



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3135/P4
ZDW/EVM/ARG:wlj&cjs

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No
Changes

10/20/15

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

Analysis by the Legislative Reference Bureau

This bill 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with current statutes and federal rules or that were promulgated based on statutes that have since been amended or repealed. The bill also make several substantive changes to various rules promulgated by DOT, including the following:

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

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

2. The bill changes the methodology by which the department evaluates major highway projects.

3. The bill allows 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.

4. The bill authorizes an alternate design for handicapped parking signs displayed in parking lots.

5. The bill eliminates a continuity-of-service requirement for motor vehicle rental companies.

6. The bill authorizes 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.

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:

1 **SECTION 1.** Trans 28.04 (2) of the administrative code is amended to read:

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

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

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 nonfederal 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~~
17 nonfederal share of project costs; furthermore, the minimum eligible applicant share
18 shall be no less 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.

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) (note) of the administrative code is amended to read:

6 Trans 31.03 (1) (note) 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's 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 Maintenance of an established escrow account
19 approved by the department with a Wisconsin financial institution for the deposit of
20 all 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
24 an amount sufficient to refund the expected advance payments for service and
25 department administrative costs of processing refunds in the event that the

1 excursion is not operated for any reason. The financial instrument 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 necessary to enforce the commitment against the sponsor or any relevant 3rd party.

7 **SECTION 18.** Trans 55.02 (2m) of the administrative code is created to read:

8 Trans 55.02 (2m) “Approach” means areas beyond the runway end intended
9 to provide safe navigable airspace for aircraft arrivals and departures to and from
10 a landing facility.

11 **SECTION 19.** Trans 55.06 (3) (a) of the administrative code is amended to read:

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

20 **SECTION 20.** Trans 55.06 (4) (a) of the administrative code is amended to read:

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

24 **SECTION 21.** 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 22.** Trans 56.04 (3) (b) 3. of the administrative code is repealed and
9 recreated to read:

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

12 **SECTION 23.** Trans 56.04 (3) (b) 4. of the administrative code is repealed.

13 **SECTION 24.** Trans 56.04 (3) (b) 5. to 9. of the administrative code are
14 renumbered Trans 56.04 (3) (b) 4. to 8.

15 **SECTION 25.** Trans 56.05 (1) of the administrative code is amended to read:

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

20 **SECTION 26.** Trans 57.04 (1) (b) of the administrative code is amended to read:

21 Trans 57.04 (1) (b) A displaced threshold shall be marked similar to attached
22 diagram B for runways with other than paved surfaces. Runways with paved
23 surfaces shall be marked in accordance with the latest FAA ~~advisory circular~~
24 ~~150/5340-1G, "Standards for Airport Markings," September 27, 1993 marking~~
25 ~~standards.~~ In addition, if the runway is lighted, ~~the displaced threshold~~ it shall be

1 lighted in accordance with ~~FAA advisory circular 150/5340-24, "Runway and~~
2 ~~Taxiway Edge Lighting System," September 3, 1975. It applies to low intensity~~
3 ~~runway lighting systems and medium intensity systems~~ the latest FAA lighting
4 standards.

5 **SECTION 27.** Trans 57.05 (2) (f) of the administrative code is amended to read:

6 Trans 57.05 (2) (f) ~~FR IFR~~ and VFR traffic considerations. A certificate of site
7 approval may be denied if the proposed site underlies the airspace in the primary
8 approach area for an instrument approach, and the traffic pattern altitude conflicts
9 with published altitudes for the approach.

10 **SECTION 28.** Trans 100.01 (2) (note) of the administrative code is amended to
11 read:

12 Trans 100.01 (2) (note) For purposes of accident reporting, at least one car,
13 truck, bus, or motorcycle must be in transport for the department to consider the
14 accident reportable. For information on occupational licenses, see s. Trans 117.03 (2)
15 (k). Forms used in this chapter are MV 3038 resolution authorizing power of
16 attorney under ch. 344, Stats., MV 3039 minors release, MV 3041 release of liability,
17 MV 3044 evaluation of property damage, MV 3045 evaluation of personal injuries,
18 MV 3046 evaluation of motor vehicle damage, MV 3069 application for
19 self-insurance, MV 3070 safety responsibility self-insurance certificate, MV 3100
20 notice of incomplete report, MV 3128 installment agreement to pay damages, MV
21 3343 compliance notification, MV 3347 emergency vehicle involvement, MV 3384
22 safety responsibility information, MV 3385 informational letter to injured party, and
23 MV 3387 reinstatement instructions, MV 4000 Wisconsin motor vehicle accident
24 report. Forms may be obtained, free of charge, from Wisconsin Department of
25 Transportation, Traffic Accident Section, P.O. Box 7919, Madison, WI 53707-7919.

1 **SECTION 29.** Trans 100.03 (3) of the administrative code is amended to read:

2 Trans 100.03 (3) The department shall assume that all accident reports it
3 receives from enforcement agencies or operators meet the reporting criteria of s.
4 346.70 (1), Stats., or the minimum requirements for safety responsibility act under
5 s. ~~343.12~~ 344.12, Stats. An accident report filed by a police agency for an accident
6 that is not reportable shall be returned to the reporting agency. A report from
7 another source for an accident that is not reportable shall be discarded. If the
8 department determines from credible evidence received, which could include
9 property damage estimates or signed statements, that an accident that has been
10 abstracted as part of a driver's record is not reportable, the accident will not be
11 included in a public abstract of the driver's driver record maintained under s. 343.23,
12 Stats.

13 **SECTION 30.** Trans 100.07 (1) (note) of the administrative code is repealed.

14 **SECTION 31.** Trans 100.07 (2) (a) of the administrative code is amended to read:

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

21 **SECTION 32.** Trans 100.07 (2) (b) (intro.) and 2. (intro) of the administrative
22 code are consolidated, renumbered Trans 100.07 (2) (b) (intro.) and amended to read:

23 Trans 100.07 (2) (b) (intro.) In determining the amount of security required:
24 ~~2. The the department may shall consider an evaluation report filed with the~~

1 department ~~more than 21 days after the mailing date~~ if it meets all of the following
2 requirements:

3 **SECTION 33.** Trans 100.07 (2) (b) 1. of the administrative code is repealed.

4 **SECTION 34.** Trans 100.07 (2) (b) 2. a. and b. of the administrative code are
5 renumbered Trans 100.07 (2) (b) 1m. and 2m.

6 **SECTION 35.** Trans 100.07 (5) of the administrative code is amended to read:

7 Trans 100.07 (5) The department shall make a determination of the amount
8 of security required for an accident within ~~90 days of receiving an accident report~~ one
9 year of the date of the accident, or at such later date as individual circumstances of
10 an accident may require.

11 **SECTION 36.** Trans 100.07 (6) (b) 2. of the administrative code is repealed.

12 **SECTION 37.** Trans 100.07 (6) (b) 5. of the administrative code is created to read:

13 Trans 100.07 (6) (b) 5. The uninsured has complied with neither Trans 100.12
14 nor 100.13.

15 **SECTION 38.** Trans 100.08 (7) (b) of the administrative code is amended to read:

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

22 **SECTION 39.** Trans 100.10 (7) of the administrative code is amended to read:

23 Trans 100.10 (7) Hearings shall be informal. Hearsay and documentary
24 evidence may be received by the hearing examiner and relied upon as the basis for
25 a decision. ~~Telephone testimony~~ Testimony of persons involved in the accident may

1 ~~not~~ be permitted by telephone, electronic submission of documents, or other remote
2 communication method.

