
CR 98-167

The Wisconsin Department of Transportation proposes an order to amend TRANS 200.01; and create TRANS 200.055, Wisconsin Administrative Code, relating to the location for placement of utility work signs

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



JAMES S. THIEL
General Counsel
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
Transportation Building
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-8928

PART 1

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.

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.

PART 2
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.

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.

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 18 day of December, 1998.

A handwritten signature in cursive script, reading "Charles H. Thompson". The signature is written in black ink and is positioned above the printed name.

CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation

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

PART 3

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

PART 4
CR 98-167

ANALYSIS OF FINAL DRAFT OF TRANS 200

(a) **Need for Amended 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.

(b) **Modifications as a Result of Testimony at Public Hearing.** Notice of intent to adopt this proposed rule without public hearing was given under the procedure set forth in s. 227.16(2)(e), Stats. No one petitioned for a public hearing and no public hearing was held.

(c) **List of Persons who Appeared or Registered at Public Hearing.** Because there was no hearing, there were none.

(d) **Response to Legislative Council Recommendations.** The Legislative Council report contained no recommendations.

(e) **Final Regulatory Flexibility Analysis.** This proposed rule will have no adverse impact on small businesses.

TO: Members, Assembly Committee on Highway Safety

FROM: Representative Jeff Stone, Chair

RE: Clearinghouse Rules 98-147 and 98-167

DATE: January 12, 1999

The following Clearinghouse Rules have been referred to the Assembly Committee on Highway Safety:

Clearinghouse Rule Assembly 98-147, an order to amend Trans 305.27 (3) (a), relating to vehicle restraining devices

Clearinghouse Rule Assembly 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

If you would like a copy of these rules, please contact Mike Prentiss in my office.

The deadline for action on these rules is February 11, 1999.