

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/19/00
BILL NO. TRANS 233
OF
SUBJECT _____

John Kuepke
(NAME)
(Street Address or Route Number)
THE VILLAGE MAET
(City and Zip Code)
(Village of Jackson)
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/19/00
BILL NO. TRANS 233
OF
SUBJECT _____

Gary Antoniewicz
(NAME)
1 S. Pinckney St.
(Street Address or Route Number)
Madison WI 53703
(City and Zip Code)
Midwest Equipment Dealers Assn.
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

Bob Cook
John Haverberg
DOT on
Trans 233

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/19/00
BILL NO. TRABK 233
OF
SUBJECT _____

ALICE O'CONNOR
(NAME)
LAKE STATES LUMBER ASSC
(Street Address or Route Number)
Wisconsin Foresters Assc
(City and Zip Code)

TIMBER PRODUCERS ASSC OF
(Representing) WI & WI

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

Please return this slip to a messenger **PROMPTLY**
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/19/00
BILL NO. TRABK 233
OF
SUBJECT _____

KATHI KILGORE
(NAME)
(Street Address or Route Number)

(City and Zip Code)
RESISTANCE ASSOCIATION OF
(Representing) Wisconsin

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

Please return this slip to a messenger **PROMPTLY**
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State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/19/00
BILL NO. TRABK 233
OF
SUBJECT _____

JENNIFER BOGARD
(NAME)
121 S. PICKNEY #210
(Street Address or Route Number)

MADISON WI
(City and Zip Code)
PETROLEUM MARKETERS
(Representing) ASSE. OF WI

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

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State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1-19-00

BILL NO. Trans 233

OR
SUBJECT Land Divisions along State Highways

Terry Deschane

(NAME)

4868 High Crossing Blvd

(Street Address or Route Number)

Madison 53704

(City and Zip Code)

Wisconsin Builders

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/19/00

BILL NO. _____

OR
SUBJECT TRANS 233

Michelle Hussow

(NAME)

2001 Crossroads Drive

(Street Address or Route Number)

Madison WI 53718

(City and Zip Code)

WI Grocers Assn

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/19/00

BILL NO. _____

OR
SUBJECT Trans 233

Tom Walker

(NAME)

1 S. Pinckney St

(Street Address or Route Number)

Madison, WI 53703

(City and Zip Code)

WI Transportation Builders Association

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/19/00

BILL NO. _____

OR

SUBJECT TRANS 233

James E. Hough
(NAME)

10 E. Doty St, Suite 500
(Street Address or Route Number)

Madison, WI 53703
(City and Zip Code)

Wis. Economic Development
(Representing) Assoc. (WEDA)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
current rule
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1-19-00

BILL NO. TRANS 233

OR

SUBJECT _____

Janet R. Swandby
(NAME)

44 E. Mifflin Suite 101
(Street Address or Route Number)

Madison 53703
(City and Zip Code)

Outdoor Advertising Assoc. of Wis.
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1-19-2000

BILL NO. Trans.
OF
SUBJECT Rule 233

Mary Ann Gessard
(NAME)
150 E Gilman St
(Street Address or Route Number)

MADISON, WI
(City and Zip Code)

Wi Auto + Truck Dealers Assn
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-23-2000

BILL NO. _____
OR _____

SUBJECT TRANS 233

DAVE WARRE
(NAME)

134 S. LOCUST ST
(Street Address or Route Number)

REEDSBURG 53959
(City and Zip Code)

CITY OF REEDSBURG
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/23/00

BILL NO. _____
OR _____

SUBJECT TRANS 233

FRED RIKKEN
(NAME)

1 E MAIN ST
(Street Address or Route Number)

MADISON WI
(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: _____

BILL NO. _____
OR _____

SUBJECT _____

TOM KREFFER
(NAME)

(Street Address or Route Number)

LACROSSE, WI
(City and Zip Code)

Kewik Trip
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Feb. 23rd, 2000

BILL NO. _____
OR _____

SUBJECT: Highway 33
and div. 33

Mark Cummings
(NAME)

47 S.N. Oak Street
(Street Address or Route Number)

Reedley, Wis. 53959
(City and Zip Code)

Self Interest
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-AI-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-23-00

BILL NO. _____
OR _____
SUBJECT: _____

Ed Buck
(NAME)

P.O. 82
(Street Address or Route Number)

Rock Springs WI 53961
(City and Zip Code)

Concerned Citizens for HWY 12
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-AI-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

~~HWY 12 SPRINGS~~
~~Walt Hem~~

~~FAMILY OF~~
~~Tom~~

~~Bob~~
~~Bob~~

~~Wanda~~
~~Frank~~

~~50~~
~~Frank~~

~~1000~~
~~1000~~

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 4/19/00
BILL NO. TRANS 233
OR
SUBJECT _____

John Kuepke
(NAME)
THE VILLAGE MAET
(Street Address or Route Number)
(City and Zip Code)
(Village of Jackson)
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 4/19/00
BILL NO. TRANS 233
OR
SUBJECT _____

Gary Antoniewicz
(NAME)
1 S. Pinckney St.
(Street Address or Route Number)
Madison WI 53703
(City and Zip Code)
Midwest Equipment Dealers Assn.
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

Bob Cook
John Haverberg
DOT on
Trans 233

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/19/00
BILL NO. TRABSO233
OF
SUBJECT _____

AUCE O'CONNOR
(NAME)
LAKE STATES LUMBER ASSC
(Street Address or Route Number)
WISCONSIN FREEDOM ASSC
(City and Zip Code)
TRABSO PRODUCERS ASSOC OF
(Representing) WI & WI

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

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State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/19/00
BILL NO. TRABSO233
OF
SUBJECT _____

KATHI KILGORE
(NAME)
(Street Address or Route Number)
(City and Zip Code)
RESTAURANT ASSOCIATION OF
(Representing) Wisconsin

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

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State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/19/00
BILL NO. TRABSO233
OF
SUBJECT _____

JENNIFER BARBER
(NAME)
121 S. PICKNEY #210
(Street Address or Route Number)
MADISON, WI
(City and Zip Code)
PETROLEUM MARKETERS
(Representing) ASSN. OF WI

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

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State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1-19-00

BILL NO. Trans 233

OR
SUBJECT Land Divisions along State Highways

Jerry Deschane
(NAME)

4868 High Crossing Blvd
(Street Address or Route Number)

Madison 53704
(City and Zip Code)

Wisconsin Builders
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/19/00

BILL NO. _____

OR
SUBJECT TRANS 233

Michelle Hussow
(NAME)

2001 Crossroads Drive
(Street Address or Route Number)

Madison WI 53718
(City and Zip Code)

WI Grocers Assn
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/19/00

BILL NO. _____

OR
SUBJECT Trans 233

Tom Walker
(NAME)

1 S. Pinckney St
(Street Address or Route Number)

Madison, WI 53703
(City and Zip Code)

WI Transportation Builders Association
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/19/00
BILL NO. _____
OF _____
SUBJECT TBANS 233

James E. Hough
(NAME)
10 E. Doty St., Suite 500
(Street Address or Route Number)
Madison, WI 53703
(City and Zip Code)

Wis. Economic Development
(Representing) Assoc. (WEDA)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
current rule
but not speaking:

Speaking for information only; Neither for nor against:

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P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1-19-00
BILL NO. Trans 233
OF _____
SUBJECT _____

Janet R. Swandby
(NAME)
44 E. Millin Suite 101
(Street Address or Route Number)
Madison 53703
(City and Zip Code)

Outdoor Advertising Assoc. of Wis.
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

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State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1-19-2000

BILL NO. _____
OR Trans.

SUBJECT Rule 233

Mary Ann Gessard
(NAME)

150 E Gilman St
(Street Address or Route Number)

MADISON, WI
(City and Zip Code)

Wi Auto + Truck Dealers Assn
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

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State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-23-2000

BILL NO. _____
OF _____

SUBJECT TRANS 233

DAVE WARRE
(NAME)
134 S. LOCUST ST

(Street Address or Route Number)

Reedsburg 53959
(City and Zip Code)

City of Reedsburg
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

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State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/23/00

BILL NO. _____
OF _____

SUBJECT TRANS 233

Fred Rikken
(NAME)
1 E Main St

(Street Address or Route Number)

Madison WI
(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: _____

BILL NO. _____
OF _____

SUBJECT _____

Tom Kieffer
(NAME)

(Street Address or Route Number)

LaCrosse WI
(City and Zip Code)

Kewik Trip
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Feb. 23rd, 2000

BILL NO. _____
OR _____

SUBJECT: Highway 12
and 33.

(NAME) Mark Cummings

(Street Address or Route Number) 47 S.N. Oak Street

(City and Zip Code) Reedley, Wis. 53959

(Representing) Self Interest

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-23-00

BILL NO. _____
OR _____

SUBJECT: _____

(NAME) Ed Buck

(Street Address or Route Number) P.O. 82

(City and Zip Code) Rock Springs, WI 53961

(Representing) Concerned Citizens for HWY 12

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

~~HWY 12~~

~~Volt Meter~~

~~Family of~~

~~Tom~~

~~Buff~~

~~Woods~~

~~Woods~~

~~50~~

~~of~~

~~of~~

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 8/23/80

BILL NO. _____

OR

SUBJECT DOT

(NAME) Domino & Agrello

(Street Address or Route Number) E10545 Terrytown Rd

(City and Zip Code) Baraboo WI 53913

(Representing) _____

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms

State Capitol - B35 South

P.O. Box 7882

Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 8-23-80

BILL NO. _____

OR

SUBJECT Consensus statement

(NAME) Leann Branched reports

(Street Address or Route Number) They have reached/satisfied

(City and Zip Code) those conditions. POC EQ

(Representing) _____

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms

State Capitol - B35 South

P.O. Box 7882

Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 8/23/80

BILL NO. _____

OR

SUBJECT Frustration

(NAME) Control at DOT - more

(Street Address or Route Number) Power of Dept. Comm. 11/11/80

(City and Zip Code) SSA 10/24/80

(Representing) _____

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms

State Capitol - B35 South

P.O. Box 7882

Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-23-00

BILL NO. _____
OR
SUBJECT _____

NICK OLSON

(NAME)
110 ALEXANDER AVE APT 7
(Street Address or Route Number)

REEDSBURG, WI 53959
(City and Zip Code)

PRESTIGE, INC. - US. CELLULAR
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-23-00

BILL NO. _____
OR
SUBJECT Driveway Placement

Jim Sammons

(NAME)
E 7067 HWY 33 P.O. B. 421
(Street Address or Route Number)

