

☞ **09hr_SC-TTFNR_CRule_09-041_pt01**



(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Transportation, Tourism,
Forestry, and Natural Resources (SC-TTFNR)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



22 EAST MIFFLIN STREET, SUITE 900
MADISON, WI 53703
TOLL FREE: 1.866.404.2700
PHONE: 608.663.7188
FAX: 608.663.7189
www.wicounties.org

September 17, 2009

C-Rule
09-041
folder

Mr. Mark Wolfgram
Administrator, Division of Transportation Investment Management
4802 Sheboygan Avenue
Madison, WI 53702

Dear Mark:

As you are aware, we have begun an earnest effort to find a comprehensive solution to the interrelated issues of LFA's, Maintenance funding, and Local Road improvement needs.

With the active encouragement of the Legislature, we are committed to completing this challenge with fair solutions that serve the public interest.

We do anticipate that a number of significant legislative initiatives will be needed, some in this biennium and others in the 2011 Biennial Budget.

With this in mind, we ask DOT to do the following:

1. Formally withdraw the proposed Trans 206 rule revision. Both WCHA and WTBA have serious concerns with the draft, which can only be resolved through a comprehensive approach as outlined above. Legislative hearings on the rule now would likely undermine this effort and are not the place for this discussion to occur at this point of time.

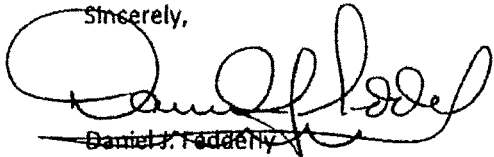
As changes are made in the statutes, we anticipate that a very different rule will be necessary. In the interim, we are all committed to the existing way of doing things.

2. Immediately issue the documents needed by local governments to avoid any critical delays in the LRIP program. Local budgets for 2010 are nearing finalization, putting the program at risk. We ask DOT to continue to use the current Trans 206 and current law: the status quo.

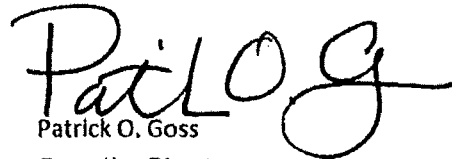
Mr. Mark Wolfgram
September 16, 2009
Page 2

Thank you in advance for your prompt attention to our request. We would be happy to meet with you to discuss this further at the earliest opportunity.

Sincerely,



Daniel J. Fadden
Executive Director
Wisconsin County Highway Association



Patrick O. Goss
Executive Director
Wisconsin Transportation Builders Association



Richard C. Badger
Executive Director
AFSCME, Council #40



Terrance E. McGowan
Business Manager
International Union of Operating Engineers,
Local 139

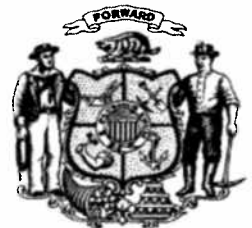


Mark D. O'Connell
Executive Director
Wisconsin Counties Association

CC: Chris Klein, Executive Assistant, WisDOT
Rod Clark, Director, Bureau of Transit, Local Roads, Railroads & Harbors, WisDOT



WISCONSIN STATE LEGISLATURE

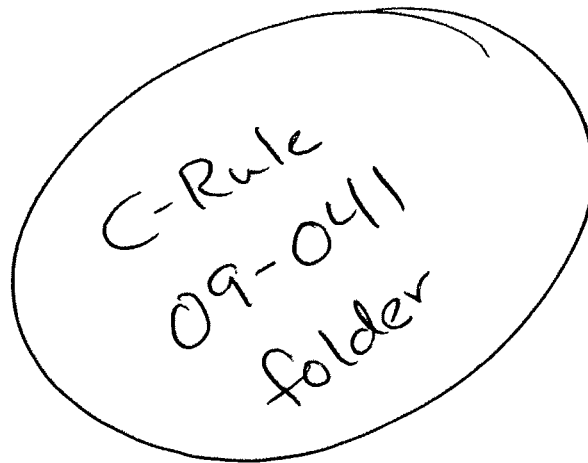


Novak, Elizabeth

From: Ben Warrington [hwydept2@frontiernet.net]
Sent: Friday, January 29, 2010 10:28 AM
To: Meinholz, Susan; Novak, Elizabeth; Strand, Brandon; Shannon-Bradley, Ian; Sen.Holperin; Hochhausen, Natolie; Potts, Andrew; Rep.Mursau
Cc: Tom Dahlke; Ronald Z. Chamberlain; Randy Scholz; Nick Scholtes; John Rogers; John Nelson; Jim Griesbach; Jim Fischer; Jeff Demuri; Jack Yates; Grant Bystol; Doug Passineau; Dean Steingraber; Crystal Wells; Bob Podgorski; Bill Weronke; Bill Knaack
Subject: Trans 206 Wis DOT Rewrite

