



DEVIN LEMAHIEU

STATE SENATOR

April 7, 2015

Senate Committee on Transportation and Veterans Affairs Testimony by Senator Devin LeMahieu on Senate Bill 26

Chairman Petrowski and Members of the Senate Transportation & Veterans Affairs Committee,

Thank you for allowing me to speak on Senate Bill 26, which allows the Department of Transportation to increase the maximum speed on freeways and expressways from 65 mph to 70 mph. This simple legislation brings Wisconsin in line with all of our surrounding states, and does so while protecting motorist safety. Since Representative Tittl is providing more detailed testimony on this bill, I will just touch on a few points.

To begin, recent data from the U.S. Census Bureau shows that people are commuting to work farther than ever before. The average commute in Wisconsin is 22 minutes. In my district alone, the Sheboygan County Economic Development Corporation now estimates that more than 10,000 people travel into the county each day for work.

Also, I'd like to echo a couple points from Rep. Tittl's testimony, which clarify some common misconceptions. First, a 5 mph speed limit increase will not automatically result in motorists traveling 5 mph faster; any increase will be far less than that. According to an analysis by the Department of Transportation, when Wisconsin increased its maximum speed limit from 55 mph to 65 mph, the corresponding increase in speeds traveled was only 4-5 mph. In addition, a 1997 federal study determined that simply decreasing speed limits has a minimal effect on actual speeds traveled.

Second, this bill does not require the DOT to increase the speed limit to 70 mph on all freeways and expressways. Instead, DOT retains its authority under current law to keep the speed limit at 65 mph if it determines 70 mph is not safe. This is a key difference between this bill and 2013 Assembly Bill 389, which essentially required DOT to raise the speed limit to 70 mph on any road currently marked as 65 mph. Although DOT is not taking a position on this bill, the Department is supportive of our efforts to give it the proper authority to regulate speeds.

The companion bill, AB 27, passed the Assembly Committee on Transportation with a vote of 14-1, and the full Assembly with a strong, bipartisan majority of 76-22. I hope that you will join Rep. Tittl and me in supporting this reasonable change to state law that will bring Wisconsin in line with our neighbors and shorten the commutes of law-abiding drivers. We would be happy to answer any questions.



PAUL TITTL

STATE REPRESENTATIVE • 25TH ASSEMBLY DISTRICT

Senate Committee on Transportation and Veterans Affairs
Senate Bill 26 Testimony
April 7, 2015

First of all, I would like to thank you, Chairman Petrowski and committee members, for allowing me to testify on Senate Bill 26, relating to the maximum speed limit on freeways and expressways

Safety is the #1 Priority

This bill is not primarily about helping motorists get from one place to another in less time. Rather, it's about safety – enabling people to get to their destination more safely.

Background

Prior to 1973 there were roads in Wisconsin where the speed limit was 70 mph. Many of those roads were not the interstates we have today. In 1973, the federal government set a maximum speed limit of 55 mph, primarily to conserve fuel during the energy crisis of the early 70's. States that did not decrease their speed limit to 55 mph faced loss of federal tax dollars.

In 1995, federal regulations were abolished and states returned to setting their own limits. Some states immediately raised limits to 70 mph or higher. Wisconsin raised the limit to 65 mph.

How Does This Bill Change the Current Law?

Currently, the maximum speed limit in Wisconsin is 65 mph. This bill simply strikes out the number 65 in the statute and replaces it with 70.

This change allows the traffic safety engineers at the Department of Transportation to determine where 70 MPH speeds are appropriate. Under current law they don't have that option, because the maximum is only 65 mph.

Why Should We Make This Change?

At the outset, I want to emphasize that I am not a traffic safety expert. I am very comfortable leaving those decisions to people who are skilled in that field.

However, as I have been researching this issue for the past couple of years, several safety related factors have come to light that I would like to bring to the committee's attention. They support passage of this bill.

Setting Speeds in Relation to the 85th Percentile

The first has to do with 85th percentile speeds. Traffic safety engineers throughout the country

recognize the safest place to set the speed limit is the speed at which 85% of the people are driving at or below. Speeds higher than the 85th percentile speed are less safe. Similarly, speeds below the 85th percentile, including split speeds for commercial traffic, are less safe as well.

