



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-3135/?  
ZDW/EVM/ARG:..

WY JP

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMNR

INSERT

9/23/15

Jan

- 1 AN ACT ...; **relating to:** modifying and repealing various rules promulgated by
- 2 the Department of Transportation.

*Analysis by the Legislative Reference Bureau*

This

The bill in general makes minor and technical changes to rules promulgated by the Department of Transportation (DOT), including correcting obsolete references and references to defunct programs and updating or repealing provisions that are inconsistent with current statutes and federal rules or that were promulgated based on statutes that have since been amended or repealed. This bill also make several substantive changes to various rules promulgated by DOT, including:

1. DOT's current rules include provisions implementing the Wisconsin Environmental Policy Act. These rules include provisions that, among other things, establish criteria and procedures relating to environmental assessments, environmental impact statements, environmental reports, and categorical exclusions relating to DOT actions that may affect the quality of the human environment. Many of these rules reference provisions of the National Environmental Policy Act. This bill makes various changes to rules relating to the environmental review process and environmental documentation for transportation projects, including:
  - 1) removing examples of specific actions for which an environmental assessment or environmental report is or is not required;
  - 2) standardizing and clarifying content requirements for certain environmental documentation;
  - 3) modifying certain provisions relating to notice and hearing on proposed actions;
  - 4) adding provisions relating to revision of final action documents, including environmental reports and records of decision;
  - 5) modernizing references

~~The following~~

rule changes with the following substantive effects

to federal law; and 6) eliminating or adding notes and making other minor and technical changes.

2. Allowing certain recreational vehicle dealers that do not have a permanent facility in the state to display and sell recreational vehicles at certain temporary rally or show sites.

3. Eliminating certain timing and documentation requirements related to the motor vehicle emissions inspection and maintenance program.

4. Authorizing an alternate design for handicapped parking signs displayed in parking lots.

5. Eliminating a continuity of service requirement for motor vehicle rental companies.

6. Authorizing the use of electronic signatures on applications for special identification cards that afford certain parking privileges for persons with a disability that limits or impairs the ability to walk.

7. Modifying the administrative code governing the employer notification system, a program by which an employer can be notified of changes to an employee's driving record, to reflect existing DOT practice.

For further information see the *state* 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. Trans 28.04 (2) of the administrative code is amended to read:

Trans 28.04 (2) Eligible projects shall be located only in Great Lakes or Mississippi River system harbors where vessels take on or discharge a combined total of more than 1,000 tons of commercial cargo per year; where commercial, naval or recreational vessels are built; where passenger or vehicle-carrying ferry service connects the Wisconsin communities along the Great Lakes and Mississippi River, or connects the Wisconsin mainland with other states, Canadian provinces or populated islands in Wisconsin or where commercial fishing vessels unload fish. The U.S. ~~army corps of engineers'~~ Army Corps of Engineers' annual tonnage figures shall be the basis for the tonnage determination; where tonnage figures are not available, the eligible applicant shall provide tonnage figures based on auditable records.

SECTION 2. Trans 28.06 (1) of the administrative code is amended to read:

The bill authorizes

The bill allows

The bill eliminates

The bill authorizes

The bill eliminates

1 Trans 28.06 (1) The department shall annually establish deadlines for filing  
2 harbor assistance project applications and shall give appropriate notice of the  
3 deadlines. Notice shall be by regular or electronic mail, sent to every eligible  
4 applicant that has met the planning requirements under s. Trans 28.10. The  
5 department shall issue notice of the grant awards within 180 days after an  
6 application deadline. No grant funds may be committed to an eligible applicant until  
7 a grant agreement is negotiated and signed by the department and the eligible  
8 applicant.

9 SECTION 3. Trans 28.07 (2) of the administrative code is amended to read:

10 Trans 28.07 (2) For projects funded in part by the U.S. ~~army corps of engineers~~

11 Army Corps of Engineers, the state share may not exceed 50% of the ~~non-federal~~  
12 <sup>nonfederal</sup> share of the project costs.

13 SECTION 4. Trans 28.07 (3) of the administrative code is amended to read:

14 Trans 28.07 (3) For projects with federal funding, other than those projects  
15 funded in part by the U.S. ~~army corps of engineers~~ Army Corps of Engineers as  
16 described in sub. (2), the state share may not exceed 80% of the ~~non-federal~~ <sup>nonfederal</sup> share  
17 of project costs; furthermore, the minimum eligible applicant share shall be no less  
18 than 10% of project costs.

19 SECTION 5. Trans 28.09 (4) of the administrative code is amended to read:

20 Trans 28.09 (4) The eligible applicant shall submit an application to the  
21 department by August 1 in order to receive primary consideration for funding during  
22 the following calendar year. If funds are available, applications may be submitted  
23 by March 15, 1985, and by ~~February~~ August 1 of each year thereafter, for funding in  
24 the same calendar year. The department may waive the requirements in this  
25 subsection for emergency repair projects.

**SECTION 6**

1           **SECTION 6.** Trans 31.02 (2) of the administrative code is renumbered Trans  
2 31.02 (15m) and amended to read:

3           Trans 31.02 (15m) "BR&H RHS" means the bureau of railroads and harbors  
4 section within the department.

5           **SECTION 7.** Trans 31.03 (1) <sup>(note)</sup> of the administrative code is amended to read:

6           Trans 31.03 (1) <sup>(note)</sup> Applications may be submitted to BR&H RHS, 4802  
7 Sheboygan Avenue, P. O. Box 7914, Madison, Wisconsin 53707-7914.

8           **SECTION 8.** Trans 31.03 (5) (a) of the administrative code is amended to read:

9           Trans 31.03 (5) (a) BR&H RHS shall review an application and notify the  
10 applicant of approval or denial of the application within 21 days following receipt of  
11 a complete application.

12           **SECTION 9.** Trans 31.03 (5) (c) of the administrative code is amended to read:

13           Trans 31.03 (5) (c) BR&H RHS may require additional information from an  
14 applicant to complete its review of an application. If an application is received at  
15 least 45 days prior to the date of the first planned operation, BR&H RHS shall have  
16 21 days from the receipt of the additional information to render its decision about the  
17 application.

18           **SECTION 10.** Trans 31.03 (5) (d) of the administrative code is amended to read:

19           Trans 31.03 (5) (d) BR&H RHS shall notify an applicant in writing of all  
20 deficiencies in an application, and the reasons for a denial.

21           **SECTION 11.** Trans 31.03 (6) (a) of the administrative code is amended to read:

22           Trans 31.03 (6) (a) An application which has been denied by BR&H RHS in  
23 accordance with sub. (5) (b) 1. may be resubmitted in compliance with this section.

24           **SECTION 12.** Trans 31.03 (6) (b) of the administrative code is amended to read:

1 Trans 31.03 (6) (b) An application which has been denied by ~~BR&H~~ RHS in  
2 accordance with sub. (5) (b) 2. or 3. may be resubmitted with the additional  
3 information identified in ~~BR&H's~~ RHS<sup>s</sup> letter denying the original application.

4 SECTION 13. Trans 31.03 (6) (c) of the administrative code is amended to read:

5 Trans 31.03 (6) (c) An application which has been denied by ~~BR&H~~ RHS in  
6 accordance with sub. (5) (b) 4. or 5. may not be resubmitted until after the sanctions  
7 imposed by s. Trans 31.07 (3) have expired.

8 SECTION 14. Trans 31.03 (8) of the administrative code is amended to read:

9 Trans 31.03 (8) Any permit issued by the department shall expire on the date  
10 specified by ~~BR&H~~ RHS. In no event shall a permit expire later than December 31  
11 of the year in which the application proposes operation to commence.

12 SECTION 15. Trans 31.04 (1) (h) 2. of the administrative code is amended to  
13 read:

14 Trans 31.04 (1) (h) 2. All active grade-crossing warning devices are functional  
15 and can be operated by the equipment proposed to be used unless ~~BR&H~~ RHS waives  
16 this requirement in writing on the permit.

17 SECTION 16. Trans 31.04 (1) (k) 1. of the administrative code is amended to read:

18 Trans 31.04 (1) (k) 1. An Maintaining an established <sup>e Maintenance of</sup> escrow account approved  
19 by the ~~Department~~ with a Wisconsin financial institution for the deposit of all  
20 amounts received from buyers in advance ticket sales.

21 SECTION 17. Trans 31.04 (1) (k) 2. of the administrative code is amended to read:

22 Trans 31.04 (1) (k) 2. A financial instrument, including a bond, a certificate of  
23 deposit, or an irrevocable letter of credit from a Wisconsin financial institution in an  
24 amount sufficient to refund the expected advance payments for service and  
25 Department administrative costs of processing refunds in the event that the

## SECTION 17

1 excursion is not operated for any reason. <sup>of financial instrument</sup> The commitment described in this  
2 subdivision shall be established in favor of or made payable to the state, for the  
3 benefit of any buyer who does not receive a refund if performance of the event for  
4 which a ticket has been purchased has been cancelled or rescheduled. An applicant  
5 shall file with the department any agreement, instrument, or other document  
6 STET necessary to enforce the commitment against the Sponsor or any relevant 3rd party. <sup>of financial instrument</sup>

7 SECTION 18. Trans 31.04 (1) (k) 3. of the administrative code is repealed.

8 SECTION 19. Trans 55.02 (2m) of the administrative code is created to read:

9 Trans 55.02 (2m) "Approach" means areas beyond the runway end intended  
10 to provide safe, navigable airspace for aircraft arrivals and departures to <sup>and</sup> an from a  
11 landing facility.

12 SECTION 20. Trans 55.06 (3) (a) of the administrative code is amended to read:

13 Trans 55.06 (3) (a) An airport owner shall maintain clear and safe runway  
14 protection zones as described in FAA advisory circular 150/5300-13, Airport Design,  
15 as amended, except for runway lighting fixtures, markers and metrological  
16 instruments whose locations are fixed by their functional purposes or a structure  
17 approved by the FAA. The owner shall establish positive control of the runway  
18 protection zones through the acquisition of fee title or <sup>aviation</sup> ~~aviation~~ easement. The  
19 owner shall prevent the erection or creation of a structure or place of public assembly  
20 in the runway protection zone.

21 SECTION 21. Trans 55.06 (4) (a) of the administrative code is amended to read:

22 Trans 55.06 (4) (a) A public airport owner shall adopt the following ordinances  
23 within 6 months after receipt of a sample ordinance receiving notice from the  
24 secretary:

25 SECTION 22. Trans 55.06 (8) (c) of the administrative code is amended to read:

1 Trans 55.06 (8) (c) The airport layout plan and each amendment, revision or  
2 modification to the plan shall be subject to the approval of the secretary, ~~which~~  
3 ~~approval shall be evidenced by the signature of a duly authorized representative of~~  
4 ~~the secretary on the face of the airport layout plan.~~ The airport owner may not make  
5 or permit a change or alteration in the airport or in any of its facilities other than in  
6 conformity with the airport layout plan as approved by the secretary if the changes  
7 or alterations might adversely affect the safety, utility or efficiency of the airport.

8 **SECTION 23.** 56.04 (3) (b) 4. of the administrative code is repealed and recreated  
9 to read:


10 Trans 56.04 (3) (b) 4. Provide latitude and longitude coordinates of the  
11 proposed structure.

12 **SECTION 24.** Trans 57.04 (1) (b) of the administrative code is amended to read:

13 Trans 57.04 (1) (b) A displaced threshold shall be marked similar to attached  
14 diagram B for runways with other than paved surfaces. Runways with paved  
15 surfaces shall be marked in accordance with the latest FAA advisory circular  
16 ~~150/5340-1G, "Standards for Airport Markings," September 27, 1993 marking~~  
17 ~~standards.~~ In addition, if the runway is lighted, ~~the displaced threshold it~~ shall be  
18 lighted in accordance with ~~FAA advisory circular 150/5340-24, "Runway and~~  
19 ~~Taxiway Edge Lighting System," September 3, 1975. It applies to low intensity~~  
20 ~~runway lighting systems and medium intensity systems~~ the latest FAA lighting  
21 standards.