Reedsburg 53959-0421
(City and Zip Code)

PRESTIGE INC. & SAMMONS
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

THE SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-23-00

BILL NO. _____
OR
SUBJECT Driveway Placement

Jim Sammons

(NAME)
E 7067 HWY 33 P.O. B. 421
(Street Address or Route Number)

Reedsburg 53959-0421
(City and Zip Code)

PRESTIGE INC. & SAMMONS
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-23-2000

BILL NO. 233

OR
SUBJECT _____

Roger George
(NAME)

604 Sherman St.
(Street Address or Route Number)

Maeston W.
(City and Zip Code)

53948
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP
P.O. Box 7882
State Capitol - B35 South
Madison, WI 53707-7882

NAME: _____
DISTRICT: IV

REGISTERING FOR INFORMATION ONLY:

REGISTERING AGAINST:

REGISTERING IN FAVOR:

POTENTIAL IMPACT: Setbacks

REGISTERING AGAINST:

REGISTERING IN FAVOR:

REGISTERING FOR INFORMATION ONLY:

REGISTERING AGAINST:

REGISTERING IN FAVOR:

REGISTERING FOR INFORMATION ONLY:

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REGISTERING AGAINST:

REGISTERING IN FAVOR:

REGISTERING FOR INFORMATION ONLY:

REGISTERING AGAINST:

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-23-2000

BILL NO. _____

OR
SUBJECT TRAS 233

RICHARD BLAKESLEE
(NAME)

604 LAVALLE ST.
(Street Address or Route Number)

REEDSBURG WI 53959
(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 0005-25-2

BILL NO. _____

OR

SUBJECT: 533 3401 TO 533

3005-25-2
JACK MEEGAN
(NAME)

3005-25-2
P.O. Box 463
(Street Address or Route Number)

3005-25-2
BARABOO, WI 53913
(City and Zip Code)

3005-25-2
CONCERNED CITIZENS ON
(Representing)

3005-25-2
Hy 12
Speaking in Favor:

3005-25-2
Speaking Against:

3005-25-2
Registering in Favor:

3005-25-2
but not speaking:

3005-25-2
Registering Against:

3005-25-2
but not speaking:

3005-25-2
Speaking for information only; Neither for nor against:

3005-25-2
Please return this slip to a messenger PROMPTLY.

3005-25-2
Senate Sergeant-At-Arms

3005-25-2
State Capitol - B35 South

3005-25-2
P.O. Box 7882

3005-25-2
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-23-00

BILL NO. _____

OR

SUBJECT: P.O.T.

JACK MEEGAN
(NAME)

P.O. Box 463
(Street Address or Route Number)

BARABOO, WI 53913
(City and Zip Code)

CONCERNED CITIZENS ON
(Representing)

Hy 12
Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms

State Capitol - B35 South

P.O. Box 7882

Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-23-00

BILL NO. _____

OR

SUBJECT: P.O.T.

LIVELLE MEEGAN
(NAME)

P.O. Box 463
(Street Address or Route Number)

BARABOO, WI
(City and Zip Code)

CONCERNED CITIZENS ON
(Representing)

Hy 12
Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms

State Capitol - B35 South

P.O. Box 7882

Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: February 23, 2000

BILL NO. _____
OF _____

SUBJECT Trans 233

Jeffrey Quamme
(NAME)

232 Kleins Street
(Street Address or Route Number)

Deerfield WI 53531
(City and Zip Code)

(Representing) _____

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP
P.O. Box 7882

State Capitol - B35 South
Madison, WI 53707-7882

PLEASE PRINT PLAINLY IN CAPITAL LETTERS

NAME: Jeffrey Quamme
Registering for information
only; Neither for nor against:

Registering Against:
but not speaking:

Registering in Favor:
but not speaking:

Speaking in Favor:

Speaking Against:

(Representing) _____

(City and Zip Code) _____

Street Address or Route Number: _____

(Name) _____

City and Zip Code: _____

Registering in Favor:
but not speaking: _____

Registering Against:
but not speaking: _____

Speaking for information
only; Neither for nor against: _____

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-23-00

BILL NO. _____
OF _____

SUBJECT Drive way

Roy Sobek
(NAME)

5505 Hwy 33
(Street Address or Route Number)

Worenow, WI 53968
(City and Zip Code)

(Representing) _____

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-23-2000

BILL NO. _____
OR

SUBJECT NOT 233

sign on side

OF RIGHT WAY

(NAME) FRANKLIN COOK

(Street Address or Route Number) E 12820 HY 53 BARABA

(City and Zip Code) 5646

(Representing) _____

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking: _____

Registering Against:

but not speaking: _____

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 23 Feb 2000

BILL NO. _____
OR

SUBJECT TRAS 233

(NAME) Elizabeth Callan

(Street Address or Route Number) 435 N Park St #2

(City and Zip Code) Keosauqua, WI 53959

(Representing) _____

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking: _____

Registering Against:

but not speaking: _____

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

WISCONSIN SENATE
P.O. Box 7882
State Capitol - B35 South
Madison, WI 53707-7882

Registering in Favor:

Registering Against:

Registering in Favor:

Registering Against:

Registering in Favor:

Registering Against:

(City and Zip Code) _____

(Representing) _____

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking: _____

Registering Against:

but not speaking: _____

Speaking for information only; Neither for nor against:

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State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-23-00

BILL NO. _____
OR

SUBJECT _____

(NAME) Wanda Dvorsky

(Street Address or Route Number) 2202 Walnut St

(City and Zip Code) Madison, WI 53706

(Representing) daughter

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking: _____

Registering Against:

but not speaking: _____

Speaking for information only; Neither for nor against:

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State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/23/2000

BILL NO. _____
OR _____

SUBJECT Shovel State Rep
Albers

(NAME) _____
(Street Address or Route Number) _____

(City and Zip Code) _____

(Representing) _____

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

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State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/23/00

BILL NO. _____
OR Trans Rule 233

(NAME) JOHAN NAPIER

(Street Address or Route Number) 3016 Woods Edge Way

(City and Zip Code) FITCHBURG, WI 53711

(Representing) RENSBURG TRUE VALUE SUPERSTORE

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/23/00

BILL NO. _____
OR _____
SUBJECT TRANS 233 and
Related Transportation Issues

(NAME) THOMAS P. HEENEHAN

(Street Address or Route Number) ONE S. PINCKNEY STREET

(City and Zip Code) MADISON, WI 53701-1804

(Representing) BP DISTRIBUTING LLC

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

ROGER BRESKE

STATE SENATOR

12th District

Capitol Address:
State Capitol
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-2509

Legislative Hotline:
1 (800) 362-9472

Home Address:
8800 Hwy. 29
Eland, WI 54427
(715) 454-6575

**COMMITTEE MEETING/AGENDA****THE CAPITOL – ROOM 201SE**

February 16, 2000

I. CALL TO ORDER

“The hour of 10AM having arrived, I will call this meeting of the Senate Insurance, Tourism, Transportation and Corrections Committee to order. The clerk will take the role.”

II. Senate Bill 362 Relating to: fiscal estimates for bills containing criminal penalty provisions, establishing a corrections special reserve fund and making appropriations.

By Senators Panzer, Breske, Huelsman, George, Schultz, Risser, Roessler, Plache, Rosenzweig, Baumgart, Cowles, Erpenbach and Darling; cosponsored by Representatives Krug, Goetsch, Balow, Ladwig, Plouff, M. Lehman, Lassa, Olsen, Ryba, Bock, Boyle, Pocan, Hebl, Colon, Richards, Miller, Riley, Carpenter, Berceau, Gunderson and Sherman.

III. Assembly Bill 590 Relating to: qualifications for endorsements authorizing the operation of a school bus.

By Representatives Brandemuehl, Spillner, Ryba, La Fave, Kestell, Ladwig, Sykora, Stone, Musser, Hasenohrl, Kedzie, Owens, Albers, J. Lehman, Olsen, Kelso, Freese, Colon, Gronemus, Petrowski, Seratti and Vrakas; cosponsored by Senators Rosenzweig, Huelsman, Breske and Roessler.

IV. Assembly Bill 606 Relating to: expanding the definition of “bed and breakfast establishment.”

By Representatives Spillner, Porter, Reynolds, Ward, Hutchison, Seratti, Olsen, Hundertmark, Goetsch, Gunderson, Jeskewitz, Kaufert, Kelso, Klusman, Musser, Nass, Skindrud, Stone and F. Lasee; cosponsored by Senators Baumgart, Burke, Decker, Huelsman, Rosenzweig, Rude and Breske.

V. Assembly Bill 385 Relating to: time limits on the service of process on the commissioner of insurance (suggested as remedial legislation by the office of the commissioner of insurance).

Law Revision Committee.

VI. Senate Bill 381 Relating to: special distinguishing registration plates associated with Ducks Unlimited, Inc., and making an appropriation.

By Senator Wirch; cosponsored by Representatives Kreuser, Seratti, Handrick, Steinbrink, Turner, Kreibich, Lassa, Hoven and Hutchison.

VII. For discussion purposes only, I have included Trans 233 on our calendar today. This rule relates to the division of land abutting a state trunk highway or connecting highway.

- The next meeting of this committee will take place next Wednesday in Reedsburg.
- Thanks to Sen. Schultz for helping to make the arrangements.

VIII. CLOSE PUBLIC HEARING.

IX. CALL TO ORDER – EXECUTIVE SESSION

X. CLERK WILL TAKE THE ROLL

XI. Chair would entertain a motion to recommend Senate Bill 362 Relating to: fiscal estimates for bills containing criminal penalty provisions

XII. Chair would entertain a motion to concur in AB590 – qualifications for school bus operators.

XIII. Chair would entertain a motion to concur in AB606 – bed and breakfast bill.

XIV. Chair would entertain a motion to concur in AB385 – Law revision bill.

XV. Chair would entertain a motion to recommend SB381 – Ducks Unlimited License Plate.

XVI. Chair would entertain a motion to adopt Senate Substitute Amendment 1 to SB257 – the pre-need funeral bill. Copies were circulated earlier this week to all of your offices.

Chair would entertain a motion on final passage for SB257 as amended.

XVII. Chair would entertain a motion for concurrence in AB188 – a companion to SB177 which we passed unanimously previously in this committee. Bill relates to septic haulers and certain weight limits.

