

## 2003 ASSEMBLY BILL 893

February 23, 2004 – Introduced by Representative JESKEWITZ, cosponsored by Senator ROESSLER. Referred to Joint Legislative Audit Committee.

1 **AN ACT** *to renumber and amend* 13.489 (1) and 13.489 (1m) (a); *to amend*  
2 13.489 (4) (a) 1. a. and b.; and *to create* 13.489 (4) (c), 13.489 (5) and 85.052 of  
3 the statutes; **relating to:** major highway projects, southeast Wisconsin  
4 freeway rehabilitation projects, and the transportation projects commission.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Transportation (DOT) administers a major highway projects program. With limited exceptions, a major highway project is a project having a total cost of more than \$5,000,000 and involving construction of a new highway 2.5 miles or more in length; reconstruction or reconditioning of an existing highway that relocates at least 2.5 miles of the highway or adds one or more lanes five miles or more in length to the highway; or improvement of an existing multilane, divided highway to freeway standards. Any major highway project, unlike other highway construction projects undertaken by DOT, must generally receive the approval of the Transportation Projects Commission (TPC) and the legislature (generally referred to as “enumeration”) before the project may be constructed.

Under current law, DOT submits a list of potential major highway projects to the TPC for study and recommendation by the TPC. DOT may not begin preparing an environmental impact statement (EIS) or environmental assessment (EA) for a potential major highway project without TPC approval. Although DOT generally may not begin construction of a major highway project without the approval of the TPC and the legislature, the legislature may enumerate and approve the

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construction of major highway projects without approval by the TPC. The TPC may not recommend approval of a major highway project unless the TPC determines that there is sufficient funding to begin construction of the project within six years.

Current law distinguishes, and provides separate funding for, southeast Wisconsin freeway rehabilitation projects, including reconstruction of the Marquette interchange in Milwaukee County. Current law specifically exempts any southeast Wisconsin freeway rehabilitation project from the definition of a major highway project, even if the southeast Wisconsin freeway rehabilitation project would meet the criteria described above for a major highway project. Southeast Wisconsin freeway rehabilitation projects are therefore not required to be reviewed or approved by the TPC.

This bill prohibits the TPC from recommending approval of any major highway project prior to the completion by DOT, and review by the TPC, of a final EIS or EA approved by the Federal Highway Administration. The bill also prohibits the legislature from enumerating any major highway project unless the TPC has recommended approval of the project.

The bill requires DOT to submit a report to the TPC, beginning on February 1, 2005, and every three months thereafter, that does all of the following:

1. Summarizes the current status of each potential major highway project for which the TPC has approved preparation of an EIS or EA, of each enumerated major highway project, and of each southeast Wisconsin freeway rehabilitation project.

2. For each project identified in item 1., above, identifies all actual and estimated project costs, itemized by major cost categories.

The bill requires all project information in the report to be reported on both a cumulative basis from the inception of the project and on an updated basis for the period since DOT's last report.

The bill requires DOT to develop and implement a change management system for providing fiscal and management oversight for all major highway projects and southeast Wisconsin freeway rehabilitation projects.

Under current law, membership of the TPC consists of the governor, three citizens appointed by the governor, five senators, and five representatives to the assembly. The secretary of transportation also serves as a nonvoting member. Three of the five senators and three of the five representatives are chosen from the majority party, and two senators and two representatives are chosen from the minority party. This bill increases the membership of the TPC by adding two additional members. Under the bill, the TPC includes six senators and six representatives, rather than five of each. Of these six senators and six representatives, four of each are chosen from the majority party and two of each are chosen from the minority party.

