

2003 DRAFTING REQUEST

Assembly Amendment (AA-AB678)

Received: **01/28/2004**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **John Ainsworth (608) 266-3097**

By/Representing: **Kristina Boardman (aide)**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - highways**

Extra Copies: **PJH**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Mowing grass amendment to town roads recodification

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>
/?							
/P1	agary 01/29/2004	kgilfoy 01/30/2004	rschluet 01/30/2004	_____	sbasford 01/30/2004		
/1	agary 02/02/2004	kgilfoy 02/02/2004	jfrantze 02/03/2004	_____	mbarman 02/03/2004	mbarman 02/03/2004	

FE Sent For:

<END>

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FE Sent For: *1-2/2 kmg* *7/6/3* *Sell 2/3* *<END>*

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1?	agary	1/12/30 King					

1 30 <END> 4

FE Sent For:

Gary, Aaron

From: Boardman, Kristina
Sent: Thursday, January 29, 2004 2:19 PM
To: Gary, Aaron
Subject: RE: AB 678

As I understand it - DOT is really only concerned about the mowing along STHs. Local roads would remain the same under AB 678.

Thanks Aaron.

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

From: Gary, Aaron
Sent: Thursday, January 29, 2004 2:17 PM
To: Boardman, Kristina
Subject: RE: AB 678

Hi Kristina,

I'm wondering how this provision for DOT related to state trunk highways is supposed to affect local highways. Is the intent that a person can mow grass along a highway that is not a STH (basically same as under AB-678), but special "rules" will apply along STH?

Thanks for the clarification, and let me know if you prefer I direct this to Paul at DOT. 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: Boardman, Kristina
Sent: Wednesday, January 28, 2004 4:02 PM
To: Gary, Aaron
Cc: Zavos, Nicholas; Cardis, Philip; Nilsen, Paul
Subject: AB 678

Aaron:

AB 678 (Town Road Recodification) has been scheduled for floor action on Tuesday, February 3rd. That's the good news!

The bad news is I need one more amendment. This amendment is in response to concerns brought forth by DOT.

Here is what we are looking for:

- 1) Except as provided in sub 2, no cutting of grasses on STH without permission.
- 2) A person who owns or rents property adjacent to any STH may cut grasses within STH right of way (ROW) without permission in that area along the property's frontage on the STH, and in the area within 300 feet of a driveway, railroad crossing or intersection that is located along the property's frontage on the STH. No person may farm or harvest grasses under this sub 2. This sub 2 does not apply to:

- a) freeways.
- b) expressways.
- c) locations protected by ROW fence.
- d) locations where pedestrians are prohibited.
- e) areas posted by the department as "do not mow".
- f) any grasses that are accessible only by crossing a travel lane.
- g) grasses located within 50 feet of an outdoor advertising sign.

We would also like to keep current references to "public authorities" (rather than substituting "city, village, town or county") because "public authority" includes WisDOT while AB 678 language does not. (pages 10 and 11 of AB 678)

If you have any specific questions regarding this amendment request, please feel free to contact Paul Nilsen at WisDOT at 261-0126.

Thanks so much for your continued help.

Kristina Boardman
Representative Ainsworth's Office
608.266.3097

2003 Assembly Bill 678/Senate Bill 315
Modifications requested by WisDOT

Page 8, line 7: after that line insert:

“Section 13g. 66.1003 (8) is renumbered 66.1003 (8)(b).

Section 13m. 66.1003 (8)(a) is created to read:

66.1003 (8)(a) Upon receiving a petition under sub. (2) or (3) or upon the introduction of a resolution under sub. (4), the city, village, town or county shall deliver a copy of the petition or resolution to the secretary of transportation, if the public way that is the subject of the petition or resolution lies within one-quarter mile of a state trunk highway or connecting highway.”

****Note: This section delivers notice to WisDOT of proposed discontinuance of public ways proximate to state trunk highways. This section must refer to counties due to s. 236.445, stats., which allows counties to discontinue public ways in the manner provided by this section.

Page 66, line 11: after “(4) (title)” insert “, (a) 5.”

Page 66, line 21: after that line insert:

(a) 5. The secretary of transportation, if the highway that is the subject of the application or resolution lies within one-quarter mile of a state trunk highway or connecting highway.

****Note: This section delivers notice to WisDOT of proposed discontinuance of public ways proximate to state trunk highways. Page 21, line 3 provides that applications to discontinue a highway under proposed s. 82.21 proceed under s. 82.10 (so this section also provides WisDOT with notices of discontinuance commenced under s. 82.21).

Page 10, line 23: delete “~~publie~~” and substitute “public”.

Page 10, line 24: delete “~~authorities city, village, town, or county~~” and substitute “authorities”.