ROGER BRESKE

STATE SENATOR

12th District

Capitol Address:
State Capitol
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-2509

Legislative Hotline:
1 (800) 362-9472



Home Address:
8800 Hwy. 29
Eland, WI 54427
(715) 454-6575

Bob Cook

COMMITTEE MEETING/AGENDA

Reedsburg City Hall

February 23, 2000

10AM

If you haven't picked up a slip grab one fill it out and hand to the Page

I. CALL TO ORDER

"The hour of 10AM having arrived, I will call this meeting of the Senate Insurance, Tourism, Transportation and Corrections Committee to order. The clerk will take the roll."

II. Trans 233 Relating to division of land abutting a state trunk highway or connecting highway

III. In recent weeks, the Committee has been undertaking a thorough review of this rule. At Senator Schultz's request, we are here today to take testimony on the rule and on its implications for a development area here in Reedsburg. I appreciate all of his efforts on this matter and look forward to working with him to address the needs of the community.

Reedsburg is well represented in Madison.

Dist. Director

March Call Meeting



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

Telephone: (608) 266-1304

Fax: (608) 266-3830

Email: leg.council@legis.state.wi.us

DATE: February 18, 2000
TO: REPRESENTATIVE DAVID BRANDEMUEHL
FROM: William Ford, Senior Staff Attorney
SUBJECT: Agreements Reached to Amend Ch. Trans 233

1. Introduction

This memorandum describes agreements to amend Wis. Adm. Code ch. Trans 233 reached between the Coalition to Reform Trans Ch. 233 ("the Coalition") and the Department of Transportation (DOT) at the February 17, 2000 meeting of the Subcommittee on Review of Ch. Trans 233 of the Assembly Committee on Transportation. It is the intent of the subcommittee that the DOT, the Coalition and other interested parties will cooperate in developing draft administrative rules to implement the agreements described in this memorandum and that DOT will promulgate these as amendments to ch. Trans 233. It is also the intent of the subcommittee that the DOT, the Coalition and other interested parties will continue to work together to develop amendments to s. Trans 233.08, relating to setback requirements and restrictions.

A more detailed description of the issues discussed by the subcommittee is contained in a memorandum I provided to you, dated January 1, 2000, entitled *Issues Raised With Respect to Chapter Trans 233*.

2. Process for Approving Land Divisions

- a. DOT will transfer the authority to review land divisions under ch. Trans 233 from the state office to its district offices by a date that is no later than February 14, 2001.
- b. DOT will provide an appeal process under which persons not satisfied with a district decision with respect to a land division may appeal to DOT's central office.
- c. DOT will develop implementing procedures at the district level to assure consistency and will provide uniform guidance in DOT's facility development manuals and in other manuals specified and cross-referenced in ch. Trans 233.

d. A request for review of a land division will receive an automatic certificate of nonobjection if DOT does not act on the request within 20 days of its submission, unless an extension of the 20-day time period is mutually agreed to.

e. DOT shall request any additional information it determines is necessary to review a proposed land division within five working days after receiving a request for a review. Upon receipt of the additional information, the 20-day time period will again begin running. The 20-day review procedure shall be specified in ch. Trans 233.

f. DOT's central office will not, on its own initiative, reverse a certificate of nonobjection provided by a DOT district office with respect to a proposed land division. However, if an affected third party objects to a certificate of nonobjection provided by a DOT district office, DOT's central office may reverse the district office's decision if it finds the objection by a third party to be meritorious.

3. Explicit Approval of Plats Approved Prior to the Effective Date of Ch. Trans 233 and of Improvements and Structures Placed Prior to the Effective Date of Ch. Trans 233

a. DOT will revise ch. Trans 233 to give explicit approval to structures and improvements legally placed in a setback area prior to February 1, 1999. (Chapter Trans 233 took effect on February 1, 1999.)

b. DOT will revise ch. Trans 233 to explicitly state that plats that have received preliminary or final approval prior to February 1, 1999 will not be subject to the new standards under ch. Trans 233 as promulgated effective February 1, 1999.

4. Exclude Condominium Developments From Ch. Trans 233

DOT agrees to revise ch. Trans 233 to state that condominium conversion plats on existing developed property are exempt from ch. Trans 233 and are not subject to fees under s. Trans 233.13 if the existing development has been in existence five years and if the condominium development has traffic impacts similar to the existing development.

5. DOT Guidelines for Administering Ch. Trans 233

DOT agrees that its drafted guidelines for interpreting ch. Trans 233 will be incorporated by reference into ch. Trans 233. Furthermore, DOT states that these incorporated guidelines will be referenced by date such that future revisions to the guidelines will only become effective if ch. Trans 233 is amended, which requires legislative review.

Please contact me at the Legislative Council Staff offices if I can be of further assistance.

WF:jal:wu;ksm;rv

Memorandum

TO: Senate Committee on Tourism, Transportation and Corrections

FROM: Jeffrey R. Quamme, RLS 1922

DATE: February 23, 2000

RE: Testimony regarding Trans 233

My name is Jeff Quamme, I live in Deerfield, Wisconsin and work for Veribich Associates in the Madison office.

Thank you for holding this hearing so that you may hear of the many different issues that have arisen in regards to Trans 233.

As a Registered Land Surveyor in the State of Wisconsin, I am involved in land divisions that have and will be subject to the rules of Trans 233. I would like to share a few of my experiences and observations to help you understand how the rule is effecting persons involved in development in the State of Wisconsin.

When a land division falls under the requirements of Trans 233, the Wisconsin Department of Transportation has twenty days to review the land division to determine if they will issue a letter of objection or non-objection. This time frame appears to have been created to fit within the 30 day review period in which Plat Review of the Department of Administration must complete their review for subdivisions. I have yet to see a Subdivision or Certified Survey done by myself, or other surveyors whom I have spoken with, make it through the Department of Transportation without the need to grant a time extension. Yes, many times an issue needs to be worked out with the District. However, it also seems that much of the time the reviewer does not look at the land division until near the end of the prescribed twenty days.

It seems that the granting of time extensions has become the norm and not the exception, and that is where some real problems can arise. In many cases, surveyors and developers have a deadline to meet regarding the recording of the final document. Local approval and/or zoning can be lost if the final document is not recorded before a specified expiration date. It can be a very stressful time trying to meet these deadlines when an objecting agency is asking for time extensions and you are running out of time on your other approvals. Sometimes, a delay can set a project back for one entire construction season.

Recently I submitted a Certified Survey for review and was told by the reviewer that the check wasn't going to be cashed right away. The reason that was stated for this was it was felt if the check wasn't cashed, then the twenty day review period would not begin. This interpretation was news to me. I had stated in a transmittal letter that I knew that I would need to grant an extension. I had a zoning expiration date I had to meet and needed to begin the process to avoid missing the zoning expiration date. I ultimately gave an eighteen-day extension and recorded the map two days before my zoning expired.

The real stressful part of any review is that surveyors really do not know what to expect from a review. The department of transportation has yet to provide the design professionals in this state a document outlining the how they are going to implement the code. We are a year into this new version of Trans 233 and there doesn't really seem to be any consistent policy that we can hang our hats on. The

worst part is many times surveyors can't give all of the answers to their clients questions in regards to Trans 233.

Another issue is the requirement in Trans 233 that all land divisions that are part of contiguous unplatted lands under one ownership and are adjacent to a State or Connection Highway. These land divisions are subject to Wisconsin Department of Transportation review. That means a land division itself does not need to be adjacent to a State Highway. I believe there is some merit to this rule. But, if a developer owns a large piece of property that is adjacent to a State Highway and that developer wants to divide land a half mile or more away from the corridor, he/she has to submit their land division to the State Department of Transportation for review. This is overkill. I believe a maximum distance of jurisdiction from a State Highway is in order within Trans 233. It is just a matter of common sense.

Chapter 236 of the State Statutes provides all subdivisions adjacent to State Highways are subject to a review by the Department of Transportation. The problem is that the statutes that control Certified Surveys and Condominium Plats do not name the Wisconsin Department of Transportation as an objecting agency. Essentially, it's possible for one of these documents to comply with their respective statutes even if they didn't get the certification from the Department of Transportation. I think the respective statutes need to state exactly if the Department of Transportation has the right of review for approval or objection. Weren't these land division statutes created to provide an orderly and logical system for the division of land in the State of Wisconsin?

Another issue is the requirement by Trans 233 for the review of Condominium Plats adjacent to a State or Connecting highway. Condominiums are not land divisions, they are simply a form of ownership of real property. An owner can not legally divide any property using a Condominium Plat. Usually there is a land division prior to the creation of the Condominium and that would be subject to Trans 233. This requirement should be totally removed from the Code.

In addition, within the Statute on Condominium Plats, the county or municipality can require review of all condominiums. However, the time limit allowed for that review is only ten days. Obviously, this conflicts with the twenty-day review period for the Department of Transportation, if they in fact have the right of review.

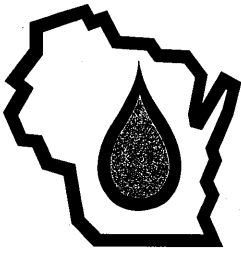
Then there is the issue of enforcement. My understanding is that the Wisconsin Department of Transportation is going to consider the surveyor ultimately responsible for compliance with Trans 233. I know I will advise my clients of the requirements whenever they apply. However, I cannot guarantee in any way that the owner will ultimately comply with Trans 233. A surveyor is a registered professional who offers professional advice, but cannot be held responsible for any decisions made by a property owner. If a surveyor made an error or oversight, he/she should rectify the situation. But, if it is a decision made by the land divider, the land divider should be held accountable.

Finally, Trans 233 has a 50 foot highway setback requirement that restricts improvements from being placed within the setback area. These improvements, as now defined, include many things such as parking lots, driveways and many other things that were previously allowed in these setback areas. This restriction has essentially taken away most of the property rights of an individual in regards to those lands covered by the setback requirement. Yes, variances are being given, but if that area is needed at a later

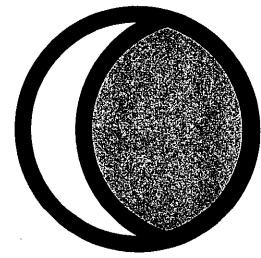
date for highway improvements, the owner will not be compensated for the loss of the improvements. Without a doubt, this devalues the property and the owners are not being compensated for that loss.

These are some of my experiences and observations regarding Trans 233. The code as presently written protects the interests of the Wisconsin Department of Transportation with little regard to the rights of private landowners. Clarification within the code is needed, some of the bureaucracy needs to be eliminated and specifics of implementation are overdue.