The Wisconsin Department of Transportation (DOT) also recognizes the importance of 85th percentile speeds when setting speed limits. A DOT document titled Wisconsin Statewide Speed Management Guidelines, published in June 2009 says:

The 85th percentile speed has been found to best represent the “reasonable” and “proper” speed perceived by motorists and is a key characteristic of traffic conforming to a “safe” and “reasonable” speed limit...Studies have also indicated that the lowest risk of being involved in a crash occurs when motorists travel at approximately the 85th percentile speed. (*Wisconsin Statewide Speed Management Guidelines*, Wisconsin DOT, June 2009, p. 14-15.)

Under the current law, if the DOT were to determine that a particular freeway or expressway would be safer if the 65 mph speed limit were adjusted upward to the 85th percentile, the DOT could not make that change, even if it concluded the road would be safer if the speed limit were increased.

This bill would give the DOT and only the DOT that flexibility.

Reducing the Variation in Speed

Just as excessive speed can contribute to accidents, so can the variation in speed among vehicles.

The same DOT publication states, “For a change in the speed limit to be effective, it should accomplish the following: Reduce the speed differential of vehicles using the highway....” (*Speed Management Guidelines*, Wisconsin DOT, June 2009, p. 1.)

Item I in the Appendix shows the results of a speed limit change from 55 MPH to 70 MPH on a Michigan highway. The variance in speed decreased by 33%, and the 85th percentile speed dropped one mile per hour.

Reducing Unsafe Driving Behavior

We have all seen unsafe driving where motorists tail gate and dart in and out. It’s very dangerous and increases the frustration and tension level on our highways. It also contributes to accidents and injuries. Setting speed limits at the proper level can significantly reduce aggressive driving behaviors. In Michigan changes made to roadways where aggressive driving had occurred reduced the reported incidents of road rage.

When the speed limit was raised from 55 mph to 70 mph along a section of Interstate 496 outside of Lansing, which accounted for 40 percent of reported incidents of aggressive driving in that area, incidents of aggressive driving dropped to nearly zero.

Final Considerations

Raising the Limit by 5 MPH Will Not Automatically Increase Average Speeds by 5 MPH

People often make the argument that raising the speed limit by 5 mph will result in drivers automatically driving 5 mph faster than they had been. The data does not support that argument.

The reality is that people do not go faster than they feel comfortable traveling. When Missouri raised its maximum speed limit in the 1990s, the average speed remained about 71 mph, just where it had been when the maximum speed limit was 65. Iowa had a similar result when it raised its limit in 2005.

However, for those drivers who decide to drive at excessive speeds, our State Patrol is prepared to respond appropriately.

Vehicles Are Safer Today

Today's vehicles are safer than ever. They have better braking systems, mandatory child car seats, vastly improved seat belts, and mandatory air bags in all new vehicles.

A 70 MPH Speed Limit Does Not Necessarily Increase the Number of Traffic Deaths

According to 2011 highway fatality statistics compiled by the National Highway Traffic Safety Administration, Wisconsin's fatality rate per 100 million vehicle miles traveled was 1.07, just slightly under the national average of 1.10. However, surrounding states that had had 70 mph speed limits for several years had lower highway fatality rates than Wisconsin in 2011: Indiana at 0.98, Ohio at 0.91, Michigan at 0.94, and Minnesota at 0.65. Iowa's rate is slightly higher than the national average.

- Illinois raised its speed limit to 70 mph effective January 1st 2014. During the first year at 70 mph, traffic fatalities declined from 991 to 926, a nearly 7% reduction.
- Iowa had a similar result when it raised its speed limit to 70 mph in 2005. In 2006, its traffic fatalities fell from 450 to 439.
- After Indiana raised its speed limit on rural interstates and selected highways in 2005, a Purdue University study concluded the increased speed did not increase the probability of suffering a severe injury from an accident.

Currently, the 85th% speed on many highway segments is well over 70 mph

The Wisconsin map titled "Speed Limit Consideration – 85th Percentile Speed" in the Appendix shows the 85th percentile speed for various road segments in Wisconsin. Throughout the state drivers are traveling well above 70 MPH already.

Conclusion

If I thought this bill would in any way make Wisconsin interstates and freeways less safe, I would not be asking you to support it today. We all want our roads to be safe. This bill will help us achieve that goal.

It's time for Wisconsin to change the speed limit to 70 MPH and give the Wisconsin DOT traffic safety engineers the opportunity to raise speed limits where appropriate for better, safer roads.

Thank you for allowing me to give this testimony. I am excited to work with my colleagues on both sides of the aisle to make a 70 MPH speed limit in Wisconsin a reality. I would be happy to take any questions.

Appendix

1. "Speed Studies of Same Road with 55mph Speed Limit and 70mph Speed Limit," Gary Megge, Michigan State Police, Traffic Services Section, *Establishing Safe and Realistic Speed Limits*, p. 17, michigan.gov/msp-traffic, (accessed 2/16/15).
2. "Speed Limit Consideration – 85th Percentile Speed" Wisconsin Department of Transportation, Wisconsin Traffic Operations and Safety Laboratory and Kimberly Horn and Associates, Freeway Speed Limit Study, August 30, 2012.
3. Insurance Institute for Highway Safety, "Maximum Posted Daytime Speed Limits on Rural Interstates," May 2014, <http://www.iihs.org/iihs/topics/laws/speedlimits/mapmaxspeedonruralinterstates?topicName=Speed>, (accessed 2/16/15)

Speed Studies of Same Road with 55mph Speed Limit and 70mph Speed Limit

Average = 66.4mph Variance = 36.1

Average = 67.7mph Variance = 27.8 (-33%)

SPEED STUDY, FREEWAY

Speed	Number of Vehicles	Additional
55 <		Speed Limit (2.4%)
56		
57		
58		
59		
60		
61		
62		
63		
64		
65		
66		50 th Percentile
67		
68		
69		
70		
71		
72		
73		85 th Percentile
74		
75		
76		
77		
78		
79		
80		2.1% @ 80+ mph
81		
82		
83		
84 +		

658 Vehicles, 17 minute study

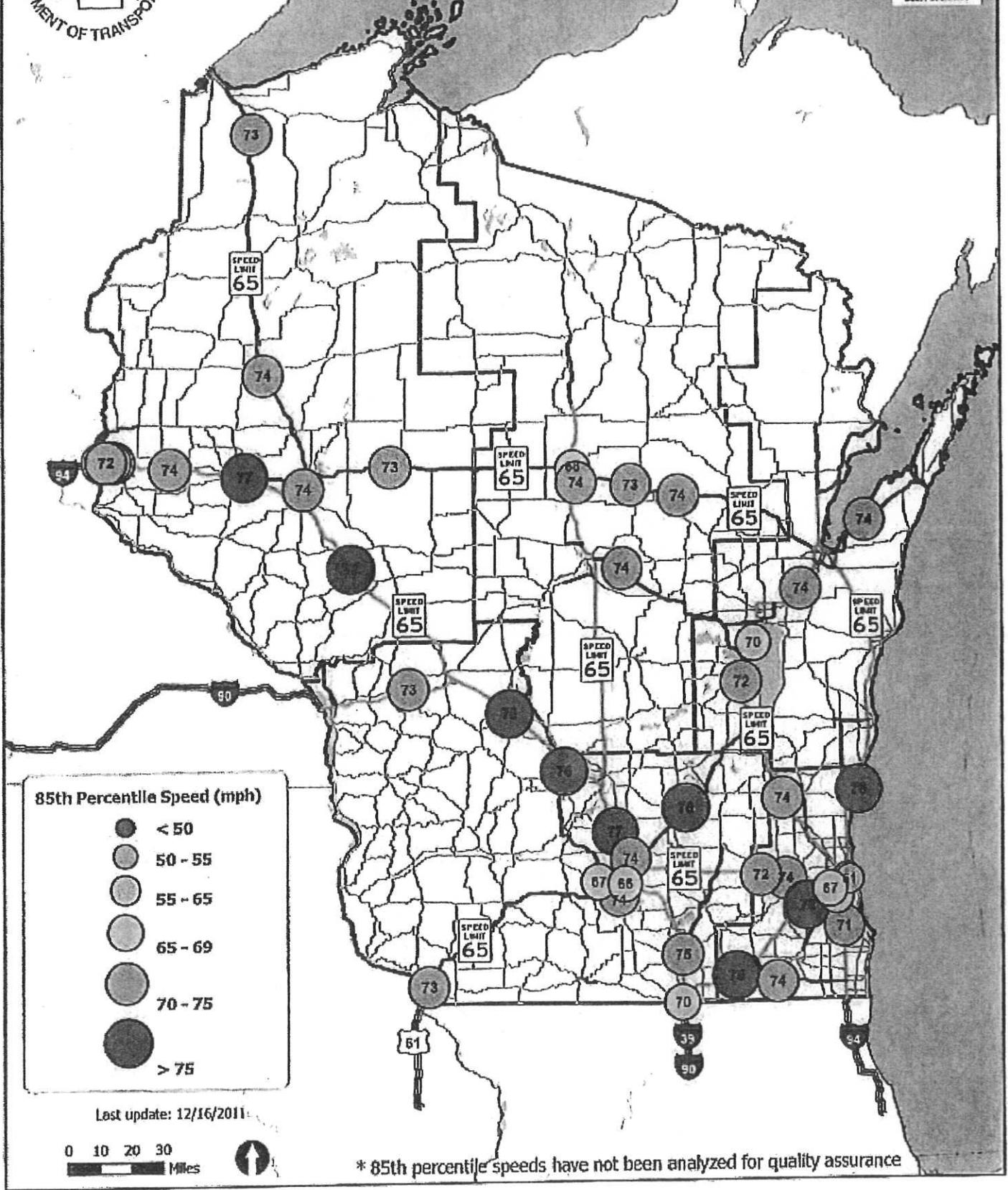
SPEED STUDY, FREEWAY

Speed	Number of Vehicles	Additional
55 <		
56		
57		
58		
59		
60		
61		
62		
63		
64		
65		
66		
67		
68		50 th Percentile
69		
70		Speed Limit
71		
72		85 th Percentile
73		
74		
75		
76		
77		
78		
79		
80		1.1% @ 80+ mph
81		
82		
83		
84 +		

721 Vehicles, 18 minute study

Figure 3

Speed Limit Consideration 85th Percentile Speed



85th Percentile Speed (mph)

- < 50
- 50 - 55
- 55 - 65
- 65 - 69
- 70 - 75
- > 75

Last update: 12/16/2011

0 10 20 30
Miles



* 85th percentile speeds have not been analyzed for quality assurance



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Written Testimony in Support of Senate Bill 26 Wisconsin Senate Committee on Transportation and Veterans Affairs Submitted by the National Motorists Association, April 7, 2015

The National Motorists Association's Position on Senate Bill 26

The National Motorists Association (NMA) strongly supports Senate Bill 26, which would increase from 65 to 70 mph the maximum speed limit that may be established on freeways and expressways. The reasons for our support include the following:

1. Speed limits that are determined through established traffic engineering principles reduce accident risk, promote smooth traffic flow and alleviate congestion.
2. In contrast, improperly set speed limits (which are typically set artificially low) create wider speed variance among vehicles resulting in more vehicle conflicts and accidents.
3. Wisconsin Department of Transportation (DOT) would conduct a traffic engineering study before an existing highway speed limit could be altered. This will ensure that the new/proposed limit is both safe and reasonable, and conforms to established traffic engineering standards.
4. If study results support increasing speed limits to 70 mph on any of the subject roads, SB 26 provides the means to do so and will therefore benefit Wisconsin motorists with a significantly safer, less stressful driving experience.
5. The proper setting of speed limits on Wisconsin's highways enabled through SB 26 will also promote greater voluntary compliance, freeing police resources to focus enforcement efforts on the small percentage of drivers who truly do present a safety risk.

The Benefits of Properly Set Speed Limits

Highway safety professionals and law enforcement officials agree that speed limits need to be established based on the 85th percentile speed of free-flowing traffic. The 85th percentile speed is defined as the speed that 85 percent of motorists drive at or below. Setting speed limits at this level promotes efficient traffic flow, enhances highway safety and decreases accident rates.