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

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

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1           **SECTION 1.** 13.489 (1) of the statutes is renumbered 13.489 (1g) and amended  
2 to read:

3           13.489 **(1g)** CREATION. There is created a transportation projects commission  
4 consisting of the governor, 3 citizen members appointed by the governor to serve at  
5 his or her pleasure, and 5 6 senators and 5 6 representatives to the assembly  
6 appointed as are the members of standing committees in their respective houses. Of  
7 the members from each house, 3 4 shall be chosen from the majority party and 2 shall  
8 be chosen from the minority party. The secretary of transportation shall serve as a  
9 nonvoting member. The governor shall serve as chairperson. Citizen members of the  
10 commission shall be reimbursed for their actual and necessary expenses incurred as  
11 members of the commission from the appropriation under s. 20.395 (4) (aq).

12           **SECTION 2.** 13.489 (1m) (a) of the statutes is renumbered 13.489 (1c), and  
13 13.489 (1c) (intro.), as renumbered, is amended to read:

14           13.489 **(1c)** (intro.) In this ~~subsection~~ section:

15           **SECTION 3.** 13.489 (4) (a) 1. a. and b. of the statutes are amended to read:

16           13.489 **(4)** (a) 1. a. The commission determines that, within 6 years after the  
17 first July 1 after the date on which the commission recommends approval of the  
18 project, construction will be commenced on all projects enumerated under s. 84.013  
19 (3) and on the project recommended for approval and the commission has received  
20 and reviewed a final environmental impact statement or environmental assessment  
21 for the project approved by the federal highway administration.

22           b. The report recommending approval of the project is accompanied by a  
23 financing proposal that, if implemented, would provide funding in an amount  
24 sufficient to ensure that construction will commence on all projects enumerated  
25 under s. 84.013 (3) and on the project within 6 years after the first July 1 after the

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1 date on which the commission recommends approval of the project and the  
2 commission has received and reviewed a final environmental impact statement or  
3 environmental assessment for the project approved by the federal highway  
4 administration.

5 **SECTION 4.** 13.489 (4) (c) of the statutes is created to read:

6 13.489 (4) (c) No project may be enumerated under s. 84.013 (3) or approved  
7 under s. 84.013 (6) unless the commission recommends approval, with or without  
8 modifications, of the project under par. (a) or, with respect to a project under s. 84.013  
9 (6m), designates the project under par. (b).

10 **SECTION 5.** 13.489 (5) of the statutes is created to read:

11 13.489 (5) DEPARTMENT TO REPORT PROJECT STATUS AND COSTS. (a) By February  
12 1, 2005, and every 3 months thereafter, the department of transportation shall  
13 submit a report to the commission that does all of the following:

14 1. Summarizes the current status of each project approved by the commission  
15 under sub. (1m) (d), of each project enumerated under s. 84.013 (3) or approved under  
16 s. 84.013 (6), and of each southeast Wisconsin freeway rehabilitation project under  
17 s. 84.014.

18 2. For each project specified under subd. 1., identifies all actual and estimated  
19 project costs, as of the date of preparation of the report.

20 (b) All project information included in any report required under this  
21 subsection shall be reported on both a cumulative basis from the inception of the  
22 project and on an updated basis for the period since the department's last report  
23 under this subsection.

24 **SECTION 6.** 85.052 of the statutes is created to read:

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1           **85.052 Change management system for major highway projects and**  
2           **southeast Wisconsin freeway rehabilitation projects.** The department shall  
3           develop and implement a change management system for providing fiscal and  
4           management oversight for all major highway projects funded from any  
5           appropriation specified in s. 84.013 (2) (a) and all southeast Wisconsin freeway  
6           rehabilitation projects funded from any appropriation specified in s. 84.014 (2).

7           **SECTION 6. Initial applicability.**

8           (1) The treatment of section 13.489 (4) (a) 1. a. and b. and (c) and (5) (a) 1. and  
9           2. of the statutes first applies to major highway projects being considered by the  
10          transportation projects commission under section 13.489 of the statutes on the  
11          effective date of this subsection.

12          (2) The treatment of section 13.489 (5) (a) 1. and 2. of the statutes first applies  
13          to major highway projects enumerated under section 84.013 (3) of the statutes or  
14          approved under section 84.013 (6) of the statutes on the effective date of this  
15          subsection.

16                                 **(END)**