

1 INS 26-10

2

3

SECTION 1. ^{g = chapter} (ch.) TRANS ^(lc) 145 of the administrative code is repealed.

4

5

INS 29-9

6

7

SECTION 2. Trans 253.01 of the administrative code is amended to read:

8

Trans 253.01 Purpose. The purpose of this chapter is to establish standards and procedures for the issuance of overweight and oversize permits for the transportation of commodities and goods in Wisconsin, within 11 miles of the Wisconsin-Michigan border and upon certain highways, pursuant to s. 348.27 (9) (a), Stats.

9

10

11

12

13

SECTION 3. Trans 253.02 of the administrative code is amended to read:

14

Trans 253.02 Definitions. Unless otherwise stated, the definitions of words and phrases in ss. 340.01 and 348.01 (2), Stats., and s. Trans 250.02 apply to this chapter. In this chapter, "permit" means multiple trip overweight or oversize permits authorized under s. 348.27 (9) (a), Stats., ^{plain} which includes permit pages, copies of all ~~written approvals for movement on local highways, a copy of this chapter, a copy of ch. Trans 251, and any other written conditions of movement issued by the department.~~

15

16

17

18

19

20

(except Trans 253.04 (title))

21

SECTION 4. Trans 253.04 (intro.) and (1) of the administrative code are repealed.

22

23

SECTION 5. Trans 253.04 (1m) of the administrative code is created to read:

1 Trans 253.04 (1m) An application for a permit shall be submitted to an issuing
2 authority on a form approved by the department and in accordance with s. 348.27,
3 Stats., and shall include all requested information, including the applicant's
4 electronic mail address. ✓

5 SECTION 6. Trans 253.04 (2) ✓ of the administrative code is repealed.

6 SECTION 7. Trans 253.04 (3) ✓ of the administrative code is amended to read:

7 Trans 253.04 (3) [ⓑ] The An application for a permit shall include the date on which the applicant
8 seeks to have the permit first become valid, not more than 60 days later than the date
9 of application. ΔΔ

10 SECTION 8. Trans 253.04 (4) to (8) of the administrative code are repealed.

11 SECTION 9. Trans 253.04 (9) of the administrative code is amended to read:

12 Trans 253.04 (9) ~~For~~ An application for a permit shall include, for each local
13 road or county highway permitted under s. Trans 253.06 (4) ✓ on which the applicant
14 seeks authority to operate, written proof that permission for operation has been
15 granted by the officer in charge of the maintenance of the highway.

16 SECTION 10. Trans 253.04 (10) of the administrative code is created to read:

17 Trans 253.04 (10) An application for a permit for the use of a state trunk
18 highway shall be made to the department in any of the following ways:

- 19 (a) In person, at the department's central office.
- 20 (b) By mail, addressed to the department's central office.
- 21 (c) By facsimile machine to the department's oversize and overweight permit
22 system.

23 SECTION 11. Trans 253.04 (10) (c) (note) (first note) of the administrative code
24 is created to read:

Insert before existing Trans 253.04 notes 1 and 2

Sort to after KP Trans 253.04 (10) (c) and (1)

(B) *[Handwritten signature]*

1 Trans 253.04 (10) (c) (note) This permit is currently not available online;
2 however, the department will accept applications submitted by ~~fax~~ ^{facsimile machine}

3 SECTION 12. Trans 253.04 (10) (c) (notes) ^{102 e. and} (second and third notes) of the

4 administrative code are amended to read:

Permit applications

5 Trans 253.04 (10) (c) (notes) Applications are available upon request from the

6 ~~Motor Carrier Services Section~~ Oversize and Overweight Permit Unit Section of the

7 Wisconsin Department of Transportation, 4802 Sheboygan Avenue, P.O. Box 7980,

8 Madison, WI 53707.

(note 2)

9 Permit application procedures are specified in s. Trans 250.025. A permit

10 application may be submitted in person or by mail or ^{machine} facsimile to the ~~Motor Carrier~~

11 ~~Services Section~~ Oversize and Overweight Permit Unit Section. The ~~Motor Carrier~~

12 ~~Services Section~~ Oversize and Overweight Permit Unit Section of the Wisconsin

13 Department of Transportation is located at 4802 Sheboygan Avenue, ~~Room 151~~, P.O.

14 Box 7980, Madison, WI 53707.

15 SECTION 13. Trans 253.045 of the administrative code is created to read:

16 **Trans 253.045 Permit amendments.** (1) An application for an amendment
17 to a permit shall be made to the issuing authority that issued the original permit.

18 (2) An application for an amendment may be made in the same manner as an
19 application for an original permit.

20 (3) The request shall specify the permit number of the permit to be amended.

21 (4) If the request involves streets or highways other than those within the state
22 trunk highway system, the application for an amendment shall be accompanied by
23 a written statement of route approval by the officer in charge of maintenance of the
24 other street or highway.

25 SECTION 14. Trans 253.05 (2) of the administrative code is amended to read:

1 Trans 253.05 (2) TRANSPORTATION IN LIMITED GEOGRAPHIC AREA. The application
 2 may not seek authority to transport any commodity or goods on any highway located
 3 more than 11 miles from the Wisconsin-Michigan border ^{or upon} or on any highway or
 4 highway route not specified under s. 348.27 (9). ^{Stats}

5 SECTION 15. Trans 253.05 (5) of the administrative code is amended to read:

6 Trans 253.05 (5) MAXIMUM GROSS WEIGHT ^{WEIGHT}. The vehicle, including any
 7 load, may not exceed ~~154,000~~ 164,000 pounds gross weight.

8 SECTION 16. Trans 253.06 (4) of the administrative code is repealed.

9 SECTION 17. Trans 253.06 (6) of the administrative code is amended to read:

10 Trans 253.06 (6) PERMIT CARRIED ON VEHICLE. The driver carries the permit with
 11 ~~attached local road approval letters~~ in the vehicle and available for inspection by any
 12 police officer, representative of the department or any local authority or person in
 13 charge of maintaining the highway being used.

14 SECTION 18. Trans 253.06 (16) of the administrative code is amended to read:

15 Trans 253.06 (16) ADVERSE WEATHER AND ROAD CONDITIONS. A permit is not valid
 16 during periods when adverse weather or road conditions, such as fog, smoke, heavy
 17 rain, snow or ice, or wind velocity, impair the safety of a movement under the permit.
 18 The department may suspend a permit or any of the conditions of a permit because
 19 of seasonal highway conditions.

20 SECTION 19. Trans 253.065 (title) of the administrative code is amended to
 21 read:

22 (b) Trans 253.065 (title) **Times of operation; permit conditions.**

23 SECTION 20. Trans 253.065 (2) and (3) of the administrative code are repealed.

24 SECTION 21. Trans 253.065 (4) of the administrative code is amended to read:

1 Trans 253.065 (4) The department ~~may issue a permit for times other than~~
2 ~~those specified in sub. (1), (2) or (3),~~ [✓] ~~under extraordinary circumstances when, in the~~
3 ~~opinion of the department, public health and welfare is better served, and may~~
4 impose additional conditions on a permit to promote the safe operation of the vehicle
5 and load. A permit is not valid for the operation of any vehicle upon class "B"
6 highways, as classified in accordance with s. 348.16, Stats., with gross weights
7 exceeding those permitted by statute on class "B" highways unless written
8 permission has first been obtained from the officer in charge of the maintenance of
9 the highway.

 ***NOTE: The instructions for this section were a little unclear. Does this
treatment reflect your intent? Should the added language be placed in s. Trans 253.06
or a new code section instead of s. Trans 253.065 (4)?

1 INS 7-8

Fix Comp.

STEP

2 SECTION 1. Trans 56.04 (3) (b) 3. and 4. of the administrative code are
3 consolidated, renumbered Trans 56.04 (3) (b) 3. and amended to read:

is repealed and recreated to read:

4 Trans 56.04 (3) (b) 3. Location of the proposed structure to within 5 seconds of
5 latitude and longitude. Trans 56.04 (3) (b) 4. Location of the proposed structure
6 depicted on a United States coast and geodetic survey 7.5 or 15 quadrangle map, or
7 acceptable copy, and by the quarter quarter section of the United States
8 survey Latitude and longitude coordinates of the proposed structure.

plain

9 SECTION 2. Trans 56.04 (3) (b) 5. to 9. of the administrative code are
10 renumbered Trans 56.04 (3) (b) 4. to 8.

11 SECTION 3. Trans 56.05 (1) of the administrative code is amended to read:

12 Trans 56.05 (1) All marking and lighting shall be in accordance with the
13 standards prescribed in the FAA publication, AC 70/7460-1H, "Obstruction Marking
14 and Lighting," as amended latest FAA obstruction marking and lighting standards.
15 The applicant shall comply with designated FAA and FCC marking and lighting.

16 INS 29-23

17 SECTION 4. Trans 310.04 (Note) of the administrative code is repealed.

SECTION # RP; Trans 56.04 (3) (b) 4.

1 as the U.S. coast guard and the U.S. ~~army corps of engineers~~ Army Corps of
2 Engineers.

3 SECTION 120. Trans 252.06 (1) of the administrative code is amended to read:

4 Trans 252.06 (1) An escort vehicle which is a marked ~~police squad car or~~
5 unmarked police patrol vehicle equipped with clearly visible red and blue lighting

6 to the front and rear, as defined in s. 347.25 (1m) (a) and (b), Stats., is exempt from

7 the vehicle, ~~flag and sign~~ ^{and equipment} requirements of s. Trans 252.05 ~~(1) and (2).~~ Normal police

8 red or blue emergency lights shall be deemed to satisfy the warning lamps

9 requirement of s. Trans 252.05 (3). Plain

INS
29-9

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

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

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

17 Trans 310.04 No person subject to the provisions of s. 347.48 (2m) (c) and (4)
18 (am), Stats., may transport a child under the age of ~~4 in a motor vehicle~~ 8 unless the
19 child is properly restrained in a child safety restraint system. ~~(2) No person subject~~
20 ~~to the provisions of s. 347.48 (2m) (c) and (4) (as) 4., Stats., may transport a child who~~
21 ~~is at least 4 years old but less than 8 years old in a motor vehicle unless the child is~~
22 ~~properly restrained in a child safety restraint system or a safety belt~~ transported in
23 a manner compliant with s. 347.48 (4) (as), Stats.

INS 223 29-23
24

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

1 **INSERT AG 48-3:**

2 (b) The comment period for specific environmental documents shall be as
3 follows:

4 1. For a DEIS, the comment period may not be less, nor without cause longer
5 than, 45 days after the date of the publication of the notice of availability.

6 2. If the department determines a separate FEIS and ROD are necessary under
7 s. Trans 400.13 (1) (am), the comment period for the FEIS may not be less, nor
8 without cause longer than, 30 days after the date of publication of the notice of
9 availability.

10 3. For an EA, and for an ER if the department determines it will hold or afford
11 the opportunity for a public hearing under s. Trans 400.12 (4) (b), the comment period
12 may not be less, nor without cause longer than, 30 days after the date of publication
13 of the notice of availability.

14
15 **INSERT AG 49-19:**

16 (no #) follow EA procedures under par. (a)
17

18 **INSERT AG 50-14:**

19 **SECTION 1.** Trans 400.13 (2) (a) of the administrative code is amended to read:

20 Trans 400.13 (2) (a) The decision to revise an EA to constitute a FONSI shall
21 not be made until after the end of the 30-day comment period specified in the notice
22 of availability of the EA provided for under s. Trans 400.11 (5)-(b) (8).
23

Wyatt, Zachary

From: Portz, Elisabeth
Sent: Thursday, October 08, 2015 9:55 AM
To: Mueller, Eric
Cc: Gary, Aaron; Wyatt, Zachary
Subject: RE: Red Tape Review Draft

Also, here is one minor additional change!

- **SECTION 18 – Page 6, Line 7**
 - Delete this section from the bill.

Sorry about that!

From: Portz, Elisabeth
Sent: Wednesday, October 07, 2015 4:55 PM
To: Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>
Cc: Gary, Aaron <Aaron.Gary@legis.wisconsin.gov>; Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>
Subject: RE: Red Tape Review Draft

Sounds good! After talking with DOT, if it's possible for us to get the /p2 from you guys by Friday so DOT can review it all next week, that would be ideal. Totally understand if that's not possible though.

Thanks!

Liz

From: Mueller, Eric
Sent: Wednesday, October 07, 2015 3:33 PM
To: Portz, Elisabeth <Elisabeth.Portz@legis.wisconsin.gov>
Cc: Gary, Aaron <Aaron.Gary@legis.wisconsin.gov>; Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>
Subject: RE: Red Tape Review Draft

Liz,

We'll try to get to this as soon as possible.

Eric Mueller
Attorney, Legislative Reference Bureau
Phone: (608)261-7032
eric.mueller@legis.wisconsin.gov

From: Portz, Elisabeth
Sent: Wednesday, October 07, 2015 10:29 AM
To: Gary, Aaron <Aaron.Gary@legis.wisconsin.gov>; Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>; Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>
Subject: FW: Red Tape Review Draft

Good morning everyone,

We finally received feedback on the first draft of the Red Tape Review legislation we were drafting. DOT has sent the following documents to help you with the /p2. The first document is a list of suggested changes to the first draft, and the last two documents are additional provisions they would like to add in. Please let me know if you disagree with any of their suggestions or have any questions or concerns.

I know it doesn't give you a lot of time, but we would like to get this bill out as soon as possible for co-sponsorship. We are hoping to hear this bill at our October 28th Public Hearing in Transportation, so if we could rush on the /p2, that would be greatly appreciated.

Thank you!

Liz

Elisabeth Portz
Clerk, Assembly Committee on Transportation
Office of Wisconsin State Representative Keith Ripp
42nd Assembly District
(608) 266-3404

From: Yahn, Nate - DOT [<mailto:Nate.Yahn@dot.wi.gov>]
Sent: Tuesday, October 06, 2015 7:52 PM
To: Portz, Elisabeth <Elisabeth.Portz@legis.wisconsin.gov>
Cc: Rhatican, Tom M - DOT <Tom.Rhatican@dot.wi.gov>; Meier, Joan - DOT <Joan.Meier@dot.wi.gov>
Subject: RE: Red Tape Review Draft

Liz,

See attached (first attachment) for the department's comments, including proposed modifications, on the first preliminary draft of the "Red Tape Review" bill (LRB-3135).

In addition the changes included in the first attachment, we would also like to submit changes (attached) to both chs. Trans 145 and 253 as well. NOTE: These two chapters were not included in the department's initial package of chapters (23) sent to you and Bethany in Rep. Ballweg's office on Aug. 31.

Please let me know if you have any questions on this.

Thanks.

Nate

-
Nate Yahn
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
Phone: (608) 266-1114

From: Portz, Elisabeth [<mailto:Elisabeth.Portz@legis.wisconsin.gov>]
Sent: Thursday, September 24, 2015 8:35 AM
To: Yahn, Nate - DOT <Nate.Yahn@dot.wi.gov>
Subject: Red Tape Review Draft

Hey there,

Got it this morning, 54 pages! Can you have your guys start combing through this ASAP? Would love to get it out for co-sponsorship and have it ready to go for our Oct 27th meeting for a Public Hearing.

Thanks!

Liz

Elisabeth Portz
Clerk, Assembly Committee on Transportation
Office of Wisconsin State Representative Keith Ripp
42nd Assembly District
(608) 266-3404

WisDOT COMMENTS on LRB-3135/P1 ("Red Tape Review")

➤ **SECTION 23 – Page 7, Lines 8-11**

- ✓
- Line 8: delete "4. of the administrative code is" and substitute "3. and 4. of the administrative code are".
 - Line 10: delete "4." and substitute "3."
 - Line 11: after that line insert:
"SECTION 23M. Trans 56.04 (3) (b) 5., 6., 7., 8. and 9. of the administrative code are renumbered Trans 56.04 (3) (b) 4., 5., 6., 7. and 8."

✓ In addition to the changes referenced above, insert the following change under s. Trans 56.05 (1) into the bill:

- "SECTION ~~TBD~~. Trans 56.05 (1) of the administrative code is amended to read:
Trans 56.05 (1) All marking and lighting shall be in accordance with the standards prescribed in the latest FAA obstruction marking and lighting standards publication, AG 70/7460-1H, "Obstruction Marking and Lighting," as amended. The applicant shall comply with designated FAA and FCC marking and lighting.

➤ **SECTION 40 – Drafter's Note (page 11)**

DHS 75.16(5)(b)4. (intro.) will not need treatment. We do not want to specify a date. DMV policies utilize conviction date, but that is covered in policy and will not need to be reflected in Trans code.

➤ **SECTION 42 – Drafter's Note (page 11)**

✓ Yes – the intent of this change is correctly interpreted.

➤ **SECTION 43 – Drafter's Note (page 12)**

✓ Yes – the intent of this change is correctly interpreted.

➤ **SECTION 62 – Page 16, Line 11**

- Delete "request form".

➤ **SECTION 91 – Drafter's Note (page 23)**

✓ Keep as written. This is needed for auditing purposes.

➤ **SECTION 98 – Page 24, Lines 7-8**

- Delete "recognized automotive emission repair technicians and".

➤ **SECTIONS 109, 111 & 112**

- Delete these three sections from the bill.

NOTE: The Federal Motor Carrier Safety Administration (FMCSA) has recently announced that they will be delaying the "October 23, 2015" effective date of certain provisions. In the

↑
EVM

WisDOT COMMENTS on LRB-3135/P1 ("Red Tape Review")

future, after the actual effective date of the FMCSA changes, we can seek an update of these provisions.

➤ **SECTION 120 – Page 29, Line 7**

DL

- Delete "vehicle, flag and sign" and substitute "vehicle and equipment".
- Delete "(1) and (2)".

➤ **SECTION 122 – Page 29, Lines 15-23**

- Line 23: after that line insert:
"SECTION 122M. Trans 310.04 (note) of the administrative code is repealed."

ARG

➤ **SECTIONS 132 and 154 through 168**

LRB has proposed renumbering Trans 400.08(c) to (dm) and 400.08(d) to (cm).

- The department strongly prefers renumbering s. Trans 400.08(c) to (d) and vice versa.

Rationale: Federal rules identify "ER" categorical exclusions under (d) of 23 CFR 771.117, and they identify "sub-ER" categorical exclusions under par. (c). Trans 400, is currently the opposite: "sub-ER" is under (d) and "ER" cat-ex's are under (c). Using the same paragraph identifier would eliminate much confusion.

If renumbering subs. (c) to (d) is not possible, the LRB proposal ("cm" & "dm") would be preferred to no change at all. Leaving it as-is is the least desirable option.

➤ **SECTION 132 – Page 32, Line 17**

See comment made directly above.

- Using the existing reference under the "/P1" ("cm" and "dm"), this reference should be to "(dm)", not "(cm)".

➤ **SECTIONS 153 and 159**

The conjunctive phrase should be consistent throughout (this was overlooked in the instructions, too).

NOTE: The language used in Section 159 of the "/P1" is preferred.

➤ **SECTION 172 – Page 43, Lines 3-5**

- Line 3: delete "(1)" and substitute "(4)".
- Line 5: delete "(1)" and substitute "(4)".

➤ **SECTION 189**

- Modify 400.11(8) to include a paragraph for comment periods by document type.

WisDOT COMMENTS on LRB-3135/P1 ("Red Tape Review")

Recommended language:

Trans 400.11(8)(a) . . .

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

(b) The comment period for specific environmental documents shall be as follows:

1. For a DEIS, the comment period may not be less, nor without cause longer than, 45 days after the date of the publication of the notice of availability.

2. If the department determines a separate FEIS and ROD are necessary under s. Trans 400.13(1)(am), the comment period for the FEIS may not be less, nor without cause longer than, 30 days after the date of publication of the notice of availability.

3. For an EA, and for an ER if the department determines it will hold or afford the opportunity for a public hearing under s. Trans 400.12(4)(b), the comment period may not be less, nor without cause longer than, 30 days after the date of publication of the notice of availability.

NOTE: Paragraph numbering would then need to be updated for consistency throughout sub. (8).

➤ **SECTION 193 – Page 49, Lines 15-20**

- Lines 19-20: Delete “publish a notice of opportunity to request a public hearing under s. Trans 400.11 (5) (c).” and substitute “follow EA procedures under par. (a).”.

➤ **SECTIONS 196 and 197 (Drafter’s Notes)**

Notice of availability references should be to newly created s. Trans 400.11 (8). **NOTE:** See comments provided above for “Section 189”.

“Red Tape Review” – DOT Administrative Code
Division of Transportation System Development (DTSD)

TRANS 253

**“Multiple Trip Overweight and Oversize Permits for Vehicles
Operating Near the Wisconsin-Michigan Border”**

- The purpose of this chapter is to establish standards and procedures for the issuance of overweight and oversize permits for the transportation of commodities and goods in Wisconsin, within 11 miles of the Wisconsin-Michigan border, pursuant to s. 348.27(9)(a), Stats.

Proposed Changes:

1) Trans 253.01 (“Purpose”)

- ✓ a. Delete “border, pursuant to s. 348.27 (9) (a), Stats.” and substitute “border and upon certain highways, pursuant to s. 348.27 (9), Stats.”.

2) Trans 253.02 (“Definitions”)

- ✓ a. Delete “348.27 (9) (a),” and substitute “348.27 (9),”.
- b. Delete “, which includes permit pages, copies of all written approvals for movement on local highways, a copy of this chapter, a copy of ch. Trans 251, and any other written conditions of movement issued by the department.”.

3) Trans 253.04 (“Permit application”)

- a. Modify sub. (1) to mirror language provided in s. Trans 255.03 (1) and (1m).
- b. Modify sub. (2) to mirror language provided in s. Trans 255.03 (2) (a) and (b). In addition, add a new paragraph, “(c)”, under this subsection that reads “By facsimile machine to the department’s oversize and overweight permit section.”
- i. *NOTE:* This permit is currently not available online; however, the department will accept applications submitted by fax.
- c. Delete sub. (4)
- d. Delete sub. (5)
- e. Delete sub. (6)
- f. Delete sub. (7)
- g. Delete sub. (8)
- h. In the first explanatory note under sub. (9), delete “Motor Carrier Services Section Permit Unit” and substitute “Oversize and Overweight Permit Section”.
- i. In the second explanatory note under sub. (9), delete “or by mail to the Motor Carrier Services Section Permit Unit. The Motor Carrier Services Section Permit Unit” and substitute “, or by mail or facsimile machine to the Oversize and Overweight Permit Section. The Oversize and Overweight Permit Section”. In addition, delete “Room 151,” from this explanatory note.

4) Create “Trans 253.045 Permit Amendments”

- ✓ a. Mirror language provided in s. Trans 255.04 (1), (2) and (3).
- b. Add a new subsection, “(4)”, that reads “If the request involves streets or highways other than those within the state trunk highway system, the application for an amendment shall be accompanied by a written statement of route approval by the officer in charge of maintenance of the other highway.”

5) Trans 253.05 (“Eligibility”)

- a. Amend sub. (2) as follows:

"Red Tape Review" – DOT Administrative Code
Division of Transportation System Development (DTSD)

TRANS 253

**"Multiple Trip Overweight and Oversize Permits for Vehicles
Operating Near the Wisconsin-Michigan Border"**

- ✓ i. Delete "border." and substitute "border, or on any highway or highway route not specified under s. 348.27 (9), Stats."
- ✓ b. Amend sub. (5) (title) as follows:
 - i. Delete "WEIGH.." and substitute "WEIGHT."
- c. Amend sub. (5) as follows:
 - i. Delete "154,000" and substitute "164,000".

- 6) Trans 253.06 ("Validity")
 - a. Delete sub. (4)
 - ✓ b. Amend sub. (6) as follows:
 - i. Delete "with attached local road approval letters".
 - c. Amend sub. (16) as follows:
 - i. After "permit.", insert "The department may suspend a permit, or any of its conditions, because of seasonal highway conditions."

- ✓ 7) Trans 253.065 ("Times of operation")
 - a. Delete subs. (2) and (3).
 - b. Modify sub. (4) to add language mirroring the language provided in s. Trans 255.12 (6).

BACKGROUND

These proposed changes are intended to:

- Bring Trans 253 into conformance with s. 348.27(9), Stats., which has been amended since ch. Trans 253 was originally created.
- Eliminate existing provisions that have no relevance to the particular permit ("Michigan-border permit") covered under this chapter (e.g. certain time of operation restrictions, etc.).

“Red Tape Review” – DOT Administrative Code
Division of Motor Vehicles (DMV)

TRANS 145
“Neighborhood Electric Vehicle”

➤ The purpose of this chapter is to state that registration of neighborhood electric vehicles under s. 341.25 (1) (b), Stats., is valid only on roadways designated under s. 349.26, Stats.

Proposed change: Repeal ch. Trans 145.

How it relates to efficiency: Obsolete: 2009 Wisconsin Act 311, which took effect on October 1, 2010, eliminated the term “neighborhood electric vehicle” from state statutes and replaced it with the term “low-speed vehicle”. As a result, the provisions included in ch. Trans 145, relating to neighborhood electric vehicles, are obsolete and should be removed.

BACKGROUND

While 2009 Act 311 (Act) eliminated the term “neighborhood electric vehicle”, it also generally authorized on-road operation of low-speed vehicles (LSVs). Chapter Trans 145 was originally created to clarify that registration of neighborhood electric vehicles (NEVs) were valid only on locally-approved (“opt-in”) roads under s. 349.26, Stats. Prior to 2009 Act 311, the governing body of any municipality could enact an ordinance allowing the use of NEVs on a roadway that had a speed limit of 35 mph or less. In general, the Act allowed the operation of LSVs on any highway with a speed limit of 35 mph or less.

Mueller, Eric

From: Portz, Elisabeth
Sent: Thursday, October 15, 2015 9:17 AM
To: Mueller, Eric; Gary, Aaron; Wyatt, Zachary
Subject: Fwd: DOT Red Tape Review Bill /p2
Attachments: DOT Comments on LRB-3135_P2 (Red Tape Review).docx; Red Tape Review (DOT) - DTIM Trans 210.docx

Hey everyone,

These should be the last changes coming to you from DOT. If possible, I'd like to give you guys until Monday around noon for the /p3. Our goal is to see the /p3 just to check it over, and then send out the /1 for a very fast co-sponsorship that afternoon. Do you think this timeline is doable?

If you have any questions in the mean time, please feel free to email or call Nate Yahn at DOT.

Thanks!

Liz Portz

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Yahn, Nate - DOT" <Nate.Yahn@dot.wi.gov>
Date: 10/15/2015 00:53 (GMT-06:00)
To: "Portz, Elisabeth" <Elisabeth.Portz@legis.wisconsin.gov>
Cc: "Rhatican, Tom M - DOT" <Tom.Rhatican@dot.wi.gov>, "Meier, Joan - DOT" <Joan.Meier@dot.wi.gov>
Subject: RE: DOT Red Tape Review Bill /p2

Liz,

See attached (first attachment) for the department's comments, including proposed modifications, on the **second** preliminary draft of the "Red Tape Review" bill (LRB-3135).

In addition the changes included in the first attachment, we are submitting changes (second attachment) to ch. Trans 210 as well. NOTE: This chapter was not included in the department's initial package of chapters (23) sent to you and Bethany in Rep. Ballweg's office on Aug. 31.

Please let me know if you have any questions on this.

Thanks.

Nate

Nate Yahn

Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
Phone: (608) 266-1114

From: Portz, Elisabeth [mailto:Elisabeth.Portz@legis.wisconsin.gov]
Sent: Friday, October 09, 2015 4:44 PM
To: Yahn, Nate - DOT <Nate.Yahn@dot.wi.gov>
Subject: DOT Red Tape Review Bill /p2

Hey Nate,

As promised, here is the /p2. As we discussed, if your people can look this over and get any feedback to me as soon as possible, that'd be great. We would like to get this bill out for co-sponsorship on Monday, October 19th, so if additional changes are needed for a /p3, we'll need time to have that drafted before next Friday.

Thanks and have a great weekend!

Liz

Elisabeth Portz
Clerk, Assembly Committee on Transportation
Office of Wisconsin State Representative Keith Ripp
42nd Assembly District
(608) 266-3404

WisDOT COMMENTS on LRB-3135/P2 ("Red Tape Review")

➤ **SECTIONS 91-96, 104 & 106**

- Delete these eight sections from the bill.

NOTE: DMV had requested DNR staff review these sections to ensure that Wisconsin remains in compliance with various required CFR provisions, in which it was communicated back to DMV that these sections require further review. Thus, at this time, these eight sections should be removed from the bill.

➤ **SECTION 157 – Page 37, Lines 4-5**

- Line 4: delete "April 1, 2014" and substitute "April 1, 2015".
- Line 5: delete "July 1, 2014" and substitute "July 1, 2015".

➤ **SECTION 169 – Page 40, Line 11**

- Delete "section" and substitute "paragraph".

➤ **SECTION 203 – Page 49, Line 1**

- Before "public" insert "a".

“Red Tape Review” – DOT Administrative Code
Division of Transportation Investment Management (DTIM)

TRANS 210
“Major Highway Project Numerical Evaluation Process”

In general, the proposed changes overhaul the Trans code to minimize the prescriptive nature of the major highway evaluation methodology initially defined in 1999, and reflect modern techniques, and to allow flexibility in the key analysis parameters that the department utilizes in its analysis. These proposed changes allow the department to use its benefit cost analysis (BCA) procedures as the primary foundation of project evaluation and ranking. It will also allow increased flexibility to use modern methods to evaluate project candidates.

Proposed Changes:

- 1) Amend Ch. Trans 210 (Title):
MAJOR HIGHWAY PROJECT NUMERICAL EVALUATION PROCESS
- 2) Amend Trans 210.01:
Trans 210.01 Purpose. In accordance with s. 85.05, Stats., this chapter sets forth the process and criteria used by the department to numerically evaluate projects considered for enumeration. This process for evaluating candidate major highway projects is used to advise the transportation projects commission. ~~This chapter establishes a minimum score that a project shall meet or exceed in order to be eligible for recommendation to the transportation projects commission.~~
- 3) Amend Trans 210.02:
Trans 210.02 Applicability. ~~The procedures in this~~ This chapter shall be applied to projects being considered for enumeration as major highway projects by the department.
- 4) Repeal Trans 201.03(4)
~~Trans 210.03(4) "Level of service" or "LOS" means the ability of the facility to satisfy both existing and future travel demand. Six levels of service are defined for each type of highway facility ranging from A to F, with LOS A representing the best operating conditions and LOS F the worst.~~
- 5) Amend Trans 210.05(intro.)
Trans 210.05 Minimum benefit requirement. Proposed major highway projects having ~~traffic flow or safety deficiencies shall receive a minimum requirement score of 10 points~~ will require a benefit-cost analysis consistent with the department's best practice methodologies. ~~Only these~~ those projects generating a benefit-cost ratio of at least 1.0 shall be eligible for recommendation to the transportation projects commission. ~~Traffic flow or safety deficiencies shall exist if either of the following conditions are satisfied:~~
- 6) Repeal Trans 210.05(1), (1) (note), (2) and (2)(note).
- 7) Repeal and recreate Trans 210.06:

Trans 210.06 Measures. The department shall use its best practices to evaluate and recommend Major highway projects to the Transportation Projects Commission. Best practice analytical techniques will include a detailed review of a project's ability to enhance Wisconsin's economy, improve highway mobility and safety, minimize environmental impacts, and serve community objectives. The measurement techniques used to

TRANS 210

“Major Highway Project Numerical Evaluation Process”

evaluate these goals is continually evolving and improving with expanding data sources and analytical techniques. The evaluation is expected to include the following goals and objectives:

- (1) Improving Highway Safety.** Major highway projects can play an important role in improving the safety of Wisconsin’s highways. Reducing the number of fatalities and injury crashes as well as the property and freight losses associated with these crashes is a primary goal of the department. A crash analysis will be performed to determine the number and severity of the crash problems on the affected highway.
- (2) Enhancing Wisconsin’s Economy.** The Major projects will be evaluated to determine their ability to enhance Wisconsin’s economy. A key component is estimated lower travel costs which serve to increase the competitiveness of existing businesses and enhance Wisconsin’s ability to maintain and compete for jobs. The department will use benefit-cost analysis procedures as the primary foundation of this evaluation to determine the economic viability of candidate projects. The benefit-cost analysis will demonstrate that the reductions in travel costs exceed the costs of design, construction and long-term rehabilitation and maintenance costs of the facility. The analysis of reduced travel costs will include estimated travel time savings, safety savings, and vehicle operating cost savings. Additionally, the analysis will carefully consider critical supply chain corridors to support projects that are most critical for maintaining and preserving an efficient and reliable network for manufacturers and shippers. The economic analysis will also consider those areas of Wisconsin that are projected to have more growth in the amount of employment and tourism.
- (3) Improving Traffic Flow.** Major projects can play a significant role in improving traffic flow and reducing highway congestion. Reducing highway congestion will improve highway efficiency by reducing the total hours of vehicle delay, and will also improve travel reliability for individuals and businesses. An evaluation of traffic flow needs on the corridor will be used to demonstrate the level and extent of recurring congestion and the variability in non-recurring congested conditions on the corridor. Recurring congestion results from regular peak period conditions where the roadway is inadequate for the volume of vehicles. Non-recurring congestion exists when wide fluctuations in travel times occur due to events such as incidents, bad weather conditions, special events, holiday traffic and work zones.
- (4) Serving Community Objectives.** Overall community support is critical for the proposed major highway project. The level of community support will be demonstrated using the results of the comprehensive public outreach and involvement that occurs during the detailed environmental document process (National Environmental Policy Act and/or Wisconsin Environmental Policy Act).
- (5) Minimizing Environmental Impacts.** The evaluation process recognizes that highway projects can have effects on the quality of the human environment in the regions they serve. The environmental evaluation is based on the results of the detailed environmental document process (National Environmental Policy Act and/or

“Red Tape Review” – DOT Administrative Code
Division of Transportation Investment Management (DTIM)

TRANS 210
“Major Highway Project Numerical Evaluation Process”

Wisconsin Environmental Policy Act).

- 8) Repeal Trans 210.07.