

**2009 DRAFTING REQUEST**

**Bill**

Received: 11/06/2009

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Jeff Stone (608) 266-8590

By/Representing: Michael Pyritz

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject:        **Transportation - highways**  
                  **Transportation - other**

Extra Copies:        **EVM, RAC**

Submit via email: YES

Requester's email:        **Rep.Stone@legis.wisconsin.gov**

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

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Funding for winter maintenance operations for snow removal, for fiscal year 2009-10, for Milwaukee County

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**Instructions:**

See attached

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**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>
/?				_____			S&L
/P1	agary 11/10/2009	csicilia 11/16/2009	phenry 11/16/2009	_____	sbasford 11/17/2009		S&L
/1	agary 11/17/2009	csicilia 11/17/2009	phenry 11/17/2009	_____	sbasford 11/17/2009	mbarman 12/07/2009	

FE Sent For:

*at intro*  
*12/18/09*

<END>

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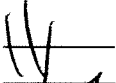
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**Instructions:**

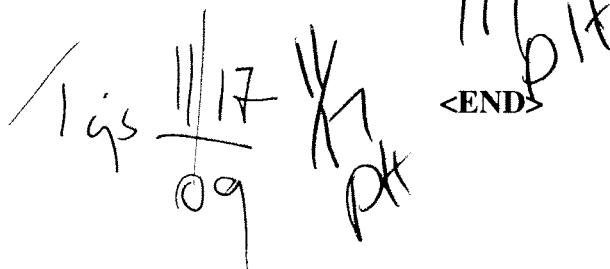
See attached

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FE Sent For:

<END>

Stone 314 N

Nelson 214 W

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

11/10

11/10

- money for sweeping in SE will be reduced
- Min. Cor - snow budget

p. 1002 - Cooperative Summary Oct 2009  
 - # 1.2 + 3.3 M  
 transfer cannot be made

- if snowy year, courts can request
- can submit bill against these funds

- whatever is left lapses as directed in budget act →
- would lapse on June 30, 2010
- whatever short-fall this leaves, DCA has to make up w/ other savings

• Jon Dusk - can talk to Jon

- think it hasn't transferred yet - think transfer will occur at end of year

• only for FY 2009-10

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

affected roads are STAs that co.  
is being paid to do snow removal

~~FE~~ 3.3 is entire SE region

1.2 is for Milw. Co.





DEPARTMENT OF TRANSPORTATION & PUBLIC WORKS

*Milwaukee County*

Date: October 19, 2009

To: Milwaukee County Executive Scott Walker  
Milwaukee County Board Chairman Lee Holloway  
Milwaukee County Board of Supervisors

From: Jack Takerian, Interim Director, Department of Transportation & Public Works

Subject: **WisDOT's 2010 Budget Reduction for Highway Maintenance**

On Monday, October 5, 2009 Wisconsin Department of Transportation (WisDOT) called a meeting of the Southeastern Highway Commissioners. At this meeting we were informed that WisDOT planned to cut funding to all counties within the Southeastern District as well as the entire State (see attached "C") for 2010. When WisDOT was asked where these reductions were going to be focused, the WisDOT officials stated "we're leaving it up to the Counties to decide". As the Highway Commissioner for Milwaukee County I informed the WisDOT officials at this meeting that these cuts could cause a safety risk to the travelers using the State's roadways.

Based on the planned reduction in funding Milwaukee County had determined the current time it takes one plow to operate its route segment of 2 to 3 hours would be increased to 4 or 5 hours. This would mean that in an average winter storm with a snowfall rate of 1 inch per hour, 4 to 5 inches of snow would accumulate before the first pass is made based on snowfall rates in more severe weather conditions, snow clearing operations are slowed by increased accumulation resulting in increased snow plowing operational time. Higher rates of accumulation will increase accident levels, leave more motorists stranded and increase the need of freeway closures.

Since Milwaukee County, provides highway maintenance services to the State, we felt it necessary to get the State's input on where their current priorities are for 2010. WisDOT indicated their administration planned to send a letter of guidance. On October 9<sup>th</sup>, I received a communication from Kevin Chesnik, District Administrator outlining our priorities as WisDOT would see them for 2010 (see attached "B"). In the attachment provided, directions are given highlight priorities for the winter operation as well as summer priorities. This communication contradicts itself by stating the Counties should plan to keep winter operations similar to 2009 levels, but that the WisDOT understands that the snow routes will need to be increased in length to account for the budget reduction.

On Friday, October 16, 2009, WisDOT and the Southeastern Commissioner met to further discuss the reduction in the 2010 budget. WisDOT had no further information to add other than to plan to reduce our budget accordingly. At this meeting the Commissioners reiterated the safety issues the citizens

MILWAUKEE COUNTY - CITY CAMPUS • 2711 WEST WELLS STREET • MILWAUKEE, WI 53208

PHONE NUMBERS: Administration 278-4835 — Transportation 278-5096 — Architecture & Engineering 278-4861  
FAX NUMBERS: Administration 223-1899 — Transportation 223-1850 — Architecture & Engineering 223-1366

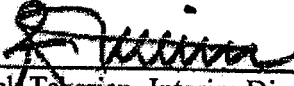
within the District will be facing. We further explained that an across the board reduction could mean immediate serious problems for motorists this upcoming winter season. Conversely, if the entire cut were made during April to October the Counties would not have sufficient funding or personnel to perform necessary safety related maintenance of repairing potholes, catch basins, guardrail and cable repairs.

The Southeastern Commissioner's felt it was necessary to inform Secretary Frank Busalacchi of the consequences to this type of reduction (see attached "A"). This type of reduction will undoubtedly put our citizens at risk and have a detrimental impact on the businesses and schools within the highest populated State District.

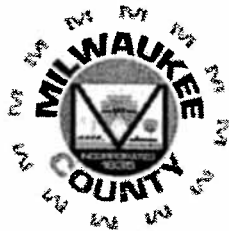
Members of the Commissioners delegation and myself plan to meet with State Legislators to ensure that the every option to Milwaukee County and our neighboring Counties are carefully considered to keep the roadway service at a safe level.

Should you like to discuss this in more depth or review our options, please give me a call at 414-278-4952.

