

**1999 DRAFTING REQUEST**

**Bill**

Received: **11/16/98**

Received By: **nilsepe**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Etzler**

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies: **TNF**

**Topic:**

DOA:.....Etzler - General transportation aids--local road data collection

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 11/24/98	ygeller 11/24/98		_____			S&L
/P1	nilsepe 01/22/99	ygeller 01/23/99	ismith 11/25/98	_____	lrb_docadmin 11/25/98		S&L
/P2	nilsepe 01/25/99	ygeller 01/25/99	hhagen 01/24/99	_____	lrb_docadmin 01/25/99		S&L
/P3	nilsepe 01/28/99	ygeller 01/31/99	hhagen 01/25/99	_____	lrb_docadmin 01/25/99		S&L
/1			hhagen 01/31/99	_____	lrb_docadmin 01/31/99		

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/P2	nilsepe 01/25/99	jgeller 01/25/99	hhagen 01/24/99	_____	lrb_docadmin 01/25/99		S&L
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Alt. Drafters:

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Extra Copies: TNF, JSR

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DOA:.....Etzler - General transportation aids--local road data collection

Instructions:

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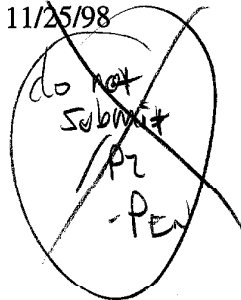
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11/25/98

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<END>



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/?	nilsepe	P1-11-24-98 JLG	IS 11/25	IS/LP 11/25			

~~\*\*\*~~

FE Sent For:

<END>

**Department of Transportation  
1999-2001 Biennial Budget Request  
STATUTORY MODIFICATIONS**

**DRAFT**

**DIN NUMBER:** 5802

**TOPIC:** Local Road Data Collection

**DESCRIPTION OF CHANGES:**

- 1) Amend s.86.302 (1) to delete the words "odd-numbered," and require local governments to file, *beginning in 2001*, a certified plat with the Department every year, or comply with the requirements of s.86.302 (1m) as modified below. 340. 01 (2)
- 2) Modify s.86.302 (1m) (a) to provide that the Department "may" require every local government to comply with the requirements of sub. (1) in odd-numbered years following a federal decennial census. Provide that in other years, "If a town, village, county or city has not added or deleted jurisdictional mileage since filing its last preceding certified plat under sub. (1), the board of the town, village or county and the governing body of the city may comply with the requirements of sub. (1) by filing with the department a certification to that effect, in the form and manner prescribed by the department."
- 3) Modify s.86.302 (1) to delete the words "and with the county clerk" so that a local government is only required to file with the Department the certified mileage plat or alternate certification provided for by s.86.302 (1m) (a) as described above.
- 4) Amend s.86.302 (2) to delete the requirement that, "The department shall inventory and verify all road mileage in a county or municipality once every 10 years." Replace this requirement with language stating that, "The department shall assess the validity of mileage or other data about local roads and streets reported by local units of government and may use field investigations to verify a portion of the data constituting a valid random sample or such specialized sample as the department determines to be appropriate."
- 5) Include within s.86.302 (2) a requirement, or create a new provision specifying, that local governments "shall conduct at least once every 2 years an assessment of the physical condition of the roads and streets under their jurisdiction, using a pavement rating system approved by the department, and shall report the findings of that assessment to the department." Specify that local governments have until December 15, 2001 to submit to DOT the complete results of the first assessment, though they could be conducted and reported earlier on a voluntary basis). If the requirement is included within s.86.302 (2), modify the current-law language stating, "The department shall cooperate with and provide assistance to local units of government in their jurisdictional mileage determination efforts," to provide, that the department shall cooperate with and provide assistance to local units of government "in their efforts to determine their jurisdictional mileage and to assess the physical condition of their roads and streets."
- 6) Create a provision specifying that the collection of information about the physical condition or safety of local roads and streets, including the application of any pavement condition rating system approved by the Department, and the reporting of that information to the Department may not be used to establish in any legal proceeding the negligence of any governmental unit in maintaining or failing to elect to improve any road or street.
- 7) Amend s.86.302 (3) to delete both instances of the phrase "odd-numbered." In conjunction with the change described at point 1) above, this change will result, beginning in 2002, in mileage changes being reflected in General Transportation Aid calculations every year, in the year following their certification to the Department.
- 8) Modify the title of s.86.302 from "Jurisdictional responsibility," to something like "Local mileage inventory and assessment."

**JUSTIFICATION:**

In December 1996, the Legislative Audit Bureau (LAB) released the findings of a comprehensive review of spending on various transportation programs since 1987-88 and the needs that might influence future transportation budget decisions. The report noted the creation of the Local Road Improvement Program in the 1991-93 biennial budget to target funding specifically for projects that improve the physical infrastructure of local roads, and that

state and local expenditures related to local roads were expected to continue to exceed the general rate of inflation. At the same time, the LAB acknowledged that decisions about local governments' need for non-local funding for their roads were being made without the benefit of information comparable to that used in making decisions about the state highway improvement program:

...staff in the Department and local officials acknowledge that no consistent information exists concerning the present condition of local roads or the scope of needed improvements, so that making a statewide needs assessment is impossible. The State has collected extensive data on pavement conditions, maintenance records, and other indicators of road quality for state highways, but many local governments have no such information for local roads. In some cases, staff in the Department indicated local governments do not know, for example, when roads were last resurfaced. Furthermore, information that does exist varies among local governments, preventing meaningful comparisons. [LAB report 96-19, p.53]

The Department's advisory Local Roads and Streets Council agreed that lack of data about local road conditions made it difficult to objectively discuss the effectiveness of state programs or whether local government management of local-jurisdiction roads was efficient. One of the Council's first recommendations was that the existing WisDOT local road database should be redesigned for the 21st century. The statutory modifications described in this paper are intended to embark on the recommendations of the Council's Local Road Database Re-Design Process Team (June 1998) about how to improve the quality of mileage data currently collected, and about how to collect the key data that is not currently available: Data about the pavement condition of local roads and streets.

The Local Roads and Streets Council recommendations stress a partnership between WisDOT and local governments, building on the existing process of certifying local road and street mileage to WisDOT every two years. Currently, local governments that have added or deleted mileage since their last biennial certification are required under s.86.302 to file a certified plat of their jurisdiction with the Department, and with their county clerk, showing the roads that will be open to public travel on the succeeding January 1.

Jurisdictional mileage established by this process is one factor used to determine payments to some local governments under the General Transportation Aid (GTA) program. Currently, no mileage changes are reflected in GTA payments in even-numbered years. Changes identified in the biennial certification process are used in GTA calculations on a two-year delayed basis (they are reflected in the next odd-numbered year following the odd-numbered year in which the certified plat is filed).

The Local Roads and Streets Council recommended that the mileage certification process be changed to an annual process (as it was prior to the 1991-93 biennial budget), primarily to improve the quality and currency of mileage data. Most local governments and Department local road coordinators would prefer an annual cycle to make the process more routine. Because of turnover of local officials and employees, the number required to learn about the certification process for the first time increases with a biennial process compared to an annual process. The 2001 effective date will allow time to prepare for the change.

For similar reasons, WisDOT believes that allowing local governments to skip the certification filing process if they have not added or deleted mileage compromises data quality. If a report is not received from a local government, Department staff cannot be certain whether mileage is, in fact, unchanged, or whether new local government officials and employees were simply unfamiliar with the certification requirement. Certified mileage plats are microfilmed and used by state agencies to conduct research and respond to customer requests for analysis or legal documentation. In the years following a federal census, they are forwarded to the State Historical Society for archiving and historical study purposes.

The growing importance of accurate local mapping information—to both state agencies and local governments—outweighs the minor inconvenience of requiring some notification from local governments that may not have experienced a change in jurisdictional mileage in a given year. The language proposed here would allow for a notification to the Department without sending in a complete certified plat each year. In addition, one existing paperwork burden would be eliminated: The requirement to file certified plats with county clerks as well as the



Department. Trying to comply with this requirement causes confusion and mishandling problems. There is no consistent method of filing the plats with county clerks, and county clerks have indicated they do not have a need for the jurisdictional mileage plats. If the effort to establish a state-of-the-art local road database is successful, counties will be able to access the information in the database as easily as they would be able to locate it in a county clerk's office.

S.86.302 (2) currently requires WisDOT to provide assistance to local governments in the mileage certification process and to "inventory and verify" all local road mileage at least once every 10 years. Both WisDOT and the Local Roads and Streets Council believe that with an annual certification process it will be possible to rely more on a partnership model than on WisDOT "verification" of local efforts. Local governments will have a shared interest in the accuracy of local road data. For many, the mileage data has a bearing on how much state aid they receive under the GTA program. Pavement condition rating will be, however, a somewhat more complicated and subjective undertaking than measuring mileage. As a result, the Council and WisDOT are proposing that the current 10-year verification requirement be replaced with a more general requirement that WisDOT conduct field reviews that will serve as a sample from which the accuracy and consistency of local-reported data can be evaluated.

A recent court opinion holding that a county could be sued for failing to repair a "pothole" has created concern about the potential liability local governments may incur if they formally identify pavement deficiencies and report them to the state. Addressing this concern in some fashion may contribute to increased voluntary compliance with the effort to collect reliable statewide data about the condition of local roads.

Using the mileage changes identified in the certification process in the GTA formula every year, rather than on a two-year delayed basis, will create a stronger link between the annual GTA distribution and current-year local needs. Compared to current law, the change will make it more difficult to precisely predict the amount required to fully fund payments under the rate-per-mile component of the formula in even-numbered years. However, the proposed 2001 effective date for the change to an annual mileage certification means that it will not be reflected in the GTA distribution formula until 2002. This will allow time to consider issues about the predictability of the GTA formula which the Council has recommended for further discussion, including whether a 5-year average, rather than a 3-year average, should be used to make mileage-formula payments more predictable.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0884?

PEN.....

SOON

JG  
A1

DOA:.....Etzler - General transportation aids—local road data collection

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

WPO - Print  
w/line numbers

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**AN ACT ...; relating to:** requiring municipalities and counties to survey and report on highway mileage and conditions under their respective jurisdictions.

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION** ✓

**TRANSPORTATION AIDS** ✓

Under current law, each city, village, town (municipality) ✓ and county is biennially required to file with the department of transportation (DOT) ✓ and the county clerk a certified plat that shows the total mileage of local public roads that will be open for travel within the following year and that the municipality or county is responsible for maintaining. A municipality or county is not required to file a plat if no roads have been added or deleted since the last plat was filed.

Under this bill, beginning in 2001, ✓ each municipality or county is required to file a certified statement that the total mileage has not changed since the last plat was filed or a plat showing the current mileage. The bill allows DOT to require all municipalities and counties to file plats in the year following a federal decennial census. The bill eliminates the requirement that plats be filed with the county clerk. The bill requires each municipality to assess the condition of roads under its jurisdiction and report the results to DOT, ✓ which may verify the accuracy of the reports, by December 15, 2001, ✓ and biennially thereafter. The bill specifies that collected information pertaining to road condition is inadmissible as evidence in a legal proceeding.

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

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

SECTION 1. 86.302 (title) of the statutes is repealed and recreated to read:

**86.302 (title) Local roads; inventory and assessment.**

SECTION 2. 86.302 (1) of the statutes is renumbered 86.302 (1g) and amended to read:

86.302 (1g) Except as provided in sub. (1m), beginning on January 1, 2001, the board of every town, village and county, and the governing body of every city, shall file with the department ~~and with the county clerk~~ not later than December 15 of every ~~odd-numbered~~ year, a certified plat of ~~such town, village, city~~ the municipality or county showing the roads and streets highways under ~~their~~ its jurisdiction and the mileage thereof to be open and used for travel as of the succeeding January 1, ~~which may be used by the.~~ The department may use the plats in making computations of transportation aids. One-half of the mileage of ~~roads or streets~~ highways on boundary lines shall be considered as lying in each ~~town, village, city~~ municipality or county.

SECTION 3. 86.302 (1d) of the statutes is created to read:

86.302 (1d) (a) "Highway" has the meaning given in s. 340.01 (22).

\*\*\*NOTE: Neither "road" nor "street" is defined for this section. I assume they mean roads open for public use, so I substituted the generic term, "highway". Is this OK? You might want to have DOT review this change.

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

SECTION 4. 86.302 (1m) (a) of the statutes is renumbered 86.302 (1m) (a) 1. and amended to read:

PRINT W/LINE NUMBERS

86.302 (1m) (a) 1. ~~The board of a town, village or county and the governing body of a city need not file a certified plat under sub. (1)~~ In lieu of filing a certified plat under sub. (1g) if the town, village, a municipality or county or city has not added or deleted jurisdictional mileage since filing its last preceding certified plat under sub. (1) (1g), its board or governing body may file a certified statement to that effect with the department.

\*\*\*\*NOTE: Current law requires a plat to consider roads that the municipality or county *anticipates* being open during the following year. This section allows them to avoid filing a plat if they have not yet added or deleted roads since the last plat was filed. Since aids may be based on the plats, a municipality or county that planned on opening new roads should file a plat (to get aids for those new roads). However, a municipality or county that expected to reduce its mileage would be wise to certify "no change" in order to reap a windfall of aids for closed roads. This problem also exists under current language. Do you want to tighten this language up?