22 **SECTION 25.** Trans 57.05 (2) (f) of the administrative code is amended to read:

23 Trans 57.05 (2) (f) ~~FR~~ IFR and VFR traffic considerations. A certificate of site  
24 approval may be denied if the proposed site underlies the airspace in the primary

1 approach area for an instrument approach, and the traffic pattern altitude conflicts  
2 with published altitudes for the approach. 

3 **SECTION 26.** Trans 100.01 (2) (note) of the administrative code is amended to  
4 read:

5 Trans 100.01 (2) (note) For purposes of accident reporting, at least one car,  
6 truck, bus, or motorcycle must be in transport for the department to consider the  
7 accident reportable. For information on occupational licenses, see s. Trans 117.03 (2)  
8 (k). Forms used in this chapter are MV 3038 resolution authorizing power of  
9 attorney under ch. 344, Stats., MV 3039 minors release, MV 3041 release of liability,  
10 MV 3044 evaluation of property damage, MV 3045 evaluation of personal injuries,  
11 MV 3046 evaluation of motor vehicle damage, MV 3069 application for  
12 self-insurance, MV 3070 safety responsibility self-insurance certificate, MV 3100  
13 notice of incomplete report, MV 3128 installment agreement to pay damages, MV  
14 3343 compliance notification, MV 3347 emergency vehicle involvement, MV 3384  
15 safety responsibility information, MV 3385 informational letter to injured party, and  
16 MV 3387 reinstatement instructions, MV 4000 Wisconsin motor vehicle accident  
17 report. Forms may be obtained, free of charge, from Wisconsin Department of  
18 Transportation, Traffic Accident Section, P.O. Box 7919, Madison, WI 53707-7919.

19 **SECTION 27.** Trans 100.03 (3) of the administrative code is amended to read:

20 Trans 100.03 (3) The department shall assume that all accident reports it  
21 receives from enforcement agencies or operators meet the reporting criteria of s.  
22 346.70 (1), Stats., or the minimum requirements for safety responsibility act under  
23 s. ~~343.12~~ 344.12, Stats. An accident report filed by a police agency for an accident  
24 that is not reportable shall be returned to the reporting agency. A report from  
25 another source for an accident that is not reportable shall be discarded. If the



1 department determines from credible evidence received, which could include  
2 property damage estimates or signed statements, that an accident that has been  
3 abstracted as part of a driver's record is not reportable, the accident will not be  
4 included in a public abstract of the driver's driver record maintained under s. 343.23,  
5 Stats.

6 **SECTION 28.** Trans 100.07 (1) (note) of the administrative code is repealed.

7 **SECTION 29.** Trans 100.07 (2) (a) of the administrative code is amended to read:

8 Trans 100.07 (2) (a) If the department determines that one or more people  
9 involved in an accident were uninsured, the department may mail evaluation reports  
10 to all other persons involved in the accident. ~~The date on which the department first~~  
11 ~~mails evaluation reports to any person shall be considered the "mailing date" under~~  
12 ~~this subsection. The department shall mail the evaluation reports to the address~~  
13 ~~provided in the accident report.~~

14 **SECTION 30.** Trans 100.07 (2) (b) (intro.) and 2. (intro) of the administrative  
15 code are consolidated, renumbered Trans 100.07 (2) (b) <sup>(intro.)</sup> and amended to read:

16 <sup>(intro.)</sup> Trans 100.07 (2) (b) <sup>A</sup> In determining the amount of security required: ~~2.~~ <sup>B</sup> The  
17 department may shall consider an evaluation report filed with the department ~~more~~  
18 ~~than 21 days after the mailing date~~ if it meets all of the following requirements:

19 **SECTION 31.** Trans 100.07 (2) (b) 1. of the administrative code is repealed.

20 **SECTION 32.** Trans 100.07 (5) of the administrative code is amended to read:

21 Trans 100.07 (5) The department shall make a determination of the amount of  
22 security required for an accident within ~~90 days of receiving an accident report~~ <sup>one</sup> (1 year  
23 of the date of the accident, or at such later date as individual circumstances of an  
24 accident may require.

25 **SECTION 33.** Trans 100.07 (6) (b) 2. of the administrative code is repealed.

# RN; 100.07(2)(b) 2. a. and b.; 100.07(2)(b) 1m. <sup>md</sup>  
2m.

**SECTION 34**

1           **SECTION 34.** Trans 100.07 (6) (b) 5. of the administrative code is created to read:

2           <sup>Trans</sup> 100.07 (6) (b) 5. The uninsured has complied with neither Trans 100.12 nor  
3           100.13. ✓

4           **SECTION 35.** Trans 100.08 (7) (b) of the administrative code is amended to read:

5           Trans 100.08 (7) (b) More than one year after the date of deposit or date of  
6           suspension, whichever is later earlier, has passed and no notice of the  
7           commencement of a court action has been filed by a party in interest. In calculating  
8           the time period under this subsection, any period of time a claimant was stayed from  
9           commencing an action against the owner, operator or bond because of a bankruptcy  
10          proceeding may not be considered.

11          **SECTION 36.** Trans 100.10 (7) of the administrative code is amended to read:

12          Trans 100.10 (7) Hearings shall be informal. Hearsay and documentary  
13          evidence may be received by the hearing examiner and relied upon as the basis for  
14          a decision. ~~Telephone testimony~~ Testimony of persons involved in the accident may  
15          not be permitted by telephone, electronic submission of documents, or other remote  
16          communication method.

17          **SECTION 37.** Trans 100.18 (1) (e) of the administrative code is amended to read:

18          Trans 100.18 (1) (e) More than 20 5 years from the entry date of the judgment  
19          have elapsed.

20          **SECTION 38.** Trans 106.02 (4) of the administrative code is repealed.

21          **SECTION 39.** Trans 106.02 (11) of the administrative code is amended to read:

22          Trans 106.02 (11) “Satisfactory driving record” means a driving record that  
23          does not contain moving violations which result in more than 6 demerit points within  
24          a one year period, by date of violation, or does not indicate that the applicant was,  
25          within one year, by date of violation, causally negligent in 2 or more traffic collisions

1 or does not contain a conviction for OWI or any OWI-related charge within one year.  
2 Out-of-state traffic convictions and accidents shall be treated as though they  
3 occurred in Wisconsin.

\*\*\*\*NOTE: Does s. DHS 75.16 (5) (b) 4. (intro.) need treatment due to this change?  
Do you want to specify that this is by date of violation?

4 **SECTION 40.** Trans 106.02 (12) of the administrative code is amended to read:

5 Trans 106.02 (12) "School" means an institution providing one or more of the  
6 programs defined in sub. ~~(4)~~, (5), (6) or ~~(7)~~ (8) and authorized under s. 345.60, Stats.

7 **SECTION 41.** Trans 106.03 (3) (a) of the administrative code is amended to read:

8 Trans 106.03 (3) (a) Only one group dynamics traffic safety school program may  
9 be certified in each WTC district unless the department determines that there is a  
10 need for additional programs in a district. This paragraph does not apply to a  
11 program provided by an accredited institution of higher education operated by a  
12 federally recognized American Indian tribe or band in this state.

\*\*\*\*NOTE: The instruction for this provision was a little unclear. Have I correctly  
interpreted the intent of this change?

13 **SECTION 42.** Trans 106.03 (4) (a) of the administrative code is amended to read:

14 Trans 106.03 (4) (a) Only one multiple offender traffic safety school program  
15 may be certified in each WTC district unless the department determines that there  
16 is a need for additional programs in a district. This paragraph does not apply to a  
17 program provided by an accredited institution of higher education operated by a  
18 federally recognized American Indian tribe or band in this state.

\*\*\*\*NOTE: The instruction for this provision was a little unclear. Have I correctly  
interpreted the intent of this change?

19 **SECTION 43.** Trans chapter 113 (title) of the administrative code is amended to  
20 read:

21 CHAPTER TRANS 113

1           **ADMINISTRATIVE SUSPENSION OF OPERATING PRIVILEGE FOR**  
2           **OPERATING A MOTOR VEHICLE WITH A PROHIBITED ALCOHOL**  
3           **CONCENTRATION OR A DETECTABLE AMOUNT OF A RESTRICTED**  
4           **CONTROLLED SUBSTANCE**

5           **SECTION 44.** Trans 113.01 of the administrative code is amended to read:

6           **(B) Trans 113.01 Purpose and scope.** As authorized by s. 85.16 (1), Stats., the  
7           purpose of this chapter is to establish the department's administrative  
8           interpretation of s. 343.305 (7) and (8), Stats., relating to arrest for operating with  
9           a prohibited alcohol concentration or a detectable amount of a restricted controlled  
10          substance, administrative suspension of operating privilege and reviews therefor.  
11          Section 343.305 (7) (a), Stats., authorizes the department to administratively  
12          suspend the operating privilege of a person whose test results indicate the presence  
13          of a detectable amount of a restricted controlled substance in the person's blood or  
14          a prohibited alcohol concentration.

15          **SECTION 45.** Trans 113.03 (intro.) of the administrative code is amended to  
16          read:

17          **(B) Trans 113.03 (intro.) Law enforcement officer actions and information**  
18          **provided to driver.** If a person is tested for alcohol concentration or presence of a  
19          restricted controlled substance in accordance with s. 343.305, Stats., and test results  
20          indicate a prohibited alcohol concentration or presence of a restricted controlled  
21          substance, the law enforcement officer shall:

22          **SECTION 46.** Trans 113.03 (1) of the administrative code is repealed.

23          **SECTION 47.** Trans 113.04 (3) (c) of the administrative code is amended to read:

1 Trans 113.04 (3) (c) Whether the person had a prohibited alcohol concentration  
2 or a detectable amount of a restricted controlled substance at the time the offense  
3 allegedly occurred.

4 **SECTION 48.** Trans 113.04 (3) (e) of the administrative code is amended to read:

5 Trans 113.04 (3) (e) If one or more tests were administered in accordance with  
6 s. 343.305, Stats., whether each of the test results for those tests indicate the person  
7 had a prohibited alcohol concentration or a detectable amount of a restricted  
8 controlled substance. ✓

9 **SECTION 49.** Trans 113.04 (8) ✓ of the administrative code is amended to read:

10 Trans 113.04 (8) If at any time the person submits written evidence from a  
11 facility certified by the state laboratory of hygiene and meeting the requirements of  
12 s. 885.235 (1), Stats., indicating the person did not have a prohibited alcohol  
13 concentration or a detectable amount of a restricted controlled substance, the  
14 suspension will be vacated.

15 **SECTION 50.** Trans 113.04 (9) (intro.) ✓ of the administrative code is amended to  
16 read:

17 Trans 113.04 (9) (intro.) If the examiner finds to a reasonable certainty by  
18 evidence that is clear, satisfactory and convincing that the criteria in s. 343.305 (8)  
19 (b), Stats., for administrative suspension have not been satisfied, or that the person  
20 did not have a prohibited alcohol concentration or a detectable amount of a restricted  
21 controlled substance at the time the offense allegedly occurred:

22 **SECTION 51.** Trans 113.04 (10) (intro.) ✓ of the administrative code is amended  
23 to read:

24 Trans 113.04 (10) (intro.) If the examiner finds to a reasonable certainty by  
25 evidence that is clear, satisfactory and convincing that the criteria for administrative

1 suspension have been satisfied and that the person had a prohibited alcohol  
2 concentration or a detectable amount of a restricted controlled substance at the time  
3 the offense allegedly occurred:

4 SECTION 52. Trans 118.01 of the administrative code is amended to read:

5 (B) Trans 118.01 **Purpose and scope.** The purpose of this chapter is to establish  
6 an employer notification program to permit an employer to register the name of an  
7 employe employee and be notified by the department whenever a conviction or  
8 suspension, revocation, cancellation, disqualification or out-of-service order is  
9 recorded on the driving record of the Wisconsin licensed employe employee and any  
10 other driving record information that the department may reasonably include in this  
11 program.

