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**WISCONSIN LEGISLATIVE COUNCIL  
RULES CLEARINGHOUSE**

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**Ronald Sklansky**  
*Clearinghouse Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

**CLEARINGHOUSE REPORT TO AGENCY**

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 02-092**

AN ORDER to amend Trans 200.08 (1) (m) 9. and (3); and to create Trans 200.08 (2) (e) 6. and (f), relating to tourist-oriented directional signs.

Submitted by **DEPARTMENT OF TRANSPORTATION**

06-26-2002 RECEIVED BY LEGISLATIVE COUNCIL.

07-23-2002 REPORT SENT TO AGENCY.

RNS:PGC

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES  NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES  NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES  NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached YES  NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES  NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES  NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES  NO



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### CLEARINGHOUSE RULE 02-092

#### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### **2. Form, Style and Placement in Administrative Code**

In s. Trans 200.08 (3), the word "be" should be inserted between "not compensated" (as stated in the present rule).

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The Wisconsin Department of Transportation proposes an order to amend TRANS 200.08(1)(m)9. and (3); and create TRANS 200.08(2)(e)6. and (f), relating to tourist-oriented directional signs.

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**NOTICE OF HEARING  
AND  
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to s. 86.196(2), Stats., and interpreting s. 86.196(2), Stats., the Department of Transportation will hold a public hearing in **Room 144-B** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **30th** day of **July**, 2002, at **1:00 PM**, to consider the amendment of ch. Trans 200, Wisconsin Administrative Code, relating to tourist-oriented directional signs.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

The public record on this proposed rule making will be held open until close of business August 2, 2002, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to John Noll, Department of Transportation, Bureau of Highway Operations, Room 501, P. O. Box 7986, Madison, WI 53707-7986.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

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**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** 86.196(2), Stats.

**STATUTES INTERPRETED:** 86.196(2), Stats.

**General Summary of Proposed Rule.** This proposed rulemaking will amend ch. Trans 200, relating to Tourist-Oriented Directional Signs (TODS), to include agricultural produce stands and Christmas tree farms in the TODS program qualifications as "seasonal attractions." The proposed amendments will establish criteria for signing the seasonal attraction types of businesses and provide minimum criteria for the advisory council for uniform evaluation and assessment of applications to make their recommendations to the Department to approve or deny applications.

Currently there is nothing covering "seasonal attractions" for the TODS program as far as agricultural produce stands and Christmas tree farms. The rule does cover seasonal tourist attractions but they must be open 3 consecutive months to qualify. The agricultural produce stands and Christmas tree farms would only be open less than 60 consecutive days. The Department of Agriculture would like the Department to help the people who have produce stands along the highway on premises to be able to put up some sort of temporary or permanent signage.

**Fiscal Impact.** The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally-recognized tribes or bands. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

**Initial Regulatory Flexibility Analysis.** This proposed rule will have no adverse impact on small businesses.

**Copies of Proposed Rule.** Copies of the rule may be obtained upon request, without cost, by writing to John Noll, Department of Transportation, Bureau of Highway Operations, Room 501, P. O. Box 7986, Madison, WI 53707-7986, or by calling (608) 266-0318. Hearing-impaired individuals may contact the Department using TTY (608) 266-3096. Alternate formats of the proposed rule will be provided to individuals at their request.

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**TEXT OF PROPOSED RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by s. 86.196(2), Stats., the department of transportation hereby proposes to amend a rule interpreting s. 86.196(2), Stats., relating to tourist-oriented directional signs.

**SECTION 1.** Trans 200.08(1)(m)9. is amended to read:

Trans 200.08(1)(m)9. To direct to a business, service or activity that is located on the same highway on which tourist-oriented directional signs are requested, except for seasonal attractions which may be located on the same highway.

**SECTION 2.** Trans 200.08(2)(e)6. is created to read:

Trans 200.08(2)(e)6. Seasonal attractions. Seasonal attractions include agricultural produce stands and Christmas tree farms.

**SECTION 3.** Trans 200.08(3) is amended to read:

Trans 200.08(3) **ADVISORY COUNCIL.** The department may appoint an advisory council under ss. 15.04(1)(c) and 15.09, Stats., to review applications for tourist-oriented directional signs on the state trunk highway system in both the tourist attraction category and seasonal attractions categories. This 7 member council shall include representatives from the tourism industry, department of ~~development-tourism division~~ tourism, and other organizations as determined by the department and shall make recommendations to the department to approve or deny applications. The department shall make the final decision on applications. The department shall furnish to the advisory council minimum criteria and requirements for the uniform evaluation and assessment of applications. The department, in collaboration with the advisory council, may make revisions to the application evaluation criteria if at any time it is apparent that the criteria or implementation process are inequitable to the applicants or that the signing itself creates operational or safety concerns. The advisory council shall meet not less than once each month, unless otherwise directed by the department, to consider and make recommendations on applications received by the department. The department may act on any application not acted upon by the advisory council within 60 days of forwarding of the application to the council. Members of the advisory council shall may <sup>be</sup> not compensated for their services or

reimbursed for their expenses, except the department may reimburse private citizen members in hardship cases for actual and necessary expenses incurred in the performance of their duties.

**SECTION 4.** Trans 200.08(g) is created to read:

Trans 200.08(g) Temporary structures for seasonal attractions shall use signs and supports conforming to the crash worthiness standards of the department's standard specifications for highway and structure construction.

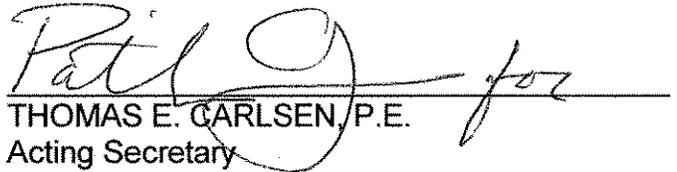
**NOTE:** Crash worthiness standards can be found in s. 643.2.12.1(5)2. of the Standard Specifications for Highway and Structure Construction published by the Wisconsin Department of Transportation. Copies of the crash worthiness standards may be obtained by writing to or calling the Division of Transportation Infrastructure Development, Bureau of Highway Operations, P. O. Box 7986, Madison, WI 53707-7986, (608) 266-0318.

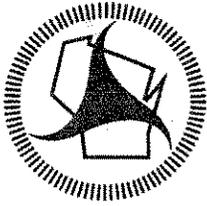
(END OF RULE TEXT)

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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 26 day of June, 2002.

  
THOMAS E. CARLSEN, P.E.  
Acting Secretary  
Wisconsin Department of Transportation



## Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum  
Governor

Thomas E. Carlsen, P.E.  
Acting Secretary

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May 29, 2002

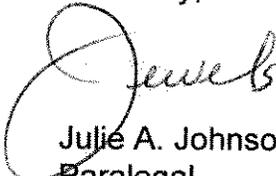
Mr. Gary L. Poulson, Deputy Revisor  
Revisor of Statutes Bureau  
131 West Wilson Street  
Suite 800  
Madison, Wisconsin 53703

RE: **STATEMENT OF SCOPE OF PROPOSED RULEMAKING, TRANS 200**

Dear Mr. Poulson:

Enclosed is the Statement of Scope for the proposed amendment of ch. Trans 200. Please publish the Scope Statement in accordance with § 227.135(3), Stats., in the Administrative Register.

Sincerely,

  
Julie A. Johnson  
Paralegal

Enclosures

cc: David Schmiedicke/DOA State Budget Director  
Senator Judy Robson, Co-Chair/JCRAR  
Representative Glenn Grothman, Co-Chair/JCRAR  
Alice Morehouse  
Mike Goetzman  
John Noll

## STATEMENT OF SCOPE

### **DESCRIPTION OF THE OBJECTIVE OF THE RULE:**

This proposed rulemaking will amend ch. Trans 200, relating to Tourist-Oriented Directional Signs (TODS), to include agricultural produce stands and Christmas tree farms in the TODS program qualifications as "seasonal attractions." The proposed amendments will establish criteria for signing the seasonal attraction types of businesses and provide minimum criteria for the advisory council for uniform evaluation and assessment of applications to make their recommendations to the Department to approve or deny applications.

### **DESCRIPTION OF EXISTING POLICIES RELEVANT TO THE RULE AND OF NEW POLICIES PROPOSED TO BE INCLUDED IN THE RULE AND AN ANALYSIS OF POLICY ALTERNATIVES:**

Currently there is nothing covering "seasonal attractions" for the TODS program as far as agricultural produce stands and Christmas tree farms. The rule does cover seasonal tourist attractions but they must be open 3 consecutive months to qualify. The agricultural produce stands and Christmas tree farms would only be open less than 60 consecutive days. The Department of Agriculture would like the Department to help the people who have produce stands along the highway on premises to be able to put up some sort of temporary or permanent signage.

The proposed changes would eliminate a lot of illegal signing in regards to the agricultural growers' produce stands and give them an avenue in which they would have the opportunity to get directional signage on the STH system.

### **STATUTORY AUTHORITY FOR THE RULE:**

s. 86.196 (2), Stats.

### **ESTIMATES OF THE AMOUNT OF TIME THAT STATE EMPLOYEES WILL SPEND DEVELOPING THE RULE AND OF OTHER RESOURCES NECESSARY TO DEVELOP THE RULE:**

Approximately 80 hours

Signed at Madison, Wisconsin, this 22<sup>nd</sup> day  
of May, 2002.



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THOMAS E. CARLSEN, P.E.  
Acting Secretary  
Wisconsin Department of Transportation