

2003 DRAFTING REQUEST

Bill

Received: **06/13/2003**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **David Ward (608) 266-3790**

By/Representing: **Charlene Rodriguez (aide)**

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: **YES**

Requester's email: **Rep.Ward@legis.state.wi.us** ✓

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Removal of vegetation along state highways

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>
/?	agary 06/24/2003	kfollett 06/24/2003		_____			State
/P1			rschluet 06/24/2003	_____	lemery 06/24/2003		State
/P2	agary	kfollett	jfrantze	_____	lemery		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/12/2003	09/16/2003 kfollett 09/16/2003	09/16/2003 _____ _____ _____		09/16/2003		
/P3	agary 09/25/2003	kfollett 09/25/2003	jfrantze 09/25/2003 _____ _____		lemery 09/25/2003		State
/P4	agary 10/16/2003	kfollett 10/17/2003	rschluet 10/17/2003 _____ _____		mbarman 10/17/2003		State
/P5	agary 10/27/2003	kfollett 10/28/2003	rschluet 10/28/2003 _____ _____		lnorthro 10/28/2003		State
/1	agary 11/25/2003	kfollett 11/25/2003	rschluet 11/25/2003 _____ _____		mbarman 11/25/2003	mbarman 11/25/2003	

FE Sent For:

At intro.

<END>

2003 DRAFTING REQUEST

Bill

Received: **06/13/2003**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **David Ward (608) 266-3790**

By/Representing: **Charlene Rodriguez (aide)**

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: **YES**

Requester's email: **Rep.Ward@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

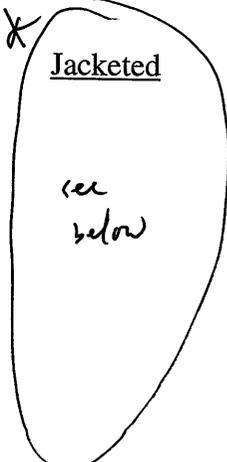
Topic:

Removal of vegetation along state highways

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>	
/?	agary 06/24/2003	kfollett 06/24/2003		_____			State	
/P1			rschluet 06/24/2003	_____	lemery 06/24/2003			State
/P2	agary	kfollett	jfrantze	_____	lemery			State



<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/12/2003	09/16/2003 kfollett 09/16/2003	09/16/2003	_____	09/16/2003		
/P3	agary 09/25/2003	kfollett 09/25/2003	jfrantze 09/25/2003	_____	lemery 09/25/2003		State
/P4	agary 10/16/2003	kfollett 10/17/2003	rschluet 10/17/2003	_____	mbarman 10/17/2003		State
/P5	agary 10/27/2003	kfollett 10/28/2003	rschluet 10/28/2003	_____	lnorthro 10/28/2003		

FE Sent For:

11/16/03
11/25/03

<END>

Please send //
out jacketed.
The h.
ANG

2003 DRAFTING REQUEST

Bill

Received: 06/13/2003

Received By: agary

Wanted: Soon

Identical to LRB:

For: David Ward (608) 266-3790

By/Representing: Charlene Rodriguez (aide)

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: YES

Requester's email: Rep.Ward@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Removal of vegetation along state highways

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>
/?	agary 06/24/2003	kfollett 06/24/2003		_____			State
/P1			rschlue 06/24/2003	_____	lemery 06/24/2003		State
/P2	agary	kfollett	jfrantze	_____	lemery		State

Handwritten signature and date 06/25

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/12/2003	09/16/2003 kfollett 09/16/2003	09/16/2003 _____ _____ _____		09/16/2003		
/P3	agary 09/25/2003	kfollett 09/25/2003	jfrantze 09/25/2003 _____ _____		lemery 09/25/2003		State
/P4	agary 10/16/2003	kfollett 10/17/2003	rschluet 10/17/2003 _____ _____		mbarman 10/17/2003		

FE Sent For:

1 PS 10/17
10/28

<END>

2003 DRAFTING REQUEST

Bill

Received: 06/13/2003

Received By: agary

Wanted: Soon

Identical to LRB:

For: David Ward (608) 266-3790

By/Representing: Charlene Rodriguez (aide)

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: YES

Requester's email: **Rep.Ward@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Removal of vegetation along state highways

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>
/?	agary 06/24/2003	kfollett 06/24/2003		_____			State
/P1			rschluet 06/24/2003	_____	lemery 06/24/2003		State
/P2	agary	kfollett	jfrantze		lemery		State

[Handwritten signature]
06-17-03
PB

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/12/2003	09/16/2003 kfollett 09/16/2003	09/16/2003	_____	09/16/2003		
/P3	agary 09/25/2003	kfollett 09/25/2003	jfrantze 09/25/2003	_____	lemery 09/25/2003		

FE Sent For:

1 P4 kj
10/17

<END>

2003 DRAFTING REQUEST

Bill

Received: 06/13/2003

Received By: agary

Wanted: Soon

Identical to LRB:

For: David Ward (608) 266-3790

By/Representing: Charlene Rodriguez (aide)

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: YES

Requester's email: **Rep.Ward@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Removal of vegetation along state highways

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>
/?	agary 06/24/2003	kfollett 06/24/2003		_____			State
/P1			rschluet 06/24/2003	_____	lemery 06/24/2003		State
/P2	agary	kfollett	jfrantze	_____	lemery		

1P3
9/25 kjt 9/25 Self
9/25

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/12/2003	09/16/2003 kfollett 09/16/2003	09/16/2003	_____	09/16/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 06/13/2003

Received By: agary

Wanted: Soon

Identical to LRB:

For: David Ward (608) 266-3790

By/Representing: Charlene Rodriguez (aide)

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: YES

Requester's email: Rep.Ward@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Removal of vegetation along state highways

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>
/?	agary 06/24/2003	kfollett 06/24/2003					State
/P1		1P2 kij 9/16	rschluet 06/24/2003		lemery 06/24/2003		
			9/16	JPR 9/16			