Respectfully submitted,

  
\_\_\_\_\_  
Jack Takerian, Interim Director, Transportation &  
Public Works, Milwaukee County Highway Commissioner

cc: Wisconsin State Representatives (Milwaukee County)  
Wisconsin State Senators (Milwaukee County)  
Local Mayor, Village Presidents – Milwaukee County  
Tom Nardelli, Chief of Staff, Milwaukee County Executive Office  
Terry Cooley, Chief of Staff, Milwaukee County Board of Supervisors  
Cynthia Archer, Director, Department of Administrative Services  
Steven Kreklow, Fiscal & Budget Administrator, DAS  
Rollin Bertran, Director, Highway & Transportation Services, DTPW  
Brian Dranzik, Director, Administration, DTPW



October 19, 2009

Dear Secretary Busalacchi:

We are writing to make you aware of the fact that the seven Southeastern Wisconsin Counties have serious concerns with the Wisconsin Department of Transportation's (WisDOT) proposed reduction of the 2010 Routine Maintenance Agreement (RMA).

At a meeting on September 23, the Southeast Region Highway Commissioners we informed by WisDOT staff that WisDOT was going to institute a 10.8% cut for the 2010 RMA. When questioned about how WisDOT would like us to implement the cuts, your staff indicated that more information from the WisDOT central office would be forthcoming.

We received correspondence from WisDOT on October 1, 2009, confirming the fact that due to serious financial conditions confronting the State of Wisconsin, WisDOT was planning to cut state highway maintenance by almost 11%. The attached information did not provide any clear direction on exactly how WisDOT would like to reduce state highway maintenance operations. Mr. Kevin Chesnik's, WisDOT Division Administrator, letter suggested delaying the spring opening and accelerating the fall closing of seasonal wayside, reduce litter pickup to once per year, limit roadway surveillance and curtail mowing to once a season. However, all of these changes were already implemented in 2009. The letter also stated winter service levels remain a top priority and counties should sustain or enhance safety related activities like pothole and rut filling, joint repair, shoulder restoration, and guardrail repair.

It is imperative that you understand this cut to your state highway maintenance activities will result in a significant reduction in the level of service the citizens of Wisconsin have previously experienced. We have serious concerns that the safety of our state highways will be compromised if this cut is implemented.

In an effort to better illustrate what this cut will mean to Southeastern Wisconsin, we have compiled information from our seven counties to reflect what the cuts will look like under two different scenarios.

**SCENARIO #1 IMPLEMENT THE SOUTHEASTERN REGION'S APPROXIMATELY 10% CUT EQUALLY TO ALL RMA ACTIVITIES**

County	Full-time Position Reduction	Seasonal Position Change
Waukesha	6	6 decrease
Milwaukee	16	15 decrease
Racine	3	
Washington	2	
Ozaukee	1	
Walworth	4.5	
<b>Total</b>	<b>32.5</b>	<b>21 decrease</b>

For the 2009/2010 winter maintenance season, Kenosha County intends to keep the same staffing and maintenance section levels as occurred in the 2008/2009 winter season. However, due to a substantial increase in lane miles associated with the reconstruction of I-94 and with jurisdictional transfers, the level of service provided in the 2009/2010 winter season will be reduced. After the conclusion of the 2009/2010 winter season, Kenosha County will re-evaluate the WisDOT routine maintenance allocations per the 2010 Routine Maintenance Agreement.

**UNDER SCENARIO #1**, Southeastern Wisconsin would experience 48.5 less plow drivers on the road than in 2009. Currently a typical "section of highway" takes a Patrol Worker about 2-4 hours (this will vary by County and traffic conditions). This change will result in an increase in time it take us to plow one section of state highway by 1-2 hours. This will undoubtedly impact the safety of the public using the state's roadways. In addition, it would be necessary to make cuts to non-winter maintenance activities such as catch basins, manhole structures, potholes and rut filling, shoulder restoration and guardrail and cable guard repair. We express concern that safety for the public is not being taken into account.

**SCENARIO #2 IMPLEMENT THE SOUTHEASTERN REGION'S APPROXIMATELY 40% - 60% CUT TO ALL RMA ACTIVITIES BETWEEN APRIL AND NOVEMBER**


County	Full-time Position Reduction	Seasonal Position Change
Waukesha	13	3 decrease
Milwaukee	24	28 decrease
Racine	3	
Washington	6.5	
Ozaukee	4.5	
Walworth	13	
<b>Total</b>	<b>64</b>	<b>31 decrease</b>

**UNDER SCENARIO #2**, Southeastern Wisconsin would experience 95 less highway maintenance staff that would result in an estimated 40-60% reduction in non-winter related activities such as litter pick-up, mowing, catch basins, manhole structures, potholes and rut filling, shoulder restoration and guardrail and cable guard repair. We again express concern for the public's safety and the increase to vehicle damage due to a lack of maintenance to the WisDOT's roadways.

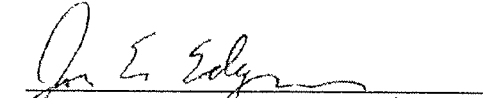
We fully understand the State's difficult financial situation and, as the state's contractor, we are willing to implement any changes WisDOT directs us to make. However, WisDOT must at least acknowledge there will be a significant reduction in the level of service from 2009. WisDOT should also consider notifying the public of its decision because; if we have a winter similar to the last few years, there will be impacts on travel times due to snow accumulation or road disrepair. This proposed reduction would impact businesses located within the highest populated counties within the State of Wisconsin. School districts should be informed so they might plan for more late starts, daily commute times will increase and counties will not have enough staff to respond as quickly to road hazards that occur due to weather conditions such as the emergency pavement blowouts that occurred on several occasions this past summer.

We urge you to reconsider your proposed cuts to the 2010 Routine Maintenance Agreement and we look forward to your response.