Page 10, line 25: delete “~~Such~~” and substitute “Such”.

Page 11, line 11: delete “~~authorities. The city, village, town or county~~” and substitute “authorities”.

Page 11, line 6: delete “~~other than grass~~”.

Page 11, line 9: after “~~but such~~” insert “, except that a person may cut or trim grass without consent along any highway that is not a state trunk highway”.

****Note: The treatment of page 10, line 23 to Page 11, line 9 prohibits individuals from cutting grass along state trunk highways without consent.

Page 63, line 9: after that line insert:

“(c) If the land is depicted in a transportation project plat filed or recorded under s. 84.095, by reference as described in s. 84.095(7)(a).”

****Note: This section allows reference to a transportation project plat to serve as the legal description of property.

(END)

4. Section 66.1031: Propose adding a separate subsection authorizing DOT to map highway corridors to establish uniform setbacks for acquisition for future state trunk highway expansion. This process would be subject to a public hearing prior to the finalization of the highway corridor map. This section currently authorizes counties to carry out mapping to establish setbacks for future highway expansion. This section replaces s. 80.64 relating to the establishment of highway excess widths.

X

5. Section 66.1037: Propose reinstating original language found in s. 80.01(3). DOT has relied on original language to preserve its highway right-of-way. Also, DOT is not currently cutting grass in the right-of-way to safeguard the natural habitats for various bird species, etc. DOT has invested considerable resources in planning, planting, and maintaining these habitats and the growth and expansion of wild flowers planted on the highway right-of-way. The current language permits the cutting or trimming of grass by any person.

6. Section 82.01(5): Propose adding language to the definition of "legal description" to include reference to s. 84.095 because the process under that section is available to towns. Section 84.095(2) provides for the filing or recording of transportation project plats in connection with a transportation project.

7. Section 82.10: Propose Reconciling any differences with this section and s. 66.1003 related to discontinuance of streets, roads and alleys. Also, propose adding language that provides for notification to the DOT Secretary by a town upon receipt of a petition for discontinuing a street, road or highway under ss. 82.10 and 82.21 or upon a town's own initiative to ensure that the proposed discontinuance of a street, road or highway abutting, intersecting or within one-quarter mile of a state trunk highway will not cause safety problems or that such street, road or highway will not be required for, or be an integral part of a future state trunk highway improvement project.

8. Section 82.21: Same proposals as with s. 82.10. See 7 above.

Needed
by 1/30
P.M.

ARG:king

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO 2003 ASSEMBLY BILL 678

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 10, line 17: after that line insert:

3 "SECTION 23m. 80.01 (3) (title) of the statutes is renumbered 66.1037 (title)."

4 ✓ 2. Page 10, line 18: after "66.1037" insert "(1)".

5 ✓ 3. Page 10, line 20: delete "66.1037 Beautification and protection." and
6 substitute "66.1037 (1)".

7 ✓ 4. Page 10, line 23: delete "public" and substitute "public".

8 ✓ 5. Page 10, line 24: delete "~~authorities~~ city, village, town, or county" and
9 substitute "authority". ~~set~~ stet

10 ✓ 6. Page 11, line 1: delete "city, village, town, or county" and substitute
11 "authority".

12 ✓ 7. Page 11, line 5: delete "It" and substitute "Subject to sub. (2), it".

1 ✓ 8. Page 11, line 8: delete "authorities" and substitute "authorities authority". ✓ ✓

2 ✓ 9. Page 11, line 8: delete "their" and substitute "their its".

3 ✓ 10. Page 11, line 9: delete "The authorities" and substitute "authorities". The
4 authority".

5 ✓ 11. Page 11, line 11: ~~after~~ ^{before} that line insert:

6 "SECTION 24⁹. 66.1037 (2) of the statutes is created to read:

7 66.1037 (2) (a) Except as provided in par. (b), no person may cut or trim grass
8 along any state trunk highway without the consent of the department of
9 transportation.

10 (b) A person who owns or leases land abutting a state trunk highway may,
11 without ^{the} consent of the department of transportation, cut or trim grass that is within
12 the highway right-of-way and that is located along the land's frontage with the
13 highway right-of-way or within 300 feet of a driveway, railroad crossing, or
14 intersection along the land's frontage with the highway right-of-way. This
15 paragraph does not permit a person to cut or trim grass without the consent of the
16 department of transportation if ^{ies} any of the following apply:

17 1. The state trunk highway is a freeway, as defined in s. 346.57 (1) (am), or an
18 expressway, as defined in s. 59.84 (1) (b).

19 2. The person farms or harvests the grass.

20 3. The grass is located in any of the following:

21 a. An area protected by a right-of-way fence,

22 b. An area where pedestrians are prohibited.

23 c. An area where mowing is prohibited and the prohibition is designated and
24 marked by the department of transportation.

- 1 d. An area accessible only by crossing a traffic lane of the state trunk highway.
- 2 e. An area located within 50 feet of a sign, as defined in s. 84.30 (2) (j).”

3

(END)

Kennedy, Debora

From: Stephens, Liz
Sent: Friday, January 30, 2004 2:22 PM
To: Kennedy, Debora
Subject: LRB-3877

Ms. Kennedy,

Thank you so much for the heads up on the depletion of GPR as a result of this legislation! I really appreciate you going out of your way to ensure that Rep. Plouff has all of the information he needs.

Thanks again,

Liz

Liz Stephens
Office of State Representative Joe Plouff
State Capitol
Room 306 West
Madison, WI 53708
Toll Free: (888) 529-0529
Fax: (608)282-3629

Gary, Aaron

From: Boardman, Kristina
Sent: Monday, February 02, 2004 4:10 PM
To: Gary, Aaron
Subject: LRBa2054/P1

Aaron:

Regretfully - we need to make a couple of additional changes to the amendment for AB 678.

These are the changes requested. I will be sending over the stripes now. As you know, this bill is up on the floor tomorrow. I am very sorry for the last-minute negotiations.

Page 2 - line 13:
Replace "300" with "200"

Page 2 - strike line 21

Page 2 - strike lines 23 and 24.

Kristina Boardman
Representative Ainsworth's Office
608.266.3097



State of Wisconsin
2003 - 2004 LEGISLATURE

Needed
2/3
early morning

LRBa2054/1
ARG:kmg:rs

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO 2003 ASSEMBLY BILL 678

- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 10, line 17: after that line insert:
- 3 "SECTION 23m. 80.01 (3) (title) of the statutes is renumbered 66.1037 (title)."
- 4 2. Page 10, line 18: after "66.1037" insert "(1)".
- 5 3. Page 10, line 20: delete "66.1037 Beautification and protection." and
- 6 substitute "66.1037 (1)".
- 7 4. Page 10, line 23: delete "public" and substitute "public".
- 8 5. Page 10, line 24: delete "city, village, town, or county" and substitute
- 9 "authority".
- 10 6. Page 11, line 1: delete "city, village, town, or county" and substitute
- 11 "authority".
- 12 7. Page 11, line 5: delete "It" and substitute "Subject to sub. (2), it".

1 **8.** Page 11, line 8: delete “authorities” and substitute “authorities authority”.

2 **9.** Page 11, line 8: delete “their” and substitute “their its”.

3 **10.** Page 11, line 9: delete “. The authorities” and substitute “authorities. The
4 authority”.

5 **11.** Page 11, line 12: before that line insert:

6 “**SECTION 24g.** 66.1037 (2) of the statutes is created to read:

7 66.1037 (2) (a) Except as provided in par. (b), no person may cut or trim grass
8 along any state trunk highway without the consent of the department of
9 transportation.

10 (b) A person who owns or leases land abutting a state trunk highway may,
11 without the consent of the department of transportation, cut or trim grass that is
12 within the highway right-of-way and that is located along the land’s frontage with
13 the highway right-of-way or within ²⁰⁰~~300~~ feet of a driveway, railroad crossing, or
14 intersection along the land’s frontage with the highway right-of-way. This
15 paragraph does not permit a person to cut or trim grass without the consent of the
16 department of transportation if any of the following applies:

17 1. The state trunk highway is a freeway, as defined in s. 346.57 (1) (am), or an
18 expressway, as defined in s. 59.84 (1) (b).

19 2. The person farms or harvests the grass.

20 3. The grass is located in any of the following:

21 ~~a. An area protected by a right-of-way fence.~~

22 a. An area where pedestrians are prohibited.

23 c. An area where mowing is prohibited and the prohibition is designated and
24 marked by the department of transportation.

1

b. An area accessible only by crossing a traffic lane of the state trunk highway.

2

c. An area located within 50 feet of a sign, as defined in s. 84.30 (2) (j)."

3

(END)

Today

CCC
a 20.54/1

A. Amdt. 6
to AB-678

In enrolling, the following
correction was made:

#. Page 1, line 12: before
"Subject" insert "~~It~~".

KMG:



State of Wisconsin
2003-2004 LEGISLATURE

CORRECTIONS IN:

**ASSEMBLY AMENDMENT 6,
TO 2003 ASSEMBLY BILL 678**

Prepared by the Legislative Reference Bureau
(March 11, 2004)

In enrolling, the following correction was made:

1. Page 1, line 12: before "Subject" insert "It".

(END)