



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 216

Assembly Amendment 1

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Under *current law*, the Department of Transportation (DOT) is responsible for maintaining highway rights-of-way that are under its jurisdiction. (County and municipal highways are not under DOT's jurisdiction.) As a part of this responsibility, DOT administers a permit system for the maintenance and removal, by sign owners, of vegetation obstructing the view of signs.

2011 Assembly Bill 216 makes several changes to DOT's permit system for the maintenance and removal of vegetation by sign owners. Specifically, the bill does the following:

- Replaces various sign viewing standards that exist under current law, with a single standard. A sign owner is eligible for a permit to trim or remove vegetation if, for a distance of 500 continuous feet within the 1,000 foot distance motorists travel immediately before reaching the sign, the vegetation obstructs the view of any portion of the face of the sign.
- Requires DOT to issue permits to all eligible applicants.
- Limits DOT to allowing permits that authorize trimming and removing vegetation. The bill eliminates the requirement on permittees that remove vegetation to either relocate the vegetation or reimburse DOT. Instead, the bill requires that a permittee that removes vegetation with a diameter of four inches or more must plant replacement vegetation to compensate for the vegetation removed. The vegetation must be planted within 10 miles of the removal in a location determined by DOT.
- Eliminates a requirement that under certain conditions a sign owner must at the time of application provide written notice to any adjacent property owner and to the applicable municipality.

- Eliminates a requirement that DOT must, within 30 days of receiving an application, determine whether the permit application is complete and return it to the applicant if it is incomplete.
- Eliminates a prohibition against trimming, removing, or relocating vegetation obstructing the view of a sign if that vegetation existed prior to the erection of a sign. Instead, the bill provides that DOT may not issue a permit to trim or remove vegetation obstructing the view of a sign that is less than five years old (from the date when DOT first collected the sign's permit fee).
- Eliminates a provision that allows DOT to require work authorized under a permit to meet certain standards established by DOT. However, DOT retains its authority to supervise and determine how the work authorized under the permit is carried out.
- Expands the definition of "vegetation," for the purposes of the bill, to include grass.
- Eliminates the distinction between planted vegetation, natural vegetation, and specimen trees. Under the bill, the term "vegetation" encompasses each of them.

In addition to what is in the bill, *Assembly Substitute Amendment 1* makes several changes. The Substitute Amendment does the following:

- Requires that DOT's permit system for maintenance and removal of vegetation also apply to any sign that is attached to a building or similar structure that is within 100 feet of the highway right-of-way.
- Provides that all trimming and removal of vegetation, as well as planting of replacement vegetation, must be conducted within the hours of the day and days of the week specified by the DOT in the permit.
- Allows DOT to impose conditions or restrictions on a permit under certain circumstances, if the permit application seeks authorization for the trimming or removal of vegetation at or with respect to any of the following:
 - An archaeological site.
 - A location that is part of a known habitat of an endangered species.
 - A location where the vegetation serves as a junkyard screen.
- Allows DOT to deny an application to trim or remove vegetation if DOT has issued an order to remove a sign and the removal order was received by the sign owner prior to DOT's receipt of the application.
- Provides that if vegetation that serves as snow fence is removed, the permittee must replace the vegetation with an equally effective substitute. (The substitute may be synthetic or artificial.)

- Imposes the responsibility on a permittee that removes vegetation from the highway right-of-way to also remove the vegetation's stump and dispose of all vegetation removed.
- Requires all trimming to be performed in compliance with applicable standards of the American National Standards Institute.

As noted above, the Substitute Amendment provides that DOT's permit system for the maintenance and removal of vegetation also applies to signs that are attached to a building or similar structure within 100 feet of the highway right-of-way. Assembly Amendment 1 to the Substitute Amendment provides that this provision only applies to signs on buildings that advertise activities conducted on the property where the sign is located.

Legislative History

Assembly Amendment 1 to Assembly Substitute Amendment 1 and Assembly Substitute Amendment 1 were offered by Representative Petrowski. On February 14, 2012, the Assembly Committee on Transportation recommended adoption of Assembly Amendment 1, on a vote of Ayes, 13; Noes, 0. The committee also recommended adoption of Assembly Substitute Amendment 1, as amended, on a vote of Ayes, 12; Noes, 1. The committee then recommended passage of Assembly Bill 216, as amended, on a vote of Ayes, 12; Noes, 1.

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