Sincerely,




Shane Crawford  
Walworth Deputy County Administrator



Jon E. Edgren, P.E.  
Washington County Highway Commissioner



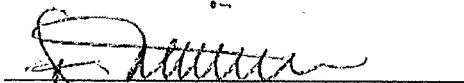
Robert R. Dreblow  
Ozaukee County Director of Public Works



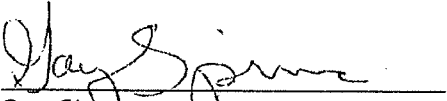
David Prott  
Racine County Director of Public Works



Allison Bussler, Interim Director  
Waukesha County Public Works



Jack Takerian, Interim Director  
Milwaukee County Public Works



Gary Sipsma  
Kenosha County Highway Commissioner

Cc: Hon. Governor James Doyle  
SE Wisconsin State Legislators  
SE Wisconsin County Boards  
SE Wisconsin Municipal Leaders  
Badger Sheriff's Association



Division of Transportation System Development  
Bureau of Highway Operations  
PO Box 7986 - Room 501  
Madison, WI 53707-7986

Jim Doyle, Governor  
Frank J. Busalacchi, Secretary  
Internet: [www.dot.wiscnain.gov](http://www.dot.wiscnain.gov)

Kevin Chesnik, Administrator  
Division of Transportation System Development  
(808) 266-6865  
[Kevin.chesnik@dot.state.wi.us](mailto:Kevin.chesnik@dot.state.wi.us)

September 30, 2009

Dear Commissioner:

The 2009-2011 state biennial budget is constrained to reflect the serious financial conditions confronting Wisconsin. The reduced funding levels provided for highway operations presents a number of challenges regarding routine maintenance of our state trunk highway system.

While this department remains strongly committed to continuing its relationship with each county, the financial realities demand we reduce service levels for less essential, low safety risk activities to ensure higher priority, safety sensitive services are continued with no or very limited interruptions. We struggled to balance the available funding levels with the growing statewide system needs and the public's expectations for high quality service.

With regard to specific expectations for RMA funding levels and the 2010 and 2011 set at \$ 120 M, the department continues to place routine winter maintenance service as its highest priority for funding within the state highway operations appropriation. The Level of Service (LOS) model remains the fundamental tool used for allocating these funds.

The overall amount for each county is based directly on the LOS model and reflects the model adjustments for system and labor rate changes mutually agreed upon between the department and the WCHA Board of Directors. The specific funding level for your county RMA is attached and the documents for 2010 are offered for your signature. Regional operations managers and their supervisors will discuss these agreements with you and the process employed to size the various spending amounts reflected in the document.

The management decisions made to sustain a level RMA program for 2010 and 2011 include the following:

**Suspend the use of a contingency reserve:** We believe this is a sound management practice under better financial conditions and we hope to reinstitute this practice at some future date. In the meantime, however, the budget reductions have forced us to suspend this practice and no funding will be reserved for unexpected developments. Instead, planned activities will be reduced if necessary during the year and redirected to unplanned demands should the situation arise.

**2010 RMA Priorities:** These are an extension of the revised service levels implemented in May of 2009. For 2010 and 2011, winter service levels and safety will remain the department's two highest priorities. Established service standards in these areas will not be reduced. The safety of both the traveling public and the county service providers will not be compromised.

Our regional operations managers will be directing RMA resources to accomplish the following:

Continue to improve our winter response effort including more advanced planning, added or strategically located storage capacity, and better material uses both in terms of type and application rate. Winter costs for both materials and routine maintenance activities comprise the largest expenditure for highway operations.

- Winter service levels established in the Maintenance Manual remain unchanged and added effort will be made to ensure best practices are employed.
- Reconsider the number of winter patrol sections in general and explicitly for interstate and backbone routes.
- Establish a county specific plan for diverting plows from lower priority routes to higher priority routes when conditions merit.
- Create a salt storage facility location plan based on strategic objectives (route optimization, defined response times, specific corridor needs, etc).
- Improve equipment calibration.
- Implement GPS/AVL tools on a pilot basis in select counties.
- Implement MDSS in those counties where GPS/AVL technology is piloted.
- Monitor closely material application rates.
- Pilot the use of a tow-behind plow in one or two counties.
- Extend use of anti-icing to counties not currently employing this approach.
- Extend pre-wetting of salt to counties not currently employing this approach.
- Ensure availability of alternate chemicals and use them on all Interstates and freeways when temperatures are below 10 degrees.
- Pursue aggressively opportunities to employ standing rows of corn as effective snow-drift prevention.
- Identify and inventory locations where snow drift control plantings may be beneficial. At the same time, evaluate potential negative impact associated with this summer's limited mowing policy.

The non-winter service expectations outlined below will be revisited in the spring of 2010 and adjusted as needed depending on the status of the overall highway operations budget.

Delay the spring opening and accelerate the fall closing of seasonal waysides. The opening of seasonal waysides will remain the Thursday prior to Memorial Day weekend and the closing of the buildings will again be mid-September.

Reduce litter pick-up to once in the spring and for Adopt-a-Highway purposes only for the remaining part of the year. The removal of hazardous materials should continue as needed but general litter pick-up for largely aesthetic reasons must be curtailed.

Limit roadway surveillance to once-a-week whenever possible on backbone and backbone connector routes and less frequently (twice-a-month) on other, less-traveled routes. Regions will need to direct counties accordingly and monitor county expenditures carefully as well as rely on calls from the public or law enforcement regarding hazardous debris or other issues.

Curtailed mowing to safety locations such as vision corners when needed and roadside shoulder cuts to once a season. Mowing for vision purposes at intersections should not change, or only marginally. However, regions will direct counties to: mow less and avoid mowing for woody vegetation only.

- Shoulder mowing next summer should start no sooner than mid-to-late June (depending on conditions). The cut should be no wider than 15' from the shoulder point or the bottom of the ditch line, whichever is less.
- Areas requiring extra mowing due to vision or safety concerns should be done as needed but must be coordinated through your area maintenance coordinator or maintenance engineer.
- Mowing for woody vegetation will not be a standalone activity. It should be part of a normal shoulder cut, be in compliance with the Maintenance Manual, and only as directed by the region.

Emphasize safe traffic control practices. While select routine maintenance activities need to be cutback either to shift to higher priority needs or constrain overall costs, regions should ensure

sound traffic control and worker safety practices are employed and should not tolerate deviations from our accepted practices. For example, shadow vehicles must be used as part of the work zone traffic control when planned mobile maintenance operations, such as pothole repair, are being conducted on freeways and expressways.

Sustain or enhance, where practical, safety related activities like pothole and rut filling, joint repair, shoulder restoration, and guardrail repair. These activities as well as a few others are critically important and must continue. Regions will continue to promptly direct a county's response to these repairs and, when feasible from a budget perspective, shift added resources to these activities.