Thank you for this opportunity.



PMAW



WACS

TO: Senate Committee on Tourism, Transportation and Corrections
FROM: Jennifer Badeau, Director of Government Affairs for PMAW/WACS
DATE: January 19, 2000

TESTIMONY REGARDING TRANS 233

I. LEARNING ABOUT THE CHANGES

PMAW/WACS first heard of Trans 233 last August. A lawyer – working on several new developments and gas station expansions – called our office and asked what we thought of the rule. So, we brought the issue to our Board of Directors, at our Fall meeting in September. As our Board discussed the issue, stories started coming out and more and more of the Board started to understand the implications of the rule. The temperature of the room rose dramatically!!

First, a petroleum marketer from Green Bay explained how he'd heard about the rule. He'd been at a city planning meeting (on an unrelated matter) when expansion of a local printer was discussed. Everyone was in favor of the printer growing his business because it would mean new jobs to the area. All the city leaders had reviewed the project and had already blessed the expansion. But, the DOT blocked the expansion because the new, bigger building would be eight inches within the setback area.

8" in setback

Then, a Stevens Point petroleum marketer said he'd been badly delayed in a project. He was building a new gas station. He'd received the "go ahead" from the locals, and was just about to break ground, when he was contacted by DOT and told that his plans had not been approved by the department under the new Trans 233. His project was stalled during negotiations with DOT and he had not idea if and when he'd be able to proceed.

A third marketer, this one from the Milwaukee area, said he was selling off a parcel of property. Negotiations were going smoothly and the price was almost settled. Until the buyer learned about Trans 233! After which, the buyer offered several thousand dollars less than the seller expected. The reason, the buyer explained, was due to Trans 233. The buyer was no longer going to be able to use the property in the way he had intended – less of its area was useable – and so he wasn't willing to pay as much for it.

It was at this point in the Board meeting that the conversation got really heated. One by one, our Directors realized property they now own was suddenly less valuable -- either because they wouldn't be able to proceed with selling parcels for as much money as they'd expected; or, because they wouldn't be able to proceed with business expansions in the way they'd expected. As the DOT will tell you, Trans 233 affects property lying along 11,800 miles of state trunk highway and 520 miles of connecting highways – so property values along 12,000 miles have just been decreased. Needless to say, we were directed by the Board to further look into Trans 233.

**PETROLEUM MARKETERS
ASSOCIATION OF WISCONSIN**

**WISCONSIN ASSOCIATION
OF CONVENIENCE STORES**

Representing Independent Businesses

121 S. PINCKNEY STREET • SUITE 210 • MADISON, WISCONSIN 53703-3338 • (608) 256-7555 • FAX: (608) 256-7666



II. A COALITION IS FORMED

So, we came back to Madison and set up a meeting with other trade associations and groups representing property owners throughout the state. It soon became apparent that we all had similar stories. Our collective members, throughout the state, were losing value in their property. And none of us felt that we'd had adequate input into Trans 233. So, we decided to form a coalition. We decided to work together to get Trans 233 changed. We wrote the letter that's been handed out.

III. REQUESTED CHANGES

We have several specific concerns with Trans 233. These range from *clarifying the Conceptual Review Process* to specifying in the rule that already approved plats and existing improvements are not subject to the new code.

But, let me focus on just one change we want -- the most important issue to us: **Setbacks**.

As of February 1, 1999, Trans 233 severely limited what can be placed in the setback area. Since 1956 the rule has required that "There shall be no improvements or structures placed between the highway and the setback line." But, that requirement was never understood to prohibit parking lots, signs or retaining walls. Now, the new Trans 233, specifically defines these as unacceptable, prohibited "improvements".

Def of
"improvements ~
structures"

Again, we can't understand the purpose of so broadly defining "structures" and "improvements" except to keep the value of property within the setback area low. These listed improvements do not limit the sight lines or otherwise decrease the safety of the abutting lands. Nor are these improvements particularly permanent or costly in value. In other words, property owners should be allowed to put these in the setback area, as long as they do not compromise the safety of highway drivers. Specifically, the following should be allowed within setbacks; air pumps, catch ponds, drainage facilities, driveways, parking lots, pay phones, septic systems, signs, storm water systems, retaining walls, and vacuum stations.

Further, owners **should be compensated** for condemnation of these items in the event of a highway expansion. Especially, Especially if there is no existing plan for highway expansion -- if the highway will not be expanded in the foreseeable future.

I know the DOT says they expanded and strengthened Trans 233 for the public safety and to protect the investment in the state highways. But there are so many situations where this simply IS NOT the case -- where someone is being denied use of his land as his neighbors are using theirs or where what is being proposed for the setback area would not in any way reduce vision corners, etc...etc... There are so many of these situations that it seems obvious, Trans 233 is overbroad.

Finally, the DOT says since the rule has gone into effect they granted 255 variances -- 93% of those requested. So safety and protection of investment have not been an issue with the majority of cases so far reviewed by the department. Again, we really think the rule is too broad and unclear. We don't want to wait for departmental guidelines because we don't know when we'll see them; they don't have the force of law; and they are not subject to legislative review.

IV AN APOLOGY AND AN EXPLANATION

At this point in my testimony I'd like to apologize. It's my job as a lobbyist to know about proposed rules and regulations as they move through the legislative process, BEFORE they have any adverse affect on my members. But, in my defense, let me explain why I missed this, and why I think so many other lobbyists missed this issue.... First, it was listed in the Administrative Register as having to do with plat's and survey's, so when skimming the register, I didn't think it applied and I just passed over it. Second, it came at a very busy time -- right around elections. DOT had a public hearing on this rule Sept. 28, 1998 and then it submitted its report to the legislature October 28, 1999. All legal, but during adjournment, when everyone was thinking about elections.

It's also interesting to note that if the DOT had submitted the rule just 3 days later, "November 1st or later of an even number year" (per 227.19), the rule could not have legally been effective as early as it was. That's because the legislature could not have been considered in receipt of the rule until Session started -- January 4, 1999. But, the DOT just made their deadlines and the rule was effective, February 1, 1999.

V. OUR REQUEST

✓ We're here today asking to be allowed input into this rule. Perhaps this committee could please request JCRAR to formally reopen Trans 233 and allow us a voice in the process.

I'm happy to answer any questions at this time.

To: Secretary Charles Thompson
CC: Governor Tommy Thompson
Senator Robson, Co-Chair Joint Committee on Administrative Rules
Representative Grothman, Co-Chair Joint Committee on Administrative Rules
Senator Breske, Chair Senate Transportation Committee
Representative Brandemuehl, Chair Assembly Transportation Committee

From: Coalition to Reform Trans 233
Contact: Jennifer Badeau

Date: November 22, 1999

Re: Trans 233

We, the undersigned, are concerned with recent changes to Trans 233. These changes have dramatically impacted the division and development of land along state trunk highways. Already, the rule has led to situations where large, valuable parcels of property have been rendered unusable. More of these situations will arise as additional land divisions and developments fall under the new Trans 233. As a result, we predict the state will receive more and more complaints that the state of Wisconsin is effectively taking property without compensation.

The expansion of the rule has come in two ways. First, although some version of Trans 233 has been on the books since 1956, definitions within the rule have recently been changed which dramatically limit how property owners can use their land. For example, many more things have been defined as "buildings or improvements" and thus banned within the setback area of property. Prior to Feb. 1, 1999 the concept of building or improvement was far more limited.

The second expansion of the rule is the result of stricter enforcement. Trans 233 is now being rigorously carried out by the central office of DOT as opposed to the local areas, local governments and local DOT district offices. As such, the words of Trans 233 are all that is important. No longer do local development plans come into play nor is due consideration given to what neighboring properties look like.

This strict enforcement of the rule leads us to believe DOT has an unstated goal of "land banking." In other words, DOT wants to keep property values low in the event of later condemnation for highway expansions. We object to this inappropriate goal on the part of the department and its use of Trans 233 to achieve it.

For these reasons we strongly oppose the recent changes to Trans 233. We ask the department to amend the rule, in the following areas.

Narrow The Definition of Structures and Improvements

As of February 1, 1999, Trans 233 severely limited what can be placed in the setback area. Since 1956 the rule has required that "There shall be no improvements or structures placed between the highway and the setback line." But, that requirement was never understood to prohibit parking lots, signs or retaining walls. Now, the new Trans 233, specifically defines these as unacceptable, prohibited "improvements."

Again, we can't understand the purpose of so broadly defining "structures" and "improvements" except to keep the value of property within the setback area low. These listed improvements do not limit the sight lines or otherwise decrease the safety of the abutting lands. Nor are these improvements particularly permanent or costly in value. In other words, property owners should be allowed to put these in the setback area, as long as they do not compromise the safety of highway drivers. Further, owners should be compensated for condemnation of these items in the event of a highway expansion. Specifically, the following should be allowed within setbacks: air pumps, catch ponds, drainage facilities, driveways, parking lots, pay phones, septic systems, signs, storm water systems, retaining walls, and vacuum stations.

Clarify the Conceptual Review Process

From reviewing DOT's brochures on Trans 233, and from discussions with the Wisconsin Realtors Association, we understand that property owners are encouraged to discuss plans for divisions and developments with the local DOT offices. Yet, there is no guarantee that the feedback provided by these district offices will subsequently be approved by the main DOT office during the final review. In other words, property owners are being asked to undergo lengthy and possibly expensive meetings with district DOT offices when there is no guarantee that the plans developed will then receive final approval from the main DOT office.

We join the Wisconsin Realtors Association in asking that the conceptual review process be formalized. Specifically, if a property owner meets with the DOT district office and submits a preliminary plat to the central DOT office that adequately addresses the concerns raised by the district office, the property owner is entitled to a certification of non-objection from the central office. Conversely, property owners should be allowed to go directly to the central office for conceptual reviews. Further, we'd like Trans 233.03(5) amended to clarify that if the department does not complete a review within 20-days of submission, the division is deemed non-objectionable by the department.

Grandfather Prior Approved Plats and Existing Improvements

There are many property owners and land dividers who received plat approval prior to February 1, 1999 and prior to the new Trans 233. These property owners/dividers now risk having to go through the approval process again. That means they risk being denied approval or being required to change the plat at this later date. Likewise many, many property owners received permission to place improvements within their setback area prior to February 1, 1999 and the new Trans 233. These improvements might now have to be removed as violating Trans 233. In

the interest of fairness, DOT must explicitly state that plats or improvements approved prior to February 1, 1999 are grandfathered and deemed approved under the new rule.