This email is in regards to the Wisconsin Department of Transportation rewrite of Trans 206. This Transportation rule relates to the Local Road Improvement Program (LRIP). Every county in the State of Wisconsin and many of the Townships in Wisconsin utilize this very worthwhile program. The funding is used to provide much needed road construction/rehabilitation in our communities. In 2009 WisDOT staff completed the draft rewrite of this rule and held hearings in Madison and Wausau in July. Many Highway Commissioners as well as several individual Township officials attended the hearings. Everyone that spoke at the hearings spoke in opposition to the rule changes. The reason for the opposition was that WisDOT staff has added language into this program, which makes the program difficult and cumbersome. After all testimony in opposition to the proposed rule change, WisDOT forwarded the entire draft to committee without taking into account any of the opposing testimony. It is clear that WisDOT staff have refused to hear our voices in this regard. We are asking for your help in preventing this rule change from moving forward as written. The current rules are adequate and they provide a much-needed funding mechanism for local projects to be completed without delay. Thank you for your time. I look forward to hearing from you in this regard.

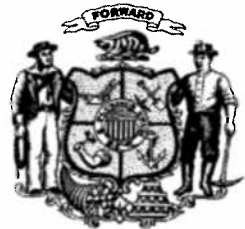
Ben Warrington, CET
Menominee County
Highway Commissioner
715-799-3369
hwydept2@frontiernet.net



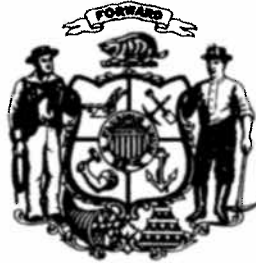
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WISCONSIN STATE LEGISLATURE



Senator Holperin
409 South
PO Box 7882
Madison, WI 53707
(608)266-2509



WISCONSIN LEGISLATURE

February 5, 2010

Dear Secretary Busalacchi:

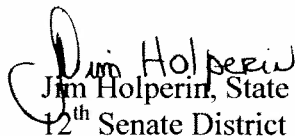
The Senate Committee on Transportation, Tourism, Forestry, and Natural Resources held an executive session February 4, on Clearinghouse Rule 09-041. During this executive session, the Senate Committee voted to ask the Department of Transportation to consider modifications to Clearinghouse Rule 09-041 pursuant to s. 227.19 (4) (b) 2. Stats.

The motion approved by the Committee does not specify exact changes we would like to see included in a revised rule. However, given the amount of contacts we've received from County Highway Commissioners and other groups, we would like their concerns to be considered.

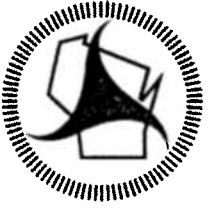
We recognize that the DOT is limited in its abilities to modify Clearinghouse Rule 09-041, given current state statutes relating to the Load Roads Improvement Program. However, we believe it's possible for the Department to modify Trans 206 to ease the burden of the rule changes on the County Highway Commissioners.

We look forward to working with you on this matter. I and any members of the Committee would be willing to convene or participate in meetings you may consider necessary to resolve possible problems with the rule that have been brought to our attention.

Please respond in writing to this request by Wednesday, February 10, 2010 and thank you for consideration of our request.


Jim Holperin, State Senator
12th Senate District





Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle
Governor

Frank J. Busalacchi
Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P.O. Box 7910
Madison, WI 53707-7910

Telephone: 608-266-8810
FAX: 608-267-6734
E-mail: ogc.exec@dot.state.wi.us

February 10, 2010

Senator James Holperin
P.O. Box 7882
Madison, WI 53707

Re: Clearinghouse Rule No. 09-041 (Trans 206)

Dear Senator Holperin:

I am responding on behalf of Secretary Busalacchi to your February 5 letter, which notified us that the Senate Transportation Committee has voted to request modifications to this rule. The Department is willing to meet with representatives of the County Highway Commissioners, the Counties Association, the Transportation Builders, and you or your representative.

The Department has already afforded all of these organizations ample opportunity to review and comment on this rule. We think it would be most useful if these organizations provide us with specific language they would like to have substituted for the provisions in the current rule draft, and if these organizations would notify us what alternative language they all agree on. This would make our meeting much more productive.

Please let me know if you would like to schedule this meeting, or if you would like the Department to do so. We appreciate your interest and concern, and look forward to working with you on this rule.

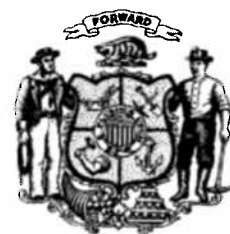
Sincerely,

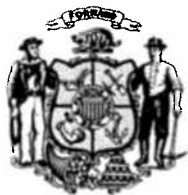
A handwritten signature in cursive script, appearing to read "C. M. Kernats".

