

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB292)

Received: 05/12/2005

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Steve Wieckert (608) 266-3070

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Transportation to schools

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>
/1	phurley 05/12/2005	kfollett 05/12/2005	pgreensl 05/12/2005	_____	lemery 05/12/2005	lemery 05/12/2005	
	phurley 05/16/2005	kfollett 05/17/2005		_____			
/2			jfrantze 05/17/2005	_____	sbasford 05/17/2005	sbasford 05/17/2005	

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FE Sent For:

12/16/05
5/1/06
[Handwritten signatures and dates]
<END>

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/1	phurley	1/11/jif 5/12	5/12 ps	5/12 gwb			

FE Sent For:

<END>

Hurley, Peggy

From: Becher, Scott
Sent: Thursday, May 12, 2005 10:58 AM
To: Hurley, Peggy
Subject: FW: AB 292--school transportation planning bill--do you have time to meet about it this week?

Please draft as one amendment, the bill is up for hearing on May 19. So I will need these in short order...

From: Lisa MacKinnon [mailto:lmac@1kfriends.org]
Sent: Monday, May 09, 2005 4:57 PM
To: Rep.Wieckert; Becher, Scott
Subject: AB 292--school transportation planning bill--do you have time to meet about it this week?

Hello Representative Wieckert and Scott:

I see that AB 292 is scheduled for a hearing on May 19th. Have you had any time to consider the amendments I suggested? I read through the DOT's response and see that they do not have any concerns (no anticipated additional fiscal impact, etc.) with our recommendations. In fact, they agree that addressing impacts on/ implications for public transit would be a good idea given the number of urban schools that depend on city bus systems, etc. for school transportation. They also cite another issue we would like to see addressed, which is that schools often serve as community resource centers for all ages during non-school hours, which is another reason to expressly broaden the focus to include impacts on all school users (beyond the schoolchildren).

As I said in my memo, I think that these amendments would only serve to further your intent in drafting the bill and improve both safety and good planning around schools.

Do you have any time to talk about possible amendments this week since the bill is coming up for a hearing next week? I have not spoken with any of the bill's co-sponsors about amendments yet because I thought Rep. Wieckert, as the author, would want the chance to offer any desired amendment first.

Please let me know when you might have a chance to talk about it. I'll be around all day Tuesday and Wednesday and Thursday morning.

I look forward to talking with you,

Lisa

P.S. I've attached the amendment memo here so you don't have to dig it out again.

Lisa MacKinnon
Policy Director
1000 Friends of Wisconsin
16 N. Carroll St., Suite 810
Madison, WI 53703
phone: 608/259-1000
fax: 608/ 259-1621
www.1kfriends.org

05/12/2005

3/30/05

To: Representative Wieckert & Scott Becher

From: Lisa MacKinnon, 1000 Friends of Wisconsin

**Re: Language Suggestions for Amendments to LRB 0901/1—
"Protecting Students on the Way to School" bill**

As an organization that works on educating the public about the strong connection between land use and transportation decisions--and the effect that those decisions have on our quality of life--we really appreciate your efforts to tackle this issue as it relates to school planning and transportation safety.

The stated goal of this bill is to facilitate coordinated transportation and school facility planning in order to maintain or increase safety for students traveling to and from schools.

While I appreciate the focus on students, non-student pedestrians, bicyclists and drivers are also affected by how transportation is planned near school facilities. Also, many communities that are building or re-building schools should be planning for improved connections and transportation access for various modes (walking, bicycling, etc.). For that reason, I think the review of the proposed school construction's effect on existing or anticipated highways is too narrow in scope. I would recommend that the review also take into account the proposed school construction's effect on any existing or anticipated pedestrian, bicycle or public transportation facilities. This approach will better capture the full range of possible modes that students, their families and community members use on or near the school grounds.

In order to more effectively accomplish the stated goal of this bill, I would recommend making the following changes:

Section 1 [§84.01 (33) (a) 1. Wis. Stats.]: Suggested amendments in italics:

Page 2, Lines 7 - 10: " Upon receiving a request, the department shall review the site plan submitted to the department by the school board and shall review the effect of the proposed enlargement or construction on existing and anticipated highways, *pedestrian facilities,*

bicycling facilities and public transportation facilities, as defined in s. 340.01(22), _____, _____, and _____, respectively.

