

2005 DRAFTING REQUEST

Senate Amendment (SA-AB100)

Received: 06/30/2005

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Judith Robson (608) 266-2253

By/Representing: Nadine Gratz (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - highways

Extra Copies: PJH, MES

Submit via email: YES

Requester's email: Sen.Robson@legis.state.wi.us

Carbon copy (CC:) to: Nadine.Gratz@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Bus shelter advertising

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>
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FE Sent For:

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FE Sent For:

<END>

FOR
ROBSON

TO

JK, PJH,
Gmm

City of Madison

1. General Transportation Aids. Set the statutory municipal distribution in 2006 and 2007 at the level that corresponds to a 3% annual increase in funding for General Transportation Aids. Set the general transportation aid to municipalities calendar year distribution as follows: \$291,789,800 in 2006 and \$300,543,500 in 2007. Set the calendar year rate per mile at \$1,880 in 2006 and \$1,936 in 2007.
[Perhaps Fiscal Bureau can confirm these figures (See Paper No. 725 at <http://www.legis.state.wi.us/lfb/2005-07budget/BudgetPapers/725.pdf>) and provide the corresponding SEG figures.]

2. Shared Revenue. Provide an inflationary increase in Shared Revenue payments to local governments. While the language in the current bill does not decrease funding compared to the last Biennium, the costs of providing basic services by local governments have continued to increase. Providing for an inflationary increase based on the Consumer Price Index or other reliable indicator, would more fairly keep pace with such cost increases and would result in property tax relief.

3. Child Care Pass Through. Maintain base funding of \$308,040,600 FED annually during the 2005-07 biennium for direct child care services, as described in LFB Budget Paper # 855, Alternative A1. (See, <http://www.legis.state.wi.us/lfb/2005-07budget/BudgetPapers/855.pdf>)
) . Dane County also supports this request.

4. Bus Shelter Advertising. Current law generally prohibits advertising on the public right of way, with few exceptions. Municipalities throughout the State of Wisconsin, during these tight fiscal times, need options to increase their revenues. One such source of potential additional revenues is to sell advertising on bus shelters.
In order to permit such revenue-generating initiatives, a statutory amendment is needed. I attach a memo that more fully describes the issue and a recommended solution.

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Re: **Bus Shelter Advertising**

1. Why the Change is Needed.

Under the current statutes, advertising on bus shelters located in the highway right-of-way is prohibited. This prohibition deprives the City of Madison with a source of revenue for its transit system.

Chapter 86 of the Wisconsin Statutes regulates the placement of signs within the limits of streets and highways. Section 86.19, Stats., prohibits the placement of signs within the limits of any street or highway with certain exceptions. While the word "sign" is not defined in Chapter 86, there is a definition for the word "sign" in § 84.30, Wis. Stats., which regulates outdoor advertising on interstate and other highways that are part of the federal and primary highway system. The definition of "sign" in that section is very broad. It is defined in relevant part as "any outdoor advertising sign, display, device, notice, figure, painting, message, placard, poster, billboard, or other thing, which is designed, intended, or used to advertise or inform" In addition, a public sidewalk in a City falls within the "limits of any street or highway" regulated under Section 86.19(1), Stats. The Wisconsin Attorney General, 42 OAG 219 (1985), gave the opinion that the highway consists of the entire area between the established right-of-way limits. The opinion concludes that "the government's regulatory authority is not confined to the traveled portion of the roadway." Consequently, advertising placed on a bus shelter located on a sidewalk in the highway right-of-way in a city falls within the restrictions of § 86.19(1), Wis. Stats., which prohibits signs placed within the limits of any street or highway.

The effect of this restriction is to deprive the City's transit system of a source of revenue which could aid in maintaining an efficient public transit system available to the public at a reasonable cost. It is the policy of the State of Wisconsin to encourage urban mass transit systems, as made explicit under § 84.01(27), Wis. Stats. An amendment to the statutes which would create an additional exception to the prohibition against signs in the right-of-way for advertising on bus shelters would advance the public interest. In this regard, it is significant that WisDot may authorize an exception to the prohibitions against signs in § 86.19(1), Stats., for private park and ride lots. (§ 84.01(30)(g), Stats.)

2. Drafting Information.

The purpose of the Amendment would be to allow cities with mass transit systems to place advertising on the system's bus shelters which are located within the limits of any street or highway. With respect to appropriate placement of the amendment, I note that § 66.1021, Wis. Stats., deals with city, village and town transit commissions. It may be a logical spot for such an amendment. Wherever the Amendment is placed, that statutory reference would need to be added to § 86.19(1) as an exception to the general prohibition.

**SENATE AMENDMENT ,
TO 2005 ASSEMBLY BILL 100**

B-note

engrossed

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At the locations indicated, amend the bill as follows:

1. Page 739, line 21: after that line insert:


SECTION 1738m. 86.19 (1g) of the statutes is created to read:

86.19 (1g) Notwithstanding sub. (1), the governing body of a city, village, or town may place, or allow the placement of, advertising signs on bus shelters within the limits of any street or highway under the jurisdiction of the city, village, or town. This subsection does not apply to any part of the state trunk highway system designated as a connecting highway under s. 86.32.”.

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0779/1dn

ARG:.....


Date

ATTN: Nadine Gratz

The attached amendment relates to "bus shelter advertising" that is part of the city of Madison package. Absent the provision in s. 86.19 (1), I am not aware of any other restriction that would prevent a municipality, under its home rule authority, from allowing advertising on bus shelters.

Because this advertising would occur within the highway right-of-way, I believe that the provisions of 23 USC 131 (federal restrictions on outdoor advertising along highways) and the penalty for violating these federal provisions (forfeiture of federal highway funding) would not apply. However, you may wish to consult DOT on this issue.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0779/1dn
ARG:kjf:rs

June 30, 2005

ATTN: Nadine Gratz

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