

2003 DRAFTING REQUEST

Bill

Received: 01/28/2004

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Suzanne Jeskewitz (608) 266-3796

By/Representing: Pam Shannon (LC)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - highways**

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to: **Pam.Shannon@legis.state.wi.us**
Don.Bezruki@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Changes regarding major highway projects enumeration and transportation projects commission following audit bureau report

Instructions:

Companion to 03-4144

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 02/09/2004	wjackson 02/09/2004		_____			State
/1			rschluet 02/09/2004	_____	sbasford 02/09/2004		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>
/2	agary 02/10/2004 agary 02/19/2004	wjackson 02/11/2004 wjackson 02/19/2004	chaugen 02/11/2004	_____	Inorthro 02/11/2004		State
/3			pgreensl 02/19/2004	_____	Inorthro 02/19/2004	sbasford 02/20/2004 02/20/2004 02/20/2004	State
/4	agary 02/20/2004	jdye 02/20/2004	chaugen 02/20/2004	_____	mbarman 02/20/2004	mbarman 02/20/2004	

FE Sent For: 02/11/2004.

(1/2") ←
old version!
→ "4" At Intro.

<END>

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Diff 2-20

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02-11-2004
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By Pam Shannon
(Leg. Council)

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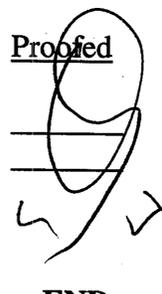
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1?	agary	1 WLJ 2/9					

FE Sent For:

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1/27/04

Key Elements for Bill Draft on Transportation Projects Commission

Procedural:

- Introduced by Senator Carol A. Roessler (Senate Bill)
- Introduced by Representative Suzanne Jeskewitz (Assembly Companion Bill)

Background:

In response to the findings and recommendations presented in the Legislative Audit Bureau's evaluation of the *Major Highway Program* (report 03-13), and reflective of testimony offered before the Joint Legislative Audit Committee in a public hearing on January 26, 2004, the co-chairpersons of the Joint Legislative Audit Committee wish to draft legislation that would increase Legislative involvement and oversight in managing major highway program expenditures by making procedural and process changes to the operations of the Transportation Projects Commission.

Key Elements for Proposed Legislation:

The composition, duties, and responsibilities of the Transportation Projects Commission are identified in s. 13.489 Wis. Stats. The proposed legislation would modify these responsibilities as follows:

1. Semi-annual reporting to the Transportation Projects Commission. On February 1 and August 1 of each year, the Department of Transportation will prepare and submit to the Transportation Projects Commission a formal report summarizing the current status of each major highway project enumerated and the current status of each potential major highway project approved by the Commission for preparation of an environmental impact statement or an environmental assessment. The report will identify project costs as of the reporting date by major cost categories, include specific detail to describe the most current design of the project, and explain any project design modifications made since the Department's last report to the Commission.
2. A major highway project may not be enumerated by the Transportation Projects Commission until it has received and reviewed the final environmental impact statement or environmental assessment. Section 13.489 (4)(d), Wis. Stats., requires the Commission to notify the Department of those potential major highway projects that the Commission has approved for preparation of an environmental impact statement or an environmental assessment. The Commission must have received and reviewed the final environmental impact statement or environmental assessment before the Commission may enumerate the project.
3. Post-enumeration review of project costs by the Transportation Projects Commission. If, at any time after the Transportation Projects Commission has enumerated a major highway project, total project costs increase by more than ten percent (10%) of the total project costs approved by the Commission when the project was enumerated, the Department of Transportation must report and justify the cost increases to the Transportation Projects Commission within 60 days.
4. Only the Transportation Projects Commission shall have statutory authority to enumerate a major highway project. The Legislature may not independently enumerate a major highway project. No major highway project shall be enumerated without the approval of the Transportation Projects Commission.

TODAY

4145/1

LRB-~~4144~~
ARG:wlj:pg

R M N R

2003 BILL

No CHANGES

REGEN

1 AN ACT *to renumber* 13.489 (1); *to renumber and amend* 13.489 (1m) (a); *to*
 2 *amend* 13.489 (4) (a) 1. a. and b.; and *to create* 13.489 (2m), 13.489 (4) (c) and
 3 13.489 (5) and (6) of the statutes; **relating to:** major highway projects and the
 4 transportation projects commission.

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

BILL

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.

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 further requires prior TPC approval for certain project design changes proposed by DOT after the project's enumeration.

The bill also requires DOT to submit a report to the TPC, beginning on February 1, 2005, and every six 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 and of each enumerated major highway project.

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

3. For each enumerated major highway project on which the project design or scope changed after enumeration, explains the change, the reason for the change, and the estimated project cost attributable to implementing the change.

4. For each enumerated major highway project on which the total actual or estimated project costs increase to an amount that exceeds 10 percent of the total estimated project costs specified in DOT's final EIS or EA, identifies and explains the cost increases, except that if estimated cost increases attributable to proposed project design changes alone exceed 10 percent, DOT must obtain approval of the TPC before implementing the proposed design changes. If such a report is required, the increased project costs specified in the report become the baseline for determining whether subsequent project cost increases require another report.

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.

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.** 13.489 (1) of the statutes is renumbered 13.489 (1g).

2 **SECTION 2.** 13.489 (1m) (a) of the statutes is renumbered 13.489 (1c), and
3 13.489 (1c) (intro.), as renumbered, is amended to read:

4 13.489 (1c) (intro.) In this ~~subsection~~ section:

5 **SECTION 3.** 13.489 (2m) of the statutes is created to read:

BILL

1 13.489 (2m) APPROVAL OF CERTAIN PROJECT DESIGN CHANGES. The commission
2 shall review any report submitted as provided in sub. (6) (a) 2. and, within 60 days
3 of submission of the report, notify the department of transportation of those proposed
4 project design changes that the commission approves or approves with modifications
5 or shall notify the department that it does not approve any of the proposed project
6 design changes. The department of transportation may not implement any proposed
7 project design changes required to be submitted to the commission under sub. (6) (a)
8 2. unless the commission notifies the department under this subsection that the
9 proposed project design changes, with or without modifications, are approved.

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

11 13.489 (4) (a) 1. a. The commission determines that, within 6 years after the
12 first July 1 after the date on which the commission recommends approval of the
13 project, construction will be commenced on all projects enumerated under s. 84.013
14 (3) and on the project recommended for approval and the commission has received
15 and reviewed a final environmental impact statement or environmental assessment
16 for the project approved by the federal highway administration.

17 b. The report recommending approval of the project is accompanied by a
18 financing proposal that, if implemented, would provide funding in an amount
19 sufficient to ensure that construction will commence on all projects enumerated
20 under s. 84.013 (3) and on the project within 6 years after the first July 1 after the
21 date on which the commission recommends approval of the project and the
22 commission has received and reviewed a final environmental impact statement or
23 environmental assessment for the project approved by the federal highway
24 administration.

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

BILL

1 13.489 (4) (c) No project may be enumerated under s. 84.013 (3) or approved
2 under s. 84.013 (6) unless the commission recommends approval, with or without
3 modifications, of the project under par. (a) or, with respect to a project under s. 84.013
4 (6m), designates the project under par. (b).

5 **SECTION 6.** 13.489 (5) and (6) of the statutes are created to read:

6 13.489 (5) DEPARTMENT TO REPORT PROJECT STATUS AND COSTS. (a) By February
7 1, 2005, and every 6 months thereafter, the department of transportation shall
8 submit a report to the commission that does all of the following:

9 1. Summarizes the current status of each project approved by the commission
10 under sub. (1m) (d) and of each project enumerated under s. 84.013 (3) or approved
11 under s. 84.013 (6).

12 2. For each project specified under subd. 1., identifies all actual and estimated
13 project costs, as of the date of preparation of the report, itemized by the following
14 major cost categories:

15 a. Construction contracts.

16 b. Real estate.

17 c. Design engineering.

18 d. Construction engineering.

19 e. Contract change orders.

20 f. Other costs.

21 3. Subject to sub. (6) (a) 2., for each project enumerated under s. 84.013 (3) or
22 approved under s. 84.013 (6) on which the project design or scope changed after
23 enumeration or approval, explains the change, the reason for the change, and the
24 estimated project cost attributable to implementing the change.

25 4. Includes any information required under sub. (6).

