



(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on Natural Resources and
Transportation...**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Natural Resources and Transportation

Clearinghouse Rule 05-082

Relating to specific information signs.

Submitted by Department of Transportation.

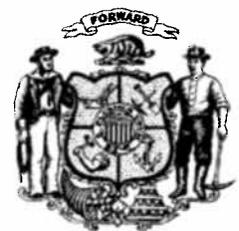
November 30, 2005 Referred to Committee on Natural Resources and Transportation.

December 30, 2005 No action taken.

Dan Johnson
Committee Clerk



WISCONSIN STATE LEGISLATURE





Wisconsin Department of Transportation

www.dot.wisconsin.gov

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Governor

Frank J. Busalacchi
Secretary

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The Honorable Senator Neal Kedzie
Chairman, Senate Transportation Committee
Room 313 South
State Capitol
Madison, Wisconsin 53707

November 30, 2005

The Honorable Representative John Ainsworth
Chairman, Assembly Transportation Committee
Room 309 North, State Capitol
Madison, Wisconsin 53702

RE: Proposed Administrative Rule **TRANS 200**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 05-082

Dear Senator Leibham and Representative Ainsworth:

In accordance with the Department of Transportation's efforts to keep you informed of its ongoing rule making actions, enclosed is a courtesy copy of Final Draft rule **Trans 200**, relating to **specific information signs**, which is being submitted to the Legislature for committee review.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: David Vieth
Richard Moss

CR 05-082

The Wisconsin Department of Transportation proposes an order to amend TRANS 200.06(7)(c)1.; and repeal and recreate TRANS 200.06(7)(b)3., relating to specific information signs.

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

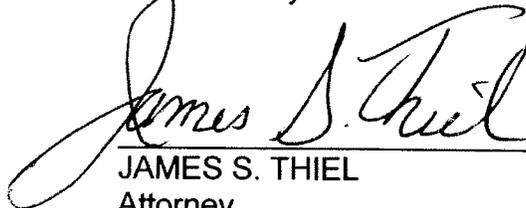
Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



JAMES S. THIEL
Attorney
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
Transportation Building
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-8928

PART 1

Analysis Prepared by the Wisconsin Department of Transportation

Statutes interpreted: ss. 84.02(4)(e) and 86.195, Stats.

Statutory authority: s. 86.195(6)(b), Stats.

Explanation of agency authority: The Department has authority to regulate the number, size and types of specific information signs on signposts near interchanges.

Related statute or rule: Section Trans 200.06(7)(b)3., Wis. Admin. Code.

Plain language analysis: The current administrative rule allows for up to two types of motorist services to be displayed on each specific information sign. There are four types of motorist services: GAS, FOOD, LODGING, and CAMPING. The proposed rule change would allow for three types of motorist services per specific information sign. In order to accommodate the three types of signs on one specific information sign, a technical change is made in the business sign size specifications for uniformity and fit. The maximum number of specific information signs per interchange exit is not increased (4). The total number of business signs identifying the motorist service available remains limited to six for each specific information sign structure.

Summary of, and preliminary comparison with, existing or proposed federal regulation: The proposed change would update the administrative rule to allow greater flexibility that is consistent with the *Federal Manual on Uniform Traffic Control Devices*, 2003 edition, Part 2, Chapter 2, Section 2F.02, adopted by the Federal Highway Administration pursuant to 23 USC 109(d) and 23 CFR 655.603.

Comparison with Rules in Adjacent States:

Michigan: Michigan allows three categories per sign.

Minnesota: Minnesota allows three categories per sign.

Illinois: Illinois allows only two categories per sign.

Iowa: Iowa allows three categories per sign.

Summary of factual data and analytical methodologies used and how the related findings support the regulatory approach chosen: Review of changes in Federal Regulations.

Analysis and supporting documentation used to determine effect on small businesses: The rule change is being requested by small business. The cost impact is minimal and voluntary.

Effect on small business: The proposed rule provides additional participation opportunities for small businesses. Since businesses request that they be identified on

state-installed signs, the sign application process will enforce the rule. The Department's Regulatory Review Coordinator may be contacted by e-mail at andrew.ruiz@dot.state.wi.us, or by calling (414) 438-4585.

Fiscal effect and anticipated costs incurred by private sector: The rule amendment will have only a minor fiscal effect for the state. Any private sector costs are permissive.

