



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Added To File: 02/25/2004 (Per: ARG)



 The 2003 drafting file for LRB 03a2365/1
has been copied/added to the 2003 drafting file for

LRB 03a2408

 The attached 2003 draft was incorporated into the new 2003 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as an appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.

2003 DRAFTING REQUEST

Assembly Amendment (AA-AB893)

Received: 02/25/2004

Received By: agary

Wanted: Soon

Identical to LRB:

For: Suzanne Jeskewitz (608) 266-3796

By/Representing: Pam Matthews (aide)

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
pam.matthews@legis.state.wi.us
aaron.gary@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

major highway projects and transportation projects commission; information available on internet, design changes, and reporting period

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 02/25/2004 | kfollett 02/25/2004 | | _____ | | | |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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| /1 | | | rschluet 02/25/2004 | _____ | Inorthro 02/25/2004 | Inorthro 02/25/2004 | |

FE Sent For:

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|--------------|----------------|-----------------|---|---|------------------|-----------------|-----------------|
| /? | agary | 1/11/04 2/25 |  |  | | | |

FE Sent For:

<END>

Gary, Aaron

From: Matthews, Pam
Sent: Wednesday, February 25, 2004 10:31 AM
To: Gary, Aaron
Cc: Asbjornson, Karen; Shannon, Pam; Chrisman, James
Subject: RE: Changes to AB 893 & SB 478

Hi Aaron,

I have now spoken with both Sue and Carol about your comments.

- 1) On the reporting element, please change to semi-annually and as needed with now tie to design changes.
- 2) Language needs to be clear that the TPC must come together for a hearing regarding approval of the major design changes. You may have already incorporated this, but just in case...
- 3) Add, "Higher-speed interchanges than originally planned" to the list of Major Design Changes.
- 4) Yes, they want to make it clear that the Internet reports should be available for free download, but DOT may charge for hard copy reports - including postage.

I think this covers everything. Again, thanks for all your hard work on such short notice.

Pam

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

From: Gary, Aaron
Sent: Wednesday, February 25, 2004 9:10 AM
To: Matthews, Pam
Cc: Asbjornson, Karen; Shannon, Pam; Chrisman, James
Subject: RE: Changes to AB 893 & SB 478

Sorry, one more follow up: I think it is presumed that DOT may charge a fee for hard-copies of the reports and documents identified in item 1), unless the bill provides otherwise. (It is not so clear whether DOT could impose an access charge on the internet.) Do you want to specify that such information is to be available without fee on the internet, or by hardcopy, or both? 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: Matthews, Pam
Sent: Tuesday, February 24, 2004 5:09 PM
To: Gary, Aaron
Cc: Asbjornson, Karen; Shannon, Pam; Chrisman, James
Subject: Changes to AB 893 & SB 478

Aaron,

After a discussion with both Rep. Jeskewitz and Sen. Roessler I have been asked to request you to make the following changes in one simple amendment (for both bills):

- 1) Making information available on the Internet. *I believe you already received this from the Roessler office:*

Section 7. 13.489(5) of the statutes is created to read:

13.489(5). The Department of transportation shall maintain on the internet and allow for

public access to the following information, within the prescribed timelines:

(a). Any report prepared by the department of transportation for the commission. Any report shall be available on the internet within 5 business days of completion of the report and transmittal to the Commission.

(b). Any materials or documents prepared by the department of transportation for use at a meeting of the commission. Any materials or documents prepared for a meeting of the commission must be available to the public on the internet at least 5 business days prior to the meeting.

(c). Any other information prescribed by the commission. This information must be available to the public on the internet within the time prescribed by the commission.

2) Add language - similar to language in 4145/2 (and 4144/2) draft, page 3, starting on line 15 for approval of design changes. If the DOT wants to make any of the below design changes, they must first submit a report to the TPC identifying the desired design changes and get their approval before any of these changes can be implemented.

- Upgrade from highway to expressway to freeway
- At-grade intersections to interchanges
- Changing from 2-lanes to 4-lanes

3) Change the frequency of reporting from quarterly to annually, or as needed. As needed would apply when a design change is requested.

I am still trying to get a consensus on whether this needs to be a simple amendment or a substitute amendment. Sorry for all this last minute stuff!

