

CR 80-80

C E R T I F I C A T E

STATE OF WISCONSIN)
)
DEPARTMENT OF TRANSPORTATION)

TO ALL TO WHOM THESE PRESENTS COME, GREETINGS:

I, Lowell B. Jackson, Secretary of the Department of Transportation and custodian of the official records of the Department, do hereby certify that the annexed rule relating to an exception to the priority system for the removal of nonconforming outdoor advertising signs (CR 80-80) was duly approved and adopted by this Department on July 15th, 1980.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

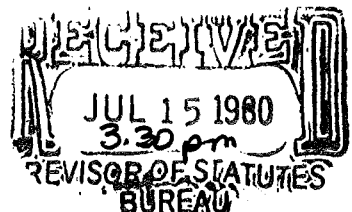
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Hill Farms State Office Building in the city of Madison, this 15th day of July, 1980.



Lowell B. Jackson

LOWELL B. JACKSON, P.E.
Secretary

Wisconsin Department of Transportation



Cont. eff. 9-1-80.

WISCONSIN DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

A RULE to create TRANS 201.14(3)(f), Wis. Admin. Code, relating to an exception to the priority system for the removal of nonconforming advertising signs.

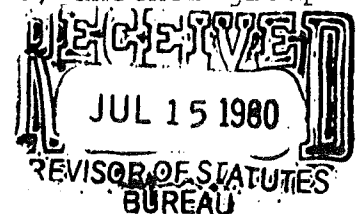
ORDER ADOPTING RULES

Analysis Prepared by the Department of Transportation

General summary of rule. The Department of Transportation, acting under sec. 84.30(5)(d) and (14), Stats., has adopted a rule establishing a priority system for the acquisition of nonconforming outdoor advertising signs. (Hy 19.25, Wis. Admin. Code; this rule will be renumbered TRANS 201.14 upon the adoption of Clearinghouse Rule 80-63). The rule presently contains several exceptions. For example, nonconforming signs may be acquired regardless of priority category in cases involving voluntarily negotiated sales, highway improvement projects, and scenic easement or preservation projects. (Hy 19.25(3)(b), (c), (d), Wis. Admin. Code.)

This rule would establish another exception to the priority system for sign acquisitions necessary to maintain the state's full eligibility for bonus payments under the federal outdoor advertising control law. Under the bonus program, begun by the Federal-Aid Highway Act of 1958 (see 23 U.S.C. 131(j), 23 CFR 750.101-750.110), states which elect to apply federal controls to signs along interstate highways receive bonus payments equal to 1/2 of 1% of the cost of the state's interstate highway projects. Wisconsin has participated in this program from its beginning and has received bonus payments totalling \$1,750,000. It is estimated that Wisconsin is potentially eligible for another \$820,000 in bonus payments that have not yet been approved.

The Wisconsin Department of Transportation has been informed that the Federal Highway Administration has identified a number of nonconforming signs along Wisconsin's interstate highways that are in violation of the federal bonus program sign control regulations (23 CFR 750.101-750.110). Prompt acquisition of these signs is necessary to preserve Wisconsin's eligibility for bonus payments. While the precise number of signs which must be acquired has not yet been determined, the number immediately affected is approximately 10; another group



of up to 13 signs may be affected by the future development of Interstate Highway I-43. As most of the signs potentially involved are in the lowest priority category, prompt acquisition will not be possible unless an exception to the priority system rule is adopted.

Authority for rule. Section 84.30(5)(d), Stats., provides:

"The department shall give highest priority to the removal or relocation of signs advertising products of general availability in commercial channels when such signs fail to conform under this subsection."

Section 84.30(14), Stats., provides in part:

"The department may promulgate rules deemed necessary to implement and enforce this section...The department shall by rule establish a priority system for the removal or relocation of all signs not specified in sub. (5)(d) which fail to conform to the requirements of sub. (5)." (As amended by Chapter 154, Laws of 1979.)

In addition, the Department of Transportation is authorized to accept federal aid and take steps necessary to obtain available federal funds, secs. 84.015 and 84.30(13), Stats.

Fiscal estimate. The rule change would have no fiscal impact on local units of government. Its fiscal impact on the state would be to prevent the loss of the federal bonus payments as estimated in the general summary.

This analysis has been prepared by Howard I. Bernstein, Assistant General Counsel, Department of Transportation (608-266-8810).

Rule Text

Pursuant to authority vested in the Department of Transportation by secs. 84.015 and 84.30(5)(d), (13) and (14), Wis. Stats., the Department of Transportation hereby adopts rules interpreting sec. 84.30, Wis. Stats., as follows:

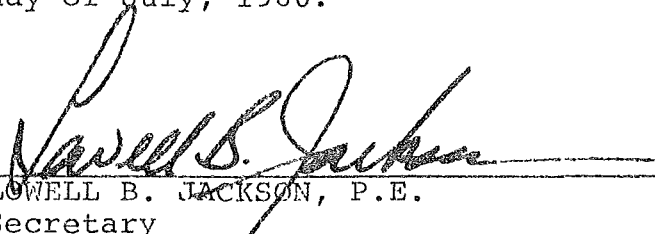
TRANS 201.14(3)(f) is adopted to read:

TRANS 201.14(3)(f) The priority system does not apply to sign removals necessary to maintain the state's eligibility for federal payments under the bonus program established by 23 U.S.C. 131(j) and 23 C.F.R. 750.101-750.110.

(End)

This rule shall take effect upon publication as provided in sec. 227.026(1)(intro.), Stats.

Dated at Madison, Wisconsin this 15th
day of July, 1980.



LOWELL B. JACKSON, P.E.
Secretary
Wisconsin Department of Transportation