[See Notes 1 and 2 at the end of this document for comments on possible definitions]

Section 1 [§84.01 (33) (a) 2. Wis. Stats.]: Suggested amendments in italics:

✓ Page 3, Lines 2 - 3: "...and that minimizes any adverse impact of the school grounds, buildings, or facilities on *pedestrian, bicycle or motor vehicle* traffic."

Section 1 [§84.01 (33) (b) Wis. Stats.]: Suggested amendments in italics:

⊂ Page 3, Lines 10 - 11: "...related to ensuring the convenience and safety of children, *pedestrians, bicyclists* and motor vehicle traffic in school zones."

Note #1: Pedestrian facilities definition: Surprisingly, no specific definition for pedestrian facilities exists in the statutes. The nearest definition of pedestrian facilities is the "pedestrian way," which is defined in §346.02(8) (a) Wis. Stats. as "a walk designated for the use of pedestrian travel." A better definition taken from WisDOT's Pedestrian Plan 2020 is "the physical infrastructure that allows for or promotes walking and other forms of pedestrian movement (such as wheelchairs) as a form of travel." [Wisconsin Pedestrian Policy Plan 2020, WisDOT Bureau of Planning, March 2002].

Note # 2: Under Wis. Stats. 346.02 (2) "every person riding a bicycle upon a roadway is granted all the rights and is subject to all the duties which this chapter grants or applies to the operator of a vehicle". Therefore, bicycle facilities must be designed to allow bicyclists to ride in a manner consistent with motor vehicle operation.

Possible definitions:

Bicycle facilities definition - "A general term denoting improvements and provisions made by public agencies to accommodate or encourage bicycling, including parking facilities, mapping all bikeways, and shared roadways not specifically designated for bicycle use." Source: American Association of State Highway and Transportation Officials (AASHTO) Bicycle Guidelines.

Bikeway definition- "Any road, path, or way which in some manner is specifically designated for the exclusive use of bicycles or are to be shared with other transportation modes." Source: AASHTO Bicycle Guidelines.

Bicycle Path definition – "A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right of way or within an independent right of way." Source: Wisconsin Bicycle Planning Guidance, WisDOT, June 2003
<http://www.dot.state.wi.us/projects/state/docs/bike-guidance.pdf>

Bicycle Accommodations: An all inclusive class of improvements that typically enhances roadway facilities for biking. Accommodations include not only bikeways, but other improvements as well, such as paved shoulders and wide curb lanes. [Wisconsin Bicycle Transportation Plan 2020, WisDOT Bureau of Planning, December 1998].

2005 ASSEMBLY BILL 292

April 4, 2005 - Introduced by Representatives WIECKERT, PETROWSKI, GRONEMUS, PETTIS, HAHN, ZEPNICK, MUSSER, LEHMAN, VRAKAS, HINES and MOLEPSKE, cosponsored by Senators STEPP, BRESKE, OLSEN, ROESSLER, GROTHMAN and DARLING. Referred to Committee on Transportation.

1 AN ACT *to create* 84.01 (33) of the statutes; **relating to:** requiring the
2 Department of Transportation to provide transportation planning and
3 assistance in reviewing the site plan of proposed school construction or
4 enlargement and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Transportation (DOT) to advise cities, villages, and towns (municipalities) and counties with regard to the construction and maintenance of any highway or bridge, when requested. DOT may, upon request, perform any supervision or engineering work necessary in connection with highway improvements by any municipality or county and may charge the municipality or county its costs. Current law also prohibits any person from opening a driveway onto a state trunk highway without first obtaining a permit issued by DOT and requires DOT to review the transportation plan of proposed land subdivisions.

This bill requires DOT, upon request of a school board, to review the site plan of any proposed enlargement of school grounds, or proposed construction or enlargement of school buildings or facilities. A school board may request a DOT review after the site plan has been reviewed by the county traffic safety commission. In its review, DOT must determine the effect of the proposed enlargement or construction on existing and anticipated highways, and must provide guidance to the school board with regard to transportation-related matters, such as roadways, sidewalks, bicycle paths, and school bus loading and unloading areas, in a manner that adequately protects children in the school zone, ensures motor vehicle access to

ASSEMBLY BILL 292

the school, and minimizes any adverse impact of the enlargement or construction of the school on motor vehicle traffic. DOT may, but is not required to, use transportation impact analysis processes in its review. The bill specifies that a school board is not required to comply with DOT's recommendations and that DOT may not assess a fee for its services.