Pam

*Pamela B. Matthews
Research Assistant
Office of Representative Sue Jeskewitz
24th Assembly District*

*Office: 608-266-3796
Toll Free: 888-529-0024
Pam.Matthews@legis.state.wi.us*

Gary, Aaron

From: Gary, Aaron
Sent: Tuesday, February 24, 2004 5:18 PM
To: Matthews, Pam
Cc: Asbjornson, Karen; Shannon, Pam; Chrisman, James
Subject: RE: Changes to AB 893 & SB 478

I started drafting item 1). This applies to any report or materials, not just to what is referenced in the bill, correct? Also, how do you want this "phased in"? Can it apply only to reports or materials occurring after the effective date? To the extent you want it retroactive, there needs to be some treatment of this issue, as DOT cannot instantly post all reports from the past 10 years, for example, on the internet as soon as the bill becomes effective.

I will review and draft the other items as availability permits, keeping in mind the hearing on Thursday. (Drafting priority is for amendments to bills on the floor, and then amendments to bills scheduled for hearing action.)

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Gary, Aaron

From: Gary, Aaron
Sent: Wednesday, February 25, 2004 8:52 AM
To: Matthews, Pam
Cc: Asbjornson, Karen; Shannon, Pam; Chrisman, James
Subject: RE: Changes to AB 893 & SB 478

I finished drafting this last night. Re item 2), I cobbled together what had been created s. 13.489 (2m) and (6) in the 4144/2 draft, with the requisite changes. As with the 4144/2 draft, item 2) is drafted to apply only to projects enumerated under s. 84.013 (3) or approved under s. 84.013 (6) - that is, only to projects sufficiently far along in the process that there is a set design and the project is basically "fixed". Also, re item 3), I have changed the required report period as indicated. As I understand it, the "as needed" aspect of item 3) relates only to the circumstances under item 2), so this part of item 3) is taken care of in the drafting of item 2).

Please let me know if any of the foregoing seems to be inconsistent with your intent (if the foregoing is too confusing, hopefully you'll have the amendment soon). As soon as I hear back on the initial applicability provision re "information available on the internet," I will finalize the draft and get it into editing. Obviously, the sooner I can do that the better chance that you'll have it yet today and the more time you'll have to review the actual draft and let me know if any changes are needed. Thanks. Aaron

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Gary, Aaron

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Sent: Wednesday, February 25, 2004 2:03 PM
To: Gary, Aaron
Cc: Asbjornson, Karen; Shannon, Pam; Chrisman, James; Bezruki, Don
Subject: RE: Changes to AB 893 & SB 478

Hi Aaron,

I just talked with Sue about the draft. Her comment about the TPC approval issue is that she feels they should make a decision on the same day as the hearing - they should have received all the materials before hand and come to the meeting prepared to hear comments and make a decision. As for reporting, I don't think the change from quarterly to semi-annually was made in this amendment. Also, on page 1 line 8 Sue's intent, which I didn't word properly, is that any increase in the number of lanes on a project needs to be approved. The last issue on the reporting, she concurs with how it was drafted.

I hope this addresses everything. I am actually on a conference call RIGHT NOW with DOT in D.C. and will send another e-mail one way or the other when we are finished.

Pam

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From: Gary, Aaron
Sent: Wednesday, February 25, 2004 1:43 PM
To: Matthews, Pam
Cc: Asbjornson, Karen; Shannon, Pam; Chrisman, James
Subject: RE: Changes to AB 893 & SB 478

Pam,

You should have received a copy of the senate amendment. I am holding off on the assembly amendment until I hear back regarding the d-note questions (or that other changes are needed), since this will save one step in the process and could avoid the trouble of your having to return the jacket. If you want the assembly amendment sent out now regardless of whether changes may be needed yet today, please let know and I will send it through now. Otherwise, somebody should let me know as soon as you know whether the senate amendment is okay as is or whether it needs changes, as I will either redraft or send the assembly amendment through as soon as I hear further. Thanks. Aaron