12 SECTION 53. Trans 118.01 (note) of the administrative code is amended to read:

13 (B) Trans 118.01 (note) Authority for this chapter can be found at s. 343.247 (2),  
14 ~~Stats. Forms used in this chapter are MV3555 Employer Notification Customer~~  
15 ~~Agreement and MV3556 Employee Enrollment Request. These forms are available~~  
16 ~~from the Wisconsin Department of Transportation, Bureau of Driver Services, P.O.~~  
17 ~~Box 7917, Madison, WI 53707.~~

18 SECTION 54. Trans 118.03 of the administrative code is amended to read:

19 Trans 118.03 **Employer notification application requirements.**  
20 Employer notification is obtained through the system used to access the public  
21 abstract of the driver's driving record maintained under s. 343.23, Stats. An  
22 application for the ~~employer notification program~~ public abstract request system  
23 shall be made to the department upon forms prescribed by the department, ~~shall be~~  
24 ~~accompanied by the required fees as set forth in s. Trans 118.08~~ and shall include

1 such information as the department reasonably requires. The department may  
2 assign these duties to a <sup>931-</sup>third party designee.

3 **SECTION 55.** Trans 118.04 of the administrative code is amended to read:

4 (B) Trans 118.04 **Employer Customer account codes numbers.** (1) ISSUANCE.  
5 The department shall issue ~~an employer a customer~~ account code number upon  
6 receipt of a properly completed ~~employer notification customer~~ data access  
7 agreement form and any other information that the department reasonably  
8 requires.

9 (2) USAGE. The department may require that the employer use the ~~employer~~  
10 customer account code number for purposes of identification and invoicing  
11 procedures.

12 **SECTION 56.** Trans 118.05 (title) of the administrative code is amended to read:

13 (B) Trans 118.05 (title) ~~Employer notification customer~~ **Electronic DMV**  
14 **records service data access agreement form.**

15 **SECTION 57.** Trans 118.05 (intro.) of the administrative code is amended to  
16 read:

17 Trans 118.05 (intro.) The employer shall submit ~~an employer notification~~  
18 ~~customer~~ a data access agreement <sup>plain</sup> form and any other information that the  
19 department reasonably requires under any of the following situations:

20 **SECTION 58.** Trans 118.05 (1) of the administrative code is amended to read:

21 Trans 118.05 (1) When the employer is submitting an original application for  
22 enrollment in the ~~employer notification program~~ public abstract request system.

23 **SECTION 59.** Trans 118.05 (2) of the administrative code is repealed.

24 **SECTION 60.** Trans 118.05 (3) of the administrative code is amended to read:

**SECTION 60**

1 Trans 118.05 (3) When the employer changes its agency name or address, or  
2 both.

3 **SECTION 61.** Trans 118.05 (4) of the administrative code is amended to read:

4 Trans 118.05 (4) When the employer requests a renewal of registration for the  
5 employer notification procedure public abstract request system.

6 **SECTION 62.** Trans 118.06 (title) of the administrative code is amended to read:

7 Trans 118.06 (title) **Employee Employee enrollment request form.**

8 **SECTION 63.** Trans 118.06 (1) of the administrative code is amended to read:

9 Trans 118.06 (1) ~~EMPLOYE~~ EMPLOYEE ENROLLMENT. An employer may enroll an  
10 employee employee in the employer notification program by submitting a written  
11 request to the department entering the employee's information online through the  
12 public abstract request system.

13 **SECTION 64.** Trans 118.06 (2) of the administrative code is repealed.

14 **SECTION 65.** Trans 118.06 (note) of the administrative code is repealed.

15 **SECTION 66.** Trans 118.07 of the administrative code is amended to read:

16 Trans 118.07 **Withdrawal of employees employees and employers.** (1)

17 ~~EMPLOYE~~ EMPLOYEE WITHDRAWAL. An employer may withdraw an employee employee,  
18 and shall withdraw a former employee, from the employer notification program by  
19 submitting a written request to the department. The written request shall contain  
20 the information set forth in s. Trans 118.06 (2) (a) to (f) removing the employee from  
21 the employer's public abstract request system online roster.

22 (2) EMPLOYER WITHDRAWAL. An employer may withdraw from the employer  
23 notification program by submitting a written request to the department. The request  
24 shall include the employer's name, account code, and any other information the  
25 department reasonably requires.



1           **SECTION 67.** Trans 118.08 (1) of the administrative code is amended to read:

2           Trans 118.08 (1) EMPLOYER INITIAL ENROLLMENT. The department shall register  
3 an employer in the employer notification program upon receipt of a properly  
4 completed ~~employer notification customer~~ data access agreement form ~~together with~~  
5 ~~the proper fee.~~ The registration of an employer in the public access system employer  
6 notification program shall be issued for the calendar year and is valid only during  
7 the calendar year for which issued. For each account code issued to an employer, the  
8 fee shall be \$20 for an application submitted before July 1 of a year and \$10 for an  
9 application submitted on or after July 1 remain in effect for a period of 4 years unless  
10 terminated early by the department or employer.

11           **SECTION 68.** Trans 118.08 (2) of the administrative code is amended to read:

12           Trans 118.08 (2) RENEWAL. At least ~~30~~ 60 days prior to the expiration of an  
13 employer notification customer a data access agreement form, the department shall  
14 mail to the last known address of notify the employer ~~a notice~~ of the date upon which  
15 the employer's registration fee must be paid and the new employer notification  
16 customer data access agreement form must be returned. An employer who does not  
17 return the renewal form and fee by the date provided in the notice may be removed  
18 from the program. The renewal fee for the employer notification program is \$20 per  
19 account code assigned to the employer.

20           **SECTION 69.** Trans 118.08 (3) to (6) of the administrative code ~~is~~ <sup>are</sup> repealed.

21           **SECTION 70.** Trans 118.09 of the administrative code is repealed and recreated  
22 to read:

23           **(B) Trans 118.09 Payment.** Employers shall make payments, in a manner  
24 determined by the department, at the time of requesting information.

25           **SECTION 71.** Trans 118.10 of the administrative code is amended to read:

SECTION 71

(B)

1 Trans 118.10 **Failure to comply with terms of program.** The department  
2 may ~~not provide employer notification documents to an employer~~ suspend or  
3 terminate access to employer notification if the employer has failed to comply with  
4 any of the provisions of this chapter including, but not limited to, paying any ~~invoice~~  
5 ~~or~~ fee when due.

6 SECTION 72. Trans 118.11 of the administrative code is repealed.

7 SECTION 73. Trans 118.12 (1) of the administrative code is amended to read:

8 Trans 118.12 (1) CONTENT. The employer ~~notification document~~ will ~~contain all~~  
9 ~~of the following information:~~ be provided with an electronic copy of the employee's  
10 current driving record.

11 SECTION 74. Trans 118.12 (1) (a) to (f) of the administrative code <sup>is</sup> ~~is~~ repealed. <sup>safe</sup>

12 SECTION 75. Trans 118.12 (2) of the administrative code is amended to read:

13 Trans 118.12 (2) SOURCE. The source of the information supplied to the  
14 employer ~~on the notification document~~ shall be limited to the data retained and  
15 available in the department's computer database for holders of Wisconsin driver's  
16 licenses ~~or identification cards.~~

17 SECTION 76. Trans 118.12 (3) of the administrative code is amended to read:

18 Trans 118.12 (3) WHEN ISSUED NOTIFIED. Employer Electronic notification  
19 documents will be issued provided when there is any change activity described in s.  
20 Trans 118.01 in the driver record maintained by the department for an enrolled  
21 driver employee.

AM; 118.12 (3) (note)

22 SECTION 77. Trans 118.13 (title) of the administrative code is amended to read:

NS  
18.21

(B)

23 Trans 118.13 (title) **Employee Employee and employer responsibilities.**

24 SECTION 78. Trans 118.13 (1) of the administrative code is amended to read:

1 Trans 118.13 (1) ~~EMPLOYEE~~ <sup>✓</sup> EMPLOYEE RESPONSIBILITIES. Nothing in this chapter  
2 shall be construed to relieve the employe employee from the driver notification  
3 requirements described under s. 343.245 (2), Stats.

4 **SECTION 79.** Trans 118.14 of the administrative code is amended to read:

5 <sup>ⓑ</sup> Trans 118.14 **Construction of this rule.** Nothing in this chapter shall be  
6 construed to relieve the applicant for an ~~employer notification document~~ <sup>a</sup> driver  
7 record from submitting a complete application ~~with the~~ or payment of appropriate  
8 fees described in this chapter. In the event of a conflict between the provisions of ch.  
9 Trans 195 and the provisions of this chapter, the provisions of this chapter shall  
10 control.

11 **SECTION 80.** Trans 130.03 (1) (g) of the administrative code is amended to read:

12 Trans 130.03 (1) (g) The signature of the person or, if applicable, the signature  
13 of anyone authorized to sign for the applicant, including a health care specialist. <sup>↓</sup> A  
14 signature under this paragraph includes an electronic signature, as defined in s.  
15 137.11 (8), Stats. <sup>plain</sup>

16 **SECTION 81.** Trans 131.01 (2) (note) of the administrative code is amended to  
17 read:

18 Trans 131.01 (2) (note) Forms used in this chapter are MV 2016, substitute  
19 renewal notice; ~~MV 2470, vehicle inspection report;~~ <sup>↓</sup> MV 2472, application for letter  
20 of temporary exemption from emission test requirements; ~~MV 2588, exchanged~~  
21 ~~engine certificate;~~ ~~MV 2594, quality assurance inspection report.~~ Copies can be  
22 obtained from the Wisconsin Department of Transportation, Dealer and Agent  
23 Section, P. O. Box 7909, Madison, WI 53707-7909.

24 **SECTION 82.** Trans 131.02 (15) (note) of the administrative code is amended to  
25 read:

**SECTION 82**

1 Trans 131.02 (15) (note) All references made to the Federal Rule in this  
2 document are to 40 CFR Part 51, Subpart S Inspection/Maintenance Program  
3 Requirements; Final Rule dated November 5, 1992, as amended through January 1,  
4 2001 April 7, 2006.

5 **SECTION 83.** Trans 131.02 (24) of the administrative code is amended to read:

6 Trans 131.02 (24) "Inspection station" means an inspection facility operated  
7 by a party, or a subcontractor of the party, under contract with the department for  
8 the purpose of conducting vehicle emission inspections required by s. 110.20, Stats.

9 **SECTION 84.** Trans 131.02 (38) of the administrative code is amended to read:

10 Trans 131.02 (38) "Recognized automotive emission repair technician" means  
11 a person who has received and has proof of formal training in both diagnosis and  
12 repair of automotive engines and related systems, and who is in good standing with  
13 the department and in compliance with this chapter and s. 110.20, Stats. ✓

~~STET~~  
STET  
"and"

14 **SECTION 85.** Trans 131.02 (39) of the administrative code is amended to read:

15 Trans 131.02 (39) "Recognized repair facility" means a franchised new car  
16 dealer or other business with a Wisconsin sales tax number that performs emission  
17 repairs as a regular part of its business activities <sup>that</sup> and, employs at least one  
18 recognized automotive emission repair technician, and that is in good standing with  
19 the department and in compliance with this chapter and s. 110.20, Stats.

20 **SECTION 86.** Trans 131.02 (45) of the administrative code is amended to read:

21 Trans 131.02 (45) "Technical assistance center" means either a separate  
22 contractor or subcontractor facility or a portion of an inspection station which, under  
23 the direction of a master automotive technician, is equipped to perform both emission  
24 inspections and complete diagnostic evaluations of nonexempt vehicles.

25 **SECTION 87.** Trans 131.02 (54) of the administrative code is amended to read:

1 Trans 131.02 (54) "Vehicle inspection report" means a serially numbered  
2 document issued at an inspection station or authorized inspection facility or  
3 technical assistance center or by an inspector designated by the department to  
4 perform the functions of a technical assistance center at the time of vehicle  
5 inspection, indicating that the vehicle has been inspected in accordance with the  
6 provisions of this chapter, and may include data reported electronically.

7 **SECTION 88.** Trans 131.03 (6) (d) 5. of the administrative code is amended to  
8 read:

9 Trans 131.03 (6) (d) 5. If the inspection computer system is not able to download  
10 the vehicle OBD II records, the OBD inspection shall be aborted, and the vehicle shall  
11 be reinspected with an OBD II inspection in a separate inspection facility inspection  
12 lane.

13 **SECTION 89.** Trans 131.03 (10) (a) 1. of the administrative code is amended to  
14 read:

15 Trans 131.03 (10) (a) 1. ~~The reinspection shall take place within 30 days of the~~  
16 ~~initial inspection or the owner or lessee shall present satisfactory evidence that the~~  
17 ~~repairs and adjustments which were performed on the vehicle could not have been~~  
18 ~~made within 30 days of the initial inspection. Additionally, the~~ <sup>plain</sup> ~~The~~ vehicle shall have  
19 been repaired or adjusted according to s. 110.20, Stats., and this chapter.

20 **SECTION 90.** Trans 131.03 (10) (a) 2. (intro.) of the administrative code is  
21 amended to read:

22 Trans 131.03 (10) (a) 2. (intro.) The vehicle shall may be accompanied by its  
23 previous vehicle inspection reports. Repair information, as completed by the person  
24 performing the repairs, shall may be indicated in the space provided on the reports,  
25 unless it is and may be reported electronically, upon performance of the repair. The

1 completed repair section on the vehicle inspection report, or the data reported  
2 electronically, shall may indicate all of the following:

3 **SECTION 91.** Trans 131.03 (10) (c) of the administrative code is amended to read:

4 Trans 131.03 (10) (c) If the vehicle passes the reinspection, the contractor shall  
5 retain ~~all~~ any previously-issued vehicle inspection reports it determines are  
6 necessary to retain and issue a vehicle inspection report indicating compliance. If  
7 the vehicle does not pass the reinspection, the contractor shall issue a vehicle  
8 inspection report indicating ~~non-compliance~~. noncompliance If the owner or lessee requests a  
9 waiver of compliance from emission limitations, the waiver investigator shall review  
10 the request and shall either approve or deny the request in accord with s. Trans  
11 131.04. If approved, the waiver investigator shall retain all previously-issued  
12 vehicle inspection reports, except the latest on which the waiver is indicated as  
13 granted.

\*\*\*\*NOTE: Should the document retention requirement for waiver investigators  
also be eliminated?

14 **SECTION 92.** Trans 131.03 (10) (d) 1. of the administrative code is amended to  
15 read:

16 Trans 131.03 (10) (d) 1. A vehicle may receive ~~no more~~ not less <sup>fewer</sup> than 2  
17 reinspections. ~~The reinspections shall occur within 30 days of initial inspection.~~

18 **SECTION 93.** Trans 131.03 (11) (j) of the administrative code is repealed.

19 **SECTION 94.** Trans 131.03 (11) (m) of the administrative code is repealed.

20 **SECTION 95.** Trans 131.03 (12) of the administrative code is amended to read:

21 Trans 131.03 (12) RECONSTRUCTED AND HOMEMADE VEHICLES. Any nonexempt  
22 vehicle registered as reconstructed or homemade under s. 341.268, Stats., shall be  
23 inspected for compliance with requirements applicable to the model year of the

1 vehicle as indicated on the vehicle's registration documents, unless the owner ~~both~~  
2 requests that the vehicle be inspected by engine year and ~~provides a completed~~  
3 ~~MV2588, exchanged engine certification form, to the waiver investigator.~~ In  
4 addition, the vehicle owner shall locate the engine number on the engine for purposes  
5 of engine year verification by the waiver investigator.

6 **SECTION 96.** Trans 131.03 (15) (a) (intro.) of the administrative code is amended  
7 to read:

8 Trans 131.03 (15) (a) (intro.) The operator of each vehicle inspected shall  
9 receive a vehicle inspection report, ~~MV 2470~~, at the conclusion of the inspection. The  
10 vehicle inspection report data may also be reported electronically. The inspection  
11 report, or the vehicle inspection report data reported electronically, shall indicate:

12 **SECTION 97.** Trans 131.03 (15) (b) of the administrative code is amended to  
13 read:

14 Trans 131.03 (15) (b) Each operator of a vehicle failing or rejecting the  
15 inspection shall receive an inspection report supplement containing repair,  
16 reinspection and waiver application instructions, as well as information on the  
17 possible causes of failure or rejection found during the inspection.

18 **SECTION 98.** Trans 131.03 (15) (c) of the administrative code is amended to read:

19 Trans 131.03 (15) (c) Each operator of a vehicle failing or rejecting the initial  
20 inspection shall receive a list of recognized automotive emission repair technicians  
21 and recognized repair facilities by area which includes information required under  
22 s. Trans 131.15. This listing may include other consumer information useful in  
23 obtaining vehicle emission repair service.

24 **SECTION 99.** Trans 131.07 (1) (c) of the administrative code is amended to read:

1 Trans 131.07 (1) (c) The operator presents payment to the contractor of a  
2 monetary fee as determined if required by contract.

3 SECTION 100. Trans 131.08 (2) of the administrative code is amended to read:

4 Trans 131.08 (2) APPLICATION. The department shall provide an application  
5 form, MVD2472, on which the vehicle owner or lessee shall state <sup>↓ his or her</sup> ~~their~~ name,  
6 permanent address, temporary address, if used, and daytime telephone number and  
7 may allow application in any other manner. The vehicle owner or lessee shall identify  
8 the vehicle involved, provide the reason for requesting a letter of temporary  
9 exemption, certify that the vehicle is unavailable for emission inspection, and state  
10 the date when the vehicle will again be operated within a Wisconsin county subject  
11 to the emission inspection requirements of this chapter.

12 SECTION 101. Trans 131.11 (1) (a) of the administrative code is amended to  
13 read:

14 Trans 131.11 (1) (a) All contractor and subcontractor inspection functions,  
15 including those occurring at the inspection stations, other authorized inspection  
16 facilities, technical assistance centers or other facility by an inspector designated by  
17 the department to perform the functions of a technical assistance center, and vehicles  
18 used to conduct remote sensing, shall be audited on an unscheduled basis, at a  
19 minimum, according to the frequency established in the federal rule.

20 SECTION 102. Trans 131.15 (2) (intro.) of the administrative code is amended  
21 to read:

22 Trans 131.15 (2) (intro.) DATA COLLECTION. Whenever a nonexempt vehicle  
23 receives a reinspection, the contractor shall attempt to collect the following emission  
24 repair information from the vehicle inspection report as required by s. Trans 131.03  
25 (11):



1           **SECTION 103.** Trans 131.15 (3) (b) of the administrative code is amended to  
2 read:

3           Trans 131.15 (3) (b) Beginning in the third month of the vehicle emission  
4 inspection program, the contractor shall produce a summary report of the  
5 performance of local repair facilities that have repaired vehicles for reinspection.  
6 The report shall be provided to the motorist at the time of initial vehicle emission  
7 inspection failure ~~or made available on the contractor's website.~~ The report shall be  
8 updated ~~on a quarterly basis.~~ <sup>move</sup> <sup>place</sup> Internet site

9           **SECTION 104.** Trans 131.15 (3) (c) of the administrative code is repealed.

10          **SECTION 105.** Trans 142.07 (4) (e) of the administrative code is created to read:

11          Trans 142.07 (4) (e) 1. Each dealer maintains a permanent facility in this state  
12 in the manner required by sub. (1), except as provided in subd. 2.

13          2. The department may exempt a dealer from the facility requirement in subd.  
14 1., but not from any other requirement of state law, if the dealer is selling recreational  
15 vehicles at a rally or show sponsored by an established state, national, or  
16 international recreational vehicle association with a minimum membership of 100  
17 members. An exemption under this paragraph may not be granted by the  
18 department more than once in any 4-year period. Any license issued by the  
19 department containing the exemption described in this paragraph shall be limited  
20 to one specific event and may not exceed 10 days duration. An exemption granted  
21 under this paragraph will not exempt a dealer from geographic sales restrictions  
22 contained in a dealer franchise agreement or other private contractual obligation.

23          **SECTION 106.** Trans 146.04 (4) of the administrative code is repealed.

24          **SECTION 107.** Trans 157.05 (1) (note) of the administrative code is amended to  
25 read:

1 Trans 157.05 (1) (note) Forms MV1, Application for Title/Registration,  
2 MV2493 MV2488, Vehicle Transfer and Odometer Disclosure Mileage Statement,  
3 and MV2790, Trustee's Application for Certificate of Title, can be ordered from DOT  
4 Materials Management, 3617 Pierstorff, Madison, WI 53704 or (608) 246-3262 or  
5 obtained at a motor vehicle services center. In cases involving the sale of titled  
6 vehicles, the Odometer Disclosure Statement on the reverse side of the certificate of  
7 title should be used.

8 **SECTION 108.** Trans 175.09 of the administrative code is repealed.

9 **SECTION 109.** Trans 178.02 (7m) of the administrative code is created to read:

10 Trans 178.02 (7m) "MCSA-1" means the form prescribed by the federal Motor  
11 Carrier Safety Administration for application for USDOT Number/Operating  
12 Authority Registration.

13 **SECTION 110.** Trans 178.03 (1) (intro.) of the administrative code is amended  
14 to read:

15 Trans 178.03 (1) (intro.) Except as provided in sub. (2), as provided in 49 CFR  
16 ~~367.20~~ part 367, subpart B, fees for registration year 2010 and thereafter are as  
17 follows:

18 **SECTION 111.** Trans 178.04 (1) (a) 1. of the administrative code is amended to  
19 read:

20 Trans 178.04 (1) (a) 1. The number reported on the MCS-150 most recently  
21 filed with the U. S. department of transportation. This subdivision does not apply  
22 to reports filed after October 23, 2015.

23 **SECTION 112.** Trans 178.04 (1) (a) 1m. of the administrative code is created to  
24 read:

1 Trans 178.04 (1) (a) 1m. After October 23, 2015, the number reported on the  
2 MCSA-1 most recently filed with the U. S. department of transportation.

3 **SECTION 113.** Trans 200.07 (2) (title) of the administrative code is amended to  
4 read:

5 Trans 200.07 (2) (title) SIGN ~~DESCRIPTION~~ DESIGN.

6 **SECTION 114.** Trans 200.07 (2) (intro.) of the administrative code is created to  
7 read:

8 Trans 200.07 (2) (intro.) For highways open to public travel, signs shall  
9 conform to the following requirements:

10 **SECTION 115.** Trans 200.07 (2) (a) of the administrative code is amended to  
11 read:

12 Trans 200.07 (2) (a) The sign shall consist of a white rectangle with longer  
13 dimension vertical, having green message, a green arrow, if required under this  
14 section, and a blue and white international symbol for the barrier-free  
15 environments. The sign ~~may~~ shall be reflective ~~or non-reflective~~.