Exclude Condominium Plats from the Rule

Finally, we agree with the Wisconsin Realtors Association that the new rule improperly includes condominium plats within the definition of "land division." Condominiums are merely a form of legal ownership, not a form of land division, and therefore should not automatically fall under the jurisdiction of the DOT.

Per Wisconsin Statutes 227.12, Amend Trans 233

We, the below listed associations, represent many business groups. Under Wisconsin Statutes 227.12, we ask the DOT to promulgate a new Trans 233. We ask the department to use the suggestions we've made in this letter to amend the rule. And, we ask the department to do this as soon as possible. Unfortunately, every day property divisions and developments are being impacted by this rule. Therefore, we hope that our concerns can be quickly resolved. If the department does not respond to our concerns or refuses to amend the rule, please be advised that this coalition is prepared to pursue a legislative remedy. We are already considering legislation that would repeal the recent changes in Trans 233 and that would prevent the department from prohibiting certain "improvements or structures" within setback areas.

Thank you for your consideration of this matter. We look forward to your reply. You can direct your response to Jennifer Badeau, Director of Government Affairs, Petroleum Marketers Association of Wisconsin, 121 S. Pinckney Street, Suite 210, Madison, WI 53703, phone (608)256-7555, fax (608)256-7666.

COALITION TO AMEND TRANS 233

*LSLA — Lake States Lumber Association • MEDA — Midwest Equipment Dealers Association •
NFIB — National Federation of Independent Businesses • OAAW — Outdoor Advertising
Association of Wisconsin • PMAW — Petroleum Marketers Association of Wisconsin •
TLW — Tavern League of Wisconsin • TPA — Timber Producers Association of Michigan &
Wisconsin • WACS — Wisconsin Association of Convenience Stores • WACTAL — Wisconsin
Auto Collision Technicians Association • WATA — Wisconsin Automotive Trades Association
• WATDA — Wisconsin Automobile & Truck Dealers Association • WATSO — Wisconsin
Association of Truck Stop Operators • WBA — Wisconsin Builders Association •
WEDA — Wisconsin Economic Development Association • WFA — Wisconsin Fireworks
Association • WFC — Wisconsin Federation of Cooperatives • WGA — Wisconsin Grocers
Association • WMC — Wisconsin Manufacturers & Commerce • WMF — Wisconsin
Merchants Federation • WRA — Wisconsin Restaurant*


Questions – T233

1. Has the DOT calculated how many thousands of square acres of land are now subject to the setback requirements in T233?"
2. What is the estimated value of the private property that now falls under the increased setback requirements in T233?
3. Does the DOT compensate landowners if it performs a taking in the new setback?
4. How many comments did DOT take from legislative offices before adopting the substantial changes in T233?"
5. Are landowners still expected to pay the same taxes on property -- even though T233 keeps them from using a substantial portion of the land.
6. Who had jurisdiction over structures in setbacks before the new T233?
7. What were the SPECIFIC safety problems that lead to revision of T233 (or, is the true purpose of the rule to set-aside land for easy, cheap, condemnation in the event of a highway expansion)?
8. What were the comments received from the public, local governments and associations during the rule making process -- does it seem the regulated community adequately understood what the revision means to their property rights?
9. Do local governments ever have the ability to over-rule T233? For example, the locals might be establishing a specific industrial park, with a certain look, etc... If T233 interferes with that plan, can the locals over-rule it?
10. What about opportunities for business expansion? We know of one situation in Green Bay where a printer wanted to expand its business, but could not increase it's building even a few inches into the setback area. Therefore, the city of Green Bay is likely to lose this valuable employer. As long as safety is adequately protected, is there any way to allow this limited expansion?
11. **If the D.O.T. felt that confusion with the old T233 rule was rampant, why did they make substantive changes to the rule if the old one couldn't even be understood or adhered to????**




TRANS 233

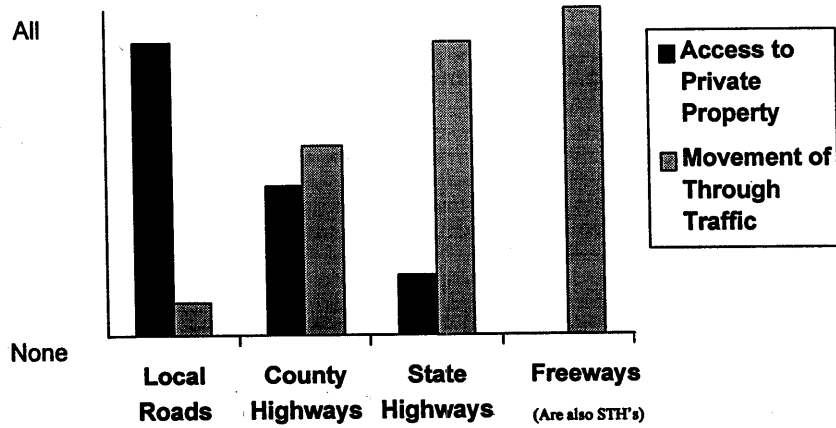
Wisconsin Administrative Code
regarding the division of land
abutting a state trunk highway or
connecting highway



What is the State Trunk Highway System?

- ◆ It is the system of highways which carry a State, Federal or Interstate number. (Such as STH 73, USH 12 or IH 94.)
 - ◆ The major intent of the system is to carry traffic from one part of the state to another.
 - ◆ Another function of the system is to provide access to adjacent properties.
- 

USE OF HIGHWAYS FOR ACCESS VS. MOVEMENT OF THROUGH TRAFFIC




How Did Trans 233 Come About?

- ◆ Created as a result of requirements of Chapter 236, Wis. Stats. (The Subdivision Chapter, created in 1955.)
- ◆ This statute requires that approval be conditioned upon compliance with the department's rules relating to "the safety of entrance upon and departure from those highways and for the preservation of public interest and investment in those highways".




The History of Trans 233

- ◆ Trans 233 has been in effect since 1956. Originally known as Hy 33.
 - ◆ Only change until last year was to renumber it from Hy 33 to Trans 233 in 1996.
 - ◆ It was originally created to regulate Subdivisions only. It now regulates all land divisions adjacent to state highways.
- 



Why Do We Have Trans 233?

- ◆ Development creates impacts upon the highway system. Main concerns:
 - Safety of entrance upon and departure from those highways. (Access)
 - Preservation of public interest and investment in those highways. (Access and setbacks)
- 




What Are The Benefits?

- ◆ Safety
- ◆ Protect the current investment in the highway system
- ◆ Provide for future transportation needs



What are the provisions of the rule?

- ◆ Access -
 - * Spacing
 - * Direct Private Access vs Public Street
 - * Existing Access
 - * Access to Adjacent Parcels
- ◆ Setbacks - *Structures & Improvements
- ◆ Vision Corners
- ◆ Drainage
- ◆ Noise Abatement



What were the major NEW provisions to the rule?

- ◆ It now pertains to **ALL** land divisions. Including:
 - * Subdivisions
 - * County Plats
 - * Certified Survey Maps (CSM's)
 - * Condo Plats
 - * Any other form of land division, such as deeds
- ◆ There is now a fee charged to cover DOT's costs in reviewing the land division.

*Authority
Pre-existing?*



Clarifications to the Rule

- ◆ More definitions were added to clarify many aspects of the rule.
- ◆ Encouragement of developers to approach the DOT early through a conceptual review process.
- ◆ Setbacks.
- ◆ Noise, vision corners and drainage.
- ◆ Variances.

Access

- ◆ Spacing - Increase in access points leads to increased number of accidents




Access Points Per Mile	Accident Rate (Per Million VM)
0.2	13
2.0	27
20.0	172

Access (cont'd)

- ◆ Existing Access (for NEW land divisions)

- Safety

- ▼ Should it remain - Is alternative access available?
- ▼ If necessary, is it in the safest location?
- ▼ Will it continue to function properly for the use proposed?




Access (cont'd)

◆ Direct access to the highway versus public street

– Safety

- ▼ Turning movements are expected at street intersections more than at driveways.
- ▼ Is there alternative access available via an existing public street?
- ▼ Does the traffic generated warrant a public street?



Access (cont'd)

◆ Access to Adjacent Parcels

– Safety

- ▼ Keep local trips on local lower speed roadways
- ▼ Minimize the number of conflicts

– Preservation

- ▼ Minimize the number of connections needed
- ▼ Maintain capacity longer on highway