Charles M. Kernats
Assistant General Counsel



WISCONSIN STATE LEGISLATURE





JIM HOLPERIN
STATE SENATOR

Thursday, March 11, 2010

Charles M. Kernats, Assistant General Counsel
WI Department of Transportation
PO Box 7910
Madison, WI 53707

C-Rule
09-041
folder

Dear Mike:

Your letter of February 10 expresses on behalf of the Secretary a willingness to meet with legislators and with representatives of various groups who have an opinion on and stake in modifications to Trans 206. I appreciate your flexibility.

I'd be willing to convene a meeting of interest groups. In order to be inclusive, could you send me a list of all those you think should be invited? I'm guessing my list is not complete.

My preference would be to schedule a meeting shortly after the legislature finishes the winter/spring session on April 22, unless there's reason for convening sooner.

Instructions will go to those invited to come prepared with specific modifications each believes is necessary to make the rule acceptable to them.

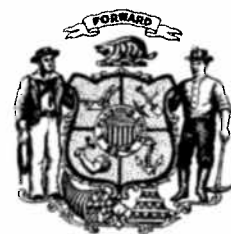
Thank you again for agreeing to consider rule modifications, Mike, and I look forward to receiving a list of potential invitees to a late April/early May meeting.

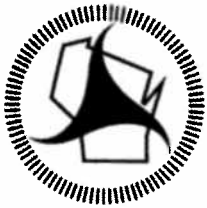
Sincerely,

Jim Holperin
State Senator, 12th District



WISCONSIN STATE LEGISLATURE





Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle
Governor

Frank J. Busalacchi
Secretary

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Madison, WI 53707-7910

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FAX: 608-267-6734
E-mail: ogc.exec@dot.state.wi.us

March 15, 2010

Senator Pat Kreitlow
P.O. Box 8952
Madison, WI 53708

Re: Clearinghouse Rule No. 09-041 (Trans 206)

Dear Senator Kreitlow:

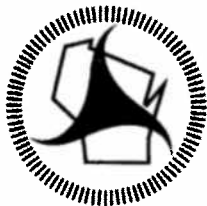
I am responding on behalf of Secretary Busalacchi to your March 5 letter, requesting that no modifications to this rule be made without the agreement of the road building and maintenance industry. As you know, this proposed rule is currently undergoing legislative review by the Assembly and Senate Transportation Committees. The Chairs of both legislative committees (Senator Holperin and Representative Steinbrink) have already requested that the Department meet with, and consider revisions from, representatives of the road building and maintenance industry. I have attached copies of these requests, as well as the Department's responses. Please note that Senator Holperin has agreed to convene a meeting of the representatives of these groups, to attempt to modify this rule.

Let me assure you that the Department is willing, and has agreed, to meet with representatives of the County Highway Commissioners, the Counties Association, the Transportation Builders, and other interested groups to attempt to modify this rule. We appreciate your interest and concern, and look forward to working with the Chairs of the Assembly and Senate Transportation Committees.

Sincerely,

Charles M. Kernats
Assistant General Counsel





Wisconsin Department of Transportation

www.dot.wisconsin.gov

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Governor

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Secretary

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March 15, 2010

Senator James Holperin
P.O. Box 7882
Madison, WI 53707-7882

Re: Clearinghouse Rule No. 09-041 (Trans 206)

Dear Senator Holperin:

Thank you for your March 11 letter, expressing your willingness to convene a meeting after the current legislative session ends on April 22, 2010, with the representatives of the various interest groups requesting modifications to this rule. The Department remains willing to meet with you and the representatives of these groups to try and improve this rule.

As you requested, I am providing a list of the representatives that should be invited to attend this meeting:

Mark O'Connell
Wisconsin Counties Association
22 East Mifflin Street, Suite 900
Madison, Wisconsin 53703

Dan Fedderly
Wis. County Highway Association
N9387 330th Street
Boyceville, WI 54725

Ed Huck and Rich Eggleston
Wis. Alliance of Cities
14 West Mifflin St., #206
Madison, WI 53703

Dan Thompson and Curt Witynski
League of WI Municipalities
122 W. Washington Ave., Suite 300
Madison, WI 53703

Rick Stadelman
Wis. Towns Association
W7686 County Road MMM
Shawano, WI 54166-6086

Pat Goss and Tom Walker
Wis. Transportation Builders Association
1 S. Pinckney St.
Suite 818
Madison, WI 53703

As I suggested in my previous letter, we think it would be beneficial if the representatives of these organizations provide specific language they would like to have substituted for the provisions in the current rule draft, and if they could notify us what alternative language they all agree on.

The Department is keenly aware that its rulemaking authority is subject to legislative review and approval. We appreciate your personal interest and involvement.

Sincerely,

Charles M. Kernats
Assistant General Counsel

Cc: Secretary Busalacchi
Mark Wolfgram
Representative John P. Steinbrink