16 **SECTION 116.** Trans 200.07 (2m) of the administrative code is created to read:

17 Trans 200.07 (2m) ALTERNATIVE SIGN DESIGN. For parking lots, signs shall be of  
18 the design under sub. (2) or a design containing all of the following:

19 (a) The sign shall contain the international symbol for accessibility, the  
20 international symbol for barrier-free environments (wheelchair symbol on a  
21 square), or a visually similar symbol. The symbol shall be within a square not less  
22 than 5 inches on a side.

23 (b) The sign shall contain either green or blue text on a white background or  
24 white text on a blue background.

**SECTION 116**

1 (c) The sign may contain text stating “disabled parking,” “handicapped  
2 parking,” “reserved parking,” or the amount of the forfeiture for parking in violation  
3 of the sign.

\*\*\*\*NOTE: Does s. SPS 362.1110 need to be treated to reflect the changes made to  
s. Trans 200.07?

\*\*\*\*NOTE: Is the material in par. (c) intended to be optional?

4 **SECTION 117.** Trans 200.07 (4) of the administrative code is repealed.

5 **SECTION 118.** Trans 206.03 (11) (d) of the administrative code is amended to  
6 read:

7 Trans 206.03 (11) (d) ~~No~~ Except as provided in s. 86.31 (4), Stats., no federal  
8 aid funds shall be used as the local match for an eligible project.

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9 **SECTION 119.** Trans 252.06 (1) of the administrative code is amended to read:

10 **SECTION 120.** RULE SECTION of the administrative code is amended to read:

11 Trans 252.06 (1) An escort vehicle which is a marked ~~police squad car~~ or  
12 unmarked police patrol vehicle equipped with clearly visible red and blue lighting  
13 to the front and rear <sup>A</sup> as defined in s. 347.25 (1m) (a) and (b), Stats., is exempt from  
14 the vehicle, flag and sign requirements of s. Trans 252.05 (1) and (2). ~~Normal police~~  
15 ~~red or blue emergency lights shall be deemed to satisfy the warning lamps~~  
16 ~~requirement of s. Trans 252.05 (3).~~

17 **SECTION 121.** Trans 310.01 (2) of the administrative code is amended to read:

18 Trans 310.01 (2) This chapter applies to the use of safety restraint systems or  
19 safety belts by children under the age of 8, being transported in a motor vehicle. The  
20 ~~term motor vehicle includes, but is not limited to, automobiles, station wagons, vans,~~  
21 ~~trucks and motor homes.~~

22 **SECTION 122.** Trans 310.04 (1) and (2) of the administrative code are  
23 consolidated, renumbered Trans 310.04 and amended to read:

1            <sup>(B)</sup>  
 2            Trans 310.04 <sup>(1)</sup> No person subject to the provisions of s. 347.48 (2m) (c) and  
 3            (4) (am), Stats., may transport a child under the age of <sup>4</sup> ~~in a motor vehicle~~ 8 unless  
 4            the child is properly restrained in a child safety restraint system. ~~(2) No person~~  
 5            ~~subject to the provisions of s. 347.48 (2m) (c) and (4) (as) 4., Stats., may transport a~~  
 6            ~~child who is at least 4 years old but less than 8 years old in a motor vehicle unless~~  
 7            ~~the child is properly restrained in a child safety restraint system or a safety belt~~  
 8            transported in a manner compliant with s. 347.48 (4) (as), Stats.

8            **SECTION 123.** Trans 310.05 (1) of the administrative code is amended to read:

9            Trans 310.05 (1) A child under the age of 8 who, because of a medical condition,  
 10            body size or a physical disability, is incapable of being transported in a child safety  
 11            restraint system, may be transported without a safety restraint system or safety belt  
 12            providing:

13            **SECTION 124.** Trans 315.01 (2) of the administrative code is amended to read:

14            Trans 315.01 (2) This chapter applies to all persons who are at least 4 8 years  
 15            old and are subject to the safety belt installation and usage requirements of s. 347.48,  
 16            Stats.

17            **SECTION 125.** Trans 315.03 (2) of the administrative code is amended to read:

18            Trans 315.03 (2) A person at least <sup>4</sup> 8 years old being transported in an  
 19            authorized emergency vehicle as defined in s. 340.01 (3), Stats., when the vehicle is  
 20            being operated in the performance of official duties, may be transported without a  
 21            safety belt when the physical or medical needs of the person make restraint by safety  
 22            belt unreasonable.

23            **SECTION 126.** Trans 315.03 (1) of the administrative code is amended to read:

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SECTION 126

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1 Trans 315.03 (1) A person who is at least 4 8 years old is exempted from the  
2 provisions of s. 347.48 (2m), Stats., if the person cannot be properly restrained in a  
3 safety belt because of a physical or medical condition providing:

4 SECTION 127. Trans 510.8 (2) (intro.), (a) and (b) of the administrative code are  
5 consolidated, renumbered Trans 510.8 (2) and amended to read:  
6

7 Trans 510.08 (2) A jobs guarantee with the local governing body shall be part  
8 of the project agreement when deemed necessary by the department in order to  
9 protect the public interest. The local governing body shall, in turn, be encouraged  
10 to develop a similar agreement with the economic development project. The jobs  
11 guarantee shall obligate the local governing body to reimburse the department for  
12 up to the full amount of the grant if either of the following occurs: (a) ~~The guaranteed~~  
13 ~~number of direct jobs associated with the economic development project do not result~~  
14 ~~within 3 years of the date the project agreement is executed.~~ (b) ~~The~~ the guaranteed  
15 number of direct jobs associated with the economic development project do not exist  
16 to be used for comparison shall be established on the date funds are awarded.  
17 Verification of the number of direct jobs associated with the economic development  
18 project shall be made utilizing information available from the department of  
19 workforce development and other sources.

20 SECTION 128. Effective dates. This act takes effect on the day after  
21 publication, except as follows:

22 (1) The treatment of section Trans 146.04 (4) of the administrative code takes  
23 effect on January 1, 2016.

(END)

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30-3  
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1           **INSERT ARG 30-3:**

2           **SECTION 1.** Trans 400.03 (note) of the administrative code is created to read:

3           Trans 400.03 (note) The National Environmental Policy Act (NEPA) requires  
4 the federal government to prepare environmental documentation for major federal  
5 actions. The Wisconsin Department of Transportation prepares the federal  
6 environmental documentation for review and approval by the federal government of  
7 actions for which federal funds are to be used by the department. The requirements  
8 for federally funded actions are followed by the department when federal funds are  
9 involved. These federally funded actions are also actions of the department to which  
10 the Wisconsin Environmental Policy Act (WEPA) applies. Finally, when the  
11 department pursues an action for which only state funds are involved, NEPA does  
12 not apply, but WEPA still applies. The intent of this chapter is to direct the  
13 department to follow NEPA and its implementing regulations for both NEPA and  
14 WEPA purposes when federal funds are involved in the proposed action. The intent  
15 is to apply WEPA and its implementing rules in this chapter when only state funds  
16 are involved in the proposed actions, but to make the WEPA implementing rules  
17 track the federal law and federal regulations as closely as possible.

\*\*\*\*NOTE: It appears that this (note) is "moved" from s. Trans 400.08 (1) (a). ✓

18           **SECTION 2.** Trans 400.04 (3) of the administrative code is amended to read:

19           Trans 400.04 (3) "Categorical exclusion" means an action which meets the  
20 definition of the term in the guidelines published by the United States council on  
21 environmental quality as a federal rule in 40 CFR 1508.4, July 1, 1990, and the rule  
22 published jointly by the federal highway administration and urban mass transit

Srb

1 ~~administration of the United States department of transportation and~~ in 23 CFR  
2 ~~771.117, April 1, 1991, or the procedures published by 23 CFR 771.118, or chapter~~  
3 ~~6 of order 5050.4B of the federal aviation administration of the United States~~  
4 ~~department of transportation as order 5050.4A, chapter 3, paragraph 23, October 8,~~  
5 ~~1985, or other actions of the department for which neither an EA, EIS nor other~~  
6 ~~environmental documentation is required by this rule.~~

7 **SECTION 3.** Trans 400.04 (3) (note) of the administrative code is created to read:

8 Trans 400.04 (3) (note) The specific versions of federal regulations and federal  
9 agency orders as referenced throughout this chapter are adopted in s. Trans 400.05  
10 and are reproduced at ~~Appendix~~ Appendix 1 to this chapter.

11 **SECTION 4.** Trans 400.04 (4) of the administrative code is amended to read:

12 Trans 400.04 (4) “Cooperating agency” means any Native American tribe, or  
13 any local, state, or federal agency, other than the lead or transportation agency,  
14 which has jurisdiction by law over the proposed action or which has special expertise  
15 with respect to any relevant environmental effect generated by the proposed action  
16 or alternative.

17 **SECTION 5.** Trans 400.04 (5) of the administrative code is amended to read:

18 Trans 400.04 (5) “Department” means the Wisconsin department of  
19 transportation or a local agency when acting under the direction of the department.

20 **SECTION 6.** Trans 400.04 (10) of the administrative code is amended to read:

21 Trans 400.04 (10) “ER” or “environmental report” means a brief document used  
22 internally by the department to demonstrate a proposed action fits the criteria or  
23 conditions for approval as a categorical exclusion in ~~23 CFR 771.117 (d), April 1,~~  
24 ~~1991, or has met the review criteria of paragraph 23.a. of chapter 3 of federal aviation~~  
25 ~~administration order 5050.4A of October 8, 1985, under s. Trans 400.08 (1) (cm) or~~



1 has been properly coordinated with other agencies having jurisdiction by law over  
2 specific activities.

\*\*\*\*NOTE: The cross-reference used in the instructions in sub. (10) is to s. Trans 400.08 (1) (d), but that provision is being renumbered to Trans 400.08 (1) (cm), so I changed the cross-reference. Please advise if this is not the intended cross-reference.

3 SECTION 7. Trans 400.04 (15) of the administrative code is repealed.

4 SECTION 8. Trans 400.04 (22m) of the administrative code is created to read:

5 Trans 400.04 (22m) "Participating agency" means any Native American tribe  
6 or any local, state<sup>A</sup> or federal agency, other than the lead agency, with an interest in  
7 the project. "Participating agency" includes cooperating agencies but does not  
8 include nongovernmental organizations or other private entities.

9 SECTION 9. Trans 400.04 (24) of the administrative code is amended to read:

10 Trans 400.04 (24) "Reevaluation" means the review of a ~~DEIS or FEIS~~ <sup>Strike space</sup> an  
11 approved draft or final environmental document to assess whether there have been  
12 significant changes in the proposed action, the affected human environment, the  
13 anticipated environmental impacts, or the proposed mitigation measures.

14 SECTION 10. Trans 400.05 of the administrative code is amended to read:

15 (B) Trans 400.05 **Federal regulations adopted.** ~~Federal regulations, 23 CFR~~  
16 ~~771.115, 771.117, 771.119(a) and 771.123(a), April 1, 1998, adopted jointly by the~~  
17 ~~federal highway administration and urban mass transit administration of the~~  
18 ~~United States department of transportation, and its federal aviation administration~~  
19 ~~order 5050.4A, chapter 3, paragraphs 20, 21, 22, and 23, October 8, 1985, pursuant~~  
20 ~~to 40 CFR 1508.4, July 1, 1998, as approved by the United States council on~~  
21 ~~environmental quality, and 40 CFR 1506.8 and 1508.17~~ References throughout this  
22 chapter to federal regulations and orders are to the following specific versions, which  
23 are hereby adopted by the department and are attached hereto in appendix 1: 23

1 CFR 771.115, 771.117, and 771.118, April 1, 2014; 40 CFR 1500.4, 1500.5, 1506.8,  
2 and 1508.4, July 1, 2014; 49 CFR 266.19, October 1, 2014; and the United States  
3 department of transportation federal aviation administration order 5050.4B,  
4 chapters 6, 7, and 9, April 28, 2006.

\*\*\*NOTE: I changed "this rule" to "this chapter" in s. Trans 400.05.

5 **SECTION 11.** Trans 400.05 (note) of the administrative code is repealed.

6 **SECTION 12.** Trans 400.06 (5) of the administrative code is amended to read:

7 Trans 400.06 (5) Measures necessary to avoid, minimize and to mitigate for the  
8 mitigation of adverse environmental impacts of proposed actions shall be part of the  
9 development and evaluation of alternatives.

10 **SECTION 13.** Trans 400.06 (6) of the administrative code is amended to read:

11 Trans 400.06 (6) The department shall implement procedures to make the  
12 WEPA process more useful to decision makers and the public by reducing paperwork  
13 and reducing delay utilizing the means for achieving these goals as specified in the  
14 rules of the United States council on environmental quality at 40 CFR 1500.4 and  
15 1500.5, July 1, 1990, that which are attached hereto in appendix 1. Environmental  
16 documents shall be concise, clear, and to the point and emphasize real environmental  
17 issues and alternatives.

18 **SECTION 14.** Trans 400.07 (2) (intro.) of the administrative code is amended to  
19 read:

20 Trans 400.07 (2) (intro.) ~~Except for actions designated CE actions which do not~~  
21 ~~require any environmental documentation, actions~~ Actions and procedures  
22 designated EIS, EA or ER shall require the following environmental documentation:

23 **SECTION 15.** Trans 400.07 (2) (b) 1. of the administrative code is amended to  
24 read:

1           Trans 400.07 (2) (b) 1. An EA shall be prepared for those project actions for  
2           which the significance of the environmental impact is not clearly established. If it  
3           is concluded from the analysis in the EA that the action is a major action, an EIS shall  
4           be prepared. If it is concluded from the analysis in the EA that the action is not a  
5           major action, the EA shall be revised to constitute a FONSI, and the FONSI shall  
6           serve as the environmental document. The FONSI shall be prepared only after  
7           availability of the EA for public, and cooperating and participating agency, review  
8           and comment and the incorporation of any appropriate revisions resulting from the  
9           public involvement process. Where a permit will be required or other agency  
10          coordination is specifically required by law, the FONSI may serve as the vehicle for  
11          such permit or coordinating agency approval.

12           **SECTION 16.** Trans 400.07 (2) (c) (intro.) of the administrative code is amended  
13          to read:

14           Trans 400.07 (2) (c) (intro.) *ER*. An ER is a procedure followed for an action that  
15          is likely to fit the criteria for a conditional categorical exclusion in 23 CFR 771.117  
16          (d), ~~April 1, 1998 23 CFR 771.118 (d)~~, or federal aviation administration order  
17          5050.4A, chapter 3, paragraph 23.a., ~~October 8, 1985 5050.4B, chapter 6, paragraph~~  
18          605, or otherwise requires coordination with or concurrence of another agency. An  
19          environmental report, or ER, shall be prepared to demonstrate whether the proposed  
20          action does fit the criteria or conditions for approval as a categorical exclusion and  
21          has been properly coordinated with other agencies having jurisdiction by law over  
22          specific activities. The ER shall serve as the department's record of coordination with  
23          other agencies having jurisdiction over specific activities, including the following  
24          activities:

1           **SECTION 17.** Trans 400.08 (1) (a) (intro.) of the administrative code is amended  
2 to read:

3           Trans 400.08 (1) (a) (intro.) *EIS – Environmental Impact Statement*. The  
4 ~~federal highway administration regulations at 23 CFR 771.115(a) April 1, 1998,~~  
5 ~~federal aviation administration order 5050.4A, chapter 3, paragraph 21, October 8,~~  
6 ~~1985, identify types of federally funded actions which require the preparation of an~~  
7 ~~environmental impact statement.~~ The following are examples of department major  
8 actions that normally require the preparation of an environmental impact  
9 statement:

10           **SECTION 18.** Trans 400.08 (1) (a) (intro.) (note) of the administrative code is  
11 repealed.

\*\*\*\*NOTE: This (note), although repealed here, is recreated in s. Trans 400.03. ✓

12           **SECTION 19.** Trans 400.08 (1) (a) 1. c. of the administrative code is amended to  
13 read:

14           Trans 400.08 (1) (a) 1. c. ~~New construction~~ Construction or extension of a fixed  
15 ~~rail transit facilities including facility, such as~~ rapid rail, light rail, commuter rail,  
16 ~~and automated guideway transit or bus rapid transit, that will not be located within~~  
17 ~~an existing transportation right-of-way.~~

18           **SECTION 20.** Trans 400.08 (1) (a) 2. a. of the administrative code is amended to  
19 read:

20           Trans 400.08 (1) (a) 2. a. ~~First time~~ Unconditionally approving or funding the  
21 first airport layout plan approval or airport location approval for a new commercial  
22 service airport located in a standard metropolitan statistical area.

\*\*\*\*NOTE: Is striking "airport" in the last line of subd. 2. a. consistent with your intent?

1           **SECTION 21.** Trans 400.08 (1) (a) 2. b. of the administrative code is amended to  
2 read:

3           Trans 400.08 (1) (a) 2. b. ~~Federal financial participation in, or airport layout~~  
4 ~~plan approval of, Unconditionally approving or funding a new runway capable of~~  
5 ~~handling to accommodate~~ air carrier aircraft at a commercial service airport located  
6 in a standard metropolitan statistical area.

7           **SECTION 22.** Trans 400.08 (1) (a) 3. (note) of the administrative code is amended  
8 to read:

9           Trans 400.08 (1) (a) 3. (note) The federal highway administration regulations  
10 at 23 CFR 771.115 (a) and federal aviation administration order 5050.4B, chapter 9,  
11 section 903, identify types of federally funded actions which normally require the  
12 preparation of an environmental impact statement. The federal railroad  
13 administration regulation at 49 CFR 266.19, ~~October 1, 1997~~, generally identifies  
14 actions that do not require an environmental impact statement.

15           **SECTION 23.** Trans 400.08 (1) (b) (intro.) of the administrative code is amended  
16 to read:

17           Trans 400.08 (1) (b) (intro.) *EA – Environmental Assessment.* EA procedures  
18 apply to actions for which the significance of the environmental impacts is not clearly  
19 established and require the preparation of an environmental assessment to make  
20 that determination. ~~The federal highway administration regulations at 23 CFR~~  
21 ~~771.115(c) April 1, 1998, and the federal aviation order 5050.4A, chapter 3,~~  
22 ~~paragraph 22, October 8, 1985 identify the types of federal actions that require the~~  
23 ~~preparation of an environmental assessment. Examples of the department's actions~~  
24 ~~that are required to follow the EA procedure are as follows:~~

\*\*\*\*NOTE: The change proposed in the instructions, notably the striking of "as follows" at the end of this provision, results in par. (b) (intro.) not being a true introductory paragraph. I believe the provision is now stylistically inappropriate, but I have retained it in the form proposed because this same type of false (intro.) already appears elsewhere in ch. Trans 400.

1           **SECTION 24.** Trans 400.08 (1) (b) 1. of the administrative code is repealed and  
2           recreated to read:

3           Trans 400.08 (1) (b) 1. 'Highways and transit.' In addition to actions the  
4           department determines meet the criteria for an EA action under this chapter, the  
5           department may apply EA procedures to the highway and transit actions generally  
6           identified in 23 CFR 771.115 (c).

7           **SECTION 25.** Trans 400.08 (1) (b) 2. of the administrative code is repealed and  
8           recreated to read:

9           Trans 400.08 (1) (b) 2. 'Airports.' In addition to actions the department  
10          determines meet the criteria for an EA action under this chapter, the department  
11          may apply EA procedures to actions generally identified in federal aviation  
12          administration order 5050.4B.

13          **SECTION 26.** Trans 400.08 (1) (b) 3. of the administrative code is amended to  
14          read:

*set - remove strike*

15          Trans 400.08 (1) (b) 3. Administrative facilities. ~~Construction~~ Administrative  
16          facilities. Examples of department actions regarding administrative facilities to  
17          which EA procedures normally apply are: construction of a new or replacement  
18          administrative building, including an office building, state patrol academy, driver  
19          licensing and testing station, state patrol communications building, or other similar  
20          facility, at a new location.

21          **SECTION 27.** Trans 400.08 (1) (b) 5. (intro.) of the administrative code is  
22          amended to read:

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Trans 400.08 (1) (b) 5. (intro.) ~~Policy~~ Policy, contract, standard and specification changes. changes. Examples of department actions regarding policy, contract, standards and specifications to which EA procedures normally apply are:

**SECTION 28.** Trans 400.08 (1) (c) (intro.) of the administrative code is renumbered Trans 400.08 (1) (dm) (intro.) and amended to read:

Trans 400.08 (1) (dm) (intro.) *ER - Environmental Report*. ~~ER procedures apply to actions identified in 23 CFR 771.117(d), April 1, 1998, and federal aviation administration order 5050.4A, chapter 3, paragraph 23a., October 8, 1985. ER actions require documentation with an environmental report. The environmental report shall demonstrate that the action meets the criteria for a categorical exclusion by demonstrating that specific conditions or criteria for the action have been addressed and that significant environmental effects will not result. Examples of ER actions to which ER procedures apply are as follows:~~

\*\*\*\*NOTE: The change proposed in the instructions, notably the striking of "as follows" at the end of this provision, results in par. (c) (intro.) not being a true introductory paragraph. I believe the provision is now stylistically inappropriate, but I have retained it in the form proposed because this same type of false (intro.) already appears elsewhere in ch. Trans 400.

**SECTION 29.** Trans 400.08 (1) (c) 1. of the administrative code is repealed.

**SECTION 30.** Trans 400.08 (1) (c) 2. of the administrative code is repealed.

\*\*\*\*NOTE: The language in the instructions for renumbered pars. (c) 1. (intro.) and 2. (intro.) appears below as created par. (dm) 1. and 2. ✓

\*\*\*\*NOTE: The instructions call for "switching" pars. (c) and (d), but it is too confusing in the bill to do so because, for example, par. (d) would be both created and repealed. Instead, par. (c) becomes (dm) and par. (d) becomes (cm). ✓

**SECTION 31.** Trans 400.08 (1) (c) 3. of the administrative code is renumbered Trans 400.08 (1) (dm) 3. and amended to read:

Trans 400.08 (1) (dm) 3. ~~Administrative facilities. Extensive~~ Administrative facilities. Examples of department actions regarding administrative facilities to

stet - remove strike

Handwritten mark resembling a checkmark or the number 2.

1 which ER procedures normally apply are: extensive remodeling, expansion or  
2 modification of an administrative building, including an office building, state patrol  
3 academy, driver licensing and testing station, state patrol communications building,  
4 or other similar facility, which either substantially increases the capacity of the  
5 facility or substantially changes its use.

6 **SECTION 32.** Trans 400.08 (1) (c) 4. of the administrative code is renumbered  
7 Trans 400.08 (1) (dm) 4.

8 **SECTION 33.** Trans 400.08 (1) (c) 5. of the administrative code is renumbered  
9 Trans 400.08 (1) (dm) 5., and Trans 400.08 (1) (dm) 5. (intro.), as renumbered, is  
10 amended to read:

11 Trans 400.08 (1) (dm) 5. (intro.) *stet - remove*  
*strike*  
Policy ~~Policy~~ contract, standard and  
12 specification *changes.* changes. Examples of department actions regarding policy,  
13 contract, standard, and specification changes to which ER procedures normally  
14 apply are:

15 **SECTION 34.** Trans 400.08 (1) (cm) 1. of the administrative code is created to  
16 read:

17 Trans 400.08 (1) (cm) 1. 'Highways and transit.' In addition to actions the  
18 department determines meet the criteria for a CE action under this chapter, the  
19 department may classify as CE actions those highway and transit actions identified  
20 in 23 CFR 771.117 (c) and 23 CFR 771.118 (c).

