



2021 ASSEMBLY BILL 202

March 25, 2021 - Introduced by Representatives BRANDTJEN, ALLEN, GUNDRUM, KNODL, MAGNAFICI, MOSES, PLUMER, RAMTHUN, ROZAR, SKOWRONSKI and WICHGERS, cosponsored by Senators JACQUE, BERNIER, FELZKOWSKI, FEYEN, NASS, STROEBEL and WANGGAARD. Referred to Committee on Transportation.

- 1 **AN ACT to create** 84.06 (14) of the statutes; **relating to:** sourcing materials from
2 within the right-of-way of a highway improvement project.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Transportation, in its specifications for highway improvements, to encourage the use of materials sourced from within the right-of-way of the proposed improvement. The bill also provides the following: 1) DOT may not charge for any materials sourced from within the right-of-way, 2) the bidder may include those potential cost savings in its bid, and 3) the bidder is responsible for any unanticipated costs in sourcing alternate materials if the materials proposed to be sourced from within the right-of-way do not satisfy the applicable specifications for the highway improvement or are more costly to utilize than anticipated, or if the bidder fails to receive all necessary approvals, other than the approval of the department, to excavate or remove the materials.

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:

- 3 **SECTION 1.** 84.06 (14) of the statutes is created to read:
4 84.06 (14) SOURCING MATERIALS WITHIN RIGHT-OF-WAY. All specifications for
5 highway improvements prepared by the department for highway improvements

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1 within its jurisdiction shall include an encouragement to use, in the highway
2 improvement, materials sourced from within the right-of-way of the proposed
3 highway improvement. The department may not charge for any materials sourced
4 from within the right-of-way and the bidder may include those potential cost
5 savings in its bid. The bidder is responsible for any unanticipated costs in sourcing
6 alternate materials if the materials proposed to be sourced from within the
7 right-of-way do not satisfy the applicable specifications for the highway
8 improvement or are more costly to utilize than anticipated, or if the bidder fails to
9 receive all necessary approvals, other than the approval of the department, to
10 excavate or remove the materials.

11 (END)