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 06/13/2003

Received By: agary

Wanted: Soon

Identical to LRB:

For: David Ward (608) 266-3790

By/Representing: Charlene Rodriguez (aide)

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: YES

Requester's email: Rep.Ward@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

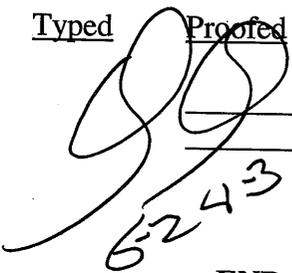
Removal of vegetation along state highways

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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	agary	1 P1 kj 6/24					
----	-------	-----------------	---	--	--	--	--

FE Sent For:

<END>

Gary, Aaron

From: Rodriguez, Charlene
Sent: Friday, June 13, 2003 1:28 PM
To: Gary, Aaron
Subject: RE: Rep. Ward Draft Legislation Request

a bill, please.

char

-----Original Message-----

From: Gary, Aaron
Sent: Friday, June 13, 2003 12:05 PM
To: Rodriguez, Charlene
Subject: RE: Rep. Ward Draft Legislation Request

Did you want this drafted as a bill or a budget amendment? Aaron

-----Original Message-----

From: Rodriguez, Charlene
Sent: Friday, June 13, 2003 11:44 AM
To: Gary, Aaron
Subject: Rep. Ward Draft Legislation Request
Importance: High

Hi Aaron,

I don't know if you remember me but we worked together last budget on the DOT Vegetation (sign blocking) amendment in the Assembly Caucus and Conference Committee. Dave would like to draft the attached language as legislation as soon as possible. The documents come from the Conference Committee amendment but I have removed some parts of the language that we would NOT like included.

Please do not hesitate to contact me if you have any questions or concerns!

Thanks Aaron,

Char Rodriguez

Charlene Rodriguez
Research Assistant
State Representative David Ward
37th Assembly District
State Capitol, Room 321E
Madison, WI 53703
tel: 608-266-3791 (direct)
fax: 608-282-3637
e-mail: Charlene.Rodriguez@legis.state.wi.us
<< File: Vegetation Legislation.pdf >>

Gary, Aaron

From: Rodriguez, Charlene
Sent: Tuesday, June 17, 2003 1:55 PM
To: Gary, Aaron
Subject: RE: Rep. Ward Draft Legislation Request

6/17/03
Hc from Char 6-3791

Thanks Aaron,

I really appreciate your work on this. I'll look this over and get back to you.

Thanks Again,

Char

- what is business premises owner
- want owner of business or sign (billboard)
- owner of business or owner of billboard (not advertisement)

-----Original Message-----

From: Gary, Aaron
Sent: Tuesday, June 17, 2003 10:53 AM
To: Rodriguez, Charlene
Subject: RE: Rep. Ward Draft Legislation Request

Char,

I have been trying to work this draft in between budget amendments. Looking it over, I think the first change (at lines 13-14 of the 2001 budget page you sent me) raises a drafting issue. The budget draft last session specified 3 types of vegetative obstruction and two "groups" of people who could remove the vegetative obstruction, as indicated in this chart:

Obstruction

1. Can't see the business premises
2. Can't see an "on-property" sign on the business premises
3. Can't see an "off-property" outdoor advertising sign, specific information sign (SIS), or tourist-oriented directional sign (TODS)

Person who may remove obstruction

- Business premises owner
- Business premises owner
- Owner of a business advertised on the sign

With the above change in the drafting instruction, the chart would look like this:

Obstruction

1. Can't see the business premises
2. Can't see an "on-property" sign on the business premises
3. Can't see an "off-property" outdoor advertising sign, specific information sign (SIS), or tourist-oriented directional sign (TODS)

Person who may remove obstruction

- Business premises owner
- Business premises owner
- [Business premises owner ???]

So for an outdoor advertising sign that is not owned by the business premises owner and which does not display the advertising material of the business premises owner, only the business premises owner could remove the obstructing vegetation (and would be responsible for the cost). This presents a potential drafting "disconnect". I see at least three options to avoid this problem:

- a. Maintain the language at lines 13-14.
- b. Modify the language at lines 13-14 so that there is some method of an interested person to obtain removal of the obstruction. OR
- c. Along with eliminating the language at lines 13-14, eliminate the corresponding language "any sign erected under this chapter or s. 84.30 that is permitted to be located in or adjacent to the highway right-of-way."

Please feel free to call to discuss this further. Thanks for your assistance. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

change →
for billboards, my billboard owner (not premises owner)
take out
1 • TODS + SIS taken out

-----Original Message-----

From: Rodriguez, Charlene
Sent: Friday, June 13, 2003 1:28 PM
To: Gary, Aaron
Subject: RE: Rep. Ward Draft Legislation Request

a bill, please.

char

-----Original Message-----

From: Gary, Aaron
Sent: Friday, June 13, 2003 12:05 PM
To: Rodriguez, Charlene
Subject: RE: Rep. Ward Draft Legislation Request

Did you want this drafted as a bill or a budget amendment? Aaron

-----Original Message-----

From: Rodriguez, Charlene
Sent: Friday, June 13, 2003 11:44 AM
To: Gary, Aaron
Subject: Rep. Ward Draft Legislation Request
Importance: High

Hi Aaron,

I don't know if you remember me but we worked together last budget on the DOT Vegetation (sign blocking) amendment in the Assembly Caucus and Conference Committee. Dave would like to draft the attached language as legislation as soon as possible. The documents come from the Conference Committee amendment but I have removed some parts of the language that we would NOT like included.

Please do not hesitate to contact me if you have any questions or concerns!

Thanks Aaron,

Char Rodriguez

Charlene Rodriguez
Research Assistant
State Representative David Ward
37th Assembly District
State Capitol, Room 321E
Madison, WI 53703
tel: 608-266-3791 (direct)
fax: 608-282-3637
e-mail: Charlene.Rodriguez@legis.state.wi.us
<< File: Vegetation Legislation.pdf >>

1 **1127.** Page 878, line 23: after that line insert:

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

3 86.03 (5m) TREES AND OTHER VEGETATION BLOCKING VIEW OF BUSINESS OR SIGN.