The bill also requires DOT to make available to any school board safety courses, educational materials, and other assistance related to ensuring the convenience and safety of children and motor vehicle traffic in school zones. DOT may assess a fee, not to exceed DOT's cost, for these services. Finally, the bill requires DOT to annually provide to each school board written notice of DOT's obligations and services under this bill.

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.** 84.01 (33) of the statutes is created to read:

2 84.01 **(33)** TRANSPORTATION PLANNING AND ASSISTANCE FOR NEW SCHOOLS. (a) 1.

3 A school board may request the county traffic safety commission to review the site

4 plan of any proposed enlargement of school grounds, or proposed construction or

5 enlargement of school buildings or facilities. Following the review by the county

6 traffic safety commission, the school board may request the department to review the

7 site plan. Upon receiving a request, the department shall review the site plan

8 submitted to the department by the school board and shall review the effect of the

9 proposed enlargement or construction on existing and anticipated highways, as

10 defined in s. 340.01 (22). The department is not required to use transportation

11 impact analysis processes in its review of a site plan, but may apply the principles

12 of transportation impact analysis in its review of the site plan.

13 2. The department shall provide guidance to the school board on the laying out

14 of sidewalks, bicycle paths and racks, roadways for vehicular traffic, school bus

15 loading and unloading areas, and access to highways, in a manner that adequately

ASSEMBLY BILL 292

1 protects children in the school zone, that ensures motor vehicle, pedestrian, and
2 bicycle access to the school grounds, buildings, or facilities, and that minimizes any
3 adverse impact of the school grounds, buildings, or facilities on motor vehicle traffic.
4 No school board is required to comply with the department's recommendations and
5 the department is not responsible for any costs associated with implementation of
6 any of its recommendations. The department may not assess any fee for services
7 provided under this paragraph.

8 (b) Upon request, the department shall make available to any school board
9 safety courses, educational materials, and other assistance not described in par. (a)
10 related to ensuring the convenience and safety of children and motor vehicle traffic
11 in school zones. The department may assess a fee, not to exceed the cost to the
12 department, for services provided under this paragraph.

13 (c) Annually, after May 1 and before September 1, the department shall provide
14 to each school board written notice of the department's obligations and available
15 services under pars. (a) and (b).

SECTION 2. Initial applicability.

17 (1) This act first applies to requests for assistance received from a school board
18 on the effective date of this subsection.

SECTION 3. Effective date.

20 (1) This act takes effect on January 1, 2006.

21

(END)

**ASSEMBLY AMENDMENT ,
TO 2005 ASSEMBLY BILL 292**

S-D-05
by
S-16-05
D-note

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

2 **1.** Page 3, line 3: after "facilities on" insert "pedestrian, bicycle, or".

3 **2.** Page 3, line 10: after "children" insert ", pedestrians, bicyclists,".

4 (END)



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0623/1dn

PJH: *kjf*

Date

Scott,

Please note that I did not insert "pedestrian facilities, bicycle facilities, and public transportation facilities," into proposed s. 84.01 (33) (a) 1. I did not insert that language for two reasons. First, because there are no statutory definitions for those terms, but more importantly because the term "highway" already encompasses all of those facilities.

The changes made to the other sections by the amendment require DOT to comment specifically on a proposed project's impact on bicycle and pedestrian safety. I believe this language accomplishes the amendment's intent. Please let me know if you would like me to change anything.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0623/1dn
PJH:kjf:pg

May 12, 2005

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State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa0623/1
PJH:kjf/pg

ASSEMBLY AMENDMENT ,
TO 2005 ASSEMBLY BILL 292

5-16-05
2002

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- 2 ~~1.~~ Page 3, line 3: after "facilities on" insert "pedestrian, bicycle, or".
- 3 ~~2.~~ Page 3, line 10: after "children" insert ", pedestrians, bicyclists,".

4 (END)

insert A

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0623/lins
PJH:kjf:pg

INSERT A:

1. Page 22, line 10: after "s. 350.01 (22)?" insert ", pedestrian facilities, bicycling facilities, and public transportation facilities. In this subsection, "pedestrian facility" means any physical infrastructure that allows for or promotes walking and other forms of pedestrian movement as a form of travel, and "bicycling facility" means any road, path, or way that is in some manner specifically designated for the use of bicycles, either exclusively, or shared with other vehicles."