This is why organizations like the Federal Highway Administration (FHWA), the Michigan State Police and the Florida Department of Transportation vigorously promote the safety benefits of speed limits that are properly set to the 85th percentile level. The Wisconsin DOT recognizes the benefits of this method as well:

The setting of speed limits is fundamentally influenced by basic principles of human behavior. Research and experience have shown that effective speed limits are those that the majority of motorists will naturally and instinctively drive. Traffic laws that reflect the behavior of the majority of motorists are found to be the most successful.

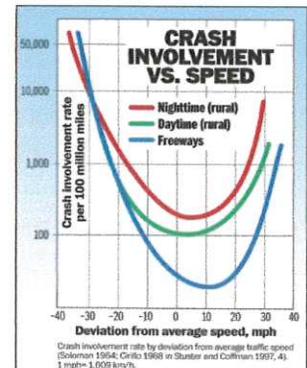
Nationally, the most recognized practice is to post the speed limit as near as practical to the speed at which 85% of the drivers are traveling. Most people choose a reasonable speed in which they feel comfortable and safe. Traffic engineers consider the 85th percentile speed to help determine the posted speed limit.

What a rational speed limit does:

- Encourage compliance from the majority of drivers
- Provide a clear reminder of the maximum reasonable speed under ideal conditions. When conditions change, drivers must reduce their speed accordingly
- Serve as an effective tool for law enforcement
- Minimize public antagonism toward law enforcement agencies which results from enforcement of artificially low speed limits
- Provide a smooth and orderly flow of traffic to prevent crashes.¹

These comments reinforce a long-understood and critical traffic engineering concept known as the Solomon Curve. Essentially, the curve (shown in the accompanying figure) demonstrates that the least risk of crash involvement occurs with vehicles moving near the average of speed of traffic, with the safest travel speed being about 5 mph faster than traffic flow.²

Conversely, the odds of being involved in an accident rise dramatically as vehicle speeds drop below the average for surrounding traffic.³ Based on research conducted by the U.S. Department of Commerce 50 years ago, these findings have never been substantially refuted in the intervening years.



The Problem of Under-Posted Speed Limits

Traffic researchers with the FHWA have documented the problems created by widespread under-posting of speed limits, including lack of public acceptance/compliance, safety concerns and the strain on limited police resources:

However, the findings to date suggest that, on the average, current speed limits are set too low to be accepted as reasonable by the vast majority of drivers. Only about 1 in 10 speed zones has better than 50-percent compliance. The posted speeds make technical violators out of motorists driving at reasonable and safe speeds.

For the traffic law system to minimize accident risk, then speed limits need to be properly set to define maximum safe speed. Our studies show that most speed zones are posted 8 to 12 mph below the prevailing travel speed and 15 mph or more below the maximum safe speed. Increasing speed limits to more realistic levels will not result in higher speeds but would increase voluntary compliance and target enforcement at the occasional violator and high-risk drive.⁴

More recently, a Transportation Research Board study confirmed the pervasiveness of significantly under-posted speed limits and called attention to the safety consequences they pose:

The posting or lowering of speed limits is not a safety measure and unless speed limits are posted at or above the 85th percentile speed, they misinform engineers, planners and the general public by indicating that travel speeds on a road are slower than they actually are. Bad information leads to bad results. Their potential to create unsafe conditions should not be minimized.⁵

What Happens When Speed Limits Go Up?

When the 55 mph National Maximum Speed Limit was repealed in 1995, highway fatality rates started declining, and they have been ever since, according to the National Highway Traffic Safety Administration (NHTSA).⁶ So, as more and more states have raised highway speed limits to 70, 75 and beyond, our roads have actually gotten safer. The 1995 highway rate was 1.73 fatalities per 100 million vehicle miles traveled. By 2013 the rate had dropped to 1.10, the lowest rate on record.

Utah began raising interstate speed limits from 75 to 80 mph in 2008. Today, more than one third of the state's interstate highways are posted at 80 mph. Follow-up studies have found greater compliance with the new speed limit, as well as an 11-20 percent decrease in accidents depending on the road segment in question.⁷

The Utah example illustrates a critical point: It is a common misconception that raising speed limits will cause many drivers to automatically drive 10 to 15 mph over the new limit. Research shows that actual driving speeds vary little with changes in the posted speed. Drivers tend to travel at the speed at which they feel comfortable regardless of the posted speed.⁸ (This is also the safest speed and forms the basis for the 85th percentile speed.) There is little risk that posting highway speeds of 70 to 75 mph will encourage people to drive 85 to 90 mph because most drivers simply do not feel safe traveling at those speeds.

