



State of Wisconsin

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STEPHEN R. MILLER
CHIEF

September 14, 2007

MEMORANDUM

To: Senator Plale

From: Aaron Gary, Legislative Attorney, (608) 261-6926

Subject: Technical Memorandum to **2007 SB 255** (LRB-2095/1) by **DOT**

We received the attached technical memorandum relating to your bill. This copy is for your information and your file.

If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.



**State of Wisconsin
Wisconsin Department of Transportation**

MEMORANDUM

To: Legislative Reference Bureau

From: Department of Transportation

Date: September 12, 2007

Subject: Technical Memo on 2007 Senate Bill 255 (LRB 2095/1)

The bill begins with a qualifying phrase, "Notwithstanding the eligibility criteria established under section 86.196 of the statutes, the department of transportation, after consultation with the Milwaukee Art Museum and upon application and payment of fees ordinarily required for the erection of tourist-oriented directional signs, shall erect a total of 8 signs meeting the specifications under section 86.196 of the statutes, and rules promulgated under that section, on I 94, I 794 and I 43/94 in the city of Milwaukee."

The wording is ambiguous, because the eligibility criteria can be read to apply only to whether the attractions that are named are eligible for tourist-oriented directional signs. There are a number of other criteria for this specific type of sign that do not relate to eligibility of the attraction but establish specifications or criteria as to the type of highway where TODS may be erected, specify allowable locations and uses for this type of sign, as well as specifications for the signs themselves.

In addition to the provision that supercedes eligibility criteria for this type of sign, the legislation would need to include other notwithstanding phrases in order to supercede other existing requirements of law not considered eligibility criteria. There are numerous specific requirements for the tourist-oriented directional sign type required by this legislation. Among the non-eligibility conflicts to be addressed are: prohibitions on use of TODS signs on freeways, in urban areas, and on routes designated for specific service signs; size limitations that would prevent the signs from accommodating all the attractions and message identified in the legislation; limitations on the number of signs that may be displayed on one directional sign assembly; the obligation to comply with federal law. The number of issues to address is substantial and it appears the intent of the legislation would be more appropriately addressed through a sign other than a TODS.

Prepared by

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