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

5 (b) Notwithstanding any other provision of this section, if any vegetation
6 located in the right-of-way of any highway under the jurisdiction of the department
7 prevents the operator of a vehicle traveling on a highway at the posted speed limit
8 from viewing for 6 uninterrupted seconds a business premises located adjacent to the
9 highway right-of-way, a sign located on a business premises adjacent to the highway
10 right-of-way that advertises the business to motorists on the adjacent highway, or
11 any sign erected under this chapter or s. 84.30 that is permitted to be located in or
12 adjacent to the highway right-of-way, any person who maintains a majority
13 ownership interest in the business adjacent to the highway right-of-way or in any
14 ~~business advertised on a sign identified in this paragraph~~ may trim or remove any
15 obstructing vegetation located in the highway right-of-way if all of the following
16 requirements are met:

- 17 1. The person obtains a permit from the department under par. (c).
- 18 2. The person pays for the cost of trimming or removing the obstructing
19 vegetation, including the cost of cleanup and disposal, and for replacing any removed
20 vegetation, including the cost of purchasing and planting the replacement
21 vegetation.
- 22 3. If the person has removed vegetation, the person replaces the removed
23 vegetation with comparable vegetation along the same highway right-of-way,
24 provided that the person may not locate replacement vegetation in a manner that

1 obstructs, or will obstruct in the foreseeable future, the view from the highway of
2 another existing business or sign identified in this paragraph.

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

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

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

12 **1128.** Page 878, line 24: delete that line.

13 **1129.** Page 879, line 1: delete lines 1 to 6 and substitute:

14 “SECTION 2340y. 86.193 of the statutes is created to read:

15 **86.193 Agricultural tourism signs.** (1) In this section, “agricultural
16 tourism facility” means a facility located in this state that is open to the public at
17 least 4 days a week for a minimum of 3 months and which does any of the following:

18 (a) Markets Wisconsin farm products.

19 (b) Processes and markets agricultural products, of which at least 50% are
20 grown and produced in this state.

21 (c) Promotes tourism by providing tours and on-site sales or samples of
22 Wisconsin agricultural products.

23 (2) The department shall develop and, no later than March 1, 2002, implement
24 a plan, consistent with federal and state laws, to promote and maximize the erection

soon
turned in
6/24

LRB-2848 P1
ARG: CJ

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Gen

1 AN ACT ...; relating to: removal of vegetation along highways under the
2 jurisdiction of the Department of Transportation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) is responsible for maintenance of the highway right-of-way on highways under its jurisdiction (state trunk highways). DOT must provide for the care and protection of trees and other roadside vegetation, including suitable planting to prevent soil erosion and to beautify the highways. DOT must also cut, trim, or remove, or allow others to cut, trim, or remove, trees and other vegetation in order to provide safety to highway users. DOT is also required to establish procedures for increasing the number of trees planted on state trunk highway rights-of-way.

Current law also prohibits a person from cutting, trimming, removing, or injuring any tree or other vegetation within the right-of-way of a state trunk highway without the consent of DOT. With DOT's approval, an owner of land adjoining a state trunk highway may plant and maintain trees and other vegetation on the side of the highway within 10 feet of the owner's land, and these trees and other vegetation may be cut or removed only by the owner or DOT.

The federal Highway Beautification Act requires states to restrict advertising along interstate and federal-aid primary highways, which includes state trunk highways, and current state law incorporates these requirements. Current law prohibits, with certain exceptions, the erection or maintenance of outdoor advertising signs within 660 feet of, or beyond 660 feet but visible (and erected for the purpose of being visible) from, the main-traveled way of an interstate or

federal-aid primary highway. Exceptions to this prohibition include, with some restrictions, signs advertising activities conducted on the property on which the signs are located; signs located beyond 660 feet of the highway in urban areas; and signs located within 660 feet of the highway in certain business, industrial, or commercial areas.

Under this bill, if a tree or other vegetation located in the right-of-way of a state trunk highway prevents a motorist traveling on the highway at the posted speed limit from viewing for six uninterrupted seconds a business on premises located adjacent to the highway right-of-way, a sign located on a business premises adjacent to the highway right-of-way that advertises the business to motorists on the adjacent highway, or any outdoor advertising sign adjacent to the highway right-of-way, a person who maintains a majority ownership interest in the business or in the sign may trim or remove any obstructing tree or other vegetation located in the highway right-of-way if all of the following requirements are met:

1. The person obtains a permit from DOT.
2. The person pays the cost of trimming or removing the obstructing tree or other vegetation and of replacing any removed tree or vegetation.
3. If the person has removed any tree or other vegetation, the person replaces the removed tree or vegetation with comparable vegetation.
4. No state funds are expended for the trimming, removal, or replacement of any tree or other vegetation.

The bill requires DOT to issue permits to eligible applicants for the trimming or removal of trees and other vegetation located in the rights-of-way of state trunk highways. Each permit must specify the trees or vegetation or the portion of the highway right-of-way to which the permit applies. DOT must grant or deny each application for a permit within 30 days of receipt of the application.

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:

(END)

1

Insert
2-1

D-Note

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 ~~23.40~~ 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 ^{s. 80.01(3) and} 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 ^{on} premises located adjacent to the
10 highway right-of-way, a sign located on a business premises adjacent to the highway

insert 2-1

insert 2-1 can't id

1 right-of-way that advertises the business to motorists on the adjacent highway, or
 2 any sign erected under ~~this chapter~~ 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 by~~ ^{the} 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

Insert 2-1
cont'd
1
2
3

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

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2848/1dn
ARG: *[Signature]*

Date

ATTN: Charlene Rodriguez

The attached bill varies somewhat from the text of last session's budget conference committee amendment. As we discussed, the attached bill allows the owner of a business or a sign to remove vegetation along the highway right-of-way, but does not allow an advertiser on a sign to remove such vegetation. The bill also excludes specific information signs and tourist-oriented directional signs. Following our discussions, I have also tried to clarify some of the language of last session's budget amendment, and I have included a cross-reference in s. 86.03 (5m) which I inadvertently omitted from the amendment last session.