Closer to home, many Midwestern states with maximum speed limits of 70 mph have lower highway fatality rates than Wisconsin. According to NHTSA data, Minnesota, Ohio, Michigan, Indiana and Illinois all have lower highway fatality rates than Wisconsin, and all have 70 mph speed limits.⁹

Conclusion

Making sure speed limits are set properly based on established engineering standards, is a critical, yet often overlooked, public safety issue. Enactment of SB 26 will provide Wisconsin transportation officials with the tools they need to ensure that the state's highways are operating as safely and efficiently as possible. The National Motorists Association therefore urges the passage of SB 26.

About the National Motorists Association

Founded in 1982, the National Motorists Association is a North American grassroots advocacy organization dedicated to the protection of motorists' rights and freedoms. More information is available www.motorists.org.

Sources

1. "Setting Appropriate Speed Limits on Wisconsin's State Highways," Wisconsin DOT fact sheet, <http://www.villageofallouez.com/wp-content/uploads/2014/08/2014-speed-fact-sheet.pdf>
2. "Accidents on Main Rural Highways Related to Speed, Driver, and Vehicle," David Solomon, U.S. Department of Commerce, 1964.
3. Ibid.
4. "Driver Speed Behavior on U.S. Streets and Highways," Samuel C. Tignor, Ph.D., and Davey Warren, *ITE 1990 Compendium of Technical Papers*, 1990.
5. "Unintended Consequences of Improper Speed Zoning," Stephen H. Ford, *TRB 90th Annual Meeting Compendium of Papers*, 2011.
6. National Highway Traffic Safety Administration Fatality Analysis Reporting System (FARS).
7. "Utah reports fewer crashes, better compliance with 80 mph speed limit," *The Missoulian*, Dec. 7, 2014.
8. "The Effects of Raising and Lowering the Speed Limit," Report No. FHWA-RD-92-084, June 1996.
9. National Highway Traffic Safety Administration Fatality Analysis Reporting System (FARS).

Addendum—Frequently Asked Questions Regarding Speed Limits

Q. How should speed limits be set?

A. Traffic engineers maintain that speed limits should be established according to the 85th percentile of free flowing traffic. This means the limit should be set at a level at or under which 85 percent of people are driving. Numerous studies have shown that the 85th percentile is the safest possible level at which to set a speed limit.

Q. What are "realistic" speed laws?

A. According to a pamphlet produced by the Washington State Department of Transportation relating to speed limits, "realistic" speed limits should invite public compliance by conforming to the behavior of the most drivers. This would allow the police to easily separate the serious violators from the reasonable majority.

Q. Isn't slower always safer?

A. No, federal and state studies have consistently shown that the drivers most likely to get into accidents in traffic are those traveling significantly below the average speed. According to research, those driving 10 mph slower than the prevailing speed are more likely to be involved in an accident. That means that if the average speed on an interstate is 70 mph, the person traveling at 60 mph is more likely to be involved in an accident than someone going 70 or even 80 mph.

Q. Wouldn't everyone drive faster if the speed limit was raised?

A. No, the majority of drivers will not go faster than what they feel is comfortable and safe regardless of the speed limit. For example, an 18-month study following an increase in the speed limit along the New York Thruway from 55 to 65 mph, determined that the average speed of traffic, 68 mph, remained the same. Even a national study conducted by Federal Highway Administration also concluded that raising or lowering the speed limit had practically no effect on actual travel speeds.

Q. Don't higher speed limits cause more accidents and traffic fatalities?

A. No, if a speed limit is raised to actually reflect real travel speeds, the new higher limit will make the roads safer. When the majority of traffic is traveling at the same speed, traffic flow improves, and there are fewer accidents. Speed alone is rarely the cause of accidents. Differences in speed are the main problem. Reasonable speed limits help traffic to flow at a safer, more uniform pace.