History: 1977 c. 29; 1981 c. 20; 1983 a. 27; 1987 a. 27 ss. 1675m, 1684m; 1989 a. 31; 1991 a. 39; 1995 a. 216.

SECTION 5. 86.302 (1m) (a) 2. of the statutes is created to read:

86.302 (1m) (a) 2. Notwithstanding subd. 1., the department may require every municipality and county to file a certified plat under sub. (1g) with the department in the year after the year in which a federal decennial census is conducted.

\*\*\*\*NOTE: Data from the census may not be available until years after the census is taken. See, for example, s. 4.001 (1), stats.

SECTION 6. 86.302 (1m) (b) of the statutes is amended to read:

86.302 (1m) (b) Upon incorporation of a village or city, the board of the village and the governing body of the city shall file with the department and with the county clerk a certified plat of the village or city showing the roads and streets highways under its jurisdiction and the mileage thereof to be open and used for travel as of the date of incorporation, which may be used by the department in making computations of transportation aids. One-half of the mileage of roads or streets highways on boundary lines shall be considered as lying in the village or city.

\*\*\*\*NOTE: Do you want to eliminate the requirement of filing with the county clerk?

History: 1977 c. 29; 1981 c. 20; 1983 a. 27; 1987 a. 27 ss. 1675m, 1684m; 1989 a. 31; 1991 a. 39; 1995 a. 216.

SECTION 7. 86.302 (2)<sup>x</sup> of the statutes is amended to read:

86.302 (2) Not later than December 15, 2001, and biennially thereafter, each municipality and county shall assess the physical condition of highways under its respective jurisdiction, using a pavement rating system approved by the department and report the results of that assessment to the department. The department shall verify the accuracy of mileage or other data concerning highways reported by municipalities and counties and may use field investigations to verify a portion of the data constituting a valid random sample or such specialized sample as the department considers appropriate. The department shall cooperate with and provide assistance to local units of government in their jurisdictional mileage determination efforts (under this subsection) ~~The department shall inventory and verify all road mileage in a county or municipality once every 10 years~~ Information collected under this subsection is inadmissible as evidence, except to show compliance with this subsection. <sup>plain</sup>

SECTION 8. 86.302 (3)<sup>x</sup> of the statutes is amended to read:

86.302 (3) For the purposes of transportation aid determinations under s. 86.30, the department shall use changes in the road highway mileage of a city, municipality or ~~county, town or village~~ indicated on the certified plat filed under sub. (1) ~~shall be used by the department~~ (1g) in making computations of transportation aids to be paid beginning in the ~~next odd numbered year~~ following the ~~odd numbered year~~ in which the certified plat is filed. The department shall consider the following factors ~~shall be considered by the department:~~

- (a) New roads highways.
- (b) Abandoned roads highways.

WFO -  
Fix  
component →

(c) Changes in jurisdictional mileage responsibilities for existing ~~roads~~  
highways.

History: 1977 c. 29; 1981 c. 20; 1983 a. 27; 1987 a. 27 ss. 1675m, ~~1684m~~; 1989 a. 31; 1991 a. 39; 1995 a. 216.

**SECTION 9.** 86.303 (4) (b) of the statutes is amended to read:

86.303 (4) (b) In the case of municipalities formed within the previous 6 years, the information needed for the determinations under this section shall be calculated as follows: for those years for which the necessary data does not exist, the data for the new municipality and the municipality from which it was formed shall be combined and the sum shall be apportioned to each municipality in proportion to the total mileage of ~~roads and streets~~ highways under their respective jurisdictions. In making these calculations, the department shall use the certified plats filed under s. 86.302 ~~(1)~~ (1g).

History: 1977 c. 29; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27, 192, 405; 1985 a. 29, 332; 1987 a. 27; 1989 a. 167; 1991 a. 39; 1995 a. 216; 1997 a. 106.

(END) ✓

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**Nilsen, Paul**

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**From:** Etzler, John [John.Etzler@doa.state.wi.us]  
**Sent:** Thursday, January 21, 1999 4:52 PM  
**To:** Nilsen, Paul  
**Subject:** LRB 0884/P1

Paul -- Please make the following changes to LRB 0884/P1:

Page 3, Section 6 (line 13-14): delete requirement to file with the county clerk.

