

January 4, 2002

TO: ALL LEGISLATORS
FROM: SENATOR JIM BAUMGART
RE: COSPONSORING LRB 1845/1 – relating to access to state trunk highways.

Last session my office learned of substantial right-of-way giveaways of public highway land. Whenever access to a state trunk highway is requested the Department of Transportation is required to determine the worth of those access rights and collect that amount from the requester, in order to compensate the taxpayers. Unfortunately, there are times when the department and the requester have been sidestepping this requirement and the access rights have been granted for free. According to a DOT estimate one such instance cost the taxpayers of Wisconsin \$4.5 million.

This bill would allow the transportation standing committees and/or the Joint Finance Committee the opportunity to review the cases where the proposed highway access is valued in excess of \$500,000. If you would like to sign on to LRB 1845/1, please call my office at 6-2056 by January 15, 2001.

Analysis by the Legislative Reference Bureau

Under current law, no person may excavate, fill, alter, or disturb a state trunk highway, including constructing access to the highway, without obtaining a permit from the Department of Transportation (DOT). The permit must specify that all construction under the permit is subject to DOT rules and that the construction must be performed and completed to DOT's satisfaction.

This bill requires that, prior to issuing a permit for construction of new access to a state trunk highway, DOT must do all of the following:

1. Specify the location, design and construction of the new access route.
2. Estimate the cost of construction of the new access route.
3. Obtain from the person applying for the permit an estimate of the cost of construction of the new access route, along with a designation of who will contribute to this cost.
4. Obtain an appraisal from an independent and qualified appraiser of the increase in the fair market value of the lands to be served by the new access route attributable to construction of the new access route.

Under this bill, if the independent appraisal determines that construction of the new access route will increase the fair market value of the lands to be served by the new access route by \$500,000 or more, DOT must submit a report containing all of the foregoing information, along with DOT's recommendations as to issuance of the permit and any conditions, restrictions or limitations to be imposed under the permit, to the appropriate legislative standing committees. DOT may not take any action on matters

contained in the report until the report is approved or modified and approved by both standing committees or by the joint committee on finance.

Under this bill, the report is considered approved if no standing committee schedules a meeting for the purpose of reviewing the report within 14 days. If a committee schedules a meeting for the purpose of reviewing the report, the report is not considered approved by that committee unless the committee either approves or modifies and approves the report. If any standing committee modifies and approves the report, the modified report is considered approved by the other standing committee if that committee does not schedule a meeting for the purpose of reviewing the modified report within 14 days. If the other standing committee schedules a meeting for the purpose of reviewing a modified report, the modified report is not considered approved by that committee unless the committee either approves or modifies and approves the modified report. If any standing committee modifies the report and the other standing committee does not approve the modifications to the report within 30 days of its scheduled meeting, the report and any modified report are referred to the joint committee on finance for approval, disapproval or modification.

Under the bill, the department must promulgate rules to implement and administer these provisions, including rules relating to the location, design and construction of new access routes.

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