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

5 (6) PROJECT COST OVERRUNS. (a) If at any time after a project is enumerated
6 under s. 84.013 (3) or approved under s. 84.013 (6) the total actual or estimated
7 project costs for the project increase to an amount that exceeds 10 percent of the total
8 estimated project costs specified in the final environmental impact statement or
9 environmental assessment for the project reviewed by the commission under sub. (4)
10 (a) 1., the department of transportation shall do all of the following:

11 1. Subject to subd. 2., in its next report under sub. (5), identify and explain,
12 including providing any reason for, all such increases in actual or estimated project
13 costs.

14 2. If proposed project design changes alone cause the total estimated project
15 costs to increase by the amount specified in this subsection, the department shall,
16 prior to implementing the proposed project design changes, report the proposed
17 project design changes, any reason for these design changes, and the estimated
18 project cost attributable to these design changes, to the commission for review and
19 approval under sub. (2m).

20 (b) If at any time the department is required to report to the commission under
21 par. (a) 1. or 2., the total project costs, including the identified increase, reported to
22 the commission under par. (a) 1. or 2. shall thereafter be used in lieu of the total
23 estimated project costs specified in the final environmental impact statement or
24 environmental assessment for purposes of determining whether, at any time

BILL

1 subsequent to the report under par. (a) 1. or 2., any additional increase in project
2 costs requires a new report to the commission under par. (a).

3 **SECTION 7. Initial applicability.**

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

8 (2) The treatment of section 13.489 (2m), (5) (a) 1. to 3., and (6) of the statutes
9 first applies to projects enumerated under section 84.013 (3) of the statutes or
10 approved under section 84.013 (6) of the statutes on the effective date of this
11 subsection.

12 **(END)**

Meet w/ Pam Shannon

2/10

- change TPC composition:

5 sen. & 5 rep. → 6
- 4 instead of 3 from
maj. party

- need sen

- change both 4/44 & 4/45

Gary, Aaron

From: Shannon, Pam
Sent: Tuesday, February 10, 2004 4:13 PM
To: Gary, Aaron
Cc: Bezruki, Don
Subject: RE: change to major highways bill - LRB-4144 and LRB-4145

Hi Aaron-
Sen. Roessler says she would like the change to take effect immediately.
Thanks.
Pam

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

From: Gary, Aaron
Sent: Tuesday, February 10, 2004 3:19 PM
To: Shannon, Pam
Subject: change to major highways bill - LRB-4144 and LRB-4145

Pam,

This is drafted but I wanted to double check something before I put it into editing. As drafted, the change in TPC composition would take effect immediately. Thus, if signed by the governor and published on March 1, a new senator and new representative could be added the next day. Is this okay? Or do you want the effective date delayed to the commencement of the next legislative biennium (roughly Jan. 20 something '05)? Or something else? Thanks.
Aaron

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



State of Wisconsin
2003 - 2004 LEGISLATURE

Needed
by 2/11
end of day

LRB-4145 Z
ARG:wlj:rs

RMR

2003 BILL

REGEN

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

SECTION 3. 13.489 (2m) of the statutes is created to read:

insert
ANAC ✓

insert
2-1 ✓
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4
5

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19 sufficient to ensure that construction will commence on all projects enumerated
20 under s. 84.013 (3) and on the project within 6 years after the first July 1 after the
21 date on which the commission recommends approval of the project and the
22 commission has received and reviewed a final environmental impact statement or
23 environmental assessment for the project approved by the federal highway
24 administration.

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

BILL

1 13.489 (4) (c) No project may be enumerated under s. 84.013 (3) or approved
2 under s. 84.013 (6) unless the commission recommends approval, with or without
3 modifications, of the project under par. (a) or, with respect to a project under s. 84.013
4 (6m), designates the project under par. (b).

5 **SECTION 6.** 13.489 (5) and (6) of the statutes are created to read:

6 13.489 (5) DEPARTMENT TO REPORT PROJECT STATUS AND COSTS. (a) By February
7 1, 2005, and every 6 months thereafter, the department of transportation shall
8 submit a report to the commission that does all of the following:

9 1. Summarizes the current status of each project approved by the commission
10 under sub. (1m) (d) and of each project enumerated under s. 84.013 (3) or approved
11 under s. 84.013 (6).

12 2. For each project specified under subd. 1., identifies all actual and estimated
13 project costs, as of the date of preparation of the report, itemized by the following
14 major cost categories:

15 a. Construction contracts.

16 b. Real estate.

17 c. Design engineering.

18 d. Construction engineering.