N

No Scale

Railroad

Stores

Parking

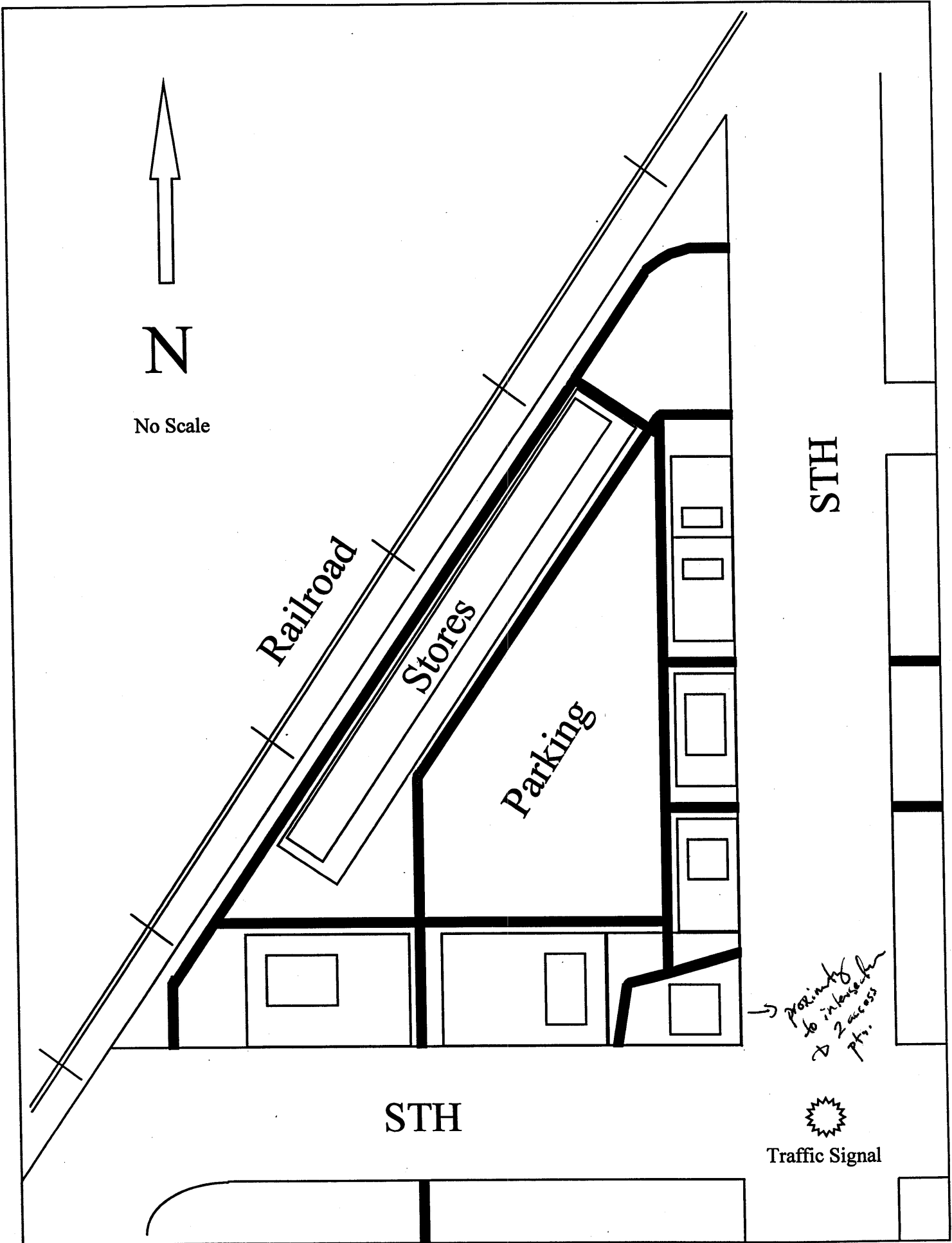
STH

STH

→ proximity to intersection & 2 access pts.




Traffic Signal






Setbacks

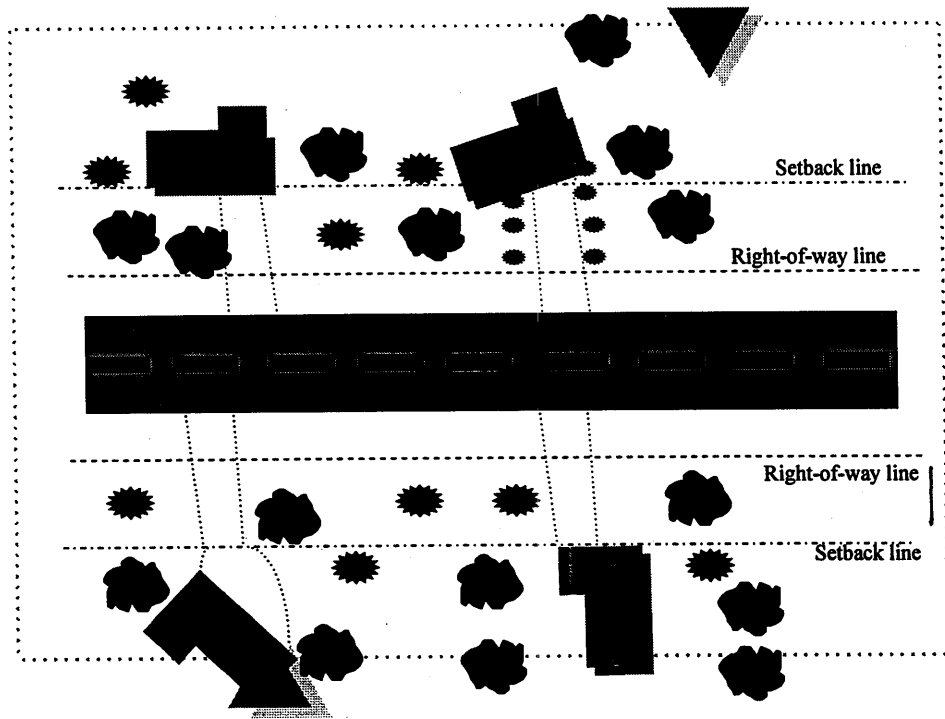
- ◆ Structures and Improvements - While this has always been a section of the rule it was defined in the new version.
 - Preservation
 - ▼ Existing improvements and structures are Grandfathered.
 - ▼ Structures and improvements will make it difficult for future transportation needs to be met within the existing corridor.
 - ▼ Improvements as well as Structures are critical to the DOT.
 - ▼ Bypasses are not always a viable option due to existing development or physical constraints.
 - Local zoning in many communities enforce setbacks.
 - Some local communities have more stringent regulations.
- 



Business Route USH 51

- ◆ Villages of Plover and Whiting were concerned over the impacts of Trans 233 upon this STH in their communities.
 - ◆ Formed a committee to look at the future of this highway, setbacks to be needed and access control.
 - ◆ End Result - Blanket variance will be granted when Villages accept final proposal.
- 

?



110'
 whichever is
 more restricted.
 42' ~~at~~ ft. of ~~of~~
 100' ~~at~~ ft. of ~~of~~
 with
 municipal
 Ordinance.

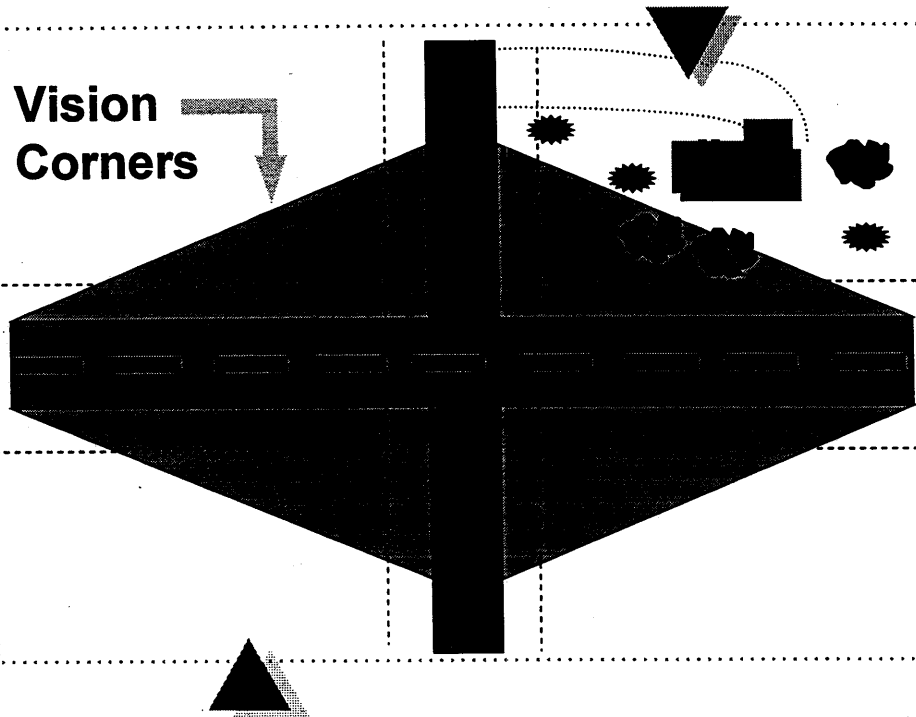
Drainage

- ◆ Developers must provide a drainage system which will not be damaging to the highway drainage system.
 - Safety - Do not want localized flooding to impact the traveling public.
 - Preservation - Damage can occur to the highway facilities.
 - This provision is based upon drainage law.

Vision Corners


- ◆ Vision corners provide for adequate visibility of on-coming vehicles.
 - Safety - lack of visibility at intersections can be a major cause of accidents.
 - Preservation - dedication creates a clear situation where DOT can easily maintain the visibility, though easements will work as well and are allowed as an option.

Vision
Corners






Noise Barriers

- ◆ This provision is to notify developers that roads can cause noise problems and that it is their responsibility (or subsequent owners responsibility) to mitigate if it becomes a problem.
- 



Trans 233 Process

- ◆ Variances - If any provisions of the rule cannot be met, a variance must be applied for.
 - ◆ District reviews and makes recommendation.
 - ◆ Central Office (the State Design Engineer) currently makes the final decision to provide consistency state-wide. To date: 1022 submittals, 274 variances requested, 255 approved for 93% approval rate.
 - ◆ Implementing procedures will allow this task to be delegated to the districts.
- 


as db.
2/1/99



Trans 233 Process (cont'd)


- ◆ Timing - Chapter 236, Wis. Stats., requires agencies to review subdivisions within a 20 day time period. Continued this within new rule.

*Variances take additional time.

- ◆ Fee - \$110. Lowest among agencies reviewing such documents.
- 



Common Misinterpretation

- ◆ Some people believe DOT has setbacks along all state trunk highways.
NO, only where a land division is being created (since 2-1-99). Before that, the rule was interpreted as only structures not being permitted.
- 



Where are we going from here?

- ◆ DOT is preparing implementing procedures to allow districts to issue variances and inform the public of what the department is looking for.



Questions????

- ◆ Please contact Bonnie Tripoli at
 - *Telephone: 608-266-2372
 - *FAX: 608-267-1862
 - *E-Mail: bonnie.tripoli@dot.state.wi.us

GENERAL CAPITAL

January 17, 2000

To: Members of the Senate Insurance, Tourism, Transportation and Corrections Committee

From: Sigurd E. Strautmanis
Vice President, Development
General Capital Group

Re: *TRANS 233 Issues from a Developer's Perspective*

Thank you for the opportunity to express my thoughts regarding the impact of the recently amended Wisconsin Administrative Code, Trans 233. Many developers and municipalities have struggled to make sense of the changes to Trans 233 since they went into effect about a year ago, in February 1999. Our company is no exception. On several occasions, General Capital expended significant resources to wade through the subjective DOT review process, even though a local municipality had completely approved our development plans. Thankfully, we worked with very competent staff at the DOT and got the job done. My criticism, therefore, is intended to be constructive and respectful.