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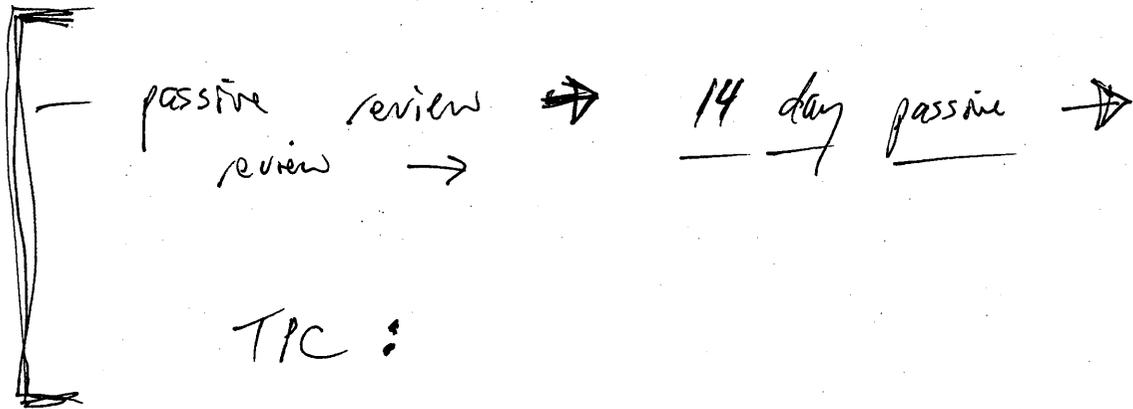
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~~Publicly today:~~ ~~50358~~



TPC :

- like what we have except 14 day passive review

design
change
only

report gets ~~to~~ made public after 14 days after if no review
 • or made public ~~at~~ by end of 14 day of the hour

• semi-annual = right away ⇒ Q3 15

~~TO DAY~~
Now
Today

a 2365/1

LRBa 23477
ARG:kjf:148

(R M N R)

Assembly
~~SENATE~~ AMENDMENT,
Assembly
TO 2003 ~~SENATE~~ BILL ~~478~~ 893

adding one or more

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

2 1. Page 3, line 14: after that line insert:

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

4 13.489 (2m) APPROVAL OF CERTAIN PROJECT DESIGN CHANGES. If at any time after
5 a project is enumerated under s. 84.013 (3) or approved under s. 84.013 (6) the
6 department of transportation proposes any project design change that involves
7 upgrading any portion of the project from a highway to a freeway or expressway

8 ~~any~~ traffic lanes in ~~any~~ ^{any} direction ~~or~~ ^{or} traffic lanes in one direction ~~or that involves~~

9 upgrading any intersection at grade to an interchange ^{or} upgrading an interchange
10 to accommodate higher-speed traffic, the department shall, prior to implementing
11 the proposed project design changes, report the proposed project design changes, any
12 reason for these design changes, and the estimated project cost attributable to these
13 design changes, to the commission for review and approval. The commission shall

insert
2-1

- 1 review any report submitted under this subsection ~~and, within 30 days of submission~~
- 2 ~~of the report, conduct a public hearing on the proposed project design changes.~~
- 3 ~~Following the hearing, the commission shall~~ notify the department 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 this
- 8 subsection unless the commission notifies the department under this subsection that
- 9 the proposed project design changes, with or without modifications, are approved.”.

insert
2-3

- 10 2. Page 4, line 12: delete “3” and substitute “6”.
- 11 3. Page 4, line 23: after that line insert:

12 “SECTION 5m. 13.489 (6) of the statutes is created to read: *Subject to par. (d)*

13 13.489 (6) DEPARTMENT TO MAKE INFORMATION AVAILABLE. The department of
14 transportation shall make all of the following information available to the public,
15 including making the information available at no charge on the department’s
16 Internet site, within the following time periods:

- 17 (a) ^g Any report prepared by the department for the commission shall be
- 18 available within 5 business days of the report’s completion and transmittal to the
- 19 commission.
- 20 (b) ^g Any materials or documents prepared by the department for use at a
- 21 meeting of the commission shall be available at least 5 business days prior to the
- 22 meeting.

Subject to par. (d)

1 (c) Any other information directed by the commission to be made available by
2 the department under this subsection shall be available within the time specified by
3 the commission.

insert
3-3 →

4 4. Page 5, line 12: after "13.489" insert "(2m) and".