21 **SECTION 35.** Trans 400.08 (1) (cm) 2. of the administrative code is created to  
22 read:

23 Trans 400.08 (1) (cm) 2. 'Airports.' In addition to actions the department  
24 determines meet the criteria for a CE action under this chapter, the department may



1 classify as CE actions those airport actions identified in federal aviation  
2 administration order 5050.4B.

\*\*\*NOTE: Paragraphs (cm) 1. and 2. reflect the language of renumbered pars. (d)  
1. (intro.) and 2. (intro.).

3 **SECTION 36.** Trans 400.08 (1) (d) (intro.) of the administrative code is  
4 renumbered Trans 400.08 (1) (cm) (intro.) and amended to read:

5 Trans 400.08 (1) (cm) (intro.) *CE - Categorical Exclusions.* CE actions are  
6 categorically excluded from the requirement to prepare environmental  
7 documentation pursuant to the rule published by the United States department of  
8 transportation in 23 CFR 771.117, April 1, 1998, or its federal aviation  
9 administration order 5050.4A, chapter 3, paragraph 23, October 8, 1985. CE actions  
10 do not require environmental documentation because, based on past experience with  
11 similar actions, they do not involve significant environmental impacts. They are  
12 actions which do not induce significant impacts to planned growth or land use for the  
13 area, do not require the relocation of significant numbers of people, do not have a  
14 significant impact on any natural, cultural, recreational, historic or other resource,  
15 do not involve significant air, noise, or water quality impacts, do not have significant  
16 impacts on travel patterns, and do not otherwise, either individually or cumulatively,  
17 have any significant environmental impacts. ~~Examples of CE actions include the~~  
18 ~~following:~~

\*\*\*NOTE: I struck the last clause of par. (cm) (intro.) above, although it was not  
stricken in the instructions, because after the other changes in the renumbered par. (cm)  
there are no examples that follow. Also, as discussed above, par. (cm) (intro.) is not  
actually an (intro.), but I have not tried to correct that.

19 **SECTION 37.** Trans 400.08 (1) (d) 1. of the administrative code is repealed.

20 **SECTION 38.** Trans 400.08 (1) (d) 2. of the administrative code is repealed.

\*\*\*NOTE: The language in the instructions for renumbered ~~par~~<sup>g</sup> (d) 1. (intro.) and  
2. (intro.) appears above as created par. (cm) 1. and 2.

1           **SECTION 39.** Trans 400.08 (1) (d) 3. of the administrative code is renumbered  
2 Trans 400.08 (1) (cm) 3. and amended to read: *stet - remove strike*

3           Trans 400.08 (1) (cm) 3. ~~Administrative facilities. Minor~~ Administrative  
4 facilities. Examples of department actions regarding administrative facilities that  
5 are normally classified as CE actions are: minor construction or expansion of an  
6 airport facility, such as a runway, taxiway, apron, service or entrance road, or  
7 passenger handling or parking facility.

8           **SECTION 40.** Trans 400.08 (1) (d) 4. of the administrative code is renumbered  
9 Trans 400.08 (1) (cm) 4.

10          **SECTION 41.** Trans 400.08 (1) (dm) 1. of the administrative code is created to  
11 read:

12          Trans 400.08 (1) (dm) 1. 'Highways and transit.' In addition to actions the  
13 department determines meet the criteria for an ER action under this chapter, the  
14 department may apply ER procedures to the highway and transit actions identified  
15 in 23 CFR 771.117 (d) and 23 CFR 771.118 (d).

16          **SECTION 42.** Trans 400.08 (1) (dm) 2. of the administrative code is created to  
17 read:

18          Trans 400.08 (1) (dm) 2. 'Airports.' In addition to actions the department  
19 determines meet the criteria for an ER action under this chapter, the department  
20 may apply ER procedures to actions identified in the federal aviation administration  
21 order 5050.4B.

22          **SECTION 43.** Trans 400.08 (2) (a) of the administrative code is amended to read:

23          Trans 400.08 (2) (a) Activities exempt by statute or approved as categorical  
24 exclusions by the United States council on environmental quality pursuant to 40  
25 CFR 1508.4, July 1, 1998.

1           **SECTION 44.** Trans 400.08 (2) (f) of the administrative code is amended to read:  
2           Trans 400.08 (2) (f) The budget request of the department as a whole submitted  
3           to the department of administration and legislature pursuant to ss. s. 16.42 and  
4           ~~19.45 (12)~~, Stats.

5           **SECTION 45.** Trans 400.09 (4) (e) of the administrative code is amended to read:  
6           Trans 400.09 (4) (e) Ensure the required involvement of any cooperating and  
7           participating agencies.

8  
9           **SECTION 46.** Trans 400.10 (3) (c) of the administrative code is amended to read:  
10          Trans 400.10 (3) (c) In addition to the contents required under par. (a), the FEIS  
11          shall also incorporate the comments received during the DEIS and subsequent  
12          hearing processes. A response shall be made to each substantive environmental  
13          issue identified in the comments and not addressed in the DEIS. The response shall  
14          include a discussion of the environmental issue, including the identification of the  
15          efforts to resolve the issue and the commitments to specific measures to mitigate  
16          adverse impacts and enhance beneficial effects.

17          **SECTION 47.** Trans 400.10 (4) (a) 1. of the administrative code is renumbered  
18          Trans 400.10 (4) (a) 1r. and amended to read:

19          Trans 400.10 (4) (a) 1r. Stimulation of secondary indirect environmental  
20          effects.

21          **SECTION 48.** Trans 400.10 (1) (a) 1g. of the administrative code is created to  
22          read:

23          Trans 400.10 (1) (a) 1g. The content requirements for an ER under sub. (5).

24          **SECTION 49.** Trans 400.10 (4) (a) 5. of the administrative code is amended to  
25          read:

Handwritten annotations: A large arrow on the left side points from line 9 to line 10. A bracket on the left side spans from line 21 to line 24. The word "not" is written vertically next to the bracket.

1 Trans 400.10 (4) (a) 5. The degree of controversy on environmental grounds  
2 associated with the proposed action.

3 **SECTION 50.** Trans 400.10 (5) (intro.) of the administrative code is amended to  
4 read:

5 Trans 400.10 (5) (intro.) ER CONTENT. The ER may be completed on screening  
6 sheets developed by the department. The ER shall reflect compliance with the  
7 applicable laws and regulations of other agencies, and shall include all of the  
8 following:

9 **SECTION 51.** Trans 400.11 (1) (b) (intro.) of the administrative code is  
10 renumbered Trans 400.11 (1) (b) and amended to read:

11 Trans 400.11 (1) (b) *Notice of availability of a SEE.* A notice of availability of  
12 a system plan and its SEE shall be published ~~in the official state newspaper and~~  
13 ~~other newspapers, as deemed appropriate. The notice may be combined with a notice~~  
14 ~~of opportunity for a public hearing on the system plan. The notice shall: as provided~~  
15 in sub. (8).

16 **SECTION 52.** Trans 400.11 (1) (b) 1. to 4. of the administrative code are repealed.

17 **SECTION 53.** Trans 400.11 (2) of the administrative code is amended to read:

18 Trans 400.11 (2) LEIS. In the case of a departmental report or recommendation  
19 on a department-initiated proposal for legislation that contains major and  
20 significant new proposals that are not within the scope of any categorical exclusion,  
21 the department shall prepare a LEIS substantially following the guidelines of the  
22 United States council on environmental quality in 40 CFR 1506.8, July 1, 1998. This  
23 includes transmission of the LEIS to the legislature concurrent with or within 30  
24 days after the legislative proposal is submitted to the legislature, provided that the  
25 LEIS must be available in time for legislative hearings and deliberations, and 5 days

1 in advance. There is no scoping requirement and the statement shall be prepared  
2 in the same manner as a DEIS, but shall be considered the detailed statement  
3 required by s. 1.11 (2) (c), Stats. Any comments on the LEIS shall be given to the  
4 department which shall forward them along with its own responses to the legislative  
5 committees with jurisdiction.

6 **SECTION 54.** Trans 400.11 (3) (b) (intro.) of the administrative code is  
7 renumbered Trans 400.11 (3) (b) and amended to read:

8 Trans 400.11 (3) (b) *Notice of availability of DEIS.* A notice of availability of the  
9 DEIS shall be published in the appropriate official local newspaper or in a newspaper  
10 with general circulation within the area affected by the proposed action. If the  
11 proposed action is of statewide interest, such notice shall also be published in the  
12 official state newspaper. Such notice shall include: as provided in sub. (8).

13 **SECTION 55.** Trans 400.11 (3) (b) 1. to 4. of the administrative code are repealed.

14 **SECTION 56.** Trans 400.11 (4) of the administrative code is amended to read:

15 Trans 400.11 (4) FEIS AND ROD. The FEIS and ROD shall be printed and  
16 distributed, and a notice of availability of the FEIS shall be published, in the same  
17 manner as provided for a DEIS under sub. (3), ~~except that.~~ If separate FEIS and ROD  
18 documents are necessary under s. Trans 400.13 (1) (am), the decision to proceed with  
19 the proposed action and to sign the ROD shall not be made sooner than 30 days after  
20 the date of publication of the notice of availability of the FEIS or 90 days after the  
21 date of publication of the notice of availability of the DEIS.

22 **SECTION 57.** Trans 400.11 (5) (a) of the administrative code is amended to read:

23 Trans 400.11 (5) (a) *Public availability of EA.* The EA shall be made available  
24 for public inspection at the department's central office, the appropriate department  
25 region office, public libraries as identified under sub. (3) (a) 6., and the office of the

1 local unit of government having requested the proposed action. A charge may be  
2 assessed to cover reproduction and handling costs for requested copies of the EA or  
3 portions thereof.

4 **SECTION 58.** Trans 400.11 (5) (b) (intro.) of the administrative code is  
5 renumbered Trans 400.11 (5) (b) and amended to read:

6 Trans 400.11 (5) (b) *Notice of availability of EA.* A notice of availability of the  
7 EA shall be published ~~in the appropriate official local newspaper or in a newspaper~~  
8 ~~of general circulation within the area affected by the proposed action. If the proposed~~  
9 ~~action is of statewide interest, the notice shall also be published in the official state~~  
10 ~~newspaper. The notice may be combined with the notice of opportunity for public~~  
11 ~~hearing provided for under par. (c). The notice shall: as provided in sub. (8).~~ ✓

12 **SECTION 59.** Trans 400.11 (5) (b) 1. to 5. of the administrative code are repealed.

13 **SECTION 60.** Trans 400.11 (5) (c) of the administrative code is amended to read:

14 Trans 400.11 (5) (c) *Notice of opportunity ~~for~~ to request public hearing on EA.*  
15 ~~A~~ If the department determines to afford the opportunity for a public hearing on an  
16 EA under s. Trans 400.12 (4) (a), ✓ a notice of opportunity ~~for~~ to request a public  
17 hearing shall be published when the EA is completed and made available for  
18 inspection as provided for under par. (a). Publication of the notice shall be in the  
19 appropriate official local newspaper or in a newspaper of general circulation within  
20 the area affected by the proposed action. Publication shall also be in the official state  
21 newspaper if the proposed action is of statewide interest. The notice shall invite  
22 submission of requests for a public hearing on the EA within 30 days after the date  
23 of publication of the notice. The notice shall include a description of the procedure  
24 for requesting a public hearing.

