

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 07/19/2001

Received By: agary

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Ammerman

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - highways**

Extra Copies: **TNF, PJH**

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Ammerman -

Topic:

Vegetation removal along highways (item 41)

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			rschluet 07/19/2001	_____	lrb_docadmin 07/19/2001		

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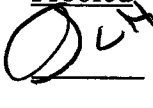
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1/?	agary	1 7/19/01		 7-19-1			

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<END>

LRB b2153

7/19/01 Telephone conference with Fred Ammerman at LFB. Item 41 of transportation package needs to be redrafted. Use the senate draft, in its entirety, and add the following two changes:

1. From p. 578 of the comparative summary, add from the Assembly draft item (d) re permit plus the next three sentences of the summary.
2. Instead of applying to all highway right of ways, make it apply to highways under the jurisdiction of DOT.

ARG

Assembly: No change to Joint Finance.

39. HIGHWAY CORRIDOR PLANNING GRANT PROGRAM

Senate: No change to Joint Finance.

Assembly: Require DOT to administer a highway corridor planning grant program to award grants to cities, villages, towns, counties, regional planning commissions or metropolitan planning organizations for highway corridor planning activities. Specify that DOT may not expend more than \$500,000 for grants under the program in any fiscal year and specify that the grants shall be made from the SEG appropriation for major highway development. Define "highway corridor" as the area up to ten miles on either side of a state trunk highway that is expected by the Department to need additional capacity for vehicular traffic or to have possible safety or operational problems resulting from pressure for development adjacent to the highway.

40. LOCATIONS OF HIGHWAY REST AREAS

Senate: No change to Joint Finance.

Assembly: Prohibit DOT from constructing any rest area along or in close proximity with a state trunk highway at a location that is within a radius of five miles from an exit from the highway that provides access to motorist services, as defined for the purposes of the specific information sign program, first applying to construction of rest areas commenced on the effective date of the bill. Specify that this restriction does not apply to rest areas to be located within five miles of the state border or to any rest area that may be located near the Village of Belmont in Lafayette County. Specify that the total amount of any proposed expenditures or encumbrances that DOT does not make in the 2001-03 biennium as a result of this provision shall be expended or encumbered in the 2001-03 biennium to reopen previously closed rest areas or to keep open rest areas that are proposed for closure in areas where other rest areas and motorist services are not available.

1416

41. VEGETATION REMOVAL ALONG HIGHWAYS BY OWNERS OF BUSINESSES OR OUTDOOR ADVERTISING SIGNS

Senate: Specify that a person who maintains a majority ownership interest in a business adjacent to the highway right-of-way or a business advertised on a sign located along a highway may trim or remove any vegetation located in the highway right-of-way if all of the following apply: (a) the vegetation obstructs the view of the business or sign such that the business or sign cannot be viewed for six uninterrupted seconds by a person traveling along the highway at the posted speed limit; (b) the person pays the cost of trimming or removing the obstructing vegetation, including the cost of cleanup and disposal and for replacing any

60806

removed vegetation, including the cost of purchasing and planting the replacement vegetation; (c) the person replaces the removed vegetation with comparable vegetation along the same highway right-of-way, provided that the person may not locate the replacement vegetation in a manner that obstructs, or will obstruct in the foreseeable future, the view from the highway of another existing business or sign; (d) no state funds are expended for the trimming, removal or replacements of vegetation; and (e) the owner of the land on which an obstructed sign is erected does not object to the trimming or removal of vegetation. Define "vegetation" as any tree, shrub, hedge or other foliage.