- Maintain periodically shoulders to avoid blowouts and areas where the shoulder may be 1 1/2 inches below the pavement edge.
- Sweep Intersections to address safety concerns and as directed.
- Repair and adjust guardrail where needed.
- Check culvert ends and keep clean.
- Check gutters and curbing for debris and clean as needed.
- Keep beehive inlets free of debris.
- Address bridge inspection repair items as directed.
- Clean bridge joints and other reachable areas when needed.
- Repair delineators and straighten posts only as needed.
- Straighten sign posts and repair signs when needed apart from a TMA.
- Address hazardous encroachments as directed.
- Remove real estate signs and other non-hazardous encroachments only when it can be done in conjunction with a higher priority effort.
- Patch potholes when needed.

Sincerely,



Kevin Chesnik, Administrator  
Division of Transportation System Development



**CY 2010 COUNTY HIGHWAY MAINTENANCE ALLOCATIONS  
FOR COUNTY EQUIPMENT, LABOR, AND MATERIALS  
LOS Model w/System Changes and Winter Severity Adjustments**

**DIVISION OF TRANSPORTATION SYSTEM DEVELOPMENT**

**BUREAU OF HIGHWAY OPERATIONS**

	(1) 2009 Base w/o Self	(2) 2009 Adjustments	(3) 2009 Adjusted Base	(4) 2010 LOS Model Generation w/o Salt	(5) Prorated LOS Amount	(6) Percent Change (5 & 3)	(7) 2010 Allocation	(8) 2010 Winter Severity Adjustment	(9) 2010 Allocation	(10) Percent Change (9 & 7)	(11) Percent Change (9 & 1)
Statewide	\$ 134,472,500	\$ (349,400)	\$ 134,123,100	\$ 157,901,625	\$ 119,000,000	-11.28%	\$ 119,000,000	\$ 1,019,914	\$ 120,019,914	-10.52%	-10.75%
SW Region	\$ 34,160,200	\$ (976,600)	\$ 33,184,600	\$ 39,323,126	\$ 29,639,700	-10.66%	\$ 29,639,700	\$ 0	\$ 29,639,700	-10.66%	-13.23%
SE Region	31,431,200	221,800	31,652,700	37,532,909	28,286,000	-10.64%	28,286,000	0	28,286,000	-10.64%	-10.01%
NE Region	18,579,800	274,400	18,854,200	22,651,160	17,070,800	-9.46%	17,070,800	183,669	17,254,469	-8.46%	-7.13%
NC Region	22,618,100	185,900	22,804,000	25,765,622	19,417,800	-14.69%	19,417,800	731,041	20,148,841	-11.69%	-10.92%
NW Region	27,682,200	(65,600)	27,616,600	32,622,767	24,585,700	-10.87%	24,585,700	105,004	24,690,704	-10.59%	-10.81%
Statewide Total:	\$ 134,472,500	\$ (349,400)	\$ 134,123,100	\$ 157,901,625	\$ 119,000,000	-11.28%	\$ 119,000,000	\$ 1,019,914	\$ 120,019,914	-10.52%	-10.75%

**CY 2010 COUNTY HIGHWAY MAINTENANCE ALLOCATIONS  
FOR COUNTY EQUIPMENT, LABOR, AND MATERIALS  
LOS Model w/System Changes and Winter Severity Adjustments**

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BUREAU OF HIGHWAY OPERATIONS**

	(1) 2009 Base w/o Salt	(2) 2008 Adjustments	(3) 2009 Adjusted Base	(4) 2010 LOS Model Generation w/o Salt	(5) Prorated LOS Amount	(6) Percent Change (5 & 3)	(7) 2010 Allocation	(8) 2010 Winter Severity Adjustment	(9) 2010 Allocation	(10) Percent Change (9 & 3)	(11) Percent Change (9 & 1)
<b>Southeast Region</b>											
Kanosh	3,011,600	\$ 76,300	3,087,900	\$ 3,679,073	2,697,300	-12.85%	\$ 2,697,300	\$ 0	\$ 2,697,300	-12.65%	-10.44%
Milwaukee	13,675,500	15,700	13,691,200	16,487,301	12,410,300	-9.38%	12,410,300	0	12,410,300	-8.36%	-9.25%
Ozaukee	1,315,000	-	1,315,000	1,543,079	1,162,900	-11.57%	1,162,900	0	1,162,900	-11.57%	-11.57%
Racine	3,288,700	191,300	3,420,000	3,873,560	2,919,200	-14.64%	2,919,200	0	2,919,200	-14.64%	-11.24%
Wauworth	2,784,100	(37,000)	2,757,100	3,346,681	2,622,200	-9.52%	2,622,200	0	2,622,200	-8.52%	-9.73%
Washington	2,387,900	3,500	2,391,400	2,784,903	2,088,800	-12.24%	2,088,800	0	2,088,800	-12.24%	-12.11%
Waukesha	4,958,400	\$1,700	4,990,100	5,938,312	4,475,300	-10.32%	4,475,300	0	4,475,300	-10.32%	-8.74%
<b>SE Region Total:</b>	<b>\$ 31,431,200</b>	<b>\$ 221,600</b>	<b>\$ 31,652,700</b>	<b>\$ 37,532,909</b>	<b>\$ 28,286,000</b>	<b>-10.64%</b>	<b>\$ 28,286,000</b>	<b>\$ -</b>	<b>\$ 28,286,000</b>	<b>-10.64%</b>	<b>-10.01%</b>

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## A state snow job

### The state needs to make sure that counties have enough funds to keep state roadways clear of snow and safe for drivers.

Posted: Oct. 28, 2009

State transportation officials want county officials in southeastern Wisconsin "to deal with reality," in the words of one official, when it comes to the budget for maintaining state roadways. The county officials are doing just that: The reality is they need more money from the state to make sure the roads are safely maintained.

The state contracts with counties for maintenance of state roads, including snowplowing in winter and fixing potholes, guardrails and buckled highways in the warmer months. Last month, the counties were told the 2010 Routine Maintenance Agreement would be reduced by nearly 11% because of the state's budget difficulties.

That left county officials wondering what to do. The seven counties in southeastern Wisconsin sent a joint letter to Department of Transportation Secretary Frank Busalacchi urging the department to reconsider the cut. County officials argued that the cut could have significant impacts on winter plowing efforts and that counties would "not have enough staff to respond as quickly to road hazards that occur due to weather conditions."

All of that would affect businesses, schools and families in the state's most populous region.

Officials from Milwaukee, Ozaukee, Waukesha, Racine, Washington, Kenosha and Walworth counties signed the letter.

The state's response is to urge local officials to maintain winter plowing and to make cuts in warm-weather services such as mowing and litter pickup. But Allison Bussler of Waukesha County told us that the counties already have cut back in those service areas over the past year and that maintaining winter efforts at current levels would mean that spring and summer maintenance - such as fixing potholes and summer buckling - would bear the brunt of the cuts.

Think the potholes were tough last year? Wait till next spring.

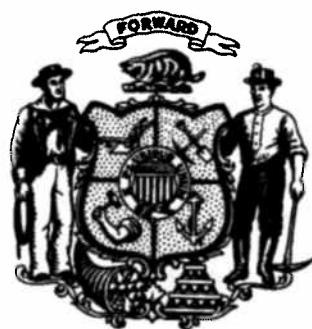
The top priority must be maintaining roads to make sure they're safe for drivers. We agree with the state that it's in a tight spot and that winter plowing has to have the highest priority. But letting roads deteriorate or allowing unsafe conditions in warm weather is also unacceptable.

The state must work more closely with the local officials to make sure that the roads are kept safe and give them

**Comparative Summary of  
Budget Recommendations**

**2009 Act 28**

**Volume II**



**Legislative Fiscal Bureau  
October, 2009**

**2009-11 Wisconsin State Budget**

per gallon for 2010-11. Using these estimated net fuel prices, the tax could be as high as 5.6 cents per gallon in 2009-10 and 7.4 cents per gallon in 2010-11, depending on a supplier's annual gross receipts.

**Joint Finance:** Increase transportation fund revenues by \$3,359,400 in 2009-10 and decrease revenues by \$15,084,000 to reflect a reestimate. Clarify that the oil profits tax would first apply to gross receipts received on or after September 1, 2009.

**Assembly:** Rename the "oil company profits tax" to be an "oil company assessment." Delete the tiered structure of tax rates and, instead, establish a fixed rate of 2% on each motor vehicle fuel supplier's annual gross receipts, effective with gross receipts received beginning August 1, 2009. Require DOR to establish the initial wholesale price for the purpose of determining gross receipts under the assessment at \$1.60 per gallon for August and September, 2009. In addition, provide the Department of Revenue the authority to promulgate rules to determine the calculation methodology for establishing the wholesale price in each subsequent calendar quarter beginning after the initial rate is established. Specify that DOR could not establish a quarterly, wholesale price lower than \$1.52 per gallon or higher than \$2.24 per gallon, both net of federal and state taxes and fees. Require DOR to provide notice of the established wholesale price no later than 14 days before any adjustment to the price. Define "gross receipts" as taxable gallons multiplied by the wholesale price, as published by DOR, for the calendar quarter in which the first sale of the taxable gallons occurred. Define "taxable gallons" as the number of gallons involved in the first sale of motor fuel received by a supplier for sale in this state, for sale for export to this state, or for export to this state, but exclude gallons of biodiesel fuel, E-85, and those exempt from the state's motor fuel tax.

Delete the provision that would prohibit any person who is subject to the tax from increasing the selling price of motor vehicle fuel in order to recover the amount of the tax and associated enforcement and audit provisions. This is often referred to as an "anti-pass-through" provision.

Under the oil company assessment provision, the assessments would range from 3.2 cents per gallon to 4.4 cents per gallon, based on current price forecasts. Estimated revenues to the transportation fund associated with these provisions would be \$97,734,300 in 2009-10 and \$126,431,600 in 2010-11. Compared to the Joint Finance version of the bill, revenues associated with the assessment would be reduced by \$5,950,000 in 2009-10 and \$29,974,700 in 2010-11.

**Senate/Legislature:** Delete provision.

## 5. TRANSFER FROM GENERAL FUND

**Senate:** Provide \$103,684,300 GPR in 2009-10 and \$156,406,300 GPR in 2010-11 in a new appropriation for making a transfer from the general fund to the transportation fund.

**Conference Committee/Legislature:** Delete provision.

6. USE OF TRANSPORTATION FUND REVENUES FOR GENERAL FUND PURPOSES  
[LFB Paper 753]

	Jt. Finance (Chg. to Gov)	Legislature (Chg. to JFC)	Net Change
GPR-REV	\$139,712,200	-\$139,712,200	\$0
SEG-Transfer	139,712,200	- 139,712,200	0
GPR	\$4,857,400	\$1,597,700	\$6,455,100
SEG	- 139,712,200	- 65,000,000	- 204,712,200
BR	<u>139,712,200</u>	<u>65,000,000</u>	<u>204,712,200</u>
Total	\$4,857,400	\$1,597,700	\$6,455,100

**Governor:** The bill contains two types of provisions that involve the use of transportation fund revenues to assist the general fund. First, the bill would convert five existing, GPR appropriations in non-DOT agencies (three in DPI and two in DNR) to transportation fund appropriations, and, second, the bill would require the DOA Secretary to lapse or transfer \$160,000,000 in the biennium from unencumbered balances of appropriations to the general fund. [Although the bill, as drafted, allows the second provision to apply only to appropriated amounts, the administration indicates that it intended to provide DOA the authority to make these transfers from the unappropriated balances in program revenue accounts and segregated funds, including the transportation fund.]

The table below shows the amounts in the converted transportation fund appropriations and the amounts that the administration indicates it intended to transfer from the unappropriated balance in the transportation fund as part of the \$160 million lapse/transfer requirement. The transferred amounts are similar, although slightly larger than, the combined funding reductions in transportation fund appropriations associated with an item that would reduce most nonfederal appropriations by 1% and with other items identified as government efficiency measures.

	<u>2009-10</u>	<u>2010-11</u>
Appropriation Conversions		
Aid for Pupil Transportation	\$27,019,600	\$27,019,600
Aid for Pupil Transportation--Youth Options Program	19,800	19,800
Aid for Pupil Transportation--Open Enrollment	495,000	495,000
Car Killed Deer	509,500	509,500
State Park, Forest and Riverway Roads	<u>2,970,000</u>	<u>2,970,000</u>
Appropriation Conversions Subtotal	\$31,013,900	\$31,013,900
Intended Transfers	\$38,761,200	\$38,923,200
Grand Total	\$69,775,100	\$69,937,100
Biennial Total		\$139,712,200

**Joint Finance:** Delete the conversion of GPR appropriations to SEG appropriations and modify the lapse provision to exclude the \$77,684,400 intended transfer from the transportation fund. The fiscal effects of these provisions are shown in the affected agencies for the

appropriation conversions and in "Budget Management and Compensation Reserves" for the lapse provision.