Know Please advise if you would like any changes. If the attached draft meets with your approval, let me *x* and I will convert it to an introducible "1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2848/P1dn
ARG:kjf:rs

June 24, 2003

ATTN: Charlene Rodriguez

The attached bill varies somewhat from the text of last session's budget conference committee amendment. As we discussed, the attached bill allows the owner of a business or a sign to remove vegetation along the highway right-of-way, but does not allow an advertiser on a sign to remove such vegetation. The bill also excludes specific information signs and tourist-oriented directional signs. Following our discussions, I have also tried to clarify some of the language of last session's budget amendment, and I have included a cross-reference in s. 86.03 (5m) which I inadvertently omitted from the amendment last session.

Please advise if you would like any changes. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Gary, Aaron
Sent: Friday, September 12, 2003 3:10 PM
To: Rodriguez, Charlene
Subject: RE: LRB 2848

Char,
I redrafted this and it is now in editing. Freeways and expressways are simply specifically designated segments of the state trunk highways system (s. 84.295). In the redraft, I simply clarified that the draft applies to these freeways and expressways, as "state-controlled highways" is not a statutory term. Let me know if you have any questions or would like further changes after you receive it. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Rodriguez, Charlene
Sent: Thursday, September 11, 2003 2:24 PM
To: Gary, Aaron
Subject: LRB 2848

Aaron,

Could you please make the following changes to LRB 2848?

1. We want to make sure that freeways and expressways are included not just state trunk highways. The term that the DOT uses is "state-controlled highways".
2. We want to change the language from "prevents the operator of a vehicle traveling on a highway at the posted speed from VIEWING . . ." to "READING" on line 7 of the draft.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Char Rodriguez

Charlene Rodriguez
Research Assistant
State Representative David Ward
37th Assembly District
State Capitol, Room 321E
Madison, WI 53703
tel: 608-266-3791 (direct)
fax: 608-282-3637
e-mail: Charlene.Rodriguez@legis.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

soon
turned in
9/12

LRB-2848/PZ

ARG/kjt

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

- 1 AN ACT to create 86.03 (5m) of the statutes; relating to: removal of vegetation
- 2 along highways under the jurisdiction of the Department of Transportation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) is responsible for maintenance of the highway right-of-way on highways under its jurisdiction (state trunk highways). DOT must provide for the care and protection of trees and other roadside vegetation, including suitable planting to prevent soil erosion and to beautify the highways. DOT must also cut, trim, or remove, or allow others to cut, trim, or remove, trees and other vegetation in order to provide safety to highway users. DOT is also required to establish procedures for increasing the number of trees planted on state trunk highway rights-of-way.

Current law also prohibits a person from cutting, trimming, removing, or injuring any tree or other vegetation within the right-of-way of a state trunk highway without the consent of DOT. With DOT's approval, an owner of land adjoining a state trunk highway may plant and maintain trees and other vegetation on the side of the highway within 10 feet of the owner's land, and these trees and other vegetation may be cut or removed only by the owner or DOT.

The federal Highway Beautification Act requires states to restrict advertising along interstate and federal-aid primary highways, which includes state trunk highways, and current state law incorporates these requirements. Current law prohibits, with certain exceptions, the erection or maintenance of outdoor advertising signs within 660 feet of, or beyond 660 feet but visible (and erected for the purpose of being visible) from, the main-traveled way of an interstate or

(including any segment designated as a freeway or ^{or} expressway)

federal-aid primary highway. Exceptions to this prohibition include, with some restrictions, signs advertising activities conducted on the property on which the signs are located; signs located beyond 660 feet of the highway in urban areas; and signs located within 660 feet of the highway in certain business, industrial, or commercial areas.

Under this bill, if a tree or other vegetation located in the right-of-way of a state trunk highway prevents a motorist traveling on the highway at the posted speed limit from ~~viewing~~ ^{reading} for six uninterrupted seconds a business on premises located adjacent to the highway right-of-way, a sign located on a business premises adjacent to the highway right-of-way that advertises the business to motorists on the adjacent highway, or any outdoor advertising sign adjacent to the highway right-of-way, a person who maintains a majority ownership interest in the business or in the sign may trim or remove any obstructing tree or other vegetation located in the highway right-of-way if all of the following requirements are met:

1. The person obtains a permit from DOT.
2. The person pays the cost of trimming or removing the obstructing tree or other vegetation and of replacing any removed tree or vegetation.
3. If the person has removed any tree or other vegetation, the person replaces the removed tree or vegetation with comparable vegetation.
4. No state funds are expended for the trimming, removal, or replacement of any tree or other vegetation.

The bill requires DOT to issue permits to eligible applicants for the trimming or removal of trees and other vegetation located in the rights-of-way of state trunk highways. Each permit must specify the trees or vegetation or the portion of the highway right-of-way to which the permit applies. DOT must grant or deny each application for a permit within 30 days of receipt of the application.

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. 86.03 (5m) of the statutes is created to read:

2 86.03 (5m) TREES AND OTHER VEGETATION BLOCKING VIEW OF BUSINESS OR SIGN.

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

4 (b) Notwithstanding s. 80.01 (3) and any other provision of this section, if any

5 vegetation located in the right-of-way of any highway under the jurisdiction of the

6 department prevents the operator of a vehicle traveling on ^{such} a highway at the posted

7 speed limit from ^{reading} ~~viewing~~ for 6 uninterrupted seconds a business on premises located

, including any freeway or expressway designated under s. 84.295,

1 adjacent to the highway right-of-way, a sign located on a business premises adjacent
2 to the highway right-of-way that advertises the business to motorists on the
3 adjacent highway, or any sign erected under s. 84.30 adjacent to the highway
4 right-of-way, any person who maintains a majority ownership interest in the
5 business or in the sign may trim or remove any obstructing vegetation located in the
6 highway right-of-way if all of 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 4. No state funds are expended for the trimming, removal, or replacement of
18 vegetation under this paragraph.