b 1294
Assembly: Specify that a person who maintains a majority ownership interest in a business adjacent to the highway right-of-way or owns an outdoor advertising sign located along a highway may trim or remove any vegetation located in the highway right-of-way if all of the following apply (a) the vegetation obstructs the view of the business or sign such that the business or sign cannot be viewed for six uninterrupted seconds by a person traveling along the highway at the posted speed limit; (b) the person pays the cost of trimming or removing the obstructing vegetation, including the cost of cleanup and disposal, and for replacing any removed vegetation, including the cost of purchasing and planting the replacement vegetation; (c) the person replaces the removed vegetation with comparable vegetation along the same highway right-of-way, provided that the person may not locate the replacement vegetation in a manner that obstructs, or will obstruct in the foreseeable future, the view from the highway of another existing business or sign; and (d) the person has obtained a permit from DOT for trimming or removing vegetation from the highway right-of-way. Require DOT to issue permits to eligible applicants for the trimming or removal of vegetation located in a highway right-of-way. Require DOT to grant or deny a request for a permit to trim or remove vegetation along the highway right-of-way within 30 days of the receipt of an application. Specify that such a permit shall specify the vegetation or the portion of the highway right-of-way to which the permit applies. Define "vegetation" as any tree, shrub, hedge or other foliage.

42. EMERGENCY VEHICLE PREEMPTION DEVICE PROVISION

Senate: No change to Joint Finance.

b 1421
Assembly: Delete a provision of the Joint Committee on Finance's substitute amendment that would, among other related changes, require DOT to install an emergency vehicle preemption device on all new traffic signals installed on the state trunk highway system if a local government requests the device and contributes 50% of the additional cost of the device.

43. AGRICULTURAL TOURISM SIGNS

Senate: No change to Joint Finance.

LFB

~~SDC:.....Keckhaver - CN7025, Vegetation control along highway rights-of-way~~

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

~~CAUCUS~~ SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

the right-of-way[✓] of any highway under the jurisdiction of the department[✓]

1 At the locations indicated, amend the substitute amendment[✓] as follows:

2 1. Page 878, line 23: after that line insert:

3 "SECTION 2340[✓]vg. 86.03 (5m) of the statutes is created to read:

4 86.03 (5m) TREES AND OTHER VEGETATION BLOCKING VIEW OF BUSINESS OR SIGN.

5 (a) In this subsection, "vegetation" means any tree, shrub, hedge, or other foliage.

6 (b) Notwithstanding any other provision of this section, if any vegetation

7 located in ~~highway right-of-way~~^{the right-of-way} prevents the operator of a vehicle traveling on a

8 highway at the posted speed limit from viewing for 6 uninterrupted seconds a

9 business premises located adjacent to the highway right-of-way, a sign located on

10 a business premises adjacent to the highway right-of-way that advertises the

1 business to motorists on the adjacent highway, or any sign erected under this chapter
 2 or s. 84.30 that is permitted to be located in or adjacent to the highway right-of-way,
 3 any person who maintains a majority ownership interest in the business adjacent to
 4 the highway right-of-way or in any business advertised on a sign identified in this
 5 paragraph may trim or remove any obstructing vegetation located in the highway
 6 right-of-way if all of the following requirements are met:

insert A ✓

7 ~~2.~~ The person pays for the cost of trimming or removing the obstructing
 8 vegetation, including the cost of cleanup and disposal, and for replacing any removed
 9 vegetation, including the cost of purchasing and planting the replacement
 10 vegetation.

11 ~~3.~~ If the person has removed vegetation, the person replaces the removed
 12 vegetation with comparable vegetation along the same highway right-of-way,
 13 provided that the person may not locate replacement vegetation in a manner that
 14 obstructs, or will obstruct in the foreseeable future, the view from the highway of
 15 another existing business or sign identified in this paragraph.

16 ~~4.~~ No state funds are expended for the trimming, removal, or replacement of
 17 vegetation under this paragraph.

18 ~~5.~~ With respect to a sign identified in this paragraph, the owner of the land on
 19 which the sign is erected does not object to the trimming or removal of vegetation.

20 (END)

insert B ✓

1 business to motorists on the adjacent highway, or any sign erected under this chapter
 2 or/s. 84.30 that is permitted to be located in or adjacent to the highway right-of-way,
 3 any person who maintains a majority ownership interest in the business adjacent to
 4 the highway right-of-way or who owns a sign identified in this paragraph may trim
 5 or remove any obstructing vegetation located in the highway right-of-way if all of
 6 the following requirements are met:

7 1. The person obtains a permit from the department under par. (c).

8 ~~2. The person pays for the cost of trimming or removing the obstructing~~
 9 ~~vegetation, including the cost of cleanup and disposal, and for replacing any removed~~
 10 ~~vegetation, including the cost of purchasing and planting the replacement~~
 11 ~~vegetation.~~

12 ~~3. If the person has removed vegetation, the person replaces the removed~~
 13 ~~vegetation with comparable vegetation along the same highway right-of-way,~~
 14 ~~provided that the person may not locate replacement vegetation in a manner that~~
 15 ~~obstructs, or will obstruct in the foreseeable future, the view from the highway of~~
 16 ~~another existing business or sign identified in this paragraph.~~

17 (c) The department shall issue permits to eligible applicants for the trimming
 18 or removal of vegetation located in a highway right-of-way under par. (b). Any
 19 permit issued under this paragraph shall specify the vegetation or the portion of the
 20 highway right-of-way to which the permit applies. The department shall grant or
 21 deny an application for a permit within 30 days of receipt of the application.”.

22 ~~(END)~~

insert 6
A

ignore

ignore

insert B



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb2153/1
ARG:jld:rs

LFB:.....Ammerman - Vegetation removal along highways (item 41)

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 878, line 23: after that line insert:

3 "SECTION 2340vg. 86.03 (5m) of the statutes is created to read:

4 86.03 (5m) TREES AND OTHER VEGETATION BLOCKING VIEW OF BUSINESS OR SIGN.

5 (a) In this subsection, "vegetation" means any tree, shrub, hedge, or other foliage.

6 (b) Notwithstanding any other provision of this section, if any vegetation
7 located in the right-of-way of any highway under the jurisdiction of the department
8 prevents the operator of a vehicle traveling on a highway at the posted speed limit
9 from viewing for 6 uninterrupted seconds a business premises located adjacent to the
10 highway right-of-way, a sign located on a business premises adjacent to the highway

1 right-of-way that advertises the business to motorists on the adjacent highway, or
2 any sign erected under this chapter or s. 84.30 that is permitted to be located in or
3 adjacent to the highway right-of-way, any person who maintains a majority
4 ownership interest in the business adjacent to the highway right-of-way or in any
5 business advertised on a sign identified in this paragraph may trim or remove any
6 obstructing vegetation located in the highway right-of-way if all of the following
7 requirements are met:

8 1. The person obtains a permit from the department under par. (c).

9 2. The person pays for the cost of trimming or removing the obstructing
10 vegetation, including the cost of cleanup and disposal, and for replacing any removed
11 vegetation, including the cost of purchasing and planting the replacement
12 vegetation.

13 3. If the person has removed vegetation, the person replaces the removed
14 vegetation with comparable vegetation along the same highway right-of-way,
15 provided that the person may not locate replacement vegetation in a manner that
16 obstructs, or will obstruct in the foreseeable future, the view from the highway of
17 another existing business or sign identified in this paragraph.

18 4. No state funds are expended for the trimming, removal, or replacement of
19 vegetation under this paragraph.

20 5. With respect to a sign identified in this paragraph, the owner of the land on
21 which the sign is erected does not object to the trimming or removal of vegetation.

22 (c) The department shall issue permits to eligible applicants for the trimming
23 or removal of vegetation located in a highway right-of-way under par. (b). Any
24 permit issued under this paragraph shall specify the vegetation or the portion of the

1 highway right-of-way to which the permit applies. The department shall grant or
2 deny an application for a permit within 30 days of receipt of the application.”

3 (END)