In place of these provisions, require a transfer of \$139,712,200 from the unappropriated balance of the transportation fund to the general fund in the 2009-11 biennium. Reduce funding for the state highway rehabilitation program by \$69,856,100 SEG annually to allow for this transfer, but specify that the reduction in 2010-11 shall not be reflected in the 2010-11 base for the purpose of the preparation of the 2011-13 biennial budget. Authorize \$139,712,200 in general fund-supported, general obligation bonds for the state highway rehabilitation program to replace the SEG funding, and provide \$363,800 GPR in 2009-10 and \$4,493,600 GPR in 2010-11 to reflect estimated debt service on these bonds. Under this change, the Governor's proposed uses of transportation fund revenues for general fund purposes would be replaced with a single, one-time transfer, and general-fund supported bonds would be authorized to replace the transferred funds.

An additional transfer, estimated at \$32,914,800 annually, would be made from the transportation fund to the general fund under separate provisions that would transfer amounts generated by the following: (a) reducing certain appropriations, affecting most state agencies, by 5.135%; (b) the elimination of the 2% general wage adjustments scheduled for June 7, 2009; and (c) state employee furloughs. The fiscal effect of these items is summarized under "Budget Management and Compensation Reserves," but the effects of the transfer, plus the transfer discussed in the previous paragraph, are reflected in the transportation fund condition statement at the beginning of this section.

The following table summarizes the use of transportation fund revenues for general fund purposes under the substitute amendment (negative numbers signify a loss of revenues available for transportation programs).

	<u>2009-10</u>	<u>2010-11</u>	<u>Biennial Total</u>
Direct Transfer to General Fund	-\$69,775,100	-\$69,937,100	-\$139,712,200
Other Transfer to General Fund	<u>-32,914,800</u>	<u>-32,914,800</u>	<u>-65,829,600</u>
Total Transfer to General Fund	-\$102,689,900	-\$102,851,900	-\$205,541,800
Replacement Bonding	<u>69,856,100</u>	<u>69,856,100</u>	<u>139,712,200</u>
Net Impact on Transportation Programs	-\$32,833,800	-\$32,995,800	-\$65,829,600

**Conference Committee/Legislature:** Delete the transfer of \$139,712,200 from the transportation fund to the general fund, and reduce general fund revenue by \$69,775,100 in 2009-10 and \$69,937,100 in 2010-11 to reflect this change.

Reduce funding by \$32,500,000 SEG annually in the state highway rehabilitation program, but specify that the reduction shall not be reflected in the 2010-11 base for the purpose of the preparation of the 2011-13 biennial budget. Provide \$65,000,000 in general fund-supported, general obligation bonds for the state highway rehabilitation program to replace that reduction. Increase funding by \$182,800 GPR in 2009-10 and \$1,414,900 GPR in 2010-11 to reflect estimated

debt service on the bonds. When combined with the Joint Finance provision, the SEG appropriation for state highway rehabilitation is reduced by a total of \$102,356,100 annually, amounts that are replaced with general fund-supported bonds.

Although the Conference Committee provision would eliminate the direct transfer of \$139,712,200, it would not delete the general fund-supported bonds that were provided under the Joint Finance substitute amendment to replace the transferred funds. The bonds provided by the Conference Committee, when added to the bonds provided under the Joint Finance substitute amendment, equal a total of \$204,712,200 in general fund-supported bonds for the state highway rehabilitation program. Total debt service on these bonds is estimated at \$546,600 GPR in 2009-10 and \$5,908,500 in 2010-11.

The Conference Committee provision would eliminate the direct transfer from the transportation fund to the general fund, but would retain the separate transfer of \$32,914,800 annually, as described above under the Joint Finance provision. However, the amount of general fund-supported "replacement" bonds exceeds the total transfer. The following table summarizes the remaining transfer and replacement bonds. In this case, the positive net change reflects a net gain to transportation programs resulting from the replacement bonds.

	<u>2009-10</u>	<u>2010-11</u>	<u>Biennial Total</u>
Direct Transfer to General Fund	\$0	\$0	\$0
Other Transfer to General Fund	<u>-32,914,800</u>	<u>-32,914,800</u>	<u>-65,829,600</u>
Total Transfer to General Fund	-\$32,914,800	-\$32,914,800	-\$65,829,600
Replacement Bonding	<u>102,356,100</u>	<u>102,356,100</u>	<u>204,712,200</u>
Net Impact on Transportation Programs	\$69,441,300	\$69,441,300	\$138,882,600

[Act 28 Sections: 650m and 9150(9i)]

**7. PETROLEUM INSPECTION FUND TRANSFER TO TRANSPORTATION FUND**

SEG-REV	\$27,800,000
SEG-Transfer	\$27,800,000

**Assembly:** Transfer \$10,000,000 in 2009-10 and \$27,000,000 in 2010-11 from the petroleum inspection fund to the transportation fund. The transferred funding would result from lower than estimated debt service costs to the petroleum inspection fund associated with restructuring short-term borrowing into long-term debt obligations.

**Senate:** Delete provision.

**Conference Committee/Legislature:** Transfer \$10,000,000 in 2009-10 and \$17,800,000 in 2010-11 from the petroleum inspection fund to the transportation fund.

[Act 28 Section: 9210(1f)]



## BUDGET MANAGEMENT AND COMPENSATION RESERVES

### 1. COMPENSATION RESERVES [LFB Paper 176]

**Governor/Legislature:** Provide, in the 2009-11 general fund condition statement, total compensation reserves of \$116,131,700 in 2009-10 and \$235,010,000 in 2010-11 for the increased cost of state employee salaries and fringe benefits. Total compensation reserve amounts by fund source and fiscal year are shown in the following table:

<u>Fund Source</u>	<u>2009-10</u>	<u>2010-11</u>
General Purpose Revenue	\$47,279,100	\$95,962,700
Federal Revenue	14,101,500	28,315,100
Program Revenue	45,910,700	93,024,600
Segregated Revenue	<u>8,840,400</u>	<u>17,707,600</u>
<b>Total</b>	<b>\$116,131,700</b>	<b>\$235,010,000</b>

Details on the component funding amounts included by the Governor in these reserve amounts were not provided by the administration. Typically, amounts within compensation reserve are funds to pay for such items as: (a) the employer share of increased premium costs in the forthcoming fiscal biennium for state employee health insurance; (b) the costs of negotiated pay increases; (c) increases in the employer share of contributions to the state retirement fund for employees' future state retirement benefits; and (d) pension obligation bond payments for the state's unfunded prior service liability for retirement benefits and the accumulated sick leave conversion credit program.