\*\*\*\*NOTE: The instructions reference s. Trans 400.11 (4) (a) in sub. (5) (c), but there is no sub. (4) (a) and sub. (4) seems inapposite. I have changed the cross-reference to s. Trans 400.12 (4) (a). Please advise if this cross-reference is not correct.

1           **SECTION 61.** Trans 400.11 (7) of the administrative code is renumbered Trans  
2 400.11 (7) (a) and amended to read:

3           Trans 400.11 (7) (a) The ER shall upon request be made available for inspection  
4 at the department's central office, the appropriate department region office, and the  
5 office of the local unit of government having requested the proposed action. ~~A~~  
6 Subject to par. (b), a notice of availability shall not be required for an ER. A charge  
7 may be assessed to cover reproduction and handling costs for requested copies of the  
8 ER.

9           **SECTION 62.** Trans 400.11 (7) (b) of the administrative code is created to read:

10          Trans 400.11 (7) (b) If the department determines to hold, or afford the  
11 opportunity for, a public hearing on an ER action under s. Trans 400.12 (4) (b), the  
12 department shall make the ER publically<sup>er</sup> available and provide notice of public  
13 availability under sub. (5) as if the ER were an EA. ✓

14          **SECTION 63.** Trans 400.11 (8) of the administrative code is created to read:

15          Trans 400.11 (8) NOTICE OF AVAILABILITY. (a) When an environmental document  
16 listed under par. (b) is made available to the public by the department, a notice of  
17 availability shall be published in the appropriate official local newspaper or in a  
18 newspaper of general circulation within the area affected by the proposed action. If  
19 the proposed action is of statewide interest, the notice shall also be published in the  
20 official state newspaper. The notice shall:

- 21           1. Briefly describe the proposed action.
- 22           2. Announce the completion and availability of the environmental document.
- 23           3. List the locations where the environmental document may be inspected.

1           4. Except in the case of a ROD or a combined FEIS and ROD document, invite  
2 the public to furnish written comments on the proposed action; indicate where  
3 comments are to be sent; and indicate the date that such comments must be  
4 submitted to the department. The comment period may not be less than, nor without  
5 cause longer than, 45 days after the publication of the notice of availability.

6           (b) A notice of availability shall be published for the following environmental  
7 documents:

8           1. SEE.

9           2. DEIS.

10          3. FEIS and ROD, or a combined FEIS and ROD.

11          4. EA.

12          5. ER, if the department determines that it will hold, or afford the opportunity  
13 for, a public hearing under s. Trans 400.12 (4) (b). ✓

14          (c) The notice of availability of the environmental document may be combined  
15 with other public notices required under this chapter.

16          **SECTION 64.** Trans 400.12 (3) (a) of the administrative code is amended to read:

17          Trans 400.12 (3) (a) Whenever a proposed action requires an EIS, the  
18 department shall hold a public hearing on the DEIS no sooner than 15 days after its  
19 notice of availability is published. The hearing shall be held prior to the  
20 ~~determination of the recommended~~ selection of the final course of action for the  
21 proposal, but the department may present a preferred alternative.

22          **SECTION 65.** Trans 400.12 (4) (title) of the administrative code is amended to  
23 read:

24          Trans 400.12 (4) (title) PUBLIC HEARING, OR OPPORTUNITY FOR PUBLIC HEARING, ON  
25 EA OR ER.



1           **SECTION 66.** Trans 400.12 (4) of the administrative code is renumbered Trans  
2 400.11 (4) (a) and amended to read:

3           Trans 400.12 (4) (a) Unless EA procedures indicate the action is an EIS action,  
4 the department shall hold, or afford the opportunity for, a public hearing on an EA  
5 action prior to the issuance of a FONSI. A public hearing on an EA may be held by  
6 the department at the department's discretion and shall be held if a request for such  
7 a hearing is received by the department within the time specified in the notice of  
8 opportunity <sup>↓ to request</sup> for a public hearing <sup>↓</sup> ~~provided for~~ under s. Trans 400.11 (5) (c).

9           (c) <sup>↑</sup> Whenever the department determines to hold a public hearing or approves  
10 a timely request for a public hearing under this subsection, the department shall  
11 proceed in the same manner as provided for a public hearing on a DEIS under sub.  
12 (3), except that the public hearing shall be held no sooner than 15 days after  
13 publication of the public hearing notice and the identity of the EA or ER shall be  
14 referenced in the public hearing notice.

\*\*\*\*NOTE: I omitted the paragraph titles for pars. (a) and (b) because no title was provided for par. (c). If you would like these titles restored, I will need a title for par. (c).

15           **SECTION 67.** Trans 400.12 (4) (b) of the administrative code is created to read:

16           Trans 400.12 (4) (b) The department at its sole discretion may determine to  
17 hold a public hearing or afford the opportunity for a public hearing for ER actions.  
18 If the department determines to afford the opportunity for a public hearing for an ER  
19 action, the department shall publish a notice of opportunity to request a public  
20 hearing under s. Trans 400.11 (5) (c).

\*\*\*\*NOTE: The reference in par. (b) to s. Trans 400.11 (5) (c) does not seem correct, as this provision relates to an EA. Does this cross-reference need to be changed?

21           **SECTION 68.** Trans 400.13 (1) (a) <sup>↓</sup> of the administrative code is repealed.

22           **SECTION 69.** Trans 400.13 (1) (am) of the administrative code is created to read:

1 Trans 400.13 (1) (am) To the maximum extent practicable, the department  
2 shall expeditiously develop a single document that consists of an FEIS and ROD,  
3 unless any of the following applies:

4 1. The FEIS makes substantial changes to the proposed action that are  
5 relevant to environmental or safety concerns.

6 2. There are significant new circumstances or information relevant to  
7 environmental concerns and that bear on the proposed action or the impacts of the  
8 proposed action.

\*\*\*\*NOTE: I omitted the paragraph title for par. (am) because par. (b) does not have  
a title. If you would like a title for par. (am), please also suggest a title for par. (b).

9 **SECTION 70.** Trans 400.13 (1) (b) (intro.) of the administrative code is amended  
10 to read:

11 Trans 400.13 (1) (b) (intro.) The record of decision, whether issued in  
12 combination with an FEIS or separately, shall contain the following information:

\*\*\*\*NOTE: Section Trans 400.13 (2) (a) also needs to be amended. With the changes  
in s. Trans 400.11 (5) (b) and ~~400.11~~(8), the "30-day period" identified in s. Trans 400.13  
(2) (a) is no longer accurate. Do you want to change this to "45-day period"?

13 **SECTION 71.** Trans 400.13 (3) of the administrative code is created to read:

14 Trans 400.13 (3) ER. (a) Unless the department determines to hold, or afford  
15 the opportunity for, a public hearing under s. Trans 400.12 (4) (b),<sup>✓</sup> an approved ER  
16 document constitutes the department's final decision on a proposed action.

17 (b) When the department holds, or affords the opportunity for, a public hearing  
18 on an ER, the decision to revise an ER to constitute a final decision on a proposed  
19 action shall not be made until after the end of the 30-day period specified in the  
20 notice of availability of the ER provided for under s. Trans 400.11 (5) (b).<sup>✓</sup>

21 (c) If potentially significant impacts have not been identified during the ER  
22 availability period, the department shall revise the ER as appropriate and shall

1 attach a summary of the public hearing, if a hearing was held, and a summary of any  
2 comments received and responses thereto. These items, along with a statement of  
3 no significant impact, shall constitute the final action determination document and  
4 the record of decision.

5 (d) If, at any point in the ER process, the department determines that the  
6 proposed action may have a significant impact on the quality of the human  
7 environment, an EIS shall be prepared before proceeding with the proposed action.

8 <sup>2</sup>\*\*\*\*NOTE: As discussed previously, with the changes in s. Trans 400.11 (5) (b) and  
9 400.11 (8), the "30-day period" identified in par. (b) above is no longer accurate. Do you  
10 want to change this to "45-day period"?

11 **SECTION 72.** Trans 400.14 (1) (a) of the administrative code is amended to read:

12 Trans 400.14 (1) (a) A reevaluation of a DEIS shall be prepared if 3 years have  
13 elapsed before the date of publication of the notice of availability of the FEIS  
14 provided for under s. Trans 400.11 (4). A reevaluation of a DEIS shall also be  
15 prepared any time prior to the date of publication of the notice of availability of the  
16 FEIS if, in the judgment of the department, there have been significant changes in  
17 the proposed action, the affected human environment, the anticipated  
18 environmental impacts or the proposed mitigation measures. If in either case the  
19 reevaluation indicates or confirms any such significant changes, a new  
20 environmental document or supplemental DEIS shall be prepared prior to  
21 proceeding with the proposed action. The supplemental DEIS shall be prepared and  
22 processed in the same manner as a DEIS under this chapter. Preparation of the  
23 supplemental DEIS shall not require withdrawal of previous approvals for those  
aspects of the proposed action not directly affected by the changed condition or new  
information.

**SECTION 73.** Trans 400.14 (2) (a) of the administrative code is amended to read:

1           Trans 400.14 (2) (a) A reevaluation of a FEIS shall be prepared any time there  
2           have been, in the judgment of the department, significant changes in the proposed  
3           action, the affected human environment, the anticipated environmental impacts or  
4           the proposed mitigation measures. If the reevaluation confirms any such significant  
5           changes, a new environmental document or supplemental FEIS shall be prepared  
6           prior to proceeding with the proposed action. The supplemental FEIS shall be  
7           prepared and processed in the same manner as a FEIS under this chapter.  
8           Preparation of the supplemental FEIS shall not require withdrawal of previous  
9           approvals for those aspects of the proposed action not directly affected by the  
10          changed condition or new information.

11          **SECTION 74.** Trans 400.14 (3) of the administrative code is created to read:

12          Trans 400.14 (3) REVISION OF FINAL ACTION DOCUMENT. (a) The department may  
13          revise a final action document, including a ROD, FONSI, or ER, in order to do any  
14          of the following:

15           1. Select a different alternative, if the new selected alternative is fully  
16           evaluated in the FEIS, EA, or ER to the same degree as the originally selected  
17           alternative.

18           2. Make substantial changes to mitigation measures or findings discussed in  
19           the final agency action.

20           (b) If the department revises a final action document under par. (a), those  
21           agencies that reviewed the FEIS, EA, or ER shall be given an opportunity to review  
22           and comment on the revised final action document. To the extent practicable, the  
23           approved revised final action document shall be provided to all persons,  
24           organizations, and agencies that received the FEIS, EA, or ER.

\*\*\*NOTE: For clarity, I modified the structure of sub. (3), but the substance should be the same.

2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3135/P1ins  
ZDW/EVM/ARG:...

1 INS 18-21

2

3 SECTION 1. Trans 118.12 (3) (note) of the administrative code is amended to  
4 read:

5 Trans 118.12 (3) (note) No notification will be provided upon initial enrollment.

6 Employers may obtain driver abstracts when hiring ~~employes~~ employees under ch.

7 Trans 195.

**2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3135/P1insZW  
ZDW/EVM/ARG:...

1           **INS 28-9**

2           **SECTION 1.** Trans 207.02 (3) ✓ of the administrative code is amended to read:

3           Trans 207.02 (3) In addition to complying with these standards, it may be  
4 necessary for constructing authorities to obtain permits from federal agencies such  
5 as the U.S. coast guard and the U.S. ~~army corps of engineers~~ Army Corps of  
6 Engineers.

7           **INS 30-4**

8           **SECTION 2.** Trans 401.04 (28) ✓ of the administrative code is amended to read:

9           Trans 401.04 (28) "Section 404 permit" means a permit issued by the U.S. ~~army~~  
10 ~~corps of engineers~~ Army Corps of Engineers under 33 USC 1344 of the clean water  
11 act, as amended.