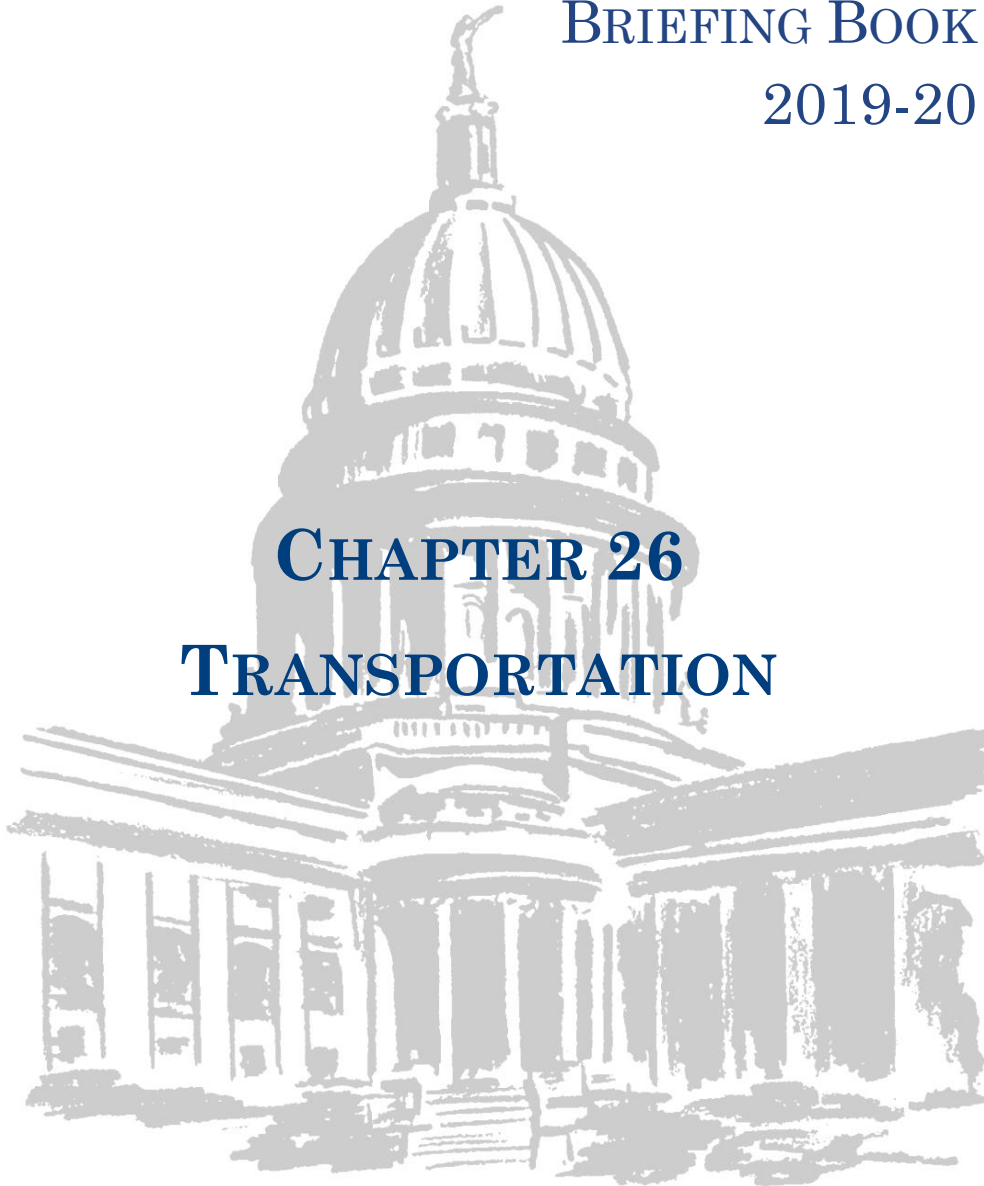


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CHAPTER 26
TRANSPORTATION



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INTRODUCTION

The Department of Transportation (DOT) is responsible for the planning, promotion, and protection of all transportation systems in the state. DOT oversees programs relating to highways, motor vehicles, motor carriers, traffic law enforcement, railroads, waterways, mass transit, and aeronautics. This chapter summarizes the statutes relating to motor vehicle transportation and provides a brief overview of topics related to state highway and rail programs.

MOTOR VEHICLE LAWS

Wisconsin's motor vehicle laws are primarily contained in chs. 340 to 349 and 351, Stats., and chs. Trans 1 to 515, Wis. Adm. Code. Topics covered in these chapters include vehicle registration [ch. 341, Stats.], vehicle titles [ch. 342, Stats.], operator's licenses [ch. 343, Stats.], the financial responsibility of motor vehicle owners and operators [ch. 344, Stats.], the procedure for issuing traffic citations and prosecuting traffic law violations [ch. 345, Stats.], the rules of the road [ch. 346, Stats.], vehicle equipment requirements [ch. 347, Stats.], vehicle size and weight limits [ch. 348, Stats.], the authority of local governments to regulate motor vehicles [ch. 349, Stats.], and habitual traffic offenders [ch. 351, Stats.]. Chapter 340, Stats., defines terms used throughout these chapters.

Vehicle Registration

Upon taking ownership of a vehicle, a person must generally register the vehicle by applying for a certificate of title, regardless of whether the vehicle will be immediately operated on public highways. If the person intends to operate the vehicle on public highways, license plates must be displayed on both the front and rear of the vehicle. Certain vehicles, such as some types of farm equipment, are exempt from vehicle registration requirements. [ss. 341.05, 341.15, and 342.05, Stats.]

The registration for most vehicles must be renewed every year. At least 30 days before a vehicle's registration expires, DOT is required to send the vehicle owner notice of the date by which a vehicle's registration must be renewed. This notice will list any unpaid parking violations (including applicable towing and storage charges) and other unpaid judgments against the registrant. The vehicle may not be registered until these obligations are addressed. The general initial and yearly registration fee for passenger cars and light trucks is currently \$75. [ss. 341.08 (4m) and 341.25, Stats.]

Vehicle Title

If a vehicle is purchased from a licensed dealer in Wisconsin, the dealer will usually process the title and registration application. If a vehicle is purchased privately, the purchaser is responsible for applying to the DOT for a certificate of title and registration of the vehicle. The seller must provide the buyer with an original, assigned title to the vehicle. To assign the title, the seller must complete an odometer disclosure and provide any other required

information for assignment on the back of the title. The seller must also provide the buyer with a lien release for each lien listed on the title. Most importantly, the title must be signed by the seller. For sales of motor vehicles between private individuals, the seller must report to DOT the vehicle's identification number and the identity of the buyer within 30 days of the sale. [ss. 342.15, 342.155, 342.16, and 342.41, Stats.]

Special License Plates

DOT issues special registration plates for certain authorized special groups. Generally, a fee—in addition to the regular registration fee for the vehicle—is charged for the issuance or reissuance of most special plates. [s. 341.14, Stats.]

Various military personnel, veterans, and military medal recipients may obtain license plates designating their military service or achievements. [s. 341.14 (6r), Stats.]

For certain special group plates, DOT also collects an additional specified amount, which it then passes to a beneficiary organization. For example, a person interested in supporting endangered resources may obtain a special registration plate with a distinguishing design

More information about applying for vehicle title and registration is available at:

<http://wisconsin.gov/Pages/online-srvcs/external/bvs-landing.aspx>

for a \$15 fee, in addition to the regular annual registration fee, and a \$25 annual donation. The \$25 donation is forwarded to the Department of Natural Resource's endangered species programs. Similar fundraising plates exist for organizations such as Donate Life Wisconsin, the University of Wisconsin, the Wisconsin Women's Health Foundation, the

Wisconsin Lions Foundation, and Lambeau Field, among others. [s. 341.14 (6r), Stats.]

DOT also issues distinctive registration plates, commonly known as "collector" plates, for vehicles registered as special interest vehicles. A vehicle may be registered as a special interest vehicle if it is one of four types of former military vehicles, or if it is a motor vehicle that is at least 20 years old, the vehicle's body has not been altered from the original, and the vehicle is being preserved for its historical interest. Registration as a special interest vehicle requires a fee twice the regular annual fee, but the owner may re-register the vehicle without paying an additional registration fee. A special interest vehicle may be used in the same manner as other vehicles of the same type, subject to certain exceptions, such as a general prohibition against operating during the month of January. [ss. 341.14 (2m) and 341.266, Stats.]

For more information about accessible parking, see the DOT website at:

<http://wisconsin.gov/Pages/dmv/vehicles/dsblld-prkg/default.aspx>

Disabled Parking License Plates and Placards

A person who has a disability that limits or impairs the ability to walk may request a license plate and special identification card entitling the person to certain parking

privileges. These privileges include an exemption from ordinances of general application imposing time limitations of a half hour or more and an exemption from parking meter payment requirements for parking spots with such time limitations. The vehicle may also be parked in marked spots reserved for motor vehicles displaying special registration plates or special registration cards. [ss. 341.14 (1a), 343.51, and 346.50 (2a), Stats.]

Special registration plates are also available to licensed drivers on whom a person with a disability regularly depends for transportation and to employers that provide a vehicle for an employee with a disability. Additionally, special license plates are available to veterans who submit a statement from the Department of Veterans Affairs every four years certifying that a veteran has a disability that limits or impairs the veteran's ability to walk because of injuries sustained while in the active U.S. military service. There is no additional fee for disabled veteran license plates. [s. 341.14 (1), (1e), (1m), and (1q), Stats.]

There are exceptions to the general requirement that a driver be licensed to operate a motor vehicle on public highways. For example, a person moving farm equipment to or from a farm-related destination does not need a license to operate the equipment on a highway.

Licensing of Drivers

General Licensing

DOT issues operator's licenses pursuant to a classified driver license system. The standard license is a "Class D" license which generally authorizes operation of cars and light trucks. A license authorizing operation of a "Class A," "Class B," or "Class C" is considered a commercial driver's license. A "Class M" license authorizes only operation of motorcycles. [s. 343.03, Stats.]

To obtain a Wisconsin Class D driver's license, a person must be at least 16 years old and provide documentation of his or her identity and legal presence in this state, among other information. The person must also pass knowledge, vision, and skills tests. DOT may require certain drivers to undergo medical or other special examinations. [ss. 343.14, 343.16, and 343.20, Stats.]

Instruction Permit

A person may receive an instruction permit if he or she is 15-1/2 years of age or older and passes knowledge and vision tests. A driver operating a vehicle under an instruction permit must obey rules regarding who may and who must accompany the driver. [s. 343.07 (1g), Stats.]

A driver with an instruction permit or probationary license may not drive a motor vehicle while using a cellular or other wireless telephone, except to report an emergency.

To receive an instruction permit, a driver under the age of 18 must be enrolled in or have completed an approved driver education course. An instruction permit for the operation of Class D vehicles is generally valid for one year. Instruction permits for motorcycle operation (Class M) and commercial vehicle operation (Class A, B, or C) are also available and may have different age requirements and restrictions than Class D instruction permits. [ss. 343.03, 343.04, and 343.07, Stats.]

Probationary License

Most new drivers are issued a probationary license, which carries certain restrictions, depending on occupancy and time of day. A probationary license expires two years from the date of the driver's next birthday. [ss. 343.085 and 343.20 (1) (a), Stats.]

For more information about laws specific to teen drivers, see the DOT website at:

<http://wisconsin.gov/Pages/dmv/teen-driver/teen-sfty/index.aspx>

Before receiving a probationary license, a driver under the age of 18 must hold an instruction permit for at least six months and may not commit a moving violation during the six months prior to receiving the probationary license. The driver must have completed at least 30 hours of behind-the-wheel training and an approved driver education course and

be enrolled in a school program or have completed high school. An application for any license by a person under age 18 must be signed by a parent, guardian, or adult sponsor. [ss. 343.06 (1), 343.085 (1) (b), and 343.15, Stats.]

Occupational License

A person whose driving privileges have been suspended or revoked may be eligible for a restricted driver's license called an "occupational license." An occupational license authorizes the holder to drive to and from work, church, school, or other places indicated on the license during specific times of the day. An occupational license may not be used for recreational purposes and the total driving time is limited to 12 hours each day and 60 hours per week. An occupational license may not be issued for the operation of commercial vehicles. [s. 343.10 (1) and (5), Stats.]

A driver's eligibility for an occupational license depends on the reason that the driver's license was revoked or suspended. For example, a person whose license is revoked under the habitual traffic offender law is not eligible to apply for an occupational license until after a two-year waiting period. [ss. 343.10 (2) and 351.07, Stats.]

More information about CDLs is available from DOT at:

<http://wisconsin.gov/Pages/dmv/com-driv-vehs/cdl-how-aply/cdloverview.aspx>

Commercial Driver's License

A commercial driver's license (CDL) is required in Wisconsin to operate commercial motor vehicles (CMVs). CMVs include most vehicles that weigh over 26,000 pounds, carry certain hazardous materials, or are

designed or used to carry 16 or more persons including the driver. To receive a CDL, a driver must pass a knowledge test and a driving skills test in the type of vehicle the driver drives. Additional testing requirements are required for certain types of vehicles. A driver may not obtain a CDL until age 18 for travel within the state. The driver must be age 21 to obtain an unrestricted CDL, which also allows him or her to operate a CMV outside of the state. [ss. 343.04, 343.05 (2), 343.065, and 343.16, Stats.]

A CDL holder who has been convicted of multiple alcohol or serious traffic violations within certain timeframes is disqualified from operating a CMV. [s. 343.315, Stats.]

More information about proof of insurance requirements is available at:

<http://wisconsin.gov/Pages/dmv/license-drvs/rcd-crsh-rpt/Auto-insurance.aspx>

Motor Vehicle Liability Insurance

It is unlawful to operate a motor vehicle upon a highway in Wisconsin unless the owner or operator of the vehicle has in effect a motor vehicle

liability policy with respect to the vehicle being operated. A person operating a motor vehicle must generally have proof of this insurance in his or her immediate possession. [s. 344.62, Stats.]

Traffic Tickets

Law enforcement agencies in the state issue uniform traffic citations for moving traffic violations. To provide additional uniformity, the Wisconsin Judicial Conference sets “deposit” amounts for traffic offenses, many of which have a range of statutory penalties.

For example, the statutory penalty for speeding in a 65-mile per hour (MPH) speed limit zone is a forfeiture of \$50 to \$300. The deposit amount for a citation issued to a person traveling 76 to 80 MPH in a 65 MPH zone is \$50 and the deposit amount for a person traveling 100 MPH or faster in the same zone is \$300.

Each citation also includes a penalty surcharge (26% of the deposit amount) and a jail surcharge/crime lab drug surcharge (\$23). Citations processed in county circuit court include a justice information system surcharge/court support services surcharge (\$89.50) and circuit court costs (\$25). Citations processed in municipal court do not include the justice information system surcharge/court support services surcharge but do include court

The Judicial Conference publishes a comprehensive bond schedule that outlines the penalty ranges, deposit amounts, fees, and costs for moving violations, and is available online at:

<https://wicourts.gov/publications/fees/index.htm>

costs, which the jurisdiction can set from \$15 to \$38 per citation.

The amount written on a citation for the 76 to 80 MPH violation example above, then, would be \$200.50 if the citation was to be processed in circuit court and \$114 if the citation was processed by a municipal court that

collects the maximum court costs allowed. The amount on the citation for the 100 MPH or faster violation example would be \$515.50 for circuit court or \$429 for municipal court.

In addition to monetary penalties, a person is also assessed demerit points when he or she is convicted of a moving traffic violation. When a driver accumulates 12 or more demerit points in any 12-month period, his or her driver's license will be suspended for a minimum of two months.

The demerit points for particular offenses are listed in the Judicial Conference's bond schedule. For the two speeding examples discussed above, the demerit points are four and six points, respectively. Demerit points are doubled for traffic violations committed by a person with a probationary license or instruction permit who has had more than one traffic violation. The total demerit points assessed to a driver may be reduced in certain ways, such as by taking an approved traffic safety course. [s. 343.32, Stats.; ch. Trans 101, Wis. Adm. Code.]

The Department of Natural Resources, rather than DOT, regulates snowmobiles and all-terrain vehicles (ATVs). The laws regulating snowmobiles and ATVs, including OWI laws, are located in ch. 350, Stats., and ch. 23, Stats., respectively.

Rules of the Road

Chapter 346, Stats., contains most of the state's traffic laws. A full discussion of Wisconsin's traffic laws is beyond the scope of this chapter. However, DOT publishes the "Motorists' Handbook," which contains detailed information on the rules of the road as well as other topics of importance to drivers. This handbook can be found at:

<http://wisconsin.gov/Documents/dmv/shared/bds126-motorists-handbook.pdf>

Operating While Intoxicated (OWI)

It is illegal to operate a motor vehicle while under the influence of an intoxicant, a controlled substance, any other drug which renders a driver incapable of safely driving, or any combination of these. It is also illegal to operate a motor vehicle with a prohibited alcohol concentration. Generally, the prohibited alcohol concentration in Wisconsin is 0.08, though the prohibited level is lower in some circumstances. For example, the prohibited alcohol concentration for a person who has not reached the legal drinking age is 0.0. There are also specific alcohol concentrations for operators of CMVs. Operating under the influence offenses and operating with a prohibited alcohol concentration offenses are generally referred to collectively as OWI. [ss. 340.01 (46m) and 346.63, Stats.]

Penalties for OWI and OWI-related laws include restriction of driving privileges, monetary penalties, imprisonment, and ignition interlock device (IID) installation. The severity of penalties depends on various factors, including how many OWI-related offenses the person has committed and the harm caused during intoxicated operation. A complete table of the

penalties for OWI offenses is available here:

<http://wisconsin.gov/Pages/safety/education/drunk-drv/ddoffenses.aspx>.

Implied Consent

Under Wisconsin's "implied consent" law, a person who operates a motor vehicle upon a public highway in this state is deemed to have consented to submit to a chemical test to determine the person's alcohol concentration. Upon arresting a person for operating while intoxicated, a law enforcement officer may request the person provide one or more samples of his or her breath, blood, or urine for the purpose of determining the presence or quantity in his or her blood or breath of alcohol, controlled substances, controlled substance analogs or other drugs, or any combination of those substances. The consequences of improperly refusing to comply with this request are as follows:

- The person's operating privilege will be revoked for a minimum of one year, though the person may apply for an occupational license after a certain time period. The revocation period and the eligibility date for an occupational license both depend on the person's history of OWI-related offenses.
- When the person obtains operating privileges, whether pursuant to an occupational license during the revocation period or upon reinstatement after the revocation period, the court must order that either the person's operating privileges must be restricted to operating vehicles that are equipped with an IID for a specified period of time, or that the person must participate in a 24-7 sobriety program, or both. The person must also generally install an IID on each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration.
- The person must obtain a court-ordered assessment of his or her alcohol or controlled substance use and comply with the driver safety plan, which may include education, treatment, or both, that the facility providing the assessment develops for the person. The person must also pay certain associated fees.
- The improper refusal is counted for the purposes of determining the penalties for subsequent improper refusals or OWI convictions.

Subject to an exception for 24-7 sobriety programs, a court must order a person's operating privilege for the operation of "Class D" vehicles be restricted to vehicles that are equipped with an IID and order that each motor vehicle for which person's name appears on the vehicle's certificate of title or registration be equipped with an IID for all first offense drunk drivers who had an alcohol concentration of 0.15 at the time of the offense, all repeat drunk drivers, and all drivers who improperly refused to take a required alcohol concentration test.

[ss. 343.301, 343.305, and 343.307, Stats.]

Vehicle Equipment Standards

Chapter 347, Stats., and ch. Trans. 305, Wis. Adm. Code, prescribe equipment standards for motor vehicles operated on Wisconsin roads. Additional equipment standards apply to heavy trucks, trailers, and semi-trailers. These chapters also set requirements for how and when certain equipment is to be used; for example, they require that headlights and certain other lights must be illuminated during the hours of darkness.

Vehicle Size and Weight Limits

Chapter 348, Stats., imposes height, length, width, and weight restrictions on vehicles and vehicle combinations operated on Wisconsin highways. With exceptions, no person may operate a vehicle that exceeds these limitations on a Wisconsin road unless the person obtains a permit from the relevant authority to do so. Highway weight limitations depend on a number of factors, including the type of highway, the number and configuration of axles on a vehicle, the type of cargo, and the time of year. Vehicles must comply with both the gross vehicle weight requirements and individual weight requirements for particular axles or wheels.

A permit is typically required if vehicle dimensions (plus the load on the vehicle) exceed 8-1/2 feet wide or 13-1/2 feet tall. Length requirements depend on whether the vehicle is a single vehicle or a combination of vehicles (such as a tractor-semitrailer combination). Generally, a single vehicle may not exceed 45 feet in length, although the length limitations vary for vehicle combinations depending on the vehicle configurations. There are also exceptions to the statutory vehicle size restrictions. [ss. 348.05, 348.06, and 348.07, Stats.]

A single trip, consecutive month, or annual permit may be available for a vehicle that exceeds statutory weight limits. However, certain permits may not be issued if a load can reasonably be divided or reduced to comply with statutory limits. [subch. IV, ch. 348, Stats.]

Current law also provides special and seasonal limitations. For example, vehicles carrying certain raw forest products may carry additional weight in winter without a permit when roads are frozen and damage to roads is less likely. The increased limits for highways under the DOT's jurisdiction are triggered when the DOT makes a "frozen road declaration." This declaration usually extends from mid-December until late February or early March. The frozen road declarations for county highways and other local highways are made by local maintenance authorities.

Conversely, the travel of overweight vehicles is restricted during the spring thaw due to the unstable condition of roadways during this period, and allowed vehicle weight may also be restricted for other special or temporary conditions. Special weight limits may also be established for particular bridges and culverts.

AGRICULTURAL VEHICLES

For more information about agricultural vehicles, see the DOT website at:
<http://wisconsindot.gov/Pages/dmv/agri-eq-veh/default.aspx>

Agricultural vehicles are treated differently than other vehicles for a variety of circumstances. Depending on its type and use, an agricultural vehicle may be exempt from the registration requirement for highway use and may be subject to different weight and size limitations than

other vehicles. [ss. 341.05 and ch. 348, Stats.]

“Implements of husbandry” and “agricultural CMVs” are the two primary categories of agricultural vehicles defined in the statutes. An “implement of husbandry” is a self-propelled or towed vehicle or combination of vehicles that is manufactured, designed, or reconstructed to be used, and is exclusively used, in the conduct of agricultural operations. An “agricultural CMV” is a CMV to which all of the following apply: (1) the vehicle is substantially designed or equipped, or materially altered from its original construction, for the purpose of agricultural use; (2) the vehicle was designed and manufactured primarily for highway use and, with limited exceptions, was manufactured to meet federal motor vehicle highway safety standards; (3) the vehicle is used exclusively in the conduct of agricultural operations; and (4) the vehicle is being used in any of the following ways: (a) harvesting farm products, directly applying fertilizer, spray, or seeds to a farm field, or distributing feed to livestock; (b) assisting another vehicle directly harvesting farm products by receiving farm products as they are harvested or assisting another vehicle directly planting potatoes by delivering seed potatoes to the planter; or (c) directly applying manure to a farm field or off-loading manure if field conditions do not permit manure application by the vehicle directly to the field. [ss. 340.01 (24) and 340.01 (10), Stats.]

Weight Limitations

Except on interstate highways and highways posted with special weight limits, an implement of husbandry or agricultural CMV may operate at a weight approximately 15% higher than weight limitations for other vehicles. In addition, the statutes provide limited exceptions to these weight limitations, including the following:

- Certain implements of husbandry are exempt from per wheel, axle, or group of axles weight limitations on non-state trunk highways, unless the relevant local unit of government has created a limitation by resolution or ordinance. [s. 348.15 (9) (f) 2., Stats.]
- There is generally no per wheel, axle, or group of axles weight limitation for an empty potato harvester operated under certain conditions. [s. 348.15 (9) (c) 1., Stats.]
- There is no per wheel, axle, or group of axles weight limitation and no gross vehicle weight limitation for an implement of husbandry or agricultural CMV being operated or transported by an implement dealer or farmer for purposes of delivery, repair, or servicing and being operated or transported directly between a farmer’s owned or leased

land and the business of an implement dealer located within 75 miles. [s. 348.15 (9) (e) 1. a. and b., Stats.]

- There is no per wheel, axle, or group of axles weight limitation and no gross weight limitation for certain self-propelled implements of husbandry that are traveling to or from a farm-related destination between fields or between a farm and a field and are operated on the highway for a distance of 0.5 miles or less. [s. 348.15 (9) (e) 2., Stats.]

Length Limitations

Implements of husbandry are subject to length limitations that are greater than the limitations applicable to vehicles generally. If the implement of husbandry is a single vehicle, it may not exceed 60 feet in length; if it is a two-vehicle combination, it may not exceed 100 feet in length; if the vehicle combination is an implement of husbandry train or a truck-drawn agricultural train, its length may not exceed 70 feet or, if it is traveling at a speed of 25 miles per hour or less, 100 feet. The greater length requirements also apply to implements of husbandry transported by trailer or semitrailer on a highway to or from a farm-related destination and to implements of husbandry operated or transported by an implement dealer or farmer for purposes of delivery, repair, or servicing of the implement of husbandry if the implement of husbandry is being operated or transported between a farm and an implement dealer that are within a 75-mile radius of each other. [s. 348.07 (2) (e), (2m), and (2r), Stats.]

Width Limitations

There is generally no width limitation for implements of husbandry operated on a highway, but certain wide implements of husbandry are subject to lighting and marking requirements. Agricultural CMVs are generally subject to a width limitation of 10 feet. However, an agricultural CMV is subject to a 12-foot width limitation if it is operated for the purpose of spraying pesticides or spreading lime or fertilizer and has extending tires, fenders, or fender flares.

Implements of husbandry, regardless of their width, and agricultural CMVs compliant with the above width requirements may also be operated or transported between a farm and an implement dealer that are within a 75-mile radius of each other, and transported by trailer or semitrailer, without a permit, on a highway, other than a highway on the national system of interstate and defense highways, to or from a farm-related destination, at times other than hours of darkness. [s. 348.05 (2) (a), (2) (am), (2g), (3m), (3r), and (3t), Stats.]

Height Limitations

There is no height limitation for implements of husbandry. However, the operator of an implement of husbandry is responsible for ensuring that there is adequate height clearance between the implement of husbandry and any overhead structure or obstruction, other than any overhead utility line that does not satisfy the requirements of the state electric code or the National Electrical Safety Code. [s. 348.06 (2), Stats.]

No-Fee Permits

A highway maintaining authority may issue applicants a no-fee permit authorizing operation of implements of husbandry and agricultural CMVs that exceed statutory length or weight limitations. A no-fee permit is not valid on interstate highways and, as the name suggests, no fee may be charged for issuance or amendment of a no-fee permit or for any study or investigation in connection with the permit application. If a no-fee permit is issued, it may be amended to reflect changes in the applicant's circumstances, including a change in the highways to be traveled.

If a maintaining authority denies an application for a no-fee permit, it must notify the applicant in writing of the denial and the notice must include a reasonable and structurally based explanation of the denial that relates to the preservation of the roadway. If the application is made with respect to certain self-propelled implements of husbandry, the denial must approve a modified application that includes an approved alternate route or map of highways for operation of the implement of husbandry.