3 **SECTION 40.** Trans 100.18 (1) (e) of the administrative code is amended to read:

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

6 **SECTION 41.** Trans 106.02 (4) of the administrative code is repealed.

7 **SECTION 42.** Trans 106.02 (11) of the administrative code is amended to read:

8 Trans 106.02 (11) “Satisfactory driving record” means a driving record that
9 does not contain moving violations which result in more than 6 demerit points within
10 a one year period, by date of violation, or does not indicate that the applicant was,
11 within one year, by date of violation, causally negligent in 2 or more traffic collisions
12 or does not contain a conviction for OWI or any OWI-related charge within one year.
13 Out-of-state traffic convictions and accidents shall be treated as though they
14 occurred in Wisconsin.

15 **SECTION 43.** Trans 106.02 (12) of the administrative code is amended to read:

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

18 **SECTION 44.** Trans 106.03 (3) (a) of the administrative code is amended to read:

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

24 **SECTION 45.** Trans 106.03 (4) (a) of the administrative code is amended to read:

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

6 **SECTION 46.** Chapter Trans 113 (title) of the administrative code is amended
7 to read:

8 **CHAPTER TRANS 113**
9 **ADMINISTRATIVE SUSPENSION OF**
10 **OPERATING PRIVILEGE FOR OPERATING**
11 **A MOTOR VEHICLE WITH A PROHIBITED**
12 **ALCOHOL CONCENTRATION**
13 **OR A DETECTABLE AMOUNT OF A**
14 **RESTRICTED CONTROLLED SUBSTANCE**

15 **SECTION 47.** Trans 113.01 of the administrative code is amended to read:

16 **Trans 113.01 Purpose and scope.** As authorized by s. 85.16 (1), Stats., the
17 purpose of this chapter is to establish the department's administrative
18 interpretation of s. 343.305 (7) and (8), Stats., relating to arrest for operating with
19 a prohibited alcohol concentration or a detectable amount of a restricted controlled
20 substance, administrative suspension of operating privilege and reviews therefor.
21 Section 343.305 (7) (a), Stats., authorizes the department to administratively
22 suspend the operating privilege of a person whose test results indicate the presence
23 of a detectable amount of a restricted controlled substance in the person's blood or
24 a prohibited alcohol concentration.

1 **SECTION 48.** Trans 113.03 (intro.) of the administrative code is amended to
2 read:

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

8 **SECTION 49.** Trans 113.03 (1) of the administrative code is repealed.

9 **SECTION 50.** Trans 113.04 (3) (c) of the administrative code is amended to read:

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

13 **SECTION 51.** Trans 113.04 (3) (e) of the administrative code is amended to read:

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

18 **SECTION 52.** Trans 113.04 (8) of the administrative code is amended to read:

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

24 **SECTION 53.** Trans 113.04 (9) (intro.) of the administrative code is amended to
25 read:

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

6 **SECTION 54.** Trans 113.04 (10) (intro.) of the administrative code is amended
7 to read:

8 Trans 113.04 (10) (intro.) If the examiner finds to a reasonable certainty by
9 evidence that is clear, satisfactory and convincing that the criteria for administrative
10 suspension have been satisfied and that the person had a prohibited alcohol
11 concentration or a detectable amount of a restricted controlled substance at the time
12 the offense allegedly occurred:

13 **SECTION 55.** Trans 118.01 of the administrative code is amended to read:

14 **Trans 118.01 Purpose and scope.** The purpose of this chapter is to establish
15 an employer notification program to permit an employer to register the name of an
16 employe employee and be notified by the department whenever a conviction or
17 suspension, revocation, cancellation, disqualification or out-of-service order is
18 recorded on the driving record of the Wisconsin licensed employe employee and any
19 other driving record information that the department may reasonably include in this
20 program.

21 **SECTION 56.** Trans 118.01 (note) of the administrative code is amended to read:

22 **Trans 118.01 (note)** Authority for this chapter can be found at s. 343.247 (2),
23 Stats. ~~Forms used in this chapter are MV3555 Employer Notification Customer~~
24 ~~Agreement and MV3556 Employe Enrollment Request. These forms are available~~

1 ~~from the Wisconsin Department of Transportation, Bureau of Driver Services, P.O.~~
2 ~~Box 7917, Madison, WI 53707.~~

3 **SECTION 57.** Trans 118.03 of the administrative code is amended to read:

4 **Trans 118.03 Employer notification application requirements.**

5 Employer notification is obtained through the system used to access the public
6 abstract of the driver's driving record maintained under s. 343.23, Stats. An
7 application for the ~~employer notification program~~ public abstract request system
8 shall be made to the department upon forms prescribed by the department, ~~shall be~~
9 accompanied by the required fees as set forth in s. Trans 118.08 and shall include
10 such information as the department reasonably requires. The department may
11 assign these duties to a 3rd-party designee.

12 **SECTION 58.** Trans 118.04 of the administrative code is amended to read:

13 **Trans 118.04 ~~Employer~~ Customer account codes numbers. (1) ISSUANCE.**

14 The department shall issue an ~~employer~~ a customer account code number upon
15 receipt of a properly completed ~~employer notification customer~~ data access
16 agreement form and any other information that the department reasonably
17 requires.

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

21 **SECTION 59.** Trans 118.05 (intro.) of the administrative code is amended to
22 read:

23 **Trans 118.05 ~~Employer notification customer~~ Electronic DMV records**
24 **service data access agreement form.** (intro.) The employer shall submit an
25 ~~employer notification customer~~ a data access agreement form and any other

1 information that the department reasonably requires under any of the following
2 situations:

3 **SECTION 60.** Trans 118.05 (1) of the administrative code is amended to read:

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

6 **SECTION 61.** Trans 118.05 (2) of the administrative code is repealed.

7 **SECTION 62.** Trans 118.05 (3) of the administrative code is amended to read:

8 Trans 118.05 (3) When the employer changes its agency name ~~or address, or~~
9 both.

10 **SECTION 63.** Trans 118.05 (4) of the administrative code is amended to read:

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

13 **SECTION 64.** Trans 118.06 (title) of the administrative code is amended to read:

14 **Trans 118.06 (title) ~~Employee~~ Employee enrollment request form.**

15 **SECTION 65.** Trans 118.06 (1) of the administrative code is amended to read:

16 Trans 118.06 (1) ~~EMPLOYEE~~ EMPLOYEE ENROLLMENT. An employer may enroll an
17 employe employee in the employer notification program by ~~submitting a written~~
18 ~~request to the department~~ entering the employee's information online through the
19 public abstract request system.

20 **SECTION 66.** Trans 118.06 (2) of the administrative code is repealed.

21 **SECTION 67.** Trans 118.07 of the administrative code is amended to read:

22 **Trans 118.07 ~~Withdrawal of employes~~ employees and employers. (1)**

23 ~~EMPLOYEE~~ EMPLOYEE WITHDRAWAL. An employer may withdraw an employe employee,
24 and shall withdraw a former employee, from the employer notification program by
25 ~~submitting a written request to the department. The written request shall contain~~

1 ~~the information set forth in s. Trans 118.06 (2) (a) to (f) removing the employee from~~
2 ~~the employer's public abstract request system online roster.~~

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

7 **SECTION 68.** Trans 118.08 (1) of the administrative code is amended to read:

8 Trans 118.08 (1) EMPLOYER INITIAL ENROLLMENT. The department shall register
9 an employer in the employer notification program upon receipt of a properly
10 completed ~~employer notification customer data access~~ agreement form ~~together with~~
11 ~~the proper fee.~~ The registration of an employer in the public abstract request system
12 employer notification program shall be issued for the calendar year and is valid only
13 during the calendar year for which issued. For each account code issued to an
14 employer, the fee shall be \$20 for an application submitted before July 1 of a year and
15 \$10 for an application submitted on or after July 1 remain in effect for 4 years unless
16 terminated early by the department or employer.

17 **SECTION 69.** Trans 118.08 (2) of the administrative code is amended to read:

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

1 **SECTION 70.** Trans 118.08 (3) to (6) of the administrative code are repealed.

2 **SECTION 71.** Trans 118.09 of the administrative code is repealed and recreated
3 to read:

4 **Trans 118.09 Payment.** Employers shall make payments, in a manner
5 determined by the department, at the time of requesting information.

6 **SECTION 72.** Trans 118.10 of the administrative code is amended to read:

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

12 **SECTION 73.** Trans 118.11 of the administrative code is repealed.

13 **SECTION 74.** Trans 118.12 (1) of the administrative code is amended to read:

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

17 **SECTION 75.** Trans 118.12 (1) (a) to (f) of the administrative code are repealed.

18 **SECTION 76.** Trans 118.12 (2) of the administrative code is amended to read:

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

23 **SECTION 77.** Trans 118.12 (3) of the administrative code is amended to read:

24 Trans 118.12 (3) **WHEN ISSUED NOTIFIED.** Employer Electronic notification
25 documents will be ~~issued~~ provided when there is any change activity described in s.

1 Trans 118.01 in the driver record maintained by the department for an enrolled
2 driver employee.

3 **SECTION 78.** 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.

8 **SECTION 79.** Trans 118.13 (title) of the administrative code is amended to read:

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

10 **SECTION 80.** Trans 118.13 (1) of the administrative code is amended to read:

11 Trans 118.13 (1) ~~EMPLOYE~~ EMPLOYEE RESPONSIBILITIES. Nothing in this chapter
12 shall be construed to relieve the employe employee from the driver notification
13 requirements described under s. 343.245 (2), Stats.

14 **SECTION 81.** Trans 118.14 of the administrative code is amended to read:

15 **Trans 118.14 Construction of this rule.** Nothing in this chapter shall be
16 construed to relieve the applicant for an ~~employer notification document~~ a driver
17 record from submitting a complete application ~~with the~~ or payment of appropriate
18 fees described in this chapter. In the event of a conflict between the provisions of ch.
19 Trans 195 and the provisions of this chapter, the provisions of this chapter shall
20 control.

21 **SECTION 82.** Trans 130.03 (1) (g) of the administrative code is amended to read:

22 Trans 130.03 (1) (g) The signature of the person or, if applicable, the signature
23 of anyone authorized to sign for the applicant, including a health care specialist. A
24 signature under this paragraph includes an electronic signature, as defined in s.
25 137.11 (8), Stats.

1 **SECTION 83.** Trans 131.01 (2) (note) of the administrative code is amended to
2 read:

3 Trans 131.01 (2) (note) Forms used in this chapter are MV 2016, substitute
4 renewal notice; ~~MV 2470, vehicle inspection report;~~ MV 2472, application for letter
5 of temporary exemption from emission test requirements; ~~MV 2588, exchanged~~
6 ~~engine certificate;~~ ~~MV 2594, quality assurance inspection report.~~ Copies can be
7 obtained from the Wisconsin Department of Transportation, Dealer and Agent
8 Section, P. O. Box 7909, Madison, WI 53707-7909.

9 **SECTION 84.** Trans 131.02 (15) (note) of the administrative code is amended to
10 read:

11 Trans 131.02 (15) (note) All references made to the Federal Rule in this
12 document are to 40 CFR Part 51, Subpart S Inspection/Maintenance Program
13 Requirements; Final Rule dated November 5, 1992, as amended through ~~January 1,~~
14 ~~2001~~ April 7, 2006.

15 **SECTION 85.** Trans 131.02 (24) of the administrative code is amended to read:

16 Trans 131.02 (24) “Inspection station” means an inspection facility operated
17 by a party, or a subcontractor of the party, under contract with the department for
18 the purpose of conducting vehicle emission inspections required by s. 110.20, Stats.

19 **SECTION 86.** Trans 131.02 (38) of the administrative code is amended to read:

20 Trans 131.02 (38) “Recognized automotive emission repair technician” means
21 a person who has received and has proof of formal training in both diagnosis and
22 repair of automotive engines and related systems and who is in good standing with
23 the department and in compliance with this chapter and s. 110.20, Stats.

24 **SECTION 87.** Trans 131.02 (39) of the administrative code is amended to read:

1 Trans 131.02 (39) “Recognized repair facility” means a franchised new car
2 dealer or other business with a Wisconsin sales tax number that performs emission
3 repairs as a regular part of its business activities ~~and, that~~ employs at least one
4 recognized automotive emission repair technician, and that is in good standing with
5 the department and in compliance with this chapter and s. 110.20, Stats.

6 **SECTION 88.** Trans 131.02 (45) of the administrative code is amended to read:

7 Trans 131.02 (45) “Technical assistance center” means either a separate
8 contractor or subcontractor facility or a portion of an inspection station which, under
9 the direction of a master automotive technician, is equipped to perform both emission
10 inspections and complete diagnostic evaluations of nonexempt vehicles.

11 **SECTION 89.** Trans 131.02 (54) of the administrative code is amended to read:

12 Trans 131.02 (54) “Vehicle inspection report” means a ~~serially numbered~~
13 document issued at an inspection station or authorized inspection facility or
14 technical assistance center or by an inspector designated by the department to
15 perform the functions of a technical assistance center at the time of vehicle
16 inspection, indicating that the vehicle has been inspected in accordance with the
17 provisions of this chapter, and may include data reported electronically.

18 **SECTION 90.** Trans 131.03 (6) (d) 5. of the administrative code is amended to
19 read:

20 Trans 131.03 (6) (d) 5. If the inspection computer system is not able to download
21 the vehicle OBD II records, the OBD inspection shall be aborted, and the vehicle shall
22 be reinspected ~~with an OBD II inspection in a separate inspection facility inspection~~
23 ~~lane.~~

24 **SECTION 91.** Trans 131.03 (12) of the administrative code is amended to read:

SECTION 91

1 Trans 131.03 (12) RECONSTRUCTED AND HOMEMADE VEHICLES. Any nonexempt
2 vehicle registered as reconstructed or homemade under s. 341.268, Stats., shall be
3 inspected for compliance with requirements applicable to the model year of the
4 vehicle as indicated on the vehicle's registration documents, unless the owner both
5 requests that the vehicle be inspected by engine year and provides a completed
6 MV2588, ~~exchanged engine certification form, to the waiver investigator.~~ In
7 addition, the vehicle owner shall locate the engine number on the engine for purposes
8 of engine year verification by the waiver investigator.

9 **SECTION 92.** Trans 131.03 (15) (a) (intro.) of the administrative code is amended
10 to read:

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

15 **SECTION 93.** Trans 131.03 (15) (b) of the administrative code is amended to
16 read:

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

21 **SECTION 94.** Trans 131.03 (15) (c) of the administrative code is amended to read:

22 Trans 131.03 (15) (c) Each operator of a vehicle failing or rejecting the initial
23 inspection shall receive a list of ~~recognized automotive emission repair technicians~~
24 and recognized repair facilities by area which includes information required under

1 s. Trans 131.15. This listing may include other consumer information useful in
2 obtaining vehicle emission repair service.

3 **SECTION 95.** Trans 131.07 (1) (c) of the administrative code is amended to read:

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

6 **SECTION 96.** Trans 131.08 (2) of the administrative code is amended to read:

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

15 **SECTION 97.** Trans 131.11 (1) (a) of the administrative code is amended to read:

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

22 **SECTION 98.** Trans 131.15 (3) (b) of the administrative code is amended to read:

23 Trans 131.15 (3) (b) Beginning in the third month of the vehicle emission
24 inspection program, the contractor shall produce a summary report of the
25 performance of local repair facilities that have repaired vehicles for reinspection.

1 The report shall be provided to the motorist at the time of initial vehicle emission
2 inspection failure. ~~The report shall be updated on a quarterly basis or made~~
3 available on the contractor's Internet site.

4 **SECTION 99.** Trans 142.07 (4) (e) of the administrative code is created to read:

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

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

17 **SECTION 100.** Chapter Trans 145 of the administrative code is repealed.

18 **SECTION 101.** Trans 146.04 (4) of the administrative code is repealed.

19 **SECTION 102.** Trans 157.05 (1) (note) of the administrative code is amended to
20 read:

21 Trans 157.05 (1) (note) Forms MV1, Application for Title/Registration,
22 ~~MV2493~~ MV2488, Vehicle Transfer and Odometer Disclosure Mileage Statement,
23 and MV2790, Trustee's Application for Certificate of Title, can be ordered from DOT
24 Materials Management, 3617 Pierstorff, Madison, WI 53704 or (608) 246-3262 or
25 obtained at a motor vehicle services center. In cases involving the sale of titled

1 vehicles, the Odometer Disclosure Statement on the reverse side of the certificate of
2 title should be used.

3 **SECTION 103.** Trans 175.09 of the administrative code is repealed.

4 **SECTION 104.** Trans 178.03 (1) (intro.) of the administrative code is amended
5 to read:

6 Trans 178.03 (1) (intro.) Except as provided in sub. (2), as provided in 49 CFR
7 ~~367.20~~ part 367, subpart B, fees for registration year 2010 and thereafter are as
8 follows:

9 **SECTION 105.** Trans 200.07 (2) (title) of the administrative code is amended to
10 read:

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

12 **SECTION 106.** Trans 200.07 (2) (intro.) of the administrative code is created to
13 read:

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

16 **SECTION 107.** Trans 200.07 (2) (a) of the administrative code is amended to
17 read:

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

22 **SECTION 108.** Trans 200.07 (2m) of the administrative code is created to read:

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

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

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

7 (c) The sign shall contain text stating “disabled parking,” “handicapped
8 parking,” “reserved parking,” or the amount of the forfeiture for parking in violation
9 of the sign.

10 **SECTION 109.** Trans 200.07 (4) of the administrative code is repealed.

11 **SECTION 110.** Trans 206.03 (11) (d) of the administrative code is amended to
12 read:

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

15 **SECTION 111.** Trans 207.02 (3) of the administrative code is amended to read:

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

20 **SECTION 112.** Chapter Trans 210 (title) of the administrative code is amended
21 to read:

22 **CHAPTER TRANS 210**

23 **MAJOR HIGHWAY PROJECT NUMERICAL**

24 **EVALUATION PROCESS**

25 **SECTION 113.** Trans 210.01 of the administrative code is amended to read:

1 **Trans 210.01 Purpose.** In accordance with s. 85.05, Stats., this chapter sets
2 forth the process and criteria used by the department to ~~numerically~~ evaluate
3 projects considered for enumeration. This process for evaluating candidate major
4 highway projects is used to advise the transportation projects commission. ~~This~~
5 ~~chapter establishes a minimum score that a project shall meet or exceed in order to~~
6 ~~be eligible for recommendation to the transportation projects commission.~~

7 **SECTION 114.** Trans 210.02 of the administrative code is amended to read:

8 **Trans 210.02 Applicability.** ~~The procedures in this~~ This chapter shall be
9 applied to projects being considered for enumeration as major highway projects by
10 the department.

11 **SECTION 115.** Trans 210.03 (4) of the administrative code is repealed.

12 **SECTION 116.** Trans 210.05 (intro.) of the administrative code is renumbered
13 Trans 210.05 and amended to read:

14 **Trans 210.05 Minimum benefit requirement.** Proposed major highway
15 ~~projects having traffic flow or safety deficiencies shall receive a minimum~~
16 ~~requirement score of 10 points~~ will require a benefit-cost analysis consistent with
17 the department's best practice methodologies. Only ~~these~~ those projects generating
18 a benefit-cost ratio of at least 1.0 shall be eligible for recommendation to the
19 transportation projects commission. ~~Traffic flow or safety deficiencies shall exist if~~
20 ~~either of the following conditions are satisfied:~~

21 **SECTION 117.** Trans 210.05 (1), (1) (note), (2) and (2) (b) (note) of the
22 administrative code are repealed.

23 **SECTION 118.** Trans 210.06 of the administrative code is repealed.

24 **SECTION 119.** Trans 210.065 of the administrative code is created to read:

1 **Trans 210.065 Measures.** The department shall use its best practices to
2 evaluate and recommend major highway projects to the transportation projects
3 commission. Best practice analytical techniques shall include a detailed review of
4 a project's ability to enhance Wisconsin's economy, improve highway mobility and
5 safety, minimize environmental impacts, and serve community objectives. The
6 measurement techniques used to evaluate these goals is continually evolving and
7 improving with expanding data sources and analytical techniques. The evaluation
8 is expected to include the following goals and objectives:

9 **(1) IMPROVING HIGHWAY SAFETY.** Major highway projects play an important role
10 in improving the safety of Wisconsin's highways. Reducing the number of fatalities
11 and injury crashes as well as the property and freight losses associated with these
12 crashes is a primary goal of the department. A crash analysis shall be performed to
13 determine the number and severity of the crash problems on the affected highway.

14 **(2) ENHANCING WISCONSIN'S ECONOMY.** Major highway projects shall be
15 evaluated to determine their ability to enhance Wisconsin's economy. A key
16 component is estimated lower travel costs, which serve to increase the
17 competitiveness of existing businesses and enhance Wisconsin's ability to maintain
18 and compete for jobs. The department shall use benefit-cost analysis procedures as
19 the primary foundation of this evaluation to determine the economic viability of
20 candidate projects. The benefit-cost analysis shall demonstrate that the reductions
21 in travel costs exceed the costs of design, construction, and long-term rehabilitation
22 and maintenance costs of the facility. The analysis of reduced travel costs shall
23 include estimated travel time savings, safety savings, and vehicle operating cost
24 savings. Additionally, the analysis shall carefully consider critical supply chain
25 corridors to support projects that are most critical for maintaining and preserving

1 an efficient and reliable network for manufacturers and shippers. The economic
2 analysis shall also consider those areas of Wisconsin that are projected to have more
3 growth in the amount of employment and tourism.

4 **(3) IMPROVING TRAFFIC FLOW.** Major highway projects play a significant role in
5 improving traffic flow and reducing highway congestion. Reducing highway
6 congestion improves highway efficiency by reducing the total hours of vehicle delay,
7 and also improves travel reliability for individuals and businesses. An evaluation
8 of traffic flow needs on the corridor shall be used to demonstrate the level and extent
9 of recurring congestion and the variability in nonrecurring congested conditions on
10 the corridor. Recurring congestion results from regular peak period conditions where
11 the roadway is inadequate for the volume of vehicles. Nonrecurring congestion exists
12 when wide fluctuations in travel times occur due to events such as incidents, bad
13 weather conditions, special events, holiday traffic, and work zones.

14 **(4) SERVING COMMUNITY OBJECTIVES.** Overall community support is critical for
15 the proposed major highway project. The level of community support shall be
16 demonstrated using the results of the comprehensive public outreach and
17 involvement that occurs during the detailed environmental document process
18 (National Environmental Policy Act and/or Wisconsin Environmental Policy Act).

19 **(5) MINIMIZING ENVIRONMENTAL IMPACTS.** The evaluation process recognizes that
20 major highway projects can have effects on the quality of the human environment
21 in the regions they serve. The environmental evaluation shall be based on the results
22 of the detailed environmental document process (National Environmental Policy Act
23 and/or Wisconsin Environmental Policy Act).

24 **SECTION 120.** Trans 210.07 of the administrative code is repealed.

25 **SECTION 121.** Trans 210.08 of the administrative code is repealed.

1 **SECTION 122.** Trans 233.08 (2) (c) 5. of the administrative code is amended to
2 read:

3 Trans 233.08 (2) (c) 5. State trunk highways and connecting highways with
4 current and forecasted congestion projected to be worse than level of service “C,” as
5 ~~determined under s. Trans 210.05 (1), within the following “C.”~~ Department
6 engineers shall use appropriate methodologies to determine the projected level of
7 service that is predicted to exist 20 years from the year of the analysis.

8 **SECTION 123.** Trans 233.11 (3) (b) 4. of the administrative code is amended to
9 read:

10 Trans 233.11 (3) (b) 4. Whether the current and forecasted congestion of the
11 abutting highway is projected to be worse than level of service “C,” ~~as determined~~
12 ~~under s. Trans 210.05 (1), within the following “C.”~~ Department engineers shall use
13 appropriate methodologies to determine the projected level of service that is
14 predicted to exist 20 years from the year of the analysis.

15 **SECTION 124.** Trans 252.06 (1) of the administrative code is amended to read:

16 Trans 252.06 (1) An escort vehicle which is a marked ~~police squad car or~~
17 unmarked police patrol vehicle equipped with clearly visible red and blue lighting
18 to the front and rear, as defined in s. 347.25 (1m) (a) and (b), Stats., is exempt from
19 the vehicle, flag and sign and equipment requirements of s. Trans 252.05 (1) and (2).
20 ~~Normal police red or blue emergency lights shall be deemed to satisfy the warning~~
21 ~~lamps requirement of s. Trans 252.05 (3).~~

22 **SECTION 125.** Trans 253.01 of the administrative code is amended to read:

23 **Trans 253.01 Purpose.** The purpose of this chapter is to establish standards
24 and procedures for the issuance of overweight and oversize permits for the
25 transportation of commodities and goods in Wisconsin, within 11 miles of the

1 Wisconsin–Michigan border and upon certain highways, pursuant to s. 348.27 (9) (a),
2 Stats.

3 **SECTION 126.** Trans 253.02 of the administrative code is amended to read:

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

11 **SECTION 127.** Trans 253.04 (intro.) (except Trans 253.04 (title)) and (1) of the
12 administrative code are repealed.

13 **SECTION 128.** Trans 253.04 (1m) of the administrative code is created to read:

14 **Trans 253.04 (1m)** An application for a permit shall be submitted to an issuing
15 authority on a form approved by the department and in accordance with s. 348.27,
16 Stats., and shall include all requested information, including the applicant’s
17 electronic mail address.

18 **SECTION 129.** Trans 253.04 (2) of the administrative code is repealed.

19 **SECTION 130.** Trans 253.04 (3) of the administrative code is amended to read:

20 **Trans 253.04 (3)** The An application for a permit shall include the date on
21 which the applicant seeks to have the permit first become valid, not more than 60
22 days later than the date of application.

23 **SECTION 131.** Trans 253.04 (4) to (8) of the administrative code are repealed.

24 **SECTION 132.** Trans 253.04 (9) of the administrative code is amended to read:

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

5 **SECTION 133.** Trans 253.04 (10) of the administrative code is created to read:

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

8 (a) In person, at the department's central office.

9 (b) By mail, addressed to the department's central office.

10 (c) By facsimile machine to the department's oversize and overweight permit
11 system.

12 **SECTION 134.** Trans 253.04 (10) (c) (note) (insert before existing Trans 253.04
13 notes 1 and 2) of the administrative code is created to read:

14 Trans 253.04 (10) (c) (note) This permit is currently not available online;
15 however, the department will accept applications submitted by facsimile machine.

16 **SECTION 135.** Trans 253.04 (notes 1 and 2) of the administrative code are
17 amended to read:

18 **Trans 253.04 Permit application.** (note 1) Applications are available upon
19 request from the ~~Motor Carrier Services Section~~ Oversize and Overweight Permit
20 Unit Section of the Wisconsin Department of Transportation, 4802 Sheboygan
21 Avenue, P.O. Box 7980, Madison, WI 53707.

22 (note 2) Permit application procedures are specified in s. Trans 250.025. A
23 permit application may be submitted in person or by mail or facsimile machine to the
24 ~~Motor Carrier Services Section~~ Oversize and Overweight Permit Unit Section. The
25 ~~Motor Carrier Services Section~~ Oversize and Overweight Permit Unit Section of the

1 Wisconsin Department of Transportation is located at 4802 Sheboygan Avenue,
2 Room 151, P.O. Box 7980, Madison, WI 53707.

3 **SECTION 136.** Trans 253.045 of the administrative code is created to read:

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

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

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

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

13 **SECTION 137.** Trans 253.05 (2) of the administrative code is amended to read:

14 Trans 253.05 (2) TRANSPORTATION IN LIMITED GEOGRAPHIC AREA. The application
15 may not seek authority to transport any commodity or goods on any highway located
16 more than 11 miles from the Wisconsin–Michigan border or upon any highway or
17 highway route not specified under s. 348.27 (9), Stats.

18 **SECTION 138.** Trans 253.05 (5) of the administrative code is amended to read:

19 Trans 253.05 (5) MAXIMUM GROSS ~~WEIGH~~ WEIGHT. The vehicle, including any
20 load, may not exceed ~~154,000~~ 164,000 pounds gross weight.

21 **SECTION 139.** Trans 253.06 (4) of the administrative code is repealed.

22 **SECTION 140.** Trans 253.06 (6) of the administrative code is amended to read:

23 Trans 253.06 (6) PERMIT CARRIED ON VEHICLE. The driver carries the permit ~~with~~
24 ~~attached local road approval letters~~ in the vehicle and available for inspection by any

1 police officer, representative of the department or any local authority or person in
2 charge of maintaining the highway being used.

3 **SECTION 141.** Trans 253.06 (16) of the administrative code is amended to read:

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

9 **SECTION 142.** Trans 253.065 (title) of the administrative code is amended to
10 read:

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

12 **SECTION 143.** Trans 253.065 (2) and (3) of the administrative code are repealed.