### 2. DOA SECRETARY AUTHORITY TO LAPSE OR TRANSFER MONEYS TO THE GENERAL FUND [LFB Paper 177]

	<b>Governor (Chg. to Base)</b>	<b>Jt. Finance (Chg. to Gov)</b>	<b>Legislature (Chg. to JFC)</b>	<b>Net Change</b>
GPR-REV	\$160,000,000	\$174,107,600	\$20,700,000	\$354,807,600

**Governor:** Require the Secretary of the Department of Administration (DOA) to lapse or transfer \$160 million during the 2009-11 biennium from the unencumbered balances of appropriations to state agencies, other than from sum sufficient and federal appropriations. Define state agencies as any office, department, or independent agency in the executive branch, excluding the Investment Board and the Department of Employee Trust Funds, and including the Legislature and the Courts. Because this provision would reference unencumbered amounts in appropriations as being subject to transfer, the Secretary of DOA could not transfer

unappropriated moneys held in the balance of a fund.

Specify that the DOA Secretary could not lapse or transfer moneys if the lapse or transfer would: (a) violate a condition imposed by the federal government on the expenditure of the moneys; or (b) violate the federal or state constitution.

Authorize the DOA Secretary to lapse from sum certain appropriations and subtract from the expenditure estimates for sum sufficient and continuing appropriations for the: (a) Office of the Governor; (b) Circuit Courts; (c) Court of Appeals; (d) Supreme Court; and (e) Legislature.

Require the Wisconsin Housing and Economic Development Authority to pay \$250,000 to the state in 2010-11 and \$250,000 in 2011-12 of its actual surplus in the Authority surplus fund, irrespective of current law governing the use of that surplus. Specify that these amounts would be deposited in the general fund and would count towards the \$160 million total lapse or transfer requirement.

In its general fund condition statement, DOA includes \$80 million in 2009-10 and in 2010-11 under departmental revenues from this lapse or transfer provision.

**Joint Finance:** Delete provision and, instead, modify the 2009 Act 2 lapse and transfer provision to require an additional \$334,107,600 of lapses or transfers from available balances in appropriations and funds, over the \$125,000,000 required under Act 2. The \$174,107,600 increase in GPR-Earned shown above is the net change to the Governor's provision.

**Assembly:** Increase the required lapse and transfer amount by \$20,700,000 (from \$334,107,600 to \$354,807,600).

**Senate:** Delete Assembly provision.

**Conference Committee/Legislature:** Include Assembly provision.

[Act 28 Section: 3416d]

### **3. DELETE 2007 ACT 20 AUTHORITY FOR DOA TO LAPSE OR TRANSFER MONEYS TO THE GENERAL FUND**

**Governor/Legislature:** Delete the provisions of 2007 Act 20 that require the Secretary of the Department of Administration (DOA) to lapse or transfer \$200 million from the unencumbered balances of appropriations of executive branch state agencies, other than sum sufficient and federal appropriations, in the 2009-11 biennium. Delete similar provisions of Act 20 that require the DOA Secretary to lapse or transfer: (a) \$25 million from the unencumbered balances of appropriations to the UW System of funding for system or campus administration, other than sum sufficient and federal appropriations; and (b) \$1 million from the unencumbered balances of appropriations to the Wisconsin Technical College System other than sum sufficient and federal appropriations.

**Veto by Governor [F-1]:** Restore the Act 20 requirement that the Secretary of DOA lapse or transfer \$200 million from the unencumbered balances of appropriations of executive branch state agencies, other than sum sufficient and federal appropriations, in the 2009-11 biennium.

[Act 28 Sections: 3413 and 3414]

[Act 28 Vetoed Section: 3412]

**4. REQUIRED GENERAL FUND STATUTORY RESERVE [LFB Paper 178]**

**Governor:** Provide that the required general fund statutory balance would be \$130 million for each fiscal year from 2010-11 through 2012-13. Specify that beginning in 2013-14, the required balance would equal 2% of total GPR appropriations plus GPR compensation reserves for each fiscal year.

Under current law, the required balance is \$65 million for 2009-10 and 2010-11 and 2% of total GPR appropriations plus GPR compensation reserves for each fiscal year beginning in 2011-12.

A comparison of current law and the statutory balance requirements under the bill is shown in the following table.

	<u>Current Law</u>	<u>Proposal</u>
2009-10	\$65,000,000	\$65,000,000
2010-11	65,000,000	130,000,000
2011-12	2%*	130,000,000
2012-13	2%*	130,000,000
2013-14 and thereafter	2%*	2%*

\*The required balance equals 2% of gross GPR appropriations plus GPR compensation reserves in that year. As an example, a 2% calculation for 2010-11 under the bill equals \$286.5 million.

**Conference Committee/Legislature:** Modify the provision by establishing the annual general fund statutory reserve at \$65,000,000 from 2010-11 through 2012-13 rather than at \$130,000,000 each year. Beginning in 2013-14, and thereafter, the reserve amount would equal 2% of gross GPR appropriations plus GPR compensation reserves in that year.

A comparison of current law and the statutory balance requirements under Act 28 are shown in the following table:

	<u>Current Law</u>	<u>Act 28</u>
2009-10	\$65,000,000	\$65,000,000
2010-11	65,000,000	65,000,000
2011-12	2%	65,000,000
2012-13	2%	65,000,000
2013-14 and thereafter	2%	2%

[Act 28 Sections: 170 thru 173]



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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Gov Cat

1 AN ACT... relating to: funding for Milwaukee County for winter maintenance  
2 activities on state trunk highways.

***Analysis by the Legislative Reference Bureau***

Under 2009 Wisconsin Acts 2 and 28, before July 1, 2011, the Secretary of Administration must lapse or transfer to the general fund from certain appropriations to executive branch state agencies a total of \$479,807,600.

Also under current law, the Department of Transportation (DOT) may contract with counties to provide highway maintenance services on state trunk highways.

