES:

The Department's Utility Accommodation Policy currently provides guidance to utilities in establishing appropriate signing for utility work zones. The Federal Manual of Uniform Traffic Control Devices (MUTCD) also provides appropriate guidance to utilities in this area. This rule making will provide the necessary guidance to the utility industry in how to establish a utility work zone in such a manner as to qualify the work zone for enforcement under the "Double Fines" law.

STATUTORY AUTHORITY FOR THE RULE:

1997 Wis. Act 277, Section 8m

ESTIMATES OF THE AMOUNT OF TIME THAT STATE EMPLOYEES WILL SPEND DEVELOPING THE RULE AND OF OTHER RESOURCES NECESSARY TO DEVELOP THE RULE:

1 Engineer @ 4 hours for development, review and rework
1 Engineer @ 1 hour and 1 Manager @ 1 hour to review draft

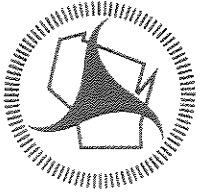
Signed at Madison, Wisconsin, this 21 day
of September, 1998.



CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation



Wisconsin Department of Transportation



Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

October 29, 1998

The Honorable Robert Welch
Senate Chairman
Joint Committee for Review
of Administrative Rules
One East Main, Suite 201
Madison, Wisconsin 53707

The Honorable Glenn Grothman
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 125, State Capitol
Madison, Wisconsin 53707

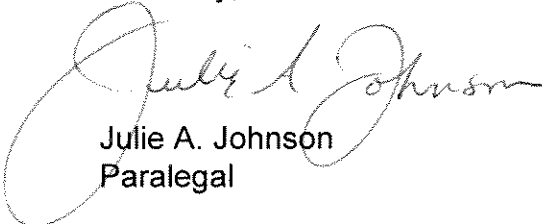
NOV 02 1998

RE: **NOTICE OF INTENT TO ADOPT RULE WITHOUT PUBLIC HEARING** and Text
of Proposed Rule, relating to the **location for placement of utility work signs**,
Trans 200

Dear Senator Welch and Representative Grothman:

Enclosed for your information is a Notice of Intent to Adopt Rule Without Public Hearing and Text of Proposed Rule making relating to the above-entitled matter. This document has also been filed with the Legislative Council and with the Revisor of Statutes in accordance with the requirements of ss. 227.15(1) and 227.16(2)(e), Stats.

Sincerely,


Julie A. Johnson
Paralegal

Enclosure

cc: Gene Kussart
Sandy Beaupre
Mike Goetzman
Jim Gruendler
Bob Fasick

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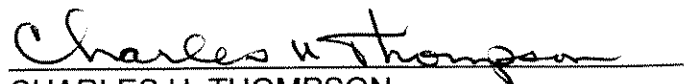
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(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 28 day of October, 1998.



CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation