



2021 SENATE BILL 765

December 17, 2021 - Introduced by Senators AGARD, CARPENTER, LARSON, RINGHAND, JOHNSON, ERPENBACH, ROYS, L. TAYLOR and SMITH, cosponsored by Representatives SHELTON, SNODGRASS, GOYKE, ANDERSON, ANDRACA, BROSTOFF, CABRERA, CONLEY, CONSIDINE, EMERSON, HEBL, HONG, B. MEYERS, MILROY, NEUBAUER, OHNSTAD, POPE, S. RODRIGUEZ, SINICKI, SPREITZER, STUBBS, SUBECK, VINING and VRUWINK. Referred to Committee on Transportation and Local Government.

1 **AN ACT** *to repeal* 84.01 (35) (d) (intro.) and 2.; *to renumber* 84.01 (35) (d) 1.; *to*
2 *amend* 84.01 (35) (b); and *to create* 84.01 (35) (c) of the statutes; **relating to:**
3 requiring bicycle and pedestrian facilities in highway projects and granting
4 rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Transportation to ensure, with exceptions, that bikeways and pedestrian ways are established in all new highway construction and reconstruction projects funded from state or federal funds (a policy commonly known as “complete streets”).

Under current law, DOT generally must give due consideration to establishing bikeways and pedestrian ways in all new highway construction and reconstruction projects funded from state or federal funds. However, DOT may not establish a bikeway or pedestrian way as part of a highway project if bicyclists or pedestrians are prohibited from using the highway. DOT is also prohibited from establishing a bikeway or pedestrian way as part of a state-funded project unless the governing body of each municipality in which a portion of the project is located authorizes the creation of the bikeway or pedestrian way.

Under the bill, DOT must ensure that bikeways and pedestrian ways are established in all new highway construction and reconstruction projects funded from state or federal funds. DOT is required to promulgate rules identifying exceptions to this requirement, but the exceptions may only be based on one of several specified criteria.

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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:

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

2 84.01 **(35)** (b) Except as provided in par. ~~(d)~~ (c), and notwithstanding any other
3 provision of this chapter or ch. 82, 83, or 85, the department shall ~~give due~~
4 ~~consideration to establishing~~ ensure that bikeways and pedestrian ways are
5 established in all new highway construction and reconstruction projects funded in
6 whole or in part from state funds or federal funds appropriated under s. 20.395 or
7 20.866.

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

9 84.01 **(35)** (c) The department shall promulgate rules identifying exceptions to
10 the requirement under par. (b), but these rules may provide for an exception only if
11 any of the following applies:

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

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