13 **SECTION 144.** Trans 253.065 (4) of the administrative code is amended to read:

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

23 **SECTION 145.** Trans 310.01 (2) of the administrative code is amended to read:

24 Trans 310.01 (2) This chapter applies to the use of safety restraint systems or
25 safety belts by children under the age of 8, being transported in a motor vehicle. The

1 ~~term motor vehicle includes, but is not limited to, automobiles, station wagons, vans,~~
2 ~~trucks and motor homes.~~

3 **SECTION 146.** Trans 310.04 (1) and (2) of the administrative code are
4 consolidated, renumbered Trans 310.04 and amended to read:

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

12 **SECTION 147.** Trans 310.04 (note) of the administrative code is repealed.

13 **SECTION 148.** Trans 310.05 (1) of the administrative code is amended to read:

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

18 **SECTION 149.** Trans 315.01 (2) of the administrative code is amended to read:

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

22 **SECTION 150.** Trans 315.03 (1) of the administrative code is amended to read:

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

1 **SECTION 151.** Trans 315.03 (2) of the administrative code is amended to read:

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

7 **SECTION 152.** Trans 400.03 (note) of the administrative code is created to read:

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

24 **SECTION 153.** Trans 400.04 (3) (note) of the administrative code is created to
25 read:

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

4 **SECTION 154.** Trans 400.04 (3) of the administrative code is amended to read:

5 Trans 400.04 (3) “Categorical exclusion” means an action which meets the
6 definition of the term ~~in the guidelines published by the United States council on~~
7 ~~environmental quality as a federal rule in 40 CFR 1508.4, July 1, 1990, and the rule~~
8 ~~published jointly by the federal highway administration and urban mass transit~~
9 ~~administration of the United States department of transportation and in 23 CFR~~
10 ~~771.117, April 1, 1991, or the procedures published by 23 CFR 771.118, or chapter~~
11 6 of order 5050.4B of the federal aviation administration of the United States
12 ~~department of transportation as order 5050.4A, chapter 3, paragraph 23, October 8,~~
13 ~~1985, or other actions of the department for which neither an EA, EIS nor other~~
14 environmental documentation is required by this rule.

15 **SECTION 155.** Trans 400.04 (4) of the administrative code is amended to read:

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

21 **SECTION 156.** Trans 400.04 (5) of the administrative code is amended to read:

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

24 **SECTION 157.** Trans 400.04 (10) of the administrative code is amended to read:

1 Trans 400.04 (10) “ER” or “environmental report” means a brief document used
2 internally by the department to demonstrate a proposed action fits the criteria or
3 conditions for approval as a categorical exclusion ~~in 23 CFR 771.117 (d), April 1,~~
4 ~~1991, or has met the review criteria of paragraph 23.a. of chapter 3 of federal aviation~~
5 ~~administration order 5050.4A of October 8, 1985, under s. Trans 400.08 (1) (d) or has~~
6 been properly coordinated with other agencies having jurisdiction by law over
7 specific activities.

8 **SECTION 158.** Trans 400.04 (15) of the administrative code is repealed.

9 **SECTION 159.** Trans 400.04 (22m) of the administrative code is created to read:

10 Trans 400.04 (22m) “Participating agency” means any Native American tribe
11 or any local, state, or federal agency, other than the lead agency, with an interest in
12 the project. “Participating agency” includes cooperating agencies but does not
13 include nongovernmental organizations or other private entities.

14 **SECTION 160.** Trans 400.04 (24) of the administrative code is amended to read:

15 Trans 400.04 (24) “Reevaluation” means the review of ~~a DEIS or FEIS~~ an
16 approved draft or final environmental document to assess whether there have been
17 significant changes in the proposed action, the affected human environment, the
18 anticipated environmental impacts, or the proposed mitigation measures.

19 **SECTION 161.** Trans 400.05 of the administrative code is amended to read:

20 **Trans 400.05 Federal regulations adopted.** ~~Federal regulations, 23 CFR~~
21 ~~771.115, 771.117, 771.119(a) and 771.123(a), April 1, 1998, adopted jointly by the~~
22 ~~federal highway administration and urban mass transit administration of the~~
23 ~~United States department of transportation, and its federal aviation administration~~
24 ~~order 5050.4A, chapter 3, paragraphs 20, 21, 22, and 23, October 8, 1985, pursuant~~
25 ~~to 40 CFR 1508.4, July 1, 1998, as approved by the United States council on~~

1 ~~environmental quality, and 40 CFR 1506.8 and 1508.17~~ References throughout this
2 chapter to federal regulations and orders are to the following specific versions, which
3 are hereby adopted by the department and are attached hereto in appendix 1: 23
4 CFR 771.115, 771.117, and 771.118, April 1, 2015; 40 CFR 1500.4, 1500.5, 1506.8,
5 and 1508.4, July 1, 2015; 49 CFR 266.19, October 1, 2014; and the United States
6 department of transportation federal aviation administration order 5050.4B,
7 chapters 6, 7, and 9, April 28, 2006.

8 **SECTION 162.** Trans 400.05 (note) of the administrative code is repealed.

9 **SECTION 163.** Trans 400.06 (5) of the administrative code is amended to read:

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

13 **SECTION 164.** Trans 400.06 (6) of the administrative code is amended to read:

14 Trans 400.06 (6) The department shall implement procedures to make the
15 WEPA process more useful to decision makers and the public by reducing paperwork
16 and reducing delay utilizing the means for achieving these goals as specified in the
17 rules of the United States council on environmental quality at 40 CFR 1500.4 and
18 1500.5, July 1, 1990, that which are attached hereto in appendix 1. Environmental
19 documents shall be concise, clear, and to the point and emphasize real environmental
20 issues and alternatives.

21 **SECTION 165.** Trans 400.07 (2) (intro.) of the administrative code is amended
22 to read:

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

1 **SECTION 166.** Trans 400.07 (2) (b) 1. of the administrative code is amended to
2 read:

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

14 **SECTION 167.** Trans 400.07 (2) (c) (intro.) of the administrative code is amended
15 to read:

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

1 coordination with other agencies having jurisdiction over specific activities,
2 including the following activities:

3 **SECTION 168.** Trans 400.08 (1) (a) (intro.) of the administrative code is amended
4 to read:

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

12 **SECTION 169.** Trans 400.08 (1) (a) (intro.) (note) of the administrative code is
13 repealed.

14 **SECTION 170.** Trans 400.08 (1) (a) 1. c. of the administrative code is amended
15 to read:

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

20 **SECTION 171.** Trans 400.08 (1) (a) 2. a. of the administrative code is amended
21 to read:

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

1 **SECTION 172.** Trans 400.08 (1) (a) 2. b. of the administrative code is amended
2 to 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 173.** Trans 400.08 (1) (a) 3. (note) of the administrative code is
8 amended 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 paragraph 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 174.** 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(e) 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:~~

1 **SECTION 175.** 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 176.** 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 177.** Trans 400.08 (1) (b) 3. of the administrative code is amended to
14 read:

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

21 **SECTION 178.** Trans 400.08 (1) (b) 5. (intro.) of the administrative code is
22 amended to read:

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

1 **SECTION 179.** Trans 400.08 (1) (c) (intro.) of the administrative code is
2 renumbered Trans 400.08 (1) (d) (intro.) and amended to read:

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

11 **SECTION 180.** Trans 400.08 (1) (c) 1. of the administrative code is repealed and
12 recreated to read:

13 Trans 400.08 (1) (c) 1. ‘Highways and transit.’ In addition to actions the
14 department determines meet the criteria for a CE action under this chapter, the
15 department may classify as CE actions those highway and transit actions identified
16 in 23 CFR 771.117 (c) and 23 CFR 771.118 (c).

17 **SECTION 181.** Trans 400.08 (1) (c) 2. of the administrative code is repealed and
18 recreated to read:

19 Trans 400.08 (1) (c) 2. ‘Airports.’ In addition to actions the department
20 determines meet the criteria for a CE action under this chapter, the department may
21 classify as CE actions those airport actions identified in federal aviation
22 administration order 5050.4B.

23 **SECTION 182.** Trans 400.08 (1) (c) 3. of the administrative code is renumbered
24 Trans 400.08 (1) (d) 3. and amended to read:

1 Trans 400.08 (1) (d) 3. Administrative facilities. Extensive Examples of
2 department actions regarding administrative facilities to which ER procedures
3 normally apply are: extensive remodeling, expansion or modification of an
4 administrative building, including an office building, state patrol academy, driver
5 licensing and testing station, state patrol communications building, or other similar
6 facility, which either substantially increases the capacity of the facility or
7 substantially changes its use.

8 **SECTION 183.** Trans 400.08 (1) (c) 4. of the administrative code is renumbered
9 Trans 400.08 (1) (d) 4.

10 **SECTION 184.** Trans 400.08 (1) (c) 5. of the administrative code is renumbered
11 Trans 400.08 (1) (d) 5., and Trans 400.08 (1) (d) 5. (intro.), as renumbered, is amended
12 to read:

13 Trans 400.08 (1) (d) 5. (intro.) Policy, contract, standard and specification
14 changes. Examples of department actions regarding policy, contract, standard, and
15 specification changes to which ER procedures normally apply are:

16 **SECTION 185.** Trans 400.08 (1) (d) (intro.) of the administrative code is
17 renumbered Trans 400.08 (1) (c) (intro.) and amended to read:

18 Trans 400.08 (1) (c) (intro.) *CE – Categorical Exclusions.* CE actions are
19 categorically excluded from the requirement to prepare environmental
20 documentation ~~pursuant to the rule published by the United States department of~~
21 ~~transportation in 23 CFR 771.117, April 1, 1998, or its federal aviation~~
22 ~~administration order 5050.4A, chapter 3, paragraph 23, October 8, 1985.~~ CE actions
23 do not require environmental documentation because, based on past experience with
24 similar actions, they do not involve significant environmental impacts. They are
25 actions which do not induce significant impacts to planned growth or land use for the

1 area, do not require the relocation of significant numbers of people, do not have a
2 significant impact on any natural, cultural, recreational, historic or other resource,
3 do not involve significant air, noise, or water quality impacts, do not have significant
4 impacts on travel patterns, and do not otherwise, either individually or cumulatively,
5 have any significant environmental impacts. ~~Examples of CE actions include the~~
6 ~~following:~~

7 **SECTION 186.** Trans 400.08 (1) (d) 1. of the administrative code is repealed and
8 recreated to read:

9 Trans 400.08 (1) (d) 1. ‘Highways and transit.’ In addition to actions the
10 department determines meet the criteria for an ER action under this chapter, the
11 department may apply ER procedures to the highway and transit actions identified
12 in 23 CFR 771.117 (d) and 23 CFR 771.118 (d).

13 **SECTION 187.** Trans 400.08 (1) (d) 2. of the administrative code is repealed and
14 recreated to read:

15 Trans 400.08 (1) (d) 2. ‘Airports.’ In addition to actions the department
16 determines meet the criteria for an ER action under this chapter, the department
17 may apply ER procedures to actions identified in the federal aviation administration
18 order 5050.4B.

19 **SECTION 188.** Trans 400.08 (1) (d) 3. of the administrative code is renumbered
20 Trans 400.08 (1) (c) 3. and amended to read:

21 Trans 400.08 (1) (c) 3. Administrative facilities. Minor Examples of
22 department actions regarding administrative facilities that are normally classified
23 as CE actions are: minor construction or expansion of an airport facility, such as a
24 runway, taxiway, apron, service or entrance road, or passenger handling or parking
25 facility.

1 **SECTION 189.** Trans 400.08 (1) (d) 4. of the administrative code is renumbered
2 Trans 400.08 (1) (c) 4.

3 **SECTION 190.** Trans 400.08 (2) (a) of the administrative code is amended to
4 read:

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

8 **SECTION 191.** Trans 400.08 (2) (f) of the administrative code is amended to read:

9 Trans 400.08 (2) (f) The budget request of the department as a whole submitted
10 to the department of administration and legislature pursuant to ~~ss. s.~~ s. 16.42 and
11 ~~19.45 (12)~~, Stats.

12 **SECTION 192.** Trans 400.09 (4) (e) of the administrative code is amended to
13 read:

14 Trans 400.09 (4) (e) Ensure the required involvement of any cooperating and
15 participating agencies.

16 **SECTION 193.** Trans 400.10 (3) (c) of the administrative code is amended to read:

17 Trans 400.10 (3) (c) In addition to the contents required under par. (a), the FEIS
18 shall also incorporate the comments received during the DEIS and subsequent
19 hearing processes. A response shall be made to each substantive environmental
20 issue identified in the comments and not addressed in the DEIS. The response shall
21 include a discussion of the environmental issue, including the identification of the
22 efforts to resolve the issue and the commitments to specific measures to mitigate
23 adverse impacts and enhance beneficial effects.

24 **SECTION 194.** Trans 400.10 (4) (a) 1. of the administrative code is renumbered
25 Trans 400.10 (4) (a) 1r. and amended to read:

1 Trans 400.10 (4) (a) 1r. Stimulation of ~~secondary~~ indirect environmental
2 effects.

3 **SECTION 195.** Trans 400.10 (4) (a) 1g. of the administrative code is created to
4 read:

5 Trans 400.10 (4) (a) 1g. The content requirements for an ER under sub. (5).

6 **SECTION 196.** Trans 400.10 (4) (a) 5. of the administrative code is amended to
7 read:

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

10 **SECTION 197.** Trans 400.10 (5) (intro.) of the administrative code is amended
11 to read:

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

16 **SECTION 198.** Trans 400.11 (1) (b) (intro.) of the administrative code is
17 renumbered Trans 400.11 (1) (b) and amended to read:

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

23 **SECTION 199.** Trans 400.11 (1) (b) 1. to 4. of the administrative code are
24 repealed.

25 **SECTION 200.** Trans 400.11 (2) of the administrative code is amended to read:

1 Trans 400.11 (2) LEIS. In the case of a departmental report or recommendation
2 on a department-initiated proposal for legislation that contains major and
3 significant new proposals that are not within the scope of any categorical exclusion,
4 the department shall prepare a LEIS substantially following the guidelines of the
5 United States council on environmental quality in 40 CFR 1506.8, July 1, 1998. This
6 includes transmission of the LEIS to the legislature concurrent with or within 30
7 days after the legislative proposal is submitted to the legislature, provided that the
8 LEIS must be available in time for legislative hearings and deliberations, and 5 days
9 in advance. There is no scoping requirement and the statement shall be prepared
10 in the same manner as a DEIS, but shall be considered the detailed statement
11 required by s. 1.11 (2) (c), Stats. Any comments on the LEIS shall be given to the
12 department which shall forward them along with its own responses to the legislative
13 committees with jurisdiction.

14 **SECTION 201.** Trans 400.11 (3) (b) (intro.) of the administrative code is
15 renumbered Trans 400.11 (3) (b) and amended to read:

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

21 **SECTION 202.** Trans 400.11 (3) (b) 1. to 4. of the administrative code are
22 repealed.

23 **SECTION 203.** Trans 400.11 (4) of the administrative code is amended to read:

24 Trans 400.11 (4) FEIS AND ROD. The FEIS and ROD shall be printed and
25 distributed, and a notice of availability of the FEIS shall be published, in the same

1 manner as provided for a DEIS under sub. (3), ~~except that.~~ If separate FEIS and ROD
2 documents are necessary under s. Trans 400.13 (1) (am), the decision to proceed with
3 the proposed action and to sign the ROD shall not be made sooner than 30 days after
4 the date of publication of the notice of availability of the FEIS or 90 days after the
5 date of publication of the notice of availability of the DEIS.

6 **SECTION 204.** Trans 400.11 (5) (a) of the administrative code is amended to
7 read:

8 Trans 400.11 (5) (a) *Public availability of EA.* The EA shall be made available
9 for public inspection at the department's central office, the appropriate department
10 region office, public libraries as identified under sub. (3) (a) 6., and the office of the
11 local unit of government having requested the proposed action. A charge may be
12 assessed to cover reproduction and handling costs for requested copies of the EA or
13 portions thereof.

14 **SECTION 205.** Trans 400.11 (5) (b) (intro.) of the administrative code is
15 renumbered Trans 400.11 (5) (b) and amended to read:

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

22 **SECTION 206.** Trans 400.11 (5) (b) 1. to 5. of the administrative code are
23 repealed.

24 **SECTION 207.** Trans 400.11 (5) (c) of the administrative code is amended to read:

1 Trans 400.11 (5) (c) *Notice of opportunity for to request a public hearing on EA.*
2 ~~A~~ If the department determines to afford the opportunity for a public hearing on an
3 EA under s. Trans 400.12 (4) (a), a notice of opportunity for to request a public
4 hearing shall be published when the EA is completed and made available for
5 inspection as provided for under par. (a). Publication of the notice shall be in the
6 appropriate official local newspaper or in a newspaper of general circulation within
7 the area affected by the proposed action. Publication shall also be in the official state
8 newspaper if the proposed action is of statewide interest. The notice shall invite
9 submission of requests for a public hearing on the EA within 30 days after the date
10 of publication of the notice. The notice shall include a description of the procedure
11 for requesting a public hearing.

12 **SECTION 208.** Trans 400.11 (7) of the administrative code is renumbered Trans
13 400.11 (7) (a) and amended to read:

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

20 **SECTION 209.** Trans 400.11 (7) (b) of the administrative code is created to read:

21 Trans 400.11 (7) (b) If the department determines to hold, or afford the
22 opportunity for, a public hearing on an ER action under s. Trans 400.12 (4) (b), the
23 department shall make the ER publicly available and provide notice of public
24 availability under sub. (5) as if the ER were an EA.

25 **SECTION 210.** Trans 400.11 (8) of the administrative code is created to read:

1 Trans 400.11 (8) NOTICE OF AVAILABILITY. (a) When an environmental document
2 listed under par. (c) is made available to the public by the department, a notice of
3 availability shall be published in the appropriate official local newspaper or in a
4 newspaper of general circulation within the area affected by the proposed action. If
5 the proposed action is of statewide interest, the notice shall also be published in the
6 official state newspaper. The notice shall:

- 7 1. Briefly describe the proposed action.
- 8 2. Announce the completion and availability of the environmental document.
- 9 3. List the locations where the environmental document may be inspected.
- 10 4. Except in the case of a ROD or a combined FEIS and ROD document, invite
11 the public to furnish written comments on the proposed action; indicate where
12 comments are to be sent; and indicate the date that such comments must be
13 submitted to the department as determined under par. (b).

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

- 16 1. For a DEIS, the comment period may not be less, nor without cause longer
17 than, 45 days after the date of the publication of the notice of availability.
- 18 2. If the department determines a separate FEIS and ROD are necessary under
19 s. Trans 400.13 (1) (am), the comment period for the FEIS may not be less, nor
20 without cause longer than, 30 days after the date of publication of the notice of
21 availability.
- 22 3. For an EA, and for an ER if the department determines it will hold or afford
23 the opportunity for a public hearing under s. Trans 400.12 (4) (b), the comment period
24 may not be less, nor without cause longer than, 30 days after the date of publication
25 of the notice of availability.

1 (c) A notice of availability shall be published for the following environmental
2 documents:

3 1. SEE.

4 2. DEIS.

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

6 4. EA.

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

9 (d) The notice of availability of the environmental document may be combined
10 with other public notices required under this chapter.

11 **SECTION 211.** Trans 400.12 (3) (a) of the administrative code is amended to
12 read:

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

18 **SECTION 212.** Trans 400.12 (4) (title) of the administrative code is amended to
19 read:

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

22 **SECTION 213.** Trans 400.12 (4) of the administrative code is renumbered Trans
23 400.12 (4) (a) and amended to read:

24 Trans 400.12 (4) (a) Unless EA procedures indicate the action is an EIS action,
25 the department shall hold, or afford the opportunity for, a public hearing on an EA

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1 action prior to the issuance of a FONSI. A public hearing on an EA may be held by
2 the department at the department's discretion and shall be held if a request for such
3 a hearing is received by the department within the time specified in the notice of
4 opportunity ~~for~~ to request a public hearing ~~provided for~~ under s. Trans 400.11 (5) (c).

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

11 **SECTION 214.** Trans 400.12 (4) (b) of the administrative code is created to read:

12 Trans 400.12 (4) (b) The department at its sole discretion may determine to
13 hold a public hearing or afford the opportunity for a public hearing for ER actions.
14 If the department determines to afford the opportunity for a public hearing for an ER
15 action, the department shall follow EA procedures under par. (a).

16 **SECTION 215.** Trans 400.13 (1) (a) of the administrative code is repealed.

17 **SECTION 216.** Trans 400.13 (1) (am) of the administrative code is created to
18 read:

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

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

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

4 **SECTION 217.** Trans 400.13 (1) (b) (intro.) of the administrative code is amended
5 to read:

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

8 **SECTION 218.** Trans 400.13 (2) (a) of the administrative code is amended to
9 read:

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

13 **SECTION 219.** 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), 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 comment period specified in the
20 notice of availability of the ER provided for under s. Trans 400.11 (8).

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
23 attach a summary of the public hearing, if a hearing was held, and a summary of any
24 comments received and responses thereto. These items, along with a statement of

1 no significant impact, shall constitute the final action determination document and
2 the record of decision.

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

6 **SECTION 220.** Trans 400.14 (1) (a) of the administrative code is amended to
7 read:

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

22 **SECTION 221.** Trans 400.14 (2) (a) of the administrative code is amended to
23 read:

24 Trans 400.14 (2) (a) A reevaluation of a FEIS shall be prepared any time there
25 have been, in the judgment of the department, significant changes in the proposed

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

9 **SECTION 222.** Trans 400.14 (3) of the administrative code is created to read:

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

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

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

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

23 **SECTION 223.** Trans 401.04 (28) of the administrative code is amended to read:

Parisi, Lori

From: Portz, Elisabeth
Sent: Thursday, October 22, 2015 3:45 PM
To: LRB.Legal
Subject: Draft Review: LRB -3135/1

If this could be jacketed ASAP, that would be great!

Please Jacket LRB -3135/1 for the ASSEMBLY.