Q. Aren't most traffic accidents caused by speeding?

A. No, the National Highway Traffic Safety Administration (NHTSA) claims that 30 percent of all fatal accidents are "speed related," but even this is misleading. This means that in less than a third of the cases, one of the drivers involved in the accident was "assumed" to be exceeding the posted limit. It does not mean that speeding caused the accident. Research conducted by the Florida Department of Transportation showed that the percentage of accidents actually caused by speeding is very low, 2.2 percent.

Q. Aren't our roads more dangerous than ever before?

A. No, our nation's fatality rate (deaths per 100 million vehicle miles traveled) is the lowest it has ever been. The total number of fatalities has also stayed relatively stable for several years. They do occasionally increase, but given that our population and the distance the average person drives are also increasing, this is not surprising, nor is it cause for alarm.

Q. If nobody follows the speed limit, why does it matter that they are under-posted?

A. According to a speed-limit brochure published in conjunction with the Michigan State Patrol, inappropriately established speed limits cause drivers to take all traffic signals less seriously. The brochure also points out that unrealistic speed limits create two groups of drivers. Those that try to obey the limit and those that drive at a speed they feel is safe and reasonable. This causes dangerous differences in speed.



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DATE: April 7, 2015

TO: Members, Senate Committee on Transportation and Veterans Affairs
The Honorable Jerry Petrowski, Chair

FROM: Tom Rhatican, Assistant Deputy Secretary
Wisconsin Department of Transportation

SUBJECT: Senate Bill 26 (maximum speed limit on freeways and expressways)

Chairman Petrowski and Committee Members:

The Wisconsin Department of Transportation (WisDOT) would like to provide some important background information and commentary to committee members as you consider 2015 Wisconsin Senate Bill 26 (SB 26). SB 26 relates to the maximum speed limit on freeways and expressways.

Traffic safety is a top priority for the department. The department's safety initiatives are supported by our activities relating to enforcement, education and engineering. For 2014, Wisconsin ended the year with the lowest number of traffic fatalities (498) in more than 70 years and with the highest ever recorded percentage of seat belt use (84.7%). Our work to achieve zero traffic deaths in Wisconsin will continue.

SB 26 would raise the maximum allowable speed limit on freeways and expressways from 65 miles per hour (mph) to 70 mph. A "freeway" is defined as a state trunk highway that has four or more lanes of traffic physically separated by a median or barrier that limits access to only interchanges. An "expressway" is defined as a state trunk highway that has four or more lanes of traffic separated by a median or barrier that utilizes interchanges or at-grade access to selected public roads and driveways.

The higher speed limit established by SB 26 would not be effective until the department posts the limit on official traffic signs. In addition, the bill would not modify the department's authority to maintain a lower speed limit on segments of freeway and expressway, including segments of the Interstate Highway System where the current posted speed limit is less than 65 mph.

Speed limits are an important tool for promoting safety on local streets and on highways. Selecting an appropriate speed limit is important to ensuring that speeds remain consistent, safe, reasonable and enforceable.

In determining whether it is reasonable and safe to modify existing speed limits, the department considers the following traffic and engineering information:

- Crash
- Speed
- Traffic volume
- Enforcement
- Interchange density
- Highway design

Based on prior safety investigations and analysis of various state highway corridors, establishing a maximum speed limit of 70 mph on rural interstates and many four-lane freeways represents an appropriate and reasonable limit for traveling motorists. Interstate speeds may continue to be limited however, in densely populated areas or “transition” areas leading into cities.

Lastly, a 70 mph posted speed limit may not be appropriate on most expressways. Based on 2011 data, crash rates on expressways exceed crash rates on freeways by 40%, and fatality rates for expressways is more than double that for freeways. Exceptions may be made for segments of rural expressway with longer stretches of highway utilizing interchanges (and not at-grade cross traffic).

The consistent application of rational speed management procedures is vital in maintaining motorist safety and efficiency on the state’s transportation system. Setting reasonable travel speeds increases motorist safety and efficiency on the highway. Reasonable travel speeds also have the greatest effect on achieving voluntary driver compliance, and driver compliance further promotes safety by increasing the number of motorists traveling at or near the same speed.

If you have any questions, please contact me or Nate Yahn, WisDOT legislative advisor, at (608) 266-1114.