5 5. Page 5, line 15: after that line insert:

6 "(3m) The treatment of section 13.489 (6) of the statutes first applies to reports,
7 materials, and documents prepared by the department on the effective date of this
8 subsection."

9 (END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2365/1ins
ARG:.....

INSERT 1-12:

No # If, within 14 days after the date on which the report is submitted to the commission, the commission does not notify the department that the commission has scheduled a public hearing on the proposed project design changes, the department may implement the proposed project design changes as specified in the report. If, within 14 days after the date on which the report is submitted to the commission, the commission notifies the department that the commission has scheduled a public hearing on the proposed project design changes, the commission shall conduct the public hearing and, within 60 days of the department's submission of the report,

INSERT 2-5:

No # If, within 14 days after the date on which the department's report is submitted to the commission, the commission notifies the department that the commission has scheduled a public hearing on the proposed project design changes, the

INSERT 3-3:

(d) Any report prepared by the department for the commission under sub. (2m), and any materials or documents prepared by the department for use at a public hearing under sub. (2m), shall be available on the 15th day after the date on which the report under sub. (2m) is submitted to the commission if the commission does not notify the department within 14 days of the report's submission that the commission has scheduled a public hearing on the proposed project design changes, or, if the commission notifies the department under sub. (2m) that the commission has scheduled a public hearing under sub. (2m), on the day of the public hearing at a time following the public hearing."



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa2365/1
ARG:kjf.rs

ASSEMBLY AMENDMENT ,
TO 2003 ASSEMBLY BILL 893

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6 department of transportation proposes any project design change that involves
7 upgrading any portion of the project from a highway to a freeway or expressway,
8 adding one or more traffic lanes in any direction, upgrading any intersection at grade
9 to an interchange, or upgrading an interchange to accommodate higher-speed
10 traffic, the department shall, prior to implementing the proposed project design
11 changes, report the proposed project design changes, any reason for these design
12 changes, and the estimated project cost attributable to these design changes, to the
13 commission for review and approval. The commission shall review any report

1 submitted under this subsection. If, within 14 days after the date on which the report
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7 commission has scheduled a public hearing on the proposed project design changes,
8 the commission shall conduct the public hearing and, within 60 days of the
9 department's submission of the report, notify the department of those proposed
10 project design changes that the commission approves or approves with modifications
11 or notify the department that it does not approve any of the proposed project design
12 changes. If, within 14 days after the date on which the department's report is
13 submitted to the commission, the commission notifies the department that the
14 commission has scheduled a public hearing on the proposed project design changes,
15 the department may not implement any proposed project design changes required
16 to be submitted to the commission under this subsection unless the commission
17 notifies the department under this subsection that the proposed project design
18 changes, with or without modifications, are approved.”

19 **2.** Page 4, line 12: delete “3” and substitute “6”.

20 **3.** Page 4, line 23: after that line insert:

21 “SECTION 5m. 13.489 (6) of the statutes is created to read:

22 13.489 (6) DEPARTMENT TO MAKE INFORMATION AVAILABLE. The department of
23 transportation shall make all of the following information available to the public,

1 including making the information available at no charge on the department's
2 Internet site, within the following time periods:

3 (a) Subject to par. (d), any report prepared by the department for the
4 commission shall be available within 5 business days of the report's completion and
5 transmittal to the commission.

6 (b) Subject to par. (d), any materials or documents prepared by the department
7 for use at a meeting of the commission shall be available at least 5 business days prior
8 to the meeting.

9 (c) Any other information directed by the commission to be made available by
10 the department under this subsection shall be available within the time specified by
11 the commission.

12 (d) Any report prepared by the department for the commission under sub. (2m),
13 and any materials or documents prepared by the department for use at a public
14 hearing under sub. (2m), shall be available on the 15th day after the date on which
15 the report under sub. (2m) is submitted to the commission if the commission does not
16 notify the department within 14 days of the report's submission that the commission
17 has scheduled a public hearing on the proposed project design changes, or, if the
18 commission notifies the department under sub. (2m) that the commission has
19 scheduled a public hearing under sub. (2m), on the day of the public hearing at a time
20 following the public hearing."

21 **4.** Page 5, line 12: after "13.489" insert "(2m) and".

22 **5.** Page 5, line 15: after that line insert:

