February 12, 2008 – Introduced by Senator VINEHOUT, cosponsored by Representatives HEBL, HIXSON, ALBERS, BERCEAU, SMITH, ZEPNICK, TURNER and MOLEPSKE. Referred to Committee on Transportation and Tourism.

AN ACT to create 20.395 (2) (fq) and 86.317 of the statutes; relating to: creating a winter highway maintenance grant program in the Department of Transportation, providing an exemption from emergency rule procedures, granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a winter highway maintenance grant program in the Department of Transportation (DOT). Under the program, DOT must annually award grants to cities, villages, towns, and counties (political subdivisions) to reimburse these political subdivisions for expenditures associated with winter maintenance activities on local roads resulting from regional severe weather. “Severe weather” is defined as weather conditions, for a winter maintenance season, in which the amount of snow and ice precipitation and the number of snow or ice events in a DOT transportation region are greater than the region’s average amount of snow and ice precipitation and average number of snow or ice events over the immediately preceding five-year period. The amount of each grant is determined by DOT under the standard, criteria, or formula established by DOT by rule, except that no grant may exceed $50,000.

The bill appropriates $500,000, in a continuing appropriation, from the transportation fund for the program. DOT must promulgate rules to implement and administer the program.
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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1. **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

<table>
<thead>
<tr>
<th>2007-08</th>
<th>2008-09</th>
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<tbody>
<tr>
<td>20.395</td>
<td></td>
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<tr>
<td>Transportation, department of</td>
<td></td>
</tr>
<tr>
<td>(2)</td>
<td></td>
</tr>
<tr>
<td>Local transportation assistance</td>
<td></td>
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<td>(fq)</td>
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</tr>
</tbody>
</table>
   | Winter highway maintenance grant program, state funds | SEG C | 500,000 | -0-

2. **SECTION 2.** 20.395 (2) (fq) of the statutes is created to read:

   20.395 (2) (fq) *Winter highway maintenance grant program, state funds.* As a continuing appropriation, the amounts in the schedule for the winter highway maintenance grant program under s. 86.317.

3. **SECTION 3.** 86.317 of the statutes is created to read:

   **86.317 Winter highway maintenance grant program.** (1) *Definitions.*

   In this section:

   (a) “Local roads” means county trunk highways, town roads, or streets under the authority of cities or villages.

   (b) “Political subdivision” means a county, city, village, or town.

   (c) “Program” means the winter highway maintenance grant program under this section.
(d) “Region” means any of the transportation regions that, as of the effective date of this paragraph .... [revisor inserts date], the department has identified as the southwest region, southeast region, northeast region, north central region, and northwest region or, if at any time any such region no longer exists, any of the transportation regions into which the department has divided the state for operational and administrative purposes.

(e) “Severe weather” means weather conditions, for a winter maintenance season, in which the amount of snow and ice precipitation and the number of snow or ice events in a region are greater than the region’s average amount of snow and ice precipitation and average number of snow or ice events over the immediately preceding 5-year period.

(f) “Street” has the meaning given in s. 340.01 (64).

(g) “Winter maintenance activities” means activities to remove, control, or treat snow or ice on local roads.

(h) “Winter maintenance season” means from December 1 of a calendar year to March 31 of the following calendar year.

(2) ADMINISTRATION. (a) The department shall administer a winter highway maintenance grant program to reimburse political subdivisions for winter maintenance activities on local roads, as provided in this section.

(b) From the appropriation under s. 20.395 (2) (fq), the department shall make grants to political subdivisions to reimburse these political subdivisions for expenditures associated with winter maintenance activities on local roads resulting from severe weather in the region in which the political subdivision is located. The department shall award grants under this paragraph to all political subdivisions that submit a proper application and meet the requirements under this section. The
amount of each grant awarded by the department shall be determined according to
the standards, criteria, or formulas established by the department by rule under sub.
(3), except that the department may not award any grant under this section
exceeding $50,000 for a winter maintenance season.

(c) The department may not award a grant under par. (b) for winter
maintenance activities unless the winter maintenance activities were performed by
one of the following:

1. A political subdivision.

2. A 3rd-party contractor of a political subdivision under a contract that was
awarded under a competitive bidding process and that provides that the 3rd-party
contractor will be paid by the political subdivision based upon the contractor’s actual
cost of performing winter maintenance activities in the year in which such activities
are performed.

(d) Not later than May 1 of each year, any political subdivision may apply to
the department, in the manner and form prescribed by the department, for a grant
under this section. All grants under this section shall be awarded between May 1 and
June 30 of each year.

(3) RULES. The department shall promulgate rules to implement and
administer the program. The rules shall include specific criteria for evaluating grant
applications and standards, criteria, or formulas for determining the amount of each
grant awarded, including procedures for prorating grant amounts if necessary.


(1) The department of transportation shall submit in proposed form the rules
required under section 86.317 (3) of the statutes, as created by this act, to the
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legislative council staff under section 227.15 (1) of the statutes no later than the 30th
day after the effective date of this subsection.

(2) Using the emergency rules procedure under section 227.24 of the statutes,
the department of transportation shall promulgate the rules required under section
86.317 (3) of the statutes, as created by this act, for purposes of implementing this
act, for the period before the effective date of the rules submitted under subsection
(1). The department shall promulgate these emergency rules no later than the 30th
day after the effective date of this subsection. Notwithstanding section 227.24 (1) (c)
and (2) of the statutes, these emergency rules may remain in effect until July 1, 2009,
or the date on which permanent rules take effect, whichever is sooner.
Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not
required to provide evidence that promulgating a rule under this subsection as an
emergency rule is necessary for the preservation of the public peace, health, safety,
or welfare and is not required to provide a finding of emergency for a rule
promulgated under this subsection.

SECTION 5. Effective dates. This act takes effect on the 30th day after
publication, except as follows:

(1) SECTION 4 of this act takes effect on the day after publication.

(END)