A county or municipality may also opt to authorize operation of implements of husbandry and agricultural CMVs exceeding statutory length or weight limitations by adopting a resolution or ordinance to serve as the approved permit. The municipality or county must make copies of the resolution or ordinance readily available to the public. [s. 348.27 (19), Stats.]

HIGHWAYS

A map of the state trunk highway system is available at:
<http://wisconsin.gov/Pages/travel/road/hwy-maps/sth-map.aspx>

See the Legislative Fiscal Bureau 2017 Informational Paper, *State Trunk Highway Program*, for more detailed information about state trunk highways.

Jurisdiction over the highways in Wisconsin is divided among the state and local governments. By statute, “highway” means all public ways and thoroughfares and includes bridges.

State Trunk Highway System

The state is responsible for all highways within the state trunk highway system. Generally, this system is the network of arterial roads that function as corridors for

interstate and inter-regional travel. Currently, this system is comprised of approximately 743 miles of interstate freeways and 11,010 miles of state and U.S.-marked highways. These highways account for approximately 60% of all highway travel in the state. [s. 84.02, Stats.]

The state’s responsibility for state trunk highways is carried out by the DOT. By statute, the DOT is directed to “have charge of all matters pertaining to the expenditure of state and federal aid for the improvement of highways, and shall do all things necessary and expedient in the exercise of such supervision.” [s. 84.01 (2), Stats.]

Highway Improvement Program

An integral component of the DOT's responsibility to oversee the improvement of highways is the state Highway Improvement Program. This program is divided into two subprograms: (1) Major Highway Development; and (2) State Highway Rehabilitation.

Major Highway Development

The Major Highway Development subprogram involves selecting, planning, and completing major highway projects. "Major highway project" is defined by statute as a project that has either: (1) a total cost of more than \$75 million; or (2) a total cost of more than \$30 million and involves any of the following:

- Constructing a new highway 2.5 miles or more in length.
- Reconstructing or reconditioning an existing highway either by: (1) relocating 2.5 miles or more of the existing highway; or (2) adding one or more lanes five miles or more in length to the existing highway.
- Improving 10 miles or more of an existing divided highway having two or more lanes in either direction to meet freeway standards.

[s. 84.013 (1) (a), Stats.]

Transportation Projects Commission (TPC) and Enumeration

Unlike other highway construction projects undertaken by the DOT, major highway projects must generally receive the approval of the TPC and the Legislature before the project may be constructed. The Legislature's approval of a project is referred to as "enumeration."

Membership of the TPC includes the Governor (who serves as chairperson), three citizen members appointed by and serving at the pleasure of the Governor, five Senators (three from the majority party and two from the minority party), and five Representatives (three from the majority party and two from the minority party), appointed as are members of standing committees. The DOT Secretary serves as a nonvoting member. [s. 13.489 (1g), Stats.]

Current law establishes a procedure and timeline for the TPC to approve the DOT's project recommendations. Greatly simplified, the process is as follows. The DOT must first submit to the TPC a list of potential major highway projects. Next, the DOT must submit to the TPC its recommendations for which of these projects should be approved for the preparation of an environmental impact statement (EIS) or environmental assessment (EA). After receiving the DOT's recommendations, the TPC then notifies the DOT which projects may move on to the EIS or EA stage.

Approval to prepare an EIS or EA, however, does not authorize the DOT to complete a project. The DOT must also report to the TPC its recommendations for which projects should be enumerated in the next biennial budget. The TPC reviews these

recommendations and recommends approval, approval with modifications, or disapproval. The TPC may not recommend approval of a major highway project unless the TPC determines that there is sufficient funding to begin construction of the project within six years. Additionally, it may not recommend approval of the project until the DOT has completed a final EIS or EA, which has been approved by the Federal Highway Administration and reviewed by the TPC.

Once the TPC has recommended approval, with or without modifications, for the project, the Legislature may enumerate the project. Enumeration gives the DOT the authority to build the project.

New Requirements for DOT's Management of the State Highway Program

The Legislative Council staff has prepared an Act Memo that describes the changes made by 2017 Wisconsin Act 247. The Act Memo maybe found at: <http://www.legis.wisconsin.gov/lc>.

2017 Wisconsin Act 247 implemented recommendations from the Legislative Audit Bureau's January 2017 report evaluating DOT's management of the state highway program. The Act does all of the following:

- Specifies the types of information that DOT must include in its cost estimates to the TPC with respect to proposed major highway

projects.

- Requires additional information to be included in DOT's semiannual report to the TPC and require that the semiannual report be distributed to specified joint and standing legislative committees, in addition to the TPC.
- Requires DOT, in certain circumstances, to consider and document the results of the uniform cost-benefit analysis before determining whether to undertake a proposed engagement for engineering, consulting, surveying, or other specialized services.

State Highway Rehabilitation

The State Highway Rehabilitation subprogram is comprised of three components: (1) existing highways; (2) state bridges; and (3) backbone rehabilitation.

