



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-1789/P1  
EVM:emw

DOA:.....Aslesen, BB0507 - Reinstate complete streets legislation

**FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT** ...; **relating to:** the budget.

---

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**HIGHWAYS**

***Establishment of bikeways and pedestrian ways in highway projects***

Under current law, DOT must, with exceptions, give due consideration to establishing bikeways and pedestrian ways in all new highway construction and reconstruction projects funded from state or federal funds.

Under this bill, with several exceptions, DOT must ensure that bikeways and pedestrian ways are established in all new highway construction and reconstruction projects funded from state or federal funds and must promulgate rules identifying certain exceptions to the requirement.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 84.01 (35) (b) of the statutes is amended to read:

84.01 (35) (b) Except as provided in par. ~~(d)~~ (c), and notwithstanding any other provision of this chapter or ch. 82, 83, or 85, the department shall ~~give due consideration to establishing~~ ensure that bikeways and pedestrian ways are established in all new highway construction and reconstruction projects funded in whole or in part from state funds or federal funds appropriated under s. 20.395 or 20.866.

**SECTION 2.** 84.01 (35) (c) of the statutes is created to read:

84.01 (35) (c) The department shall promulgate rules identifying exceptions to the requirement under par. (b), but these rules may provide for an exception only if any of the following applies:

2. The cost of establishing bikeways or pedestrian ways would be excessively disproportionate to the need or probable use of the bikeways or pedestrian ways. For purposes of this subdivision, cost is excessively disproportionate if it exceeds 20 percent of the total project cost. The rules may not allow an exception under this subdivision to be applied unless the secretary of transportation, or a designee of the secretary who has knowledge of the purpose and value of bicycle and pedestrian accommodations, reviews the applicability of the exception under this subdivision to the particular project at issue.

3. Establishing bikeways or pedestrian ways would have excessive negative impacts in a constrained environment.

4. There is an absence of need for the bikeways or pedestrian ways, as indicated by sparsity of population, traffic volume, or other factors.

5. The community where pedestrian ways are to be located refuses to accept an agreement to maintain them.

**SECTION 3.** 84.01 (35) (d) (intro.) and 2. of the statutes are repealed.

**SECTION 4.** 84.01 (35) (d) 1. of the statutes is renumbered 84.01 (35) (c) 1.

**(END)**