



State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 09/05/2008 (Per: ARG)



Appendix A

 The 2007 drafting file for LRB-0888

has been transferred to the drafting file for

2009 LRB-0106

☛ This cover sheet, the final request sheet, and the final version of the 2007 draft were copied on yellow paper, and returned to the original 2005 drafting file.

☛ The attached 2007 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2007 DRAFTING REQUEST

Bill

Received: **11/22/2006**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Transportation**

By/Representing: **Kristie Nielson**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **BAB, MES**

Submit via email: **YES**

Requester's email: **Kristie.Nielson@dot.state.wi.us**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Lighting and reflectivity of barriers for road closures (NB 0709 27)

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>
/?							
/P1	agary 11/30/2006	jdye 12/04/2006	rschluet 12/04/2006	_____	sbasford 12/04/2006		
/1	agary 12/08/2006	jdye 12/08/2006	rschluet 12/08/2006	_____	cduerst 12/08/2006		

FE Sent For:

<END>

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/?							
/P1	agary 11/30/2006 agary	jdyer 12/04/2006	rschluet 12/04/2006		sbasford 12/04/2006		

12/8 jld

1286 <END>

FE Sent For:

Gary, Aaron

From: Basford, Sarah
Sent: Friday, December 08, 2006 7:38 AM
To: Gary, Aaron
Subject: FW: LRB -0888/P1 & d-note (attached)

Attachments: 07-0888P1.pdf; 07-0888P1dn.pdf

Sarah Basford

Program Assistant
Legislative Reference Bureau
1 East Main, Suite 200
(608) 266-3561
sarah.basford@legis.wisconsin.gov

From: Kuecker, Karl - DOT
Sent: Thursday, December 07, 2006 1:27 PM
To: Basford, Sarah
Cc: Notbohm, Thomas - DOT; Nielson Corning, Kristie J - DOT; Baetsen, Karen - DOT
Subject: FW: LRB -0888/P1 & d-note (attached)

Sarah, please incorporate Tom's comment. It looks fine to me and OGC thought it was ok too.

Thanks

Karl Kuecker

Office of Policy, Budget and Finance
Dept. of Transportation
608-266-1876
karl.kuecker@dot.state.wi.us

-----Original Message-----

From: Notbohm, Thomas
Sent: Thursday, December 07, 2006 10:33 AM
To: Nielson, Kristie; Kuecker, Karl
Cc: Baetsen, Karen; Hammer, Paul; Amakobe, Peter
Subject: RE: LRB -0888/P1 & d-note (attached)

The draft amendment to 86.06(1) looks good to me.

I was not aware of 62.15(11). Thank you for calling my attention to that statute. The Federal Manual on Uniform Traffic Control Devices (MUTCD) does not require placement of lights, either as part of a barrier or mounted separately. Similar to 86.06(1), I believe 62.15(11) should be amended.

An appropriate amendment to 62.15(11) might be, "...maintain barriers and lights, or barriers constructed of such retroreflective material or markings as to be visible at night, to prevent..."

Thanks,

Tom Notbohm
WisDOT Bureau of Hwy. Operations
4802 Sheboygan Ave., Room 501
P.O. Box 7986
Madison, WI 53707-7986
(608) 266-0982
thomas.notbohm@dot.state.wi.us



07-0888P1.pdf (13 KB)



07-0888P1dn.pdf (9 KB)

-----Original Message-----

From: Nielson, Kristie
Sent: Tuesday, December 05, 2006 8:09 AM
To: Kuecker, Karl; Notbohm, Thomas
Cc: Baetsen, Karen; Hammer, Paul
Subject: FW: LRB -0888/P1 & d-note (attached)
Importance: High

Please see below.

-----Original Message-----

From: Basford, Sarah [<mailto:Sarah.Basford@legis.wisconsin.gov>]
Sent: Tuesday, December 05, 2006 7:45 AM
To: Nielson Coming, Kristie J - DOT
Subject: LRB -0888/P1 & d-note (attached)

<< File: 07-0888/P1 >> << File: 07-0888/P1dn >>

Sarah Basford
Program Assistant
Legislative Reference Bureau
1 East Main, Suite 200
(608) 266-3561
sarah.basford@legis.wisconsin.gov

2007 DRAFTING REQUEST

Bill

Received: **11/22/2006**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Transportation**

By/Representing: **Kristie Nielson**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **BAB**

Submit via email: **YES**

Requester's email: **Kristie.Nielson@dot.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

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Topic:

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/?							
/P1	agary 11/30/2006	jdyer 12/04/2006	rschluet 12/04/2006	_____	sbasford 12/04/2006		

FE Sent For:

1 12/8 jld

<END>

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/?	agary	1/1 12/4 jkd					
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FE Sent For:

<END>

**LEGISLATIVE BUDGET/NON-BUDGET PROPOSAL
2005-2007 BIENNIUM**

Wisconsin Department of Transportation

DT1586 3/2004

Instructions: Complete this form for any budget/non-budget legislative initiative for which a Division requests the Secretary's Office (SO) approval. Check the budget box only if the proposal has a fiscal impact on department expenditures or revenue. This form must be signed by the Division Administrator(s). Include this form with your budget submittal materials or return two completed copies to the Office of Policy & Budget (OPB), Attention: Paul Hammer. One copy will be retained by OPB and the other copy provided to the Office of General Counsel. The form is available in the department forms catalog on dotnet.

Short Title of Topic Lighting and reflectivity of barriers for road closures			
Type of Proposal <input type="checkbox"/> Budget <input checked="" type="checkbox"/> Non-Budget	OGC OFFICE USE ONLY "T" Number Assigned	"B" Number Assigned	"NB" Number Assigned NB 0709-27
Date Submitted October 9, 2006	Division(s) Transportation Systems Development		
OPB Contact Person	Area Code - Telephone Number		
Lead Division Contact Person Tom Notbohm	Area Code - Telephone Number 608-266-0982		
OGC Contact Person	Area Code - Telephone Number		
Define Problem Precisely State Statute 86.06(1) requires that barriers used to close a highway during construction or repair work shall be lighted at night. This statute dates back decades, prior to improvements to reflective sign and barricade materials that make it unnecessary to light the barriers. Signs and barricades constructed with reflective materials reflect light from vehicle headlights back to the driver's eyes to allow for ample visibility of the barriers. As a result, WisDOT and national practices no longer require barricades to be lighted at night. A court case last year reversed a judgment for a traffic violation because the road closure barricades were not lighted.			
Description of Proposed Change Revise Ss. 86.06(1) to state that barriers used to close a highway shall be retroreflective or lighted at night. This revision will clarify that retroreflective barriers meet the nighttime visibility requirements, even if they are not lighted.			
Justification for Change The Federal Manual on Uniform Traffic Control Devices (MUTCD), which is adopted for use in Wisconsin, requires barricades to be retroreflective and Road Closed signs used at night to be either retroreflective or illuminated. This statute change would provide for consistency with the MUTCD.			
Describe any legislative history and related statutory language None.			

(Division Administrator Signature) (Date)

(Division Administrator Signature) (Date)

(Division Administrator Signature) (Date)

in 11/30

JL

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Gen

1 AN ACT ...; relating to: road closure barriers. ✓

Analysis by the Legislative Reference Bureau

Under current law, during construction or repair of a road or when a road is impassable or unsafe for travel, the highway authorities in charge of construction or maintenance of the road may close the road by maintaining barriers at each end of the closed road. ✓ The barriers must be of such material and construction and so placed as to indicate that the highway is closed and must be lighted at night.

This bill allows road closure barriers, in lieu of being lighted at night, to be of a retroreflective material or markings so as to be visible at night.

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

2 SECTION 1. 86.06 (1) of the statutes is amended to read: ✓

3 86.06 (1) Whenever any highway is impassable or unsafe for travel or during
4 the construction or repair of any such highway and until it is ready for traffic the
5 authorities in charge of the maintenance or construction thereof may keep it closed
6 by maintaining barriers at each end of the closed portion. The barriers shall be of
7 such material and construction and so placed as to indicate that the highway is closed

1 and shall be lighted at night or of such retroreflective material or markings as to be
2 visible at night. ✓

3 (END)

D. Nete

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0888/P1dn

ARG: :...

date

↑
jld

Under s. 62.15 (11),[✓] contractors doing work on city streets that are obstructed must “maintain barriers and lights” This provision does not, however, require the barriers to be lighted, so I have not treated this provision in the attached draft. Is this consistent with your intent?

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

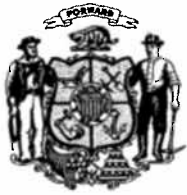
**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0888/P1dn
ARG:jld:rs

December 4, 2006

Under s. 62.15 (11), contractors doing work on city streets that are obstructed must “maintain barriers and lights ...” This provision does not, however, require the barriers to be lighted, so I have not treated this provision in the attached draft. Is this consistent with your intent?

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



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0888/1
ARG:jld:rs

in 12/8

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Regen

1 AN ACT to amend 86.06 (1) of the statutes; relating to: road closure barriers.

Analysis by the Legislative Reference Bureau

Under current law, during construction or repair of a road or when a road is impassable or unsafe for travel, the highway authorities in charge of construction or maintenance of the road may close the road by maintaining barriers at each end of the closed road. The barriers must be of such material and construction and so placed as to indicate that the highway is closed and must be lighted at night.

This bill allows road closure barriers, in lieu of being lighted at night, to be of a retroreflective material or markings so as to be visible at night.

✓
Insert ANAL

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

✓
insert 1-2

2 SECTION 1. 86.06 (1) of the statutes is amended to read:

3 86.06 (1) Whenever any highway is impassable or unsafe for travel or during
4 the construction or repair of any such highway and until it is ready for traffic the
5 authorities in charge of the maintenance or construction thereof may keep it closed
6 by maintaining barriers at each end of the closed portion. The barriers shall be of
7 such material and construction and so placed as to indicate that the highway is closed

1 and shall be lighted at night or of such retroreflective material or markings as to be
2 visible at night.

3 (END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0888/lins
ARG:.....

INSERT ANAL:

Also under current law, contractors doing work that obstructs city streets or sidewalks must put up and maintain barriers and lights to prevent accidents. ^{NO FT}
#8 This bill allows these contractors to put up and maintain barriers constructed of such retroreflective material or bearing such markings as to be visible at night, in lieu of barriers and lights.

INSERT 1-2:

^x
SECTION 1. 62.15 (11) of the statutes is amended to read:

62.15 (11) STREET OBSTRUCTION. All contractors doing any work which shall in any manner obstruct the streets or sidewalks shall put up and maintain barriers and lights, or barriers constructed of such retroreflective material or bearing such markings as to be visible at night, to prevent accidents, and be liable for all damages caused by failure so to do. All contracts shall contain a provision covering this liability, and also a provision making the contractor liable for all damages caused by the negligent digging up of streets, alleys or public grounds, or which may result from the contractor's carelessness in the prosecution of such work.

History: 1975 c. 244, 390, 421; 1985 a. 183; 1987 a. 378; 1991 a. 316; 1995 a. 225, 227; 1999 a. 9; 1999 a. 150 s. 672; 2005 a. 202.

(end ins 1-2)



2007 BILL

1 AN ACT *to amend* 62.15 (11) and 86.06 (1) of the statutes; **relating to:** road
2 closure barriers.

Analysis by the Legislative Reference Bureau

Under current law, during construction or repair of a road or when a road is impassable or unsafe for travel, the highway authorities in charge of construction or maintenance of the road may close the road by maintaining barriers at each end of the closed road. The barriers must be of such material and construction and so placed as to indicate that the highway is closed and must be lighted at night. This bill allows road closure barriers, in lieu of being lighted at night, to be of a retroreflective material or markings so as to be visible at night.

Also under current law, contractors doing work that obstructs city streets or sidewalks must put up and maintain barriers and lights to prevent accidents. This bill allows these contractors to put up and maintain barriers constructed of such retroreflective material or bearing such markings as to be visible at night, in lieu of barriers and lights.

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

3 SECTION 1. 62.15 (11) of the statutes is amended to read:
4 62.15 (11) STREET OBSTRUCTION. All contractors doing any work which shall in
5 any manner obstruct the streets or sidewalks shall put up and maintain barriers and

BILL**SECTION 1**

1 lights, or barriers constructed of such retroreflective material or bearing such
2 markings as to be visible at night, to prevent accidents, and be liable for all damages
3 caused by failure so to do. All contracts shall contain a provision covering this
4 liability, and also a provision making the contractor liable for all damages caused by
5 the negligent digging up of streets, alleys or public grounds, or which may result from
6 the contractor's carelessness in the prosecution of such work.

7 **SECTION 2.** 86.06 (1) of the statutes is amended to read:

8 86.06 (1) Whenever any highway is impassable or unsafe for travel or during
9 the construction or repair of any such highway and until it is ready for traffic the
10 authorities in charge of the maintenance or construction thereof may keep it closed
11 by maintaining barriers at each end of the closed portion. The barriers shall be of
12 such material and construction and so placed as to indicate that the highway is closed
13 and shall be lighted at night or of such retroreflective material or markings as to be
14 visible at night.

15

(END)