The existing highways component funds projects that resurface, recondition, and reconstruct existing roadways. Resurfacing, reconditioning, and reconstructing are defined by statute as follows:

- **Resurfacing** means placing a new surface on an existing highway to provide a better all-weather surface and a better riding surface, and to extend or renew the pavement life. It generally involves no improvement in capacity or geometrics.
- **Reconditioning** means work in addition to resurfacing. Minor reconditioning includes pavement widening and shoulder paving. Major reconditioning includes improvement of an isolated grade, curve, intersection or sight distance problem to improve safety.

- **Reconstruction** means total rebuilding of an existing highway to improve maintainability, safety, geometrics, and traffic service. It is accomplished basically on existing alignment, and major elements may include flattening of hills and grades, improvement of curves, widening of the roadbed, and elimination or shielding of roadside obstacles.

[s. 84.013 (1) (b) to (d), Stats.]

The state bridges component funds projects to replace or rehabilitate bridges on the state highway system. The backbone component funds various rehabilitation projects on a system of highways that the DOT has designated as the “backbone” system. This is a system of 1,588 miles of critical highways that connect major economic areas within the state.

RAIL PROGRAMS

Freight Railroad Assistance

The DOT administers various freight rail assistance grants and programs. The two major assistance programs for freight rail in Wisconsin are the Freight Rail Infrastructure Improvement Program (FRIIP) and the Freight Rail Preservation Program (FRPP).

FRIIP

FRIIP was established in 1977 to preserve the availability of rail service in Wisconsin. Specifically, FRIIP provides low or no interest loans to railroads, shippers, or local governments for rail-related capital improvement projects. FRIIP loans may be used for the following purposes:

- Line upgrades that will expand the use of a rail line for the public benefit, including increased passenger service and increased use of double-stack technology and piggyback service (carrying trailers or semi-trailers in a train atop a flatcar).
- Rail branch line stabilization or upgrading.
- Projects associated with rail intermodal facilities, such as terminals, team tracks, docks, conveyers, and other loading and unloading facilities.
- Relocation of a freight rail off-loading facility that has been agreed to by the owner of the facility; the city, village, or town in which the facility is located; and the city, village, or town in which the facility will be relocated.
- Rail line relocation or consolidation.

FRIIP loans must be allocated by the DOT on a public interest basis and must include a cost-benefit analysis prior to making a grant. Loans made under FRIIP may be used to cover up to 100% of an approved project’s cost. [s. 85.08 (4m) (e), Stats.]

FRPP

FRPP provides financial assistance to railroads, rail service customers, and governmental units to preserve rail service lines that might otherwise be lost. FRPP provides grants of up to 80% of a project's total cost. Projects may include the purchase of abandoned rail lines to reinstate freight service or preserve the opportunity for future rail service, or the rehabilitation of facilities, such as tracks or bridges. [s. 85.08 (4m) (d), Stats.]

Passenger Railroad Assistance

The DOT also administers passenger rail programs. For example, the Rail Passenger Service Assistance and Promotion Program authorizes the DOT to do any of the following:

- Conduct financial and technical planning for rail passenger service in this state and evaluate existing rail passenger service.
- Contract with Amtrak, railroads, or other persons to provide rail passenger service or support services, equipment, station improvements, passenger platforms, equipment maintenance shops, parking areas, or other support facilities for rail passenger service.
- Consult with other states and with local governmental units regarding service levels for additional rail passenger service in this state.
- Monitor the quality of rail passenger service in this state.
- Conduct or contract for marketing studies and promotional activities to increase rail passenger service ridership in this state, identify potential riders, and educate the public about the availability and advantages of rail passenger service.
- Apply for and accept federal funds for rail passenger service.
- Acquire equipment or facilities for the purpose of providing rail passenger service or support services for rail passenger service.
- Enter into agreements with other states to assist or promote rail passenger service.

[s. 85.06, Stats.]

The state currently subsidizes intercity passenger rail for the Amtrak Hiawatha Line, which runs between Milwaukee and Chicago.

ADDITIONAL REFERENCES

1. At the beginning of each biennial legislative session, the Legislative Fiscal Bureau publishes Informational Papers on various transportation topics, including transportation financing, transportation aid, and local transportation assistance programs. These Informational Papers are available at:
<http://www.legis.wisconsin.gov/lfb>.

2. Legislative Audit Bureau Reports, available at <http://www.legis.wisconsin.gov/lab/>:
 - Audit Report 17-2, *State Highway Program*.
 - *Construction and Inspection of Asphalt State Highways* (Letter Report, March 2011).
 - *Construction Engineering on State Highway Projects* (Letter Report, May 2009).
 - *Bridge