Under this bill, if Milwaukee County requests that DOT provide additional funding for Milwaukee County's snow and ice removal between December 1, 2009, and March 31, 2010, on state trunk highways on the basis that Milwaukee County's allocation for winter maintenance activities on the state trunk highway system is insufficient, DOT must submit to the Joint Committee on Finance (JCF) a request to supplement its state highway maintenance appropriation for fiscal year 2009-10 to provide additional funding to Milwaukee County for these winter maintenance activities. JCF may supplement this appropriation, from the transportation fund, in any amount not exceeding \$1,280,900, to provide the requested additional funding. For any amount of supplemental funding provided by JCF, the Secretary of Administration must reduce, by an equal amount, the amount of the \$479,807,600 allocated to be transferred to the general fund from appropriations to DOT.

←  
←

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1. Nonstatutory provisions.**

(1) DEPARTMENT OF TRANSPORTATION APPROPRIATION LAPSES AND TRANSFERS UNDER ACTS 2 AND 28. Of the \$479,807,600 specified in section 9201 (1) (b) of 2009 Wisconsin Act 2, as affected by 2009 Wisconsin Act 28, section 3416d, to be lapsed or transferred to the general fund by the secretary of administration, the secretary of administration shall recalculate the amount allocated for lapse or transfer from appropriations to the department of transportation by reducing the amount that, prior to the effective date of this subsection, the secretary had allocated for lapse or transfer from appropriations to the department of transportation. This reduction shall be in an amount equal to the amount of all supplements provided by the joint committee on finance under SECTION (2) (b) of this act.

(2) DEPARTMENT REQUEST FOR SUPPLEMENTAL FUNDING FOR WINTER MAINTENANCE ACTIVITIES.

(a) If the department of transportation receives a request from Milwaukee County, between the effective date of this paragraph and April 15, 2010, for additional highway maintenance funding for snow and ice removal on state trunk highways between December 1, 2009 and March 31, 2010, on the basis that the county's highway maintenance allocation for winter maintenance activities on the state trunk highway system is insufficient, the department shall submit to the joint committee on finance a request to supplement the appropriation account under

use autoref (A)

use autoref (B)

create autoref (A)

create autoref (C)

1 section 20.395 (3) (eq) of the statutes for fiscal year 2009-10 to provide additional  
2 funding to Milwaukee County for such winter maintenance activities.

3 (b) The joint committee on finance may, from the appropriation account under  
4 section 20.865 (4) (u) of the statutes, supplement the appropriation account under  
5 section 20.395 (3) (eq) of the statutes for fiscal year 2009-10 ~~in any amount not to~~

6 exceed \$1,280,900 to provide additional funding to Milwaukee County for those  
7 winter maintenance activities specified in paragraph (a). Notwithstanding section  
8 13.101 (3) (a) of the statutes, the committee is not required to find that an emergency  
9 exists.

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autoref  
B

The total amount of all  
supplements under this (END)  
paragraph may not

use  
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C

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State of Wisconsin  
2009 - 2010 LEGISLATURE

Soon

LRB-3822/111

ARG:cjs:ph

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11/17

RMR

11/17 - H/c w/Mike - wants /1

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

No changes

Gen Cat

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Under this bill, if Milwaukee County requests that DOT provide additional funding for Milwaukee County's snow and ice removal between December 1, 2009, and March 31, 2010, on state trunk highways on the basis that Milwaukee County's allocation for winter maintenance activities on the state trunk highway system is insufficient, DOT must submit to the Joint Committee on Finance (JCF) a request to supplement its state highway maintenance appropriation for fiscal year 2009-10 to provide additional funding to Milwaukee County for these winter maintenance activities. JCF may supplement this appropriation, from the transportation fund, in any amount not exceeding \$1,280,900, to provide the requested additional funding. For any amount of supplemental funding provided by JCF, the secretary of administration must reduce, by an equal amount, the amount of the \$479,807,600 allocated to be transferred to the general fund from appropriations to DOT.

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. Nonstatutory provisions.**

2           (1) DEPARTMENT OF TRANSPORTATION APPROPRIATION LAPSES AND TRANSFERS UNDER  
3 ACTS 2 AND 28. Of the \$479,807,600 specified in section 9201 (1) (b) of 2009 Wisconsin  
4 Act 2, as affected by 2009 Wisconsin Act 28, section 3416d, to be lapsed or transferred  
5 to the general fund by the secretary of administration, the secretary of  
6 administration shall recalculate the amount allocated for lapse or transfer from  
7 appropriations to the department of transportation by reducing the amount that,  
8 prior to the effective date of this subsection, the secretary had allocated for lapse or  
9 transfer from appropriations to the department of transportation. This reduction  
10 shall be in an amount equal to the amount of all supplements provided by the joint  
11 committee on finance under SECTION (2) (b) of this act.

12           (2) DEPARTMENT REQUEST FOR SUPPLEMENTAL FUNDING FOR WINTER MAINTENANCE  
13 ACTIVITIES.

14           (a) If the department of transportation receives a request from Milwaukee  
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17 highways between December 1, 2009, and March 31, 2010, on the basis that the  
18 county's highway maintenance allocation for winter maintenance activities on the  
19 state trunk highway system is insufficient, the department shall submit to the joint  
20 committee on finance a request to supplement the appropriation account under



1 section 20.395 (3) (eq) of the statutes for fiscal year 2009-10 to provide additional  
2 funding to Milwaukee County for such winter maintenance activities.

3 (b) The joint committee on finance may, from the appropriation account under  
4 section 20.865 (4) (u) of the statutes, supplement the appropriation account under  
5 section 20.395 (3) (eq) of the statutes for fiscal year 2009-10 to provide additional  
6 funding to Milwaukee County for those winter maintenance activities specified in  
7 paragraph (a). Notwithstanding section 13.101 (3) (a) of the statutes, the committee  
8 is not required to find that an emergency exists. The total amount of all supplements  
9 under this paragraph may not exceed \$1,280,900.

10

(END)

**Duerst, Christina**

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**From:** Pyritz, Michael  
**Sent:** Friday, December 04, 2009 3:42 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-3822/1 Topic: Funding for winter maintenance operations for snow removal, for fiscal year 2009-10, for Milwaukee County

Please Jacket LRB 09-3822/1 for the ASSEMBLY.