

2001 ASSEMBLY BILL 436

June 5, 2001 – Introduced by Representatives WIECKERT, KRAWCZYK, McCORMICK, J. LEHMAN, LIPPERT, SUDER, MEYERHOFER, FRISKE, HAHN, PETTIS, TOWNSEND, PLALE, MILLER, HOVEN, SYKORA, LASSA, HUBER, VRAKAS, WASSERMAN and JESKEWITZ, cosponsored by Senators BRESKE and SCHULTZ. Referred to Committee on Transportation.

1 **AN ACT** *to create* 84.01 (31) of the statutes; **relating to:** requiring the
2 department of transportation to provide transportation planning and
3 assistance in reviewing the site plan of proposed school construction or
4 enlargement and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Current law requires the department of transportation (DOT) to advise cities, villages, and towns (municipalities) and counties with regard to the construction and maintenance of any highway or bridge, when requested. DOT may, upon request, perform any supervision or engineering work necessary in connection with highway improvements by any municipality or county and may charge the municipality or county its costs. Current law also prohibits any person from opening a driveway onto a state trunk highway without first obtaining a permit issued by DOT and requires DOT to review the transportation plan of proposed land subdivisions.

This bill requires DOT, upon request of a school board, to review the site plan of any proposed enlargement of school grounds, or proposed construction or enlargement of school buildings or facilities. In its review, DOT must determine the impact of the proposed enlargement or construction on existing and anticipated highways, and must provide guidance to the school board with regard to transportation-related matters, such as roadways, sidewalks, bicycle paths, and school bus loading and unloading areas, in a manner that adequately protects children in the school zone, ensures motor vehicle access to the school, and minimizes any adverse impact of the enlargement or construction of the school on motor vehicle

ASSEMBLY BILL 436

traffic. DOT may, but is not required to, use transportation impact analysis processes in its review. To assist in its review, DOT may request a school board to submit a transportation impact analysis of its proposed enlargement or construction of the school. The bill specifies that a school board is not required to comply with DOT's recommendations and that DOT may not assess a fee for its services. Finally, DOT must define "transportation impact analysis" by rule.

The bill also requires DOT to make available to any school board safety courses, educational materials, and other assistance related to ensuring the convenience and safety of children and motor vehicle traffic in school zones. DOT may assess a fee, not to exceed DOT's cost, for these services. Finally, the bill requires DOT to annually provide to each school board written notice of DOT's obligations and services under this bill.

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

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

1 **SECTION 1.** 84.01 (31) of the statutes is created to read:

2 **84.01 (31)** TRANSPORTATION PLANNING AND ASSISTANCE FOR NEW SCHOOLS. (a) 1.

3 A school board may request the department to review the site plan of any proposed
4 enlargement of school grounds, or proposed construction or enlargement of school
5 buildings or facilities. Upon receiving a request, the department shall review the site
6 plan submitted to the department by the school board and shall determine the
7 impact of the proposed enlargement or construction on existing and anticipated
8 highways, as defined in s. 340.01 (22). The department is not required to use
9 transportation impact analysis processes in its review of a site plan, but may apply
10 the principles of transportation impact analysis in its review of the site plan.

11 2. To assist in its review of a site plan under subd. 1., the department may
12 request that the school board submit a transportation impact analysis of its proposed
13 construction or enlargement to the department. Each school board is encouraged,
14 upon request, to submit a transportation impact analysis under this subdivision.

ASSEMBLY BILL 436

1 3. The department shall provide guidance to the school board on the laying out
2 of sidewalks, bicycle paths and racks, roadways for vehicular traffic, school bus
3 loading and unloading areas, and access to highways, in a manner that adequately
4 protects children in the school zone, that ensures motor vehicle, pedestrian, and
5 bicycle access to the school grounds, buildings, or facilities, and that minimizes any
6 adverse impact of the school grounds, buildings, or facilities on motor vehicle traffic.
7 No school board is required to comply with the department's recommendations and
8 the department is not responsible for any costs associated with implementation of
9 any of its recommendations. The department may not assess any fee for services
10 provided under this paragraph.

11 4. For purposes of this paragraph, the department by rule shall define
12 "transportation impact analysis."

13 (b) Upon request, the department shall make available to any school board
14 safety courses, educational materials, and other assistance not described in par. (a)
15 related to ensuring the convenience and safety of children and motor vehicle traffic
16 in school zones. The department may assess a fee, not to exceed the cost to the
17 department, for services provided under this paragraph.

18 (c) Annually, after May 1 and before September 1, the department shall provide
19 to each school board written notice of the department's obligations and available
20 services under pars. (a) and (b).

SECTION 2. Initial applicability.

21 (1) This act first applies to requests for assistance received from a school board
22 on the effective date of this subsection.
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SECTION 3. Effective date.
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