From a developer's perspective, two reoccurring issues have emerged over the last year:

- ◆ lack of local control of development review and approval
- ◆ subjectivity and overall inadequacy of TRANS 233 approval process

First, Trans 233 has had a significant impact on a local municipality's ability to determine its own fate. We have felt the most significant impact in executing commercial projects involving land splits or consolidations. Please consider the following points:

1. Local municipalities know their commercial districts best. State approval of development plans often lacks context and local knowledge. In essence, the DOT doesn't trust local municipalities to appropriately plan and design access/improvements impacting state highways.
2. Many municipalities have plans and procedures in place to ensure appropriate development, including traffic management plans, access plans, ROW dedication requirements, etc. For example, Germantown, Wisconsin has an "Ultimate ROW" map containing future right-of-way requirements that must be met when dividing land. The Trans 233 "highway setback" is *in addition* to the ultimate ROW envisioned by the Village's plan, creating a double burden on developers. A developer must therefore seek a variance from the DOT every time a land division is executed in the Village. While it may take more administrative time up front, some form of "cooperative jurisdiction" should be sought, so as to arrive at an appropriate ROW that both the municipality and DOT can agree on. I understand that such agreements can be made, however, the municipalities in which I have worked did not know anything about this.

10532 N. Port Washington Rd.
Mequon, WI 53092-5563

TEL: 262.240.4400
FAX: 262.240.4401

www.generalcapitalgroup.com

3. The definition of "improvements" in the revised Trans 233 is absurd in light of the previous point. A developer must seek a variance every time paving is proposed within the highway setback. Ironically, the additional setback required by the DOT directly contradicts the planning efforts of many local municipalities exploring "neo-traditional" development concepts, in which a more urban (or village-like) atmosphere is desired.
4. The difference in the DOT's jurisdiction between a "state trunk highway" and a "connecting highway" is not well defined. Again, many municipalities do not know about or understand the difference. Once a municipality agrees to take over a state highway and be responsible for its maintenance, etc., the DOT's jurisdiction should be lifted.

My second major critique is the subjective nature of the DOT's review process. Developers must rely on individual opinions and expertise, rather than an agreed-upon set of guidelines in receiving relief from the strict implementation of Trans 233.

1. Local municipalities have strictly defined approval processes that give developers their "day in court." For example, the typical plan commission process is fair and effective. In addition, if a developer is not satisfied with the outcome, there is additional remedy available through the Board of Zoning Appeals. These procedures have withstood the test of time and give developers a process that is generally predictable. In contrast, the informal process of receiving preliminary input from the DOT at a regional level is very subjective. There is no board to go before and if the reviewer is "having a bad day," one is at the mercy of his/her subjectivity.
2. Likewise, there is no guarantee that plans conceptually approved by the regional DOT will be approved at the state level. A developer typically holds his breath while the DOT reviews land divisions, because one never knows what the State will ultimately approve.
3. Finally, these approvals typically come VERY LATE in the approval process. By the time a land division is submitted to the State, a developer must generally be committed to executing the land division. This is often one of the last approvals of a deal. Obviously, by this time, the developer will have spent significant money, only to rely on the subjective opinions of the DOT.

To reiterate, the DOT does what it can to make the Trans 233 approval process a smooth one. However, there are significant issues with the review and approval process. While I don't realistically expect Trans 233 to be thrown out (nor should it), I believe that a thorough assessment of its impacts should be made and a major amendment to the rule be implemented. A comprehensive education campaign would be a great start. Most municipalities don't have a firm grasp on Trans 233 and the alternatives to its strict implementation (e.g. blanket variances). Likewise, developers need to understand the implications of this law before starting a project.

Thank you for taking on the task of looking into Trans 233. If you have any questions regarding my comments or would like more specific examples, please don't hesitate to call me directly at 262-240-4605.

Sincerely,
General Capital Group



Sigurd E. Strautmanis



Wisconsin Builders Association

Dedicated to Preserving and Promoting the American Dream

MEMORANDUM

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**Executive
Vice-President**
Bill Wendle

**Deputy Executive
Vice-President**
Jerry Deschane

TO: Senator Breske and members of the
Insurance, Tourism, Transportation and Corrections Committee

FROM: Jerry Deschane, Deputy Executive Vice-President

DATE: January 18, 2000

RE: Trans 233

Thank you for holding this hearing to review Trans 233 and concerns regarding that rule. The Wisconsin Builders Association includes businesses involved in land development. As such, our members come in frequent contact with Trans 233.

Members of the Wisconsin Builders Association met last Summer with the Department of Transportation. We had a good dialogue, and it became apparent that we needed to wait and see how this rule would work in the field. We have now observed the rule for approximately 9 months, and our organization believes that changes are needed in several areas.

- Why has the department needed to grant a variance for one out of 4 applications? This is an indication the rule is written too strictly.
- The rule goes too far and prohibits too much. Certain improvements on the land owner's property within the setback should be allowed.
- Why should all subdividing land owners along all state trunk highways be deprived of all of the use of 50 feet of their property, even if it is extremely unlikely that property will be needed for highway expansion?
- The original authority for this rule comes from the subdivision statutes. It is questionable whether the other cited authority, driveway permit authority, grants the department the power to review all boundary adjustments.

This rule change represents a dramatic policy shift. For forty years, the state has imposed modest restrictions on the use of private property adjoining state highways, and the state assumed the cost of purchasing that land if it was needed for highway expansion. Trans 233 has shifted that burden to individual landowners by assuming the state will need the land and denying them virtually all use of their land adjoining state highways without any compensation.

A rule such as Trans 233 is needed. Reasonable restrictions need to be placed on adjoining land to facilitate future highway expansion. However, as currently drafted, if not as currently applied, Trans 233 is heavily tilted toward the state's investment, and ignores the individual's investment. We ask the Committee to look into these concerns, and we ask the department to meet with you and with our coalition to find a reasonable solution to them.





WISCONSIN STATE SENATE

P.O. Box 7862 • Madison, WI 53707-7862

January 12, 2000

Senator Judith Robson, Co-Chair
Joint Committee for Review of Administrative Rules
Room 15-South, State Capitol

Representative Glenn Grothman, Co-Chair
Joint Committee for Review of Administrative Rules
Room 15-North, State Capitol

Dear Senator Robson and Representative Grothman,

We write to request that you schedule a public hearing to invite testimony regarding Administrative Rule TRANS 233, which specifies the Wisconsin Department of Transportation's (WisDOT) minimum standards for the division of certain lands abutting state highways.

We have received contacts from a broad range of constituents expressing strong concerns regarding the authority WisDOT has taken through its interpretation, and what some consider abuse, of TRANS 233. The nature of the concerns we have heard involve the apparent practice of WisDOT, acting under the auspices of TRANS 233 to take, or threaten to take, real property rights or otherwise devalue real property without due process or compensation, in violation of the Wisconsin Constitution and the U.S. Constitution.

We are aware that the stated purpose of last year's changes as found in TRANS 233.01 are to "provide for the safety of entrance upon and departure from those highways and for the preservation of public interest and investment in those highways." However, we share concerns regarding specifics of WisDOT's ways to these ends.

As a result, we request that a hearing be held so that the practices of WisDOT can be examined for a review by legislative committee to determine if WisDOT has violated the intent of the Legislature in its implementation of this rule, and to consider if any revision is warranted. Please inform us as to when a hearing will be scheduled. Please contact our offices with any questions regarding this request. Thank you for your consideration of this request.

With kindest regards,

Dale W. Schultz
17th Senate District

Robert Welch
14th Senate District

January 13, 2000

Access Control Project on Highway 14

Attention Property Owner:

As you may be aware, WisDOT has initiated an Access Control Project along Highway 14 in Richland County. The goal of the project is to preserve safe and efficient movement of traffic on Highway 14 and provide reasonable access to properties for the future.

This project stretches along Highway 14 from the West County Line to Richland Center. As a property owner along this stretch of highway, you will want to know what this project is about and how it will affect you.

What is the Purpose?

Changes occur in how land along the highway is used and future development can be expected in the upcoming years. If additional driveways are added randomly and without review, it is likely safety problems and the loss of efficient travel on the highway will occur. WisDOT believes that these problems can be avoided by acting now to define the location of driveways and accesses.

How Will My Property be Effected?

In most cases, existing driveways and field accesses will remain as they are now. However, there may be places where safety can be improved if driveways are consolidated, relocated or moved to a side road.

How Can I Discuss This with WisDOT?

The project consultant from the engineering firm, Short Elliott Hendrickson Inc. (SEH), and representatives of WisDOT will be holding a Public Informational Meeting to discuss the project. This will give you an opportunity to talk directly with them. Aerial photos and other displays will be on hand.

When is the Public Information Meeting?

Wednesday, February 2, 2000
Dayton Town Hall
Intersection of CTH ZZ and USH 14
5:30 to 8:00 p.m.
(Drop-in at your convenience.)

Who Can I Contact for More Information?

If you need additional information or cannot attend the meeting, please call either:

Jon Schwichtenberg (Project Manager) or Joanna Hildebrand (Project Engineer)
at 1-800-732-4362

If your property includes more than one owner, please pass this information on to all owners.

Thank you for your participation.

Short Elliott Hendrickson Inc.

TESTIMONY OF REPRESENTATIVE SHERYL K. ALBERS
TRANS 233 HEARING
FEBRUARY 23, 2000
REEDSBURG, WISCONSIN

As the Department of Transportation enforces Trans 233, questions regarding the rights of property owners arise. I cannot stress enough that a state administrative rule does not trump the Fifth Amendment to the United States Constitution. Nonetheless, issues surrounding regulatory takings – takings that do not involve the actual confiscation of property – can involve expensive, legally convoluted, and highly technical litigation. This is an unfortunate reality for property owners – notably business owners attempting to comply with voluminous, often incomprehensible administrative rules.

During the 1997-98 legislative cycle, I introduced Assembly Bill 806, which addressed regulatory takings by governmental units. AB 806, which did not come before the full Assembly for a vote, would have allowed property owners to file suit against a governmental unit for reductions of greater than 50% of the fair market value of their property.

AB 806 challenged the seemingly absolute right upon which some governmental units enact and enforce regulations which unfairly burden property owners. From the reaction of some local governmental organizations, my colleagues and I realized that many local leaders may not want to be held accountable for their zoning and enforcement actions. That, in and of itself, raises serious questions about the fundamental rights every property owner should enjoy.

For the 1999-2000 legislative cycle, I've drafted legislation that keeps the spirit of AB 806 alive, while utilizing the current statutory process of inverse condemnation. In this draft (which I've not yet introduced formally as legislation), I expand the 50% devaluation threshold to statutorily cover occupations and deprivation of all or substantially all of the beneficial use of landowners' property. This straightforward, but comprehensive, draft would truly put property owners on equal footing with state and local units of government.

Both of my bills inject much-needed objectivity into the regulatory takings quagmire that Trans 233 exacerbates. They put everyone on notice – both

landowners and units of government – that a standard exists by which all governmental actions will be judged. An objective standard helps landowners know their legal rights, and litigate takings issues more economically. It provides governmental units with objective standards they can use when enacting ordinances or statutes, and provides solid legal answers before costly, taxpayer-funded litigation ensues. Finally, it allows the judicial system to work in a more uniform manner when regulatory takings issues present themselves before the court, encouraging judicial expedience.

No property owner should be forced to share their property because of state administrative rules, state statutes or county and local zoning ordinances. Safety planning and measures protecting the general public are very important. However, individuals should not have to bear the entire weight of the burden those measures impose unless the public – through the government – is willing to compensate the burdened landowner.

When rule interpretation by the Department of Transportation forces business owners to choose between the economic viability of their property or protection of their property rights, it crosses the line of common sense and fairness. In addition, it provides the legislature with even more cause to question the respect the agency holds for the constitutional rights of Wisconsin property owners.

In 1968, a New York court, in *Vinson v. Greenburgh Housing Authority*, utilized a quote from the Freund Historical Survey in Growth of American Administrative Law. It summarizes the problems associated with poor administrative rulemaking and enforcement:

“Discretionary administrative power over individual rights is undesirable per se, and should be avoided as far as may be, for discretion is unstandardized power and to lodge in an official such power over person or property is hardly conformable to the ‘rule of law.’”

Ultimately, recent Trans 233 enforcement action by the Department of Transportation provides yet another substantive reason why Wisconsin needs to address the issue of regulatory takings. I hope that the legislature will soon take action to ensure fairness, access to our legal system, wise use of taxpayer dollars, a check on Draconian rule-making and interpretation, and the continued protection of the property rights of all individuals.

Senate Transportation Committee Hearing Testimony
Reedsburg Mayor Carl Stolte
Wed., Feb. 23, 2000

Welcome to Reedsburg. Being distributed to you is a brochure about our town. I sincerely hope that while you are here, you make time to see Reedsburg. Enjoy a year-round attraction like the Norman Rockwell Art Museum. And know that we look forward to your return a few months from now to enjoy some of our many other wonderful attractions.

Reedsburg is growing and we are proud to be home to supportive and welcome corporate citizens such as Lands' End, Gerber Products, Grede Foundry, Hanksraft Motors, Columbia Par Car, Seats, Inc., Zinga Industries, Pace Industries, and several others.

It is appropriate for a meeting regarding transportation to be held in Reedsburg. Our strong partnership with the state in the area of transportation is a major factor in enabling us to successfully implement our strategy of planning and investing for quality growth with more jobs and higher incomes.

We thank you and your legislative colleagues who have made possible the Transportation Economic Assistance grant program. We are very proud and grateful that Reedsburg is the TEA grant capital of Wisconsin. Your help made possible the creation of many hundreds of jobs in the last decade. Most of those employers have flourished, and are creating additional jobs still today.

As Mayor, it is my role to work with all our businesses. My approach with all our businesses is that we need them all, we welcome each of them, and we treat every business with equality. If it helps us achieve our consensus needs, we will partner with a business to accommodate its needs and to facilitate its growth and its ability to create more and better jobs.

Administrative Code, Trans 233, on your agenda today, has come in to play in relation to one of our most recent important and ongoing projects, the improvement of Hwy 23/33 on the eastern end of our city.

For example, you are likely to hear about a matter involving one of our long time corporate citizens, Kwik Trip, and a major redevelopment, the Viking Village Center.

You may have noted the Viking Village shopping center's anchor retailer: the World's first, and largest, True Value Superstore. Local investors provided most of the millions invested in Viking Village Center, including the principal investor, Mr. Bill Pierce.

As with any quality development, the City's role with Viking Village is to work as a partner with whomever is serious about helping to meet goals that is identified as a consensus need. In this case, joint efforts by the Reedsburg Area Chamber of Commerce, the City Plan Commission and the City Industrial Development Commission, identified increased retail opportunities as a priority. The goal is to meet consumer needs for goods here in town.

For example, the City created a TIF district and has since worked with the developers of Viking Village Center to produce a plat for their major retail development. The result is a plat that will protect the state and city's transportation investment, enhance roadway safety, protect adjacent property values, assure adequate parking and access from each property to the newly reconstructed state highway.

And the City worked with Kwik Trip to accommodate its request for a liquor license at its location upon annexation, which provided them access to our municipal water utility.

As always, the DOT has been a partner with the City and the businesses involved. For example, the DOT agreed to add stoplights at the Veteran's Drive intersection. These lights benefit access in and out of Kwik Trip and Viking Village and will enhance the safety and efficiency of the Highway 33 project to the benefit of the community and the state.

Population and business growth in the Reedsburg area has led to the increased average daily traffic on highway 23/33, on our eastern side. That traffic growth necessitates the project that is now well along in the design process. Construction is planned for 2001.

Finally, as legislators, I want you to know that we, as one of the most active and growing communities in Wisconsin, give the Wisconsin Department of Transportation a very high overall satisfaction rating. From the City Hall, to our City Engineering Firm, we appreciate the consistent responsiveness and professionalism that defines the DOT. However, we can not understand what could possibly be behind the DOT's unyielding position in this matter between private property owners. Whatever the reason, the DOT's

position is halting further development of the shopping center and that is not just damaging to the private owners involved, it is damaging to our City's progress toward our retail development goals.

Thank you for this opportunity to introduce our city and provide a setting for today's agenda. Reedsburg welcomes you.

**Testimony of:
BP Distributing, LLC**

**William E. Pierce, BP Distributing LLC
Thomas P. Heneghan, Michael Best & Friedrich LLP**

Senate Committee on Insurance, Tourism, Transportation and Corrections

**Wednesday, February 23, 2000
City Hall - Reedsburg, WI**

RE: TRANS 233

Wis. Admin. Code ch. TRANS 233 sets forth various rules for the division of land abutting a state trunk highway or connecting highway. TRANS 233, which was promulgated under the authority of Wis. Stat. § 236.13, is meant to provide for the safety of entrance upon and departure from state trunk highways. The statutory provision that grants the Department of Transportation the authority to make a rule like TRANS 233 also sets forth the basis for approval of preliminary and final plats. Land cannot be subdivided in Wisconsin unless the subdivision complies with Chapter 236 of the Wisconsin Statutes. That statute gives the Department of Transportation (the "DOT") the authority to weigh in on land divisions that abut state trunk highways. However, that statute also sets out specific guidelines for when the DOT can exercise its authority. The DOT does not have the authority to come back after a preliminary plat is approved and assert objections to a final plat that conforms substantially to the approved preliminary plat. In the case of the Viking Village Center here in Reedsburg, that is precisely what they have done and the DOT's actions are an abuse of the limited power it has under the statute and TRANS 233.

To illustrate, let me set forth briefly the events to date in relation to the Viking Village Center. In July of last summer, we submitted the preliminary plat for approval to all the appropriate authorities, the City of Reedsburg, the Department of Administration and the DOT. The DOT raised some objections to the preliminary plat based on TRANS 233. Through negotiation, those objections were addressed and the preliminary plat was resubmitted on September 7, 1999. By statute, the DOT then had twenty days to object to the resubmitted preliminary plat. They did not object. In addition, we had applied for driveway permits for access to State Trunk Highway 33 on the southern boundary of the development. By the DOT's own regulations, TRANS 231, no driveway permit may be issued unless the development meets the requirements of TRANS 233. On October 1, 1999, the DOT issued the driveway permits. The D.O.T.'s issuance of the driveway permits further demonstrates its approval of the Preliminary Plat and the resolution of any objections based on TRANS 233. Based on those events, we went forward with the development, expending considerable resources in reliance on the DOT's approval of the preliminary plat. We submitted the final plat on December 16, 1999. By operation of law, as long as the final plat conforms substantially to the approved preliminary plat, we are entitled to approval. At that point in the process, the DOT does not have the authority to raise objections under TRANS 233, but they did. On January 4, 2000, the DOT raised the same objections it had raised in July. The same objections that had been the subject

of negotiation during the preliminary plat stage, the same objections that had to be resolved before the driveway permits could issue.

The other authorities involved have approved the final plat. The City of Reedsburg has no objection and the Department of Administration has no objection to the final plat. The only thing holding back the approval of the final plat on this development is the DOT's abuse of power under TRANS 233. The only thing holding back the viability of this project is the DOT's assertion of TRANS 233.

The impact on the development of DOT's power play is gigantic. Until the final plat is approved, the additional lots along the state trunk highway cannot be sold. It is illegal to sell property that has not been divided by a recorded final plat. We cannot record the final plat as long as DOT is allowed to withhold its approval. The DOT is preventing the completion of this development and misusing its authority under TRANS 233 to try to force the Viking Village Center to change the configuration of the main driveway off Highway 33. The DOT has made it clear to us that it seeks only one thing with its actions, to allow Kwik Trip access to the main driveway of the Viking Village Center. The DOT has inserted itself into the middle of a battle between private business owners over the use of their properties.

Kwik Trip and the developers of the Viking Village Center have a long history of fairly intense business competition. That competition will continue, as it should in a healthy free economy. However, the DOT has decided to fight Kwik Trip's fight for them on the issue of this driveway. Kwik Trip wants access to the main driveway of the Viking Village Center and the access to the Center's customers that come with it. The Viking Village Center also contains a gas station and convenience store that serves the Center's customers. The DOT is standing in the way of the completion of this development until Kwik Trip is given what it wants. The DOT is trying to achieve this result by its misuse of TRANS 233. The very issues that the DOT is raising now were already resolved at the preliminary plat stage and when the driveway permits were issued. It was only after Kwik Trip complained about the driveway that the DOT attempted to force the Viking Village Center to change the configuration.

Kwik Trip has already benefited greatly from the development of the Viking Village Center. The City has constructed a new street, extending Veteran's Drive and creating an intersection at the corner of the Kwik Trip property and giving Kwik Trip two new driveways off that new street. That intersection will soon have a traffic control light that will stop traffic right in front of Kwik Trip and make it easier and safer to turn in at their store. All of this was done without the investment of one dime by Kwik Trip. Apparently, that is not enough.

When it became obvious that this matter could not be resolved unless Kwik Trip got what it wanted, to the detriment of this development and the people who had invested in it, we were left with no choice but to file a lawsuit asking the Court to direct the DOT to remove its objections. We have cast the lawsuit very narrowly. We are seeking only a determination that the DOT does not have the authority under TRANS 233 to assert objections after the preliminary plat has been approved and after it has issued driveway permits. Upon the success of the lawsuit, the Viking Village Center final plat will be ready for recording, the development can be