

**1999 DRAFTING REQUEST**

**Bill**

Received: **11/24/98**

Received By: **nilsepe**

Wanted: **As time permits**

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 - Ped-Bike application date

**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 11/25/98	chanaman 11/25/98		_____			S&L
/P1			ismith 11/30/98	_____	lrb_docadmin 11/30/98		

FE Sent For:

<END>

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1?	nilsepe	CMM 11/25 /P1	IS 11/30	IS/LP 11/30			

FE Sent For: /P1-11-25  
[Signature]

<END>

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

**DIN NUMBER:** 5813

**TOPIC:** Delete requirement for soliciting applications for pedestrian and bicycle facilities grants annually before April 1.

**DESCRIPTION OF CHANGE:**

Amend s.85.024 (2) to delete both references to the word "annually," including the entire last sentence of the subsection.

**JUSTIFICATION:**

Prior to 1997 Act 27, grants under s.85.024 for pedestrian and bicycle facilities were made from the appropriation for Local Transportation Facilities Improvement, federal funds [s.20.395 (2) (fx)] (though only \$250,000 annually in base budget authority was associated with them). 1997 Act 27 created a new appropriation [s.20.395 (2) (nx)] for Transportation Enhancements Activities Grants to local governments and state agencies. The base appropriation authority associated with the Pedestrian and Bicycle Facility Grant Program under s.85.024 (2) was transferred to the new appropriation for Enhancements Grants, reflecting the strong association between the two purposes: Local bicycle and pedestrian facilities have been one of the most common project types under the Enhancements Grant Program, and most projects eligible under the separate Pedestrian and Bicycle Facilities Grant Program authority were eligible to be funded with federal funds for Transportation Enhancements.

There are only two remaining differences between the Enhancements Grants Program and the authority for funding pedestrian and bicycle facilities under s.85.024. One is that the authority under s.85.024 (2) could be used to provide federal funding to local governments [within the overall amount provided in the ch.20 schedule for the appropriation under s.20.395 (2) (nx)] "for the planning, development or construction of bicycle and pedestrian facilities" from any federal funding category under which those activities are eligible, not necessarily the Transportation Enhancements category. The second remaining difference between the Enhancements Grants Program and the authority under s.85.024 is the requirement that the Department select those projects annually from applications submitted on or before April 1 of each year.

The requirement to select projects annually from applications received on or before April 1 no longer serves a useful purpose. WisDOT has tried to coordinate the solicitation of applications for federal funding for local pedestrian and bicycle projects (eligible under the STP-Discretionary Grant Program and Congestion Mitigation and Air Quality Program as well as the Enhancement Activities Grant Program). Since these programs use federal "highway" funds, a multi-year program of projects is selected to ensure projects are available to use the budgeted amount of federal obligation authority even if some projects are delayed at the local level.

In some years, such as 1995-96, an annual cycle may not be relevant if the budgeted funding level is needed to fund previously approved applications. Conversely, it is conceivable that in some years more than one solicitation of pedestrian and bicycle projects could be appropriate, but a strict reading of s.85.024 (2) would not allow that possibility. Projects solicited at any time would always be received on or before April first of the following year, but no additional bicycle and pedestrian facility projects could be selected if the "annual" selection process were considered to have been previously completed.

Given the change in 1997 Act 27 to fund any projects approved under s.85.024 (2) from the appropriation for Transportation Activities Grants, the references to making grants for pedestrian and bicycle facilities annually from applications received by April 1 each year are subject to various interpretations. The

possibility that a solicitation for bicycle and pedestrian facility projects would need to be delayed to ensure a year had passed since the last one is only one possible interpretation. Another interpretation could be that the provision only requires that WisDOT fund some grants for pedestrian and bicycle facilities during the course of each year. Removing the references to “annually” and “on or before April 1” will eliminate those ambiguities and reconcile s.85.024 (2) with WisDOT’s efforts to coordinate applications for local pedestrian and bicycle facility projects with the federally-funded programs under which they are eligible.

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-1016/P1

~~PRELIMINARY DRAFT~~ 1999-01 Budget NOT READY FOR INTRODUCTION  
DA: Etzler

NO  
CAT

...

1 AN ACT to amend 85.024 (2) of the statutes; relating to: the bicycle and  
2 pedestrian facilities program.

Anal. head: Transportation  
Anal. sub: other transportation

**Analysis by the Legislative Reference Bureau**

Under current law, the department of transportation (DOT) administers a bicycle and pedestrian facilities program to award grants of assistance annually to political subdivisions for the planning, development or construction of bicycle and pedestrian facilities. This bill eliminates the requirements that DOT award grants annually and that DOT select grant recipients annually from applications received during the preceding year.

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:**

3 SECTION 1. 85.024 (2) of the statutes is amended to read:  
4 85.024 (2) The department shall administer a bicycle and pedestrian facilities  
5 program to award grants of assistance to political subdivisions for the planning,  
6 development or construction of bicycle and pedestrian facilities. Annually, the The

1 department shall award from the appropriation under s. 20.395 (2) (nx) grants to  
2 political subdivisions under this section. A political subdivision that is awarded a  
3 grant under this section shall contribute matching funds equal to at least 25% of the  
4 amount awarded under this section. ~~The department shall select grant recipients~~  
5 ~~annually beginning in 1994 from applications submitted to the department on or~~  
6 ~~before April 1 of each year.~~

7 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1016/P1  
PEN:kmg&cmh:ijs

DOA:.....Etzler - Ped-Bike application date

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the bicycle and pedestrian facilities program.

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*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**OTHER TRANSPORTATION**

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8

(END)



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**NOTE TO DRAFTING FILE for LRB-1016:**

Per the drafter, this draft has been redrafted to a “/1” as no problems remain in the draft that require resolution before introduction of the budget bill. There are no changes between the “/PX” and the “/1.”

DOA:.....Etzler - Ped-Bike application date

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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(END)