Copies of Proposed Rule. Copies of the proposed rule may be obtained, without cost, by writing to Richard Moss, Department of Transportation, Division of Transportation System Development, Program Management Section, Room 501, P. O. Box 7986, Madison, WI 53707-7986. You may also contact Mr. Moss by phone at (608) 267-7830.

PART 2 **TEXT OF PROPOSED RULE**

SECTION 1. Trans 200.06(7)(b)3. is repealed and recreated to read:

Trans 200.06(7)(b)3. 'Interchanges with fewer facilities.' a. At interchanges where not more than 3 qualified facilities are available for each of 2 or more types of motorist services, business signs for 2 types of motorist services may be displayed on the same specific information sign. Not more than 3 business signs for each type of motorist service may be displayed in combination on a specific information sign with 2 types of motorist services. When it becomes necessary to display a fourth business sign for a type of motorist service displayed in combination, the business signs involved shall then be displayed in compliance with subds. 1. and 2.

b. At interchanges where not more than 2 qualified facilities are available for each of 3 or more types of motorist services, business signs for 3 types of motorist services may be displayed on the same specific information sign. Not more than 2 business signs for each type of motorist service may be displayed in combination on a specific information sign with 3 types of motorist services. When it becomes necessary to display a third business sign for a type of motorist service displayed in combination,

the business signs involved shall then be displayed in compliance with subd. 1., 2. or 3.a.

c. The name of each type of motorist service shall be displayed above its respective business signs, and the exit number shall be displayed above the names of the types of motorist services. At unnumbered interchanges, the legend "NEXT RIGHT (LEFT)" shall be substituted for the exit number. Business signs shall not be combined on a specific information sign when it is anticipated that additional motorist service facilities will become available in the near future.

SECTION 2. Trans 200.06(7)(c)1. is amended to read:

Trans 200.06(7)(c)1. 'Business sign size.' Each business sign displayed on a "GAS" specific information sign shall be contained within a 48-inch-wide and 36-inch-high rectangular background area, including border. Each business sign displayed on a "FOOD," "LODGING," or "CAMPING" specific information sign shall be contained within a 60-inch-wide and 36-inch-high rectangular background area, including border. If 2 business signs are displayed for 3 different types of motorist services on one specific information sign, the business sign size shall be contained within a 48-inch-wide and 36-inch-high rectangular background area, including border.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 30th day of November, 2005.


FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

PART 3 CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **05-082**

AN ORDER to amend Trans 200.06 (7) (b) 3, relating to specific information signs.

Submitted by **DEPARTMENT OF TRANSPORTATION**

08-30-2005 RECEIVED BY LEGISLATIVE COUNCIL.

09-26-2005 REPORT SENT TO AGENCY.

RNS:DLS

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

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Clearinghouse Assistant Director

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CLEARINGHOUSE RULE 05-082

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

a. In s. Trans 200.06 (7) (b) 3., the first new sentence indicates that at the specified interchanges, business signs **for 3 types of motorist services** may be displayed on the same specific information sign”. The second new sentence, however, indicates that not more than two business signs for each type of motorist service may be displayed in combination on a panel with **three or more types of motor services**. It appears that “or more” in the second sentence should be deleted since the full sign (“panel”) is limited, by the first sentence, to three types of motorist services. The “Plain language analysis” to the rule notes, among other things, that: (1) “The proposed rule would allow for three types of motorist services per specific information sign”; and (2) “The total number of business signs identifying the motorist service available remains limited to six for each specific information sign structure.” Also note that the second sentence in current sub. (7) (b) 3. (which sentence parallels the language in the second created sentence) ends with “shall be displayed in combination on a panel.” Also, the use of the term “panel” seems confusing. “Specific information sign” is defined in s. 86.195 (1) (d), Stats., to mean a “rectangular sign panel which displays....” It appears that “specific information sign” should be used instead of “panel.”

b. It appears that s. Trans 200.06 (7) (b) 3., with the new language, needs to be further subdivided (or otherwise redrafted) to avoid confusion. For example, the first two sentences in current subd. 3 could be subd. 3. a. (referring to interchanges where not more than three qualified facilities are available for each of two or more types of motorist services), the last two sentences (created in the rule) could be sub. 3. b. (referring to interchanges where not more than two

qualified facilities are available for each of three or more types of motorist services), and the third to sixth sentences in subd. 3. c. since those sentences appear to apply to both types of interchanges (i.e., to both subd. 3. a. and 3. b. in this redrafting example)

As it is drafted, the general language in the third to sixth sentences is located in the middle of the provision, as affected by the rule, and it is not clear how those sentences apply to the two newly created sentences. Note that the sixth sentence ("When it becomes necessary to display a fourth business sign...") does refer (in the current rule and the draft) to the first two sentences in the current rule, but it appears that perhaps it should be in a general subd. 3. c. and be modified so it applies to both types of interchanges.

Whatever the approach, s. Trans 200.06 (7) (b) 3., as affected by the rule, needs to be redrafted to make it clear how sentences three to six apply to the two types of interchanges referred to in the amended par. (b) 3.

5. Clarity, Grammar, Punctuation and Use of Plain Language

In the second sentence created in s. Trans 200.06 (7) (b) 3., "shall" should be "may." This also applies to the second sentence in current par. (b) 3.

PART 4
CR 05-082

ANALYSIS OF FINAL DRAFT OF TRANS 200

(a) **Basis and Purpose of Rule.** The current administrative rule allows for up to two types of motorist services to be displayed on each specific information sign. There are four types of motorist services: GAS, FOOD, LODGING, and CAMPING. The proposed rule change would allow for three types of motorist services per specific information sign. In order to accommodate the three types of signs on one specific information sign, a technical change is made in the business sign size specifications for uniformity and fit. The maximum number of specific information signs per interchange exit is not increased (4). The total number of business signs identifying the motorist service available remains limited to six for each specific information sign structure.

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Madison on October 3, 2005. No modifications were made as a result of testimony at the hearing.

(c) **List of Persons who Appeared or Registered at Public Hearing.** The following person registered at the hearing:

Kurt Simatic, Legislative Aide to Rep. Steve Freese, Room 115 West, State Capitol, Madison, WI 53708. Mr. Simatic spoke in favor of the proposed rule.

(d) **Summary of Public Comments and Agency Response to those Comments:** The written comment period was held open until close of business the day of the hearing. Written comments were received from the following:

Judy Klein, AmeriHost Inn-Belmont, 103 West Moundville Avenue, Belmont, WI 53510. Ms. Klein wrote in support of the proposed rule.

Trisha Pugal, President/CEO, Wisconsin Innkeepers Association, 1025 S. Moorland Road, Suite 200, Brookfield, WI 53005 (via e-mail). Ms. Pugal wrote in support of the proposed rule.

(e) **Explanation of any Changes Made to the Plain Language Analysis or Fiscal Estimate:** In order to accommodate the three types of signs on one specific information sign, a sentence was added stating a technical change is made in the business sign size specifications for uniformity and fit to allow 6 smaller business signs of the same size as existing GAS business signs. (See attached illustrations.)

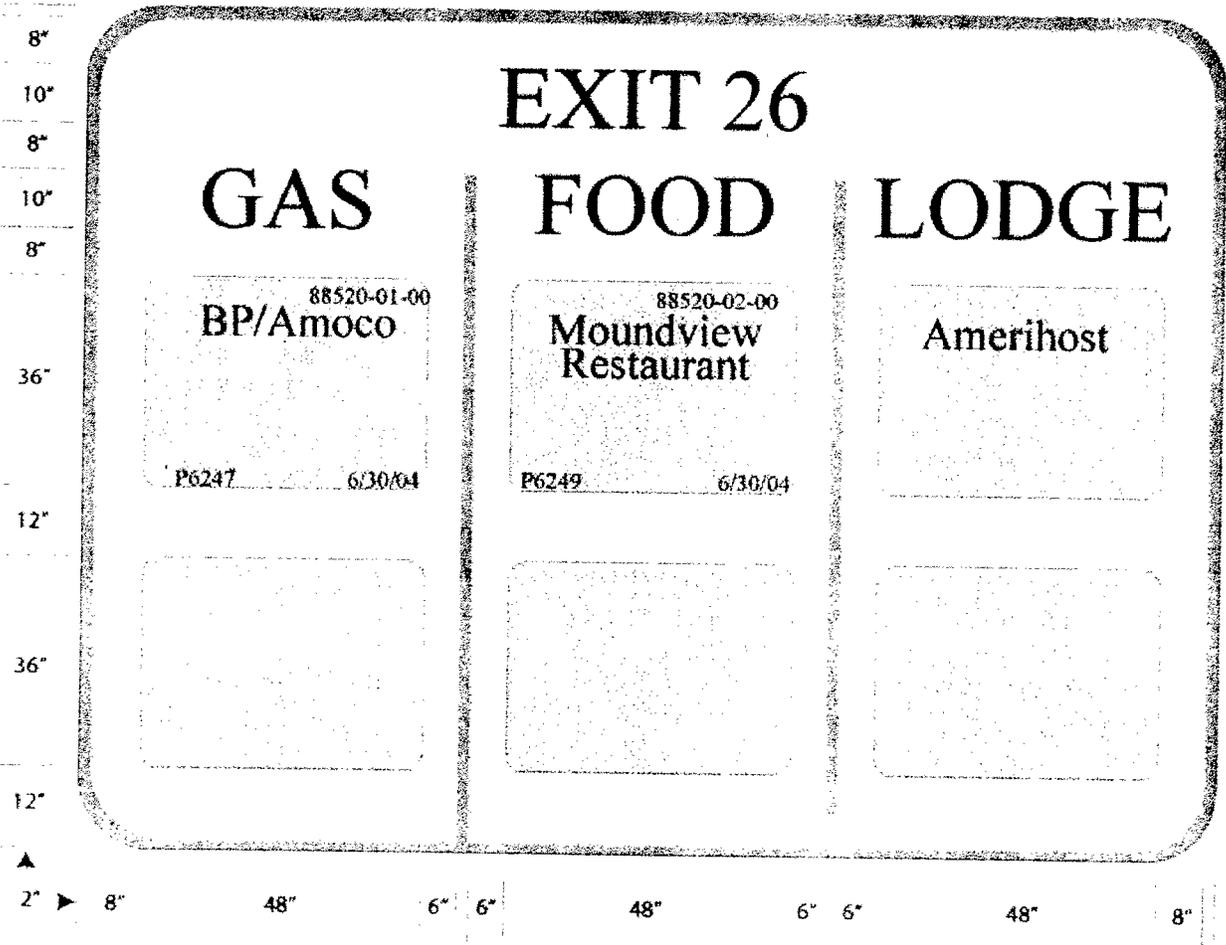
(f) **Response to Legislative Council Recommendations.** The Legislative Council report contained a number of comments, all of which have been addressed in the proposed rule. It was decided to address these comments by repealing and recreating the relevant provision rather than amend it.

(g) **Final Regulatory Flexibility Analysis**. The proposed rule provides additional participation opportunities for small businesses. Since businesses request that they be identified on state-installed signs, the sign application process will enforce the rule.

NEW DESIGN

192"

Galvanized
#1 = 22'8"
#2 = 24'1"



144"

1-Lafayette Hwys 151 & G Northbound
2000' SW of the Exit Sign for CTH-G,
Located on the SE Side of USH 151

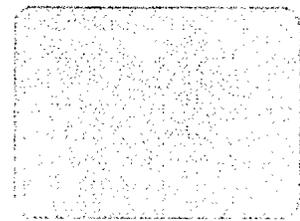
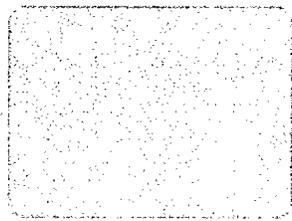
L-421
S-2077

OLD WAY

7"
10"
6"
36"
11"
9"
10"
6"
36"
11"

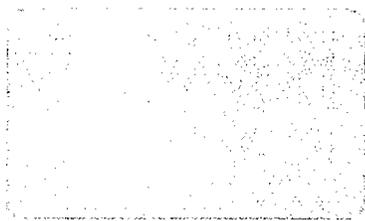
GAS - EXIT 26

88520-01-00
BP/Amoco
P6247 6/30/04



FOOD - EXIT 26

88520-02-00
**Moundview
Restaurant**
P6249 6/30/04



24" 60" 24" 60" 24"

Galvanized
#1 = 22'8"
#2 = 24'1"

1-Lafayette Hwys 151 & G Northbound
2000' SW of the Exit Sign for CTH-G,
Located on the SE Side of USH 151

L-421
S-2077