19 e. Contract change orders.

20 f. Other costs.

21 3. Subject to sub. (6) (a) 2., for each project enumerated under s. 84.013 (3) or
22 approved under s. 84.013 (6) on which the project design or scope changed after
23 enumeration or approval, explains the change, the reason for the change, and the
24 estimated project cost attributable to implementing the change.

25 4. Includes any information required under sub. (6).

BILL

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

5 (6) PROJECT COST OVERRUNS. (a) If at any time after a project is enumerated
6 under s. 84.013 (3) or approved under s. 84.013 (6) the total actual or estimated
7 project costs for the project increase to an amount that exceeds 10 percent of the total
8 estimated project costs specified in the final environmental impact statement or
9 environmental assessment for the project reviewed by the commission under sub. (4)
10 (a) 1., the department of transportation shall do all of the following:

11 1. Subject to subd. 2., in its next report under sub. (5), identify and explain,
12 including providing any reason for, all such increases in actual or estimated project
13 costs.

14 2. If proposed project design changes alone cause the total estimated project
15 costs to increase by the amount specified in this subsection, the department shall,
16 prior to implementing the proposed project design changes, report the proposed
17 project design changes, any reason for these design changes, and the estimated
18 project cost attributable to these design changes, to the commission for review and
19 approval under sub. (2m).

20 (b) If at any time the department is required to report to the commission under
21 par. (a) 1. or 2., the total project costs, including the identified increase, reported to
22 the commission under par. (a) 1. or 2. shall thereafter be used in lieu of the total
23 estimated project costs specified in the final environmental impact statement or
24 environmental assessment for purposes of determining whether, at any time

BILL

1 subsequent to the report under par. (a) 1. or 2., any additional increase in project
2 costs requires a new report to the commission under par. (a).

3 **SECTION 7. Initial applicability.**

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

8 (2) The treatment of section 13.489 (2m), (5) (a) 1. to 3., and (6) of the statutes
9 first applies to projects enumerated under section 84.013 (3) of the statutes or
10 approved under section 84.013 (6) of the statutes on the effective date of this
11 subsection.

12 (END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

5
LRB-4144/2ins
ARG:.....

INSERT ANAL:

Under current law, membership of the TPC consists of the governor, three citizens appointed by the governor, and 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.

INSERT 2-1:

SECTION ~~1~~ 13.489 (1) of the statutes is renumbered 13.489 (1g) and amended

to read:

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

History: 1983 a. 27; 1985 a. 2; 1985 a. 29 ss. 27 to 29, 3202 (51); 1987 a. 27; 1993 a. 16; 1997 a. 27, 86; 1999 a. 9.

Fiscal Estimate - 2003 Session

Original Updated Corrected Supplemental

LRB Number 03-4145/2	Introduction Number	
Subject		
Changes regarding major highway projects enumeration and transportation projects commission following audit bureau report		
Fiscal Effect		
State:		
<input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local:		
<input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected		
<input type="checkbox"/> GPR <input checked="" type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEGS		
Affected Ch. 20 Appropriations		
Agency/Prepared By	Authorized Signature	Date
DOT/ Mark Woltmann (608) 266-1744	Carol Buckmaster (608) 267-6979	3/30/2004

Copy sent to Rep. Jeskewitz 03-30-2004
 → FE is for old "1/2" version
 → draft is now a "1/4"
 → Intro. As AB 893

Fiscal Estimate Narratives

DOT 3/30/2004

LRB Number	03-4145/2	Introduction Number	Estimate Type	Original
Subject				
Changes regarding major highway projects enumeration and transportation projects commission following audit bureau report				

Assumptions Used in Arriving at Fiscal Estimate

Assumptions Used in Arriving at Fiscal Estimate

The bill includes a number of provisions that: (a) increases TPC membership; (b) prohibits the TPC from recommending approval of a project prior to final EIS or EA completion and approval by FHWA; (c) prohibits the legislature from enumerating any project unless the TPC has recommended approval; and, (d) requires prior TPC approval for certain project design changes after enumeration. The threshold for reporting design project changes for TPC approval is 10% of the total estimated project costs specified in the final EIS or EA.