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

24 (END)

9/25/03

The Fran Char - Rep. ward Ac.

re 03-2848

- want to change the blocking the name on
the sign #:

- want to make sure it only applies
to on-premise sign or bill board

- not back of a building

- sign affixed to the business or
a bill board



Needed
by Mon.
9/29

LRB-2848/111 P3
ARG:kjfw
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

- 1 AN ACT *to create* 86.03 (5m) of the statutes; **relating to:** removal of vegetation
- 2 along highways under the jurisdiction of the Department of Transportation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) is responsible for maintenance of the highway right-of-way on highways under its jurisdiction (state trunk highways). DOT must provide for the care and protection of trees and other roadside vegetation, including suitable planting to prevent soil erosion and to beautify the highways. DOT must also cut, trim, or remove, or allow others to cut, trim, or remove, trees and other vegetation in order to provide safety to highway users. DOT is also required to establish procedures for increasing the number of trees planted on state trunk highway rights-of-way.

Current law also prohibits a person from cutting, trimming, removing, or injuring any tree or other vegetation within the right-of-way of a state trunk highway without the consent of DOT. With DOT's approval, an owner of land adjoining a state trunk highway may plant and maintain trees and other vegetation on the side of the highway within 10 feet of the owner's land, and these trees and other vegetation may be cut or removed only by the owner or DOT.

The federal Highway Beautification Act requires states to restrict advertising along interstate and federal-aid primary highways, which includes state trunk highways, and current state law incorporates these requirements. Current law prohibits, with certain exceptions, the erection or maintenance of outdoor advertising signs within 660 feet of, or beyond 660 feet but visible (and erected for the purpose of being visible) from, the main-traveled way of an interstate or

federal-aid primary highway. Exceptions to this prohibition include, with some restrictions, signs advertising activities conducted on the property on which the signs are located; signs located beyond 660 feet of the highway in urban areas; and signs located within 660 feet of the highway in certain business, industrial, or commercial areas.

Under this bill, if a tree or other vegetation located in the right-of-way of a state trunk highway (including any segment designated as a freeway or expressway) prevents a motorist traveling on the highway at the posted speed limit from reading for six uninterrupted seconds ~~a business on premises located adjacent to the highway right-of-way~~ sign located on a business premises adjacent to the highway right-of-way that advertises the business to motorists on the adjacent highway, or any outdoor advertising sign adjacent to the highway right-of-way, a person who maintains a majority ownership interest in the business or in the sign may trim or remove any obstructing tree or other vegetation located in the highway right-of-way if all of the following requirements are met:

1. The person obtains a permit from DOT.
2. The person pays the cost of trimming or removing the obstructing tree or other vegetation and of replacing any removed tree or vegetation.
3. If the person has removed any tree or other vegetation, the person replaces the removed tree or vegetation with comparable vegetation.
4. No state funds are expended for the trimming, removal, or replacement of any tree or other vegetation.

The bill requires DOT to issue permits to eligible applicants for the trimming or removal of trees and other vegetation located in the rights-of-way of state trunk highways. Each permit must specify the trees or vegetation or the portion of the highway right-of-way to which the permit applies. DOT must grant or deny each application for a permit within 30 days of receipt of the application.

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.** 86.03 (5m) of the statutes is created to read:

2 **86.03 (5m) TREES AND OTHER VEGETATION BLOCKING VIEW OF BUSINESS OR SIGN.**

3 (a) In this subsection, “vegetation” means any tree, shrub, hedge, or other foliage.

4 (b) Notwithstanding s. 80.01 (3) and any other provision of this section, if any
5 vegetation located in the right-of-way of any highway, including any freeway or
6 expressway designated under s. 84.295, under the jurisdiction of the department

1 prevents the operator of a vehicle traveling on such a highway at the posted speed
2 limit from reading for 6 uninterrupted seconds ~~a business on premises located~~
3 ~~adjacent to the highway right-of-way~~ ^{any} sign located on a business premises adjacent
4 to the highway right-of-way that advertises the business to motorists on the
5 adjacent highway, or any sign erected under s. 84.30 adjacent to the highway
6 right-of-way, any person who maintains a majority ownership interest in the
7 business or in the sign may trim or remove any obstructing vegetation located in the
8 highway right-of-way if all of the following requirements are met:

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

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

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

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

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

2848

He ^{from} Janet Swanky - VM

10/14

- Ok

286-0764

Katie,

~~TISS~~

He w/ Janet Swanky 10/16/03

- concern is not the word itself →
- concern is that the 6 uninterrupted seconds could be a mile down the road when people cannot read the sign and then the sign could be obstructed up close when people would be reading the sign
- Janet agreed that change being made looks good & should work

Gary, Aaron

From: Gary, Aaron
Sent: Monday, September 29, 2003 10:13 AM
To: Rodriguez, Charlene
Subject: LRB-2848/P3

Char,

Following up on our telephone conversation, use of the term "reading" is not wholly without precedent (s. 84.30 (3) (h) and s. 343.135 (1) (a) 4.) in the context of a highway sign, but I believe it would not be the preferred terminology and I also don't think it gets to the heart of the concern. How about, instead of the word "reading," the following italicized language: "prevents the operator of a vehicle traveling on such a highway at the posted speed limit from *continuously observing without obstruction* for 6 uninterrupted seconds any sign ..."