Page 4, Section 7 (line 3): delete the work "respective"

I know these are really technical changes but they address some concerns that DOT had pertaining to the draft. Thanks for your input on this one. Your buddy Mark, at DOT, was really impressed and full of praise for your drafting capabilities!



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0884/01  
PEN:jlg:ijs

SOON

102

DOA:.....Etzler - General transportation aids—local road data collection  
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

do not gen

- 1 AN ACT ...; **relating to:** requiring municipalities and counties to survey and  
2 report on highway mileage and conditions under their respective jurisdictions.

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*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**TRANSPORTATION AIDS**

Under current law, each city, village, town (municipality) and county is biennially required to file with the department of transportation (DOT) and the county clerk a certified plat that shows the total mileage of local public roads that will be open for travel within the following year and that the municipality or county is responsible for maintaining. A municipality or county is not required to file a plat if no roads have been added or deleted since the last plat was filed.

Under this bill, beginning in 2001, each municipality or county is required to file a certified statement that the total mileage has not changed since the last plat was filed or a plat showing the current mileage. The bill allows DOT to require all municipalities and counties to file plats in the year following a federal decennial census. The bill eliminates the requirement that plats be filed with the county clerk. The bill requires each municipality to assess the condition of roads under its jurisdiction and report the results to DOT, which may verify the accuracy of the reports, by December 15, 2001, and biennially thereafter. The bill specifies that collected information pertaining to road condition is inadmissible as evidence in a legal proceeding.



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

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

1       **SECTION 1.** 86.302 (title) of the statutes is repealed and recreated to read:

2       **86.302 (title) Local roads; inventory and assessment.**

3       **SECTION 2.** 86.302 (1) of the statutes is renumbered 86.302 (1g) and amended  
4 to read:

5       86.302 (1g) Except as provided in sub. (1m), beginning on January 1, 2001, the  
6 board of every town, village and county, and the governing body of every city, shall  
7 file with the department ~~and with the county clerk~~ not later than December 15 of  
8 every ~~odd-numbered~~ year, a certified plat of such ~~town, village, city~~ the municipality  
9 or county showing the ~~roads and streets~~ highways under ~~their~~ its jurisdiction and the  
10 mileage thereof to be open and used for travel as of the succeeding January 1, ~~which~~  
11 ~~may be used by the.~~ The department may use the plats in making computations of  
12 transportation aids. One-half of the mileage of ~~roads or streets~~ highways on  
13 boundary lines shall be considered as lying in each ~~town, village, city~~ municipality  
14 or county.

15       **SECTION 3.** 86.302 (1d) of the statutes is created to read:

16       86.302 (1d) (a) "Highway" has the meaning given in s. 340.01 (22).

      \*\*\*\*NOTE: Neither "road" nor "street" is defined for this section. I assume they mean roads open for public use, so I substituted the generic term, "highway". Is this OK? You might want to have DOT review this change.

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

18       **SECTION 4.** 86.302 (1m) (a) of the statutes is renumbered 86.302 (1m) (a) 1. and  
19 amended to read:

1           86.302 (1m) (a) 1. ~~The board of a town, village or county and the governing body~~  
2           of a city need not file a certified plat under sub. (1) if the town, village, In lieu of filing  
3           a certified plat under sub. (1g), if a municipality or county or city has not added or  
4           deleted jurisdictional mileage since filing its last preceding certified plat under sub.  
5           ~~(1) (1g), its board or governing body may file a certified statement to that effect with~~  
6           the department.

      \*\*\*\*NOTE: Current law requires a plat to consider roads that the municipality or county *anticipates* being open during the following year. This section allows them to avoid filing a plat if they have not yet added or deleted roads since the last plat was filed. Since aids may be based on the plats, a municipality or county that planned on opening new roads should file a plat (to get aids for those new roads). However, a municipality or county that expected to reduce its mileage would be wise to certify "no change" in order to reap a windfall of aids for closed roads. This problem also exists under current language. Do you want to tighten this language up?

7           **SECTION 5.** 86.302 (1m) (a) 2. of the statutes is created to read:

8           86.302 (1m) (a) 2. Notwithstanding subd. 1., the department may require every  
9           municipality and county to file a certified plat under sub. (1g) with the department  
10          in the year after the year in which a federal decennial census is conducted.

      \*\*\*\*NOTE: Data from the census may not be available until years after the census is taken. See, for example, s. 4.001 (1), stats.

11          **SECTION 6.** 86.302 (1m) (b) of the statutes is amended to read:

12          86.302 (1m) (b) Upon incorporation of a village or city, the board of the village  
13          and the governing body of the city shall file with the department ~~and with the county~~  
14          ~~clerk~~ a certified plat of the village or city showing the ~~roads and streets~~ highways  
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10

(END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0884/P2  
PEN:jlg:hmh

SOON

P3

DOA:.....Etzler - General transportation aids—local road data collection

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

WFO-  
SUPPRESS  
all NOTES

do not gen

- 1 AN ACT ...; relating to: requiring municipalities and counties to survey and
- 2 report on highway mileage and conditions under their respective jurisdictions.

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**TRANSPORTATION AIDS**

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Under this bill, beginning in 2001, each municipality or county is required to file a certified statement that the total mileage has not changed since the last plat was filed or a plat showing the current mileage. The bill allows DOT to require all municipalities and counties to file plats in the year following a federal decennial census. The bill eliminates the requirement that plats be filed with the county clerk. The bill requires each municipality to assess the condition of roads under its jurisdiction and report the results to DOT, which may verify the accuracy of the reports, by December 15, 2001, and biennially thereafter. The bill specifies that collected information pertaining to road condition is inadmissible as evidence in a legal proceeding.

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

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5           86.302 (1g) Except as provided in sub. (1m), beginning on January 1, 2001, the  
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15           **SECTION 3.** 86.302 (1d) of the statutes is created to read:

16           86.302 (1d) (a) "Highway" has the meaning given in s. 340.01 (22).

      \*\*\*NOTE: Neither "road" nor "street" is defined for this section. I assume they mean  
roads open for public use, so I substituted the generic term, "highway". Is this OK? You  
might want to have DOT review this change.

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

18           **SECTION 4.** 86.302 (1m) (a) of the statutes is renumbered 86.302 (1m) (a) 1. and  
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5 ~~(1) (1g), its board or governing body may file a certified statement to that effect with~~  
6 ~~the department.~~

~~\*\*\*\*NOTE: Current law requires a plat to consider roads that the municipality or county anticipates being open during the following year. This section allows them to avoid filing a plat if they have not yet added or deleted roads since the last plat was filed. Since aids may be based on the plats, a municipality or county that planned on opening new roads should file a plat (to get aids for those new roads). However, a municipality or county that expected to reduce its mileage would be wise to certify "no change" in order to reap a windfall of aids for closed roads. This problem also exists under current language. Do you want to tighten this language up?~~

7           **SECTION 5.** 86.302 (1m) (a) 2. of the statutes is created to read:

8           86.302 (1m) (a) 2. Notwithstanding subd. 1., the department may require every  
9 municipality and county to file a certified plat under sub. (1g) with the department  
10 in the year after the year in which a federal decennial census is conducted.

~~\*\*\*\*NOTE: Data from the census may not be available until years after the census is taken. See, for example, s. 4.001 (1), stats.~~

11           **SECTION 6.** 86.302 (1m) (b) of the statutes is amended to read:

12           86.302 (1m) (b) Upon incorporation of a village or city, the board of the village  
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13 ~~subsection.~~

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10

(END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0884/PS

PEN:jlg:hmh

stays  
1

DOA:.....Etzler - General transportation aids—local road data collection

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

- 1 *Don't  
pen last* AN ACT **relating to:** requiring municipalities and counties to survey and
- 2 report on highway mileage and conditions under their respective jurisdictions.

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**TRANSPORTATION AIDS**

Under current law, each city, village, town (municipality) and county is biennially required to file with the department of transportation (DOT) and the county clerk a certified plat that shows the total mileage of local public roads that will be open for travel within the following year and that the municipality or county is responsible for maintaining. A municipality or county is not required to file a plat if no roads have been added or deleted since the last plat was filed.

Under this bill, beginning in 2001, each municipality or county is required to file a certified statement that the total mileage has not changed since the last plat was filed or a plat showing the current mileage. The bill allows DOT to require all municipalities and counties to file plats in the year following a federal decennial census. The bill eliminates the requirement that plats be filed with the county clerk. The bill requires each municipality to assess the condition of roads under its jurisdiction and report the results to DOT, which ~~may verify~~ the accuracy of the reports, by December 15, 2001, and biennially thereafter. The bill specifies that collected information pertaining to road condition is inadmissible as evidence in a legal proceeding.

*MUST ASSESS*

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

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0884/1  
PEN;jlg:hmh

DOA:.....Etzler - General transportation aids—local road data collection  
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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