In addition, the bill expands project level status and cost reporting requirements to the TPC. These new reporting requirements being February 1, 2005 and will be provided every 6 months thereafter. These changes in reporting include: (a) current status of each project approved by the TPC and all enumerated projects; (b) actual and estimated project costs itemized by major cost categories (i.e., construction contracts, real estate, design engineering, construction engineering, contract change orders, and other costs); (c) design and scope changes for enumerated or TPC approved projects, including an explanation of the change, reason for the change, and the estimated cost attributable to the change; (d) project information will be provided on both a cumulative basis and an updated basis since the previous report; and (e) project cost overruns that exceed 10% of the estimated project costs specified in the final EIS or EA.

Assumptions:

Consultant contracts would need to include a provision requiring firms to provide an itemized bill to the department. The additional costs incurred by consultant firms to provide this more detailed billing would be recovered through an increase in their overhead rates.

A combination of automated and manual processes will need to be employed to compile and present the detailed cost information by the effective date of February 1, 2005.

Fiscal impact analysis is based on the following scenario:

A biannual report is required which would provide the project level detail and program summary. It is assumed that:

- a) an average of 30 major projects will be under construction each year and a project manager will devote one week per project to updating, compiling, analyzing, verifying, and formatting the project level estimate and related expenditure information per report.
- b) An average of 10 major project candidates will be under study each year and a project manager will devote 2 days per project to updating, compiling, analyzing, verifying, and formatting the project level estimates and related expenditure information per report.
- c) An average of 20 projects will be under study as potential candidates for TPC consideration and a project manager will devote one day per potential study project to updating, compiling, analyzing, verifying, and formatting the project level estimates and related expenditure information per report.
- d) One full time employee will devote one week per report to assembling, verifying, and distributing a consolidated report containing the above materials.

- a) 30 construction projects * 40 hours per project * 2 reports = 2,400 hours
- b) 10 major project candidates * 16 hours per project * 2 reports = 320 hours
- c) 20 potential project candidates * 8 hours per project * 2 reports = 320 hours
- d) Central Office Report Compilation * 2 reports = 80 hours

Total = 3,120 hours

Applying an average hourly wage of \$25 and a 30% fringe benefit factor, the annual fiscal impact is estimated as follows:

$3,120 \text{ hours} * \$25/\text{hour} * 1.30 \% \text{ fringe benefit} = \$ 101,400$

Long-Range Fiscal Implications

The existing DOT financial record-keeping system has become out-dated and inadequate to meet the department's emerging management information needs generally and, more specifically, with regard to capturing the itemized costs required under this bill. The cost and timetable associated with designing and implementing a new financial operating system is indeterminate at this time.

Fiscal Estimate Worksheet - 2003 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 03-4145/2		Introduction Number	
Subject			
Changes regarding major highway projects enumeration and transportation projects commission following audit bureau report			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
II. Annualized Costs:			
		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$101,400	
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category		\$101,400	\$
B. State Costs by Source of Funds			
GPR			
FED			
PRO/PRS			
SEG/SEG-S (Transportation)		101,400	
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
TOTAL State Revenues		\$	\$
NET ANNUALIZED FISCAL IMPACT			
		State	Local
NET CHANGE IN COSTS		\$101,400	\$
NET CHANGE IN REVENUE		\$	\$
Agency/Prepared By		Authorized Signature	Date
DOT/ Mark Woltmann (608) 266-1744		Carol Buckmaster (608) 267-6979	3/30/2004

TODAY

4145/3

LRB-~~4145~~

ARG:wlj:V

R M N R

2003 BILL

Regen

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.

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

BILL

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.

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

BILL

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

BILL

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:

Northrop, Lori

From: Matthews, Pam
Sent: Thursday, February 19, 2004 4:18 PM
To: LRB.Legal
Subject: Draft review: LRB 03-4145/3 Topic: Changes regarding major highway projects enumeration and transportation projects commission following audit bureau report

It has been requested by <Matthews, Pam> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-4145/3 Topic: Changes regarding major highway projects enumeration and transportation projects commission following audit bureau report

TODAY
by 10:00
LRB-~~4448~~
ARG w/ljif
LPS-NOTE
4145/4
Stays RMR
D-Note

2003 BILL

Regen

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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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

BILL

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.

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

BILL

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
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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~~ 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

BILL

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
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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:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4145/4dn

ARG:.....

JLD

The attached draft rectifies an error by which the changes that were supposed to be made from the "2" draft to the "3" draft were not incorporated. I apologize for any inconvenience.

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