Would this be okay? Feel free to call or e-mail to let me know or to discuss further. Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

Gary, Aaron

From: Gary, Aaron
Sent: Friday, September 12, 2003 3:10 PM
To: Rodriguez, Charlene
Subject: RE: LRB 2848

Char,
I redrafted this and it is now in editing. Freeways and expressways are simply specifically designated segments of the state trunk highways system (s. 84.295). In the redraft, I simply clarified that the draft applies to these freeways and expressways, as "state-controlled highways" is not a statutory term. Let me know if you have any questions or would like further changes after you receive it. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Rodriguez, Charlene
Sent: Thursday, September 11, 2003 2:24 PM
To: Gary, Aaron
Subject: LRB 2848

Aaron,

Could you please make the following changes to LRB 2848?

1. We want to make sure that freeways and expressways are included not just state trunk highways. The term that the DOT uses is "state-controlled highways".
2. We want to change the language from "prevents the operator of a vehicle traveling on a highway at the posted speed from VIEWING . . ." to "READING" on line 7 of the draft.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Char Rodriguez

Charlene Rodriguez
Research Assistant
State Representative David Ward
37th Assembly District
State Capitol, Room 321E
Madison, WI 53703
tel: 608-266-3791 (direct)
fax: 608-282-3637
e-mail: Charlene.Rodriguez@legis.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

Soon
turned
in 10/16

LRB-2848/PH P4
ARG:kjff

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT to create 86.03 (5m) of the statutes; relating to: removal of vegetation
2 along highways under the jurisdiction of the Department of Transportation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) is responsible for maintenance of the highway right-of-way on highways under its jurisdiction (state trunk highways). DOT must provide for the care and protection of trees and other roadside vegetation, including suitable planting to prevent soil erosion and to beautify the highways. DOT must also cut, trim, or remove, or allow others to cut, trim, or remove, trees and other vegetation in order to provide safety to highway users. DOT is also required to establish procedures for increasing the number of trees planted on state trunk highway rights-of-way.

Current law also prohibits a person from cutting, trimming, removing, or injuring any tree or other vegetation within the right-of-way of a state trunk highway without the consent of DOT. With DOT's approval, an owner of land adjoining a state trunk highway may plant and maintain trees and other vegetation on the side of the highway within 10 feet of the owner's land, and these trees and other vegetation may be cut or removed only by the owner or DOT.

The federal Highway Beautification Act requires states to restrict advertising along interstate and federal-aid primary highways, which includes state trunk highways, and current state law incorporates these requirements. Current law prohibits, with certain exceptions, the erection or maintenance of outdoor advertising signs within 660 feet of, or beyond 660 feet but visible (and erected for the purpose of being visible) from, the main-traveled way of an interstate or

while the motorist's vehicle is most directly in front of,

federal-aid primary highway. Exceptions to this prohibition include, with some restrictions, signs advertising activities conducted on the property on which the signs are located; signs located beyond 660 feet of the highway in urban areas; and signs located within 660 feet of the highway in certain business, industrial, or commercial areas.

Under this bill, if a tree or other vegetation located in the right-of-way of a state trunk highway (including any segment designated as a freeway or expressway) prevents a motorist traveling on the highway at the posted speed limit from ~~reading~~ for six uninterrupted seconds any sign located on a business premises adjacent to the highway right-of-way that advertises the business to motorists on the adjacent highway or any outdoor advertising sign adjacent to the highway right-of-way, a person who maintains a majority ownership interest in the business or in the sign may trim or remove any obstructing tree or other vegetation located in the highway right-of-way if all of the following requirements are met:

continuously observing,

1. The person obtains a permit from DOT.
2. The person pays the cost of trimming or removing the obstructing tree or other vegetation and of replacing any removed tree or vegetation.
3. If the person has removed any tree or other vegetation, the person replaces the removed tree or vegetation with comparable vegetation.
4. No state funds are expended for the trimming, removal, or replacement of any tree or other vegetation.

The bill requires DOT to issue permits to eligible applicants for the trimming or removal of trees and other vegetation located in the rights-of-way of state trunk highways. Each permit must specify the trees or vegetation or the portion of the highway right-of-way to which the permit applies. DOT must grant or deny each application for a permit within 30 days of receipt of the application.

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. 86.03 (5m) of the statutes is created to read:
 - 2 86.03 (5m) TREES AND OTHER VEGETATION BLOCKING VIEW OF BUSINESS OR SIGN.
 - 3 (a) In this subsection, "vegetation" means any tree, shrub, hedge, or other foliage.
 - 4 (b) Notwithstanding s. 80.01 (3) and any other provision of this section, if any
 - 5 vegetation located in the right-of-way of any highway, including any freeway or
 - 6 expressway designated under s. 84.295, under the jurisdiction of the department
 - 7 prevents the operator of a vehicle traveling on such a highway at the posted speed

continuously observing,

while the vehicle is most
directly in front of,

1 limit from ~~reading~~ for 6 uninterrupted seconds) any sign located on a business
2 premises adjacent to the highway right-of-way that advertises the business to
3 motorists on the adjacent highway or any sign erected under s. 84.30 adjacent to the
4 highway right-of-way, any person who maintains a majority ownership interest in
5 the business or in the sign may trim or remove any obstructing vegetation located
6 in the highway right-of-way if all of 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 sign identified in this paragraph.
- 17 4. No state funds are expended for the trimming, removal, or replacement of
18 vegetation under this paragraph.

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

24

(END)

Gary, Aaron

From: Janet R. Swandby [swandby@swandby.com]
Sent: Monday, October 27, 2003 2:54 PM
To: Gary, Aaron; Rodriguez, Charlene
Subject: Re: Vegetation Draft 4

Aaron:

I think that the changed to "specified under" should take care of our concern.

Thank you.
Janet Swandby
OAAW
608.286.0764

----- Original Message -----

From: "Gary, Aaron" <Aaron.Gary@legis.state.wi.us>
To: "Rodriguez, Charlene" <Charlene.Rodriguez@legis.state.wi.us>; "'Janet R. Swandby'" <swandby@swandby.com>
Sent: Monday, October 27, 2003 8:57 AM
Subject: RE: Vegetation Draft 4

> Would "specified under s. 84.30" (instead of "erected under s. 84.30")
> work

> for everybody? Aaron

>
> Aaron R. Gary
> Legislative Attorney
> Legislative Reference Bureau
> 608.261.6926 (voice)
> 608.264.6948 (fax)
> aaron.gary@legis.state.wi.us

>
>

> -----Original Message-----

> **From:** Rodriguez, Charlene
> **Sent:** Monday, October 27, 2003 8:43 AM
> **To:** 'Janet R. Swandby'
> **Cc:** Gary, Aaron
> **Subject:** RE: Vegetation Draft 4

>
>

> Janet,

>

> In the interest of good communication to Aaron and time, please contact
> Aaron directly.

>

> Thanks,

>

> Char

>

> -----Original Message-----

> **From:** Janet R. Swandby [mailto:swandby@swandby.com]
> **Sent:** Thursday, October 23, 2003 5:45 PM
> **To:** Rodriguez, Charlene
> **Cc:** Kathi Kilgore
> **Subject:** Re: Vegetation Draft 4

>
>

> Char:

>
> Members are very happy with the change in language from "readable" to
> "continuously observable"
>
> One member has raised an important point in the language on page 3, line
5.
> The language reads "any sign erected under s.84.30".
>
> This may be a problem because we have signs erected prior to the adoption
of
> 84.30. These are now considered nonconforming signs because they were
> erected prior to the enactment of the state regulations in 84.30.
>
> We're wondering if the language could be/should be changed to say
"governed
> by 84.30" or something to that effect.
>
> Do you want me to call Aaron about this issue to hear his explanation and
> whether it is necessary to make a change in the draft?
>
> Let me know. Thanks.
>
> Janet Swandby
> OAAW
> 608.286.9599
>
> ----- Original Message -----
> From: "Rodriguez, Charlene" <Charlene.Rodriguez@legis.state.wi.us>
> To: "'Janet R. Swandby'" <swandby@swandby.com>
> Cc: "Kathi Kilgore" <kilgore@swandby.com>
> Sent: Thursday, October 23, 2003 2:24 PM
> Subject: RE: Vegetation Draft 4
>
>
> > Sounds good.
> >
> > Char
> >
> > -----Original Message-----
> > From: Janet R. Swandby [mailto:swandby@swandby.com]
> > Sent: Wednesday, October 22, 2003 4:09 PM
> > To: Rodriguez, Charlene
> > Cc: Kathi Kilgore
> > Subject: Re: Vegetation Draft 4
> >
> >
> > Char:
> >
> > I think the draft looks good. I will have to run the change past some
of
> > the OAAW members. I'll get back to you soon.
> >
> > Thanks.
> >
> > Janet
> > ----- Original Message -----
> > From: "Rodriguez, Charlene" <Charlene.Rodriguez@legis.state.wi.us>
> > To: <swandby@swandby.com>; <kilgore@swandby.com>
> > Sent: Wednesday, October 22, 2003 3:43 PM
> > Subject: Vegetation Draft 4
> >
> >
> > > Hi Janet and Kathy,
> > >
> > > Attached is draft 4. Please review and get back to me at your
> > > convenience.
> > >

> > > Thanks,

> > >

> > > Char

> > >

> > > <<Vegetation Draft 4.pdf>>

> > >



State of Wisconsin
2003 - 2004 LEGISLATURE

needed
by
Thurs.
10/30
end of
day

LRB-2848/PS

ARG:kjf

CMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reger

- 1 AN ACT *to create* 86.03 (5m) of the statutes; **relating to:** removal of vegetation
- 2 along highways under the jurisdiction of the Department of Transportation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) is responsible for maintenance of the highway right-of-way on highways under its jurisdiction (state trunk highways). DOT must provide for the care and protection of trees and other roadside vegetation, including suitable planting to prevent soil erosion and to beautify the highways. DOT must also cut, trim, or remove, or allow others to cut, trim, or remove, trees and other vegetation in order to provide safety to highway users. DOT is also required to establish procedures for increasing the number of trees planted on state trunk highway rights-of-way.

Current law also prohibits a person from cutting, trimming, removing, or injuring any tree or other vegetation within the right-of-way of a state trunk highway without the consent of DOT. With DOT's approval, an owner of land adjoining a state trunk highway may plant and maintain trees and other vegetation on the side of the highway within 10 feet of the owner's land, and these trees and other vegetation may be cut or removed only by the owner or DOT.

The federal Highway Beautification Act requires states to restrict advertising along interstate and federal-aid primary highways, which includes state trunk highways, and current state law incorporates these requirements. Current law prohibits, with certain exceptions, the erection or maintenance of outdoor advertising signs within 660 feet of, or beyond 660 feet but visible (and erected for the purpose of being visible) from, the main-traveled way of an interstate or

federal-aid primary highway. Exceptions to this prohibition include, with some restrictions, signs advertising activities conducted on the property on which the signs are located; signs located beyond 660 feet of the highway in urban areas; and signs located within 660 feet of the highway in certain business, industrial, or commercial areas.

Under this bill, if a tree or other vegetation located in the right-of-way of a state trunk highway (including any segment designated as a freeway or expressway) prevents a motorist traveling on the highway at the posted speed limit from continuously observing, for six uninterrupted seconds while the motorist's vehicle is most directly in front of, any sign located on a business premises adjacent to the highway right-of-way that advertises the business to motorists on the adjacent highway or any outdoor advertising sign adjacent to the highway right-of-way, a person who maintains a majority ownership interest in the business or in the sign may trim or remove any obstructing tree or other vegetation located in the highway right-of-way if all of the following requirements are met:

1. The person obtains a permit from DOT.
2. The person pays the cost of trimming or removing the obstructing tree or other vegetation and of replacing any removed tree or vegetation.
3. If the person has removed any tree or other vegetation, the person replaces the removed tree or vegetation with comparable vegetation.
4. No state funds are expended for the trimming, removal, or replacement of any tree or other vegetation.

The bill requires DOT to issue permits to eligible applicants for the trimming or removal of trees and other vegetation located in the rights-of-way of state trunk highways. Each permit must specify the trees or vegetation or the portion of the highway right-of-way to which the permit applies. DOT must grant or deny each application for a permit within 30 days of receipt of the application.

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.** 86.03 (5m) of the statutes is created to read:
- 2 **86.03 (5m)** TREES AND OTHER VEGETATION BLOCKING VIEW OF BUSINESS OR SIGN.
- 3 (a) In this subsection, “vegetation” means any tree, shrub, hedge, or other foliage.
- 4 (b) Notwithstanding s. 80.01 (3) and any other provision of this section, if any
- 5 vegetation located in the right-of-way of any highway, including any freeway or
- 6 expressway designated under s. 84.295, under the jurisdiction of the department

1 prevents the operator of a vehicle traveling on such a highway at the posted speed
2 limit from continuously observing, for 6 uninterrupted seconds while the vehicle is
3 most directly in front of, any sign located on a business premises adjacent to the
4 highway right-of-way that advertises the business to motorists on the adjacent
5 highway or any sign ^{specified} ~~created~~ under s. 84.30 adjacent to the highway right-of-way,
6 any person who maintains a majority ownership interest in the business or in the
7 sign may trim or remove any obstructing vegetation located in the highway
8 right-of-way if all of the following requirements are met:

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

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

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

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

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

Gary, Aaron

From: Rodriguez, Charlene
Sent: Tuesday, November 25, 2003 10:51 AM
To: Gary, Aaron
Cc: Pfaff, Bruce
Subject: LRB 2848 re: Vegetation Removal

Hi Aaron,

Could we please get a companion of LRB 2848 drafted for Senator Kanavas? Also, could I get a jacket for it since it was drafted as a P5?

Thanks,

Char

Charlene Rodriguez
Research Assistant
State Representative David Ward
37th Assembly District
State Capitol, Room 321E
Madison, WI 53703
tel: 608-266-3791 (direct)
fax: 608-282-3637
e-mail: Charlene.Rodriguez@legis.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

TODAY

LRB-2848/1

ARG:kjf

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

- 1 AN ACT *to create* 86.03 (5m) of the statutes; **relating to:** removal of vegetation
- 2 along highways under the jurisdiction of the Department of Transportation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) is responsible for maintenance of the highway right-of-way on highways under its jurisdiction (state trunk highways). DOT must provide for the care and protection of trees and other roadside vegetation, including suitable planting to prevent soil erosion and to beautify the highways. DOT must also cut, trim, or remove, or allow others to cut, trim, or remove, trees and other vegetation in order to provide safety to highway users. DOT is also required to establish procedures for increasing the number of trees planted on state trunk highway rights-of-way.

Current law also prohibits a person from cutting, trimming, removing, or injuring any tree or other vegetation within the right-of-way of a state trunk highway without the consent of DOT. With DOT's approval, an owner of land adjoining a state trunk highway may plant and maintain trees and other vegetation on the side of the highway within 10 feet of the owner's land, and these trees and other vegetation may be cut or removed only by the owner or DOT.

The federal Highway Beautification Act requires states to restrict advertising along interstate and federal-aid primary highways, which includes state trunk highways, and current state law incorporates these requirements. Current law prohibits, with certain exceptions, the erection or maintenance of outdoor advertising signs within 660 feet of, or beyond 660 feet but visible (and erected for the purpose of being visible) from, the main-traveled way of an interstate or

federal-aid primary highway. Exceptions to this prohibition include, with some restrictions, signs advertising activities conducted on the property on which the signs are located; signs located beyond 660 feet of the highway in urban areas; and signs located within 660 feet of the highway in certain business, industrial, or commercial areas.

Under this bill, if a tree or other vegetation located in the right-of-way of a state trunk highway (including any segment designated as a freeway or expressway) prevents a motorist traveling on the highway at the posted speed limit from continuously observing, for six uninterrupted seconds while the motorist's vehicle is most directly in front of, any sign located on a business premises adjacent to the highway right-of-way that advertises the business to motorists on the adjacent highway or any outdoor advertising sign adjacent to the highway right-of-way, a person who maintains a majority ownership interest in the business or in the sign may trim or remove any obstructing tree or other vegetation located in the highway right-of-way if all of the following requirements are met:

1. The person obtains a permit from DOT.
2. The person pays the cost of trimming or removing the obstructing tree or other vegetation and of replacing any removed tree or vegetation.
3. If the person has removed any tree or other vegetation, the person replaces the removed tree or vegetation with comparable vegetation.
4. No state funds are expended for the trimming, removal, or replacement of any tree or other vegetation.

The bill requires DOT to issue permits to eligible applicants for the trimming or removal of trees and other vegetation located in the rights-of-way of state trunk highways. Each permit must specify the trees or vegetation or the portion of the highway right-of-way to which the permit applies. DOT must grant or deny each application for a permit within 30 days of receipt of the application.

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. 86.03 (5m) of the statutes is created to read:

2 86.03 (5m) TREES AND OTHER VEGETATION BLOCKING VIEW OF BUSINESS OR SIGN.

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

4 (b) Notwithstanding s. 80.01 (3) and any other provision of this section, if any
5 vegetation located in the right-of-way of any highway, including any freeway or
6 expressway designated under s. 84.295, under the jurisdiction of the department

1 prevents the operator of a vehicle traveling on such a highway at the posted speed
2 limit from continuously observing, for 6 uninterrupted seconds while the vehicle is
3 most directly in front of, any sign located on a business premises adjacent to the
4 highway right-of-way that advertises the business to motorists on the adjacent
5 highway or any sign specified under s. 84.30 adjacent to the highway right-of-way,
6 any person who maintains a majority ownership interest in the business or in the
7 sign may trim or remove any obstructing vegetation located in the highway
8 right-of-way if all of the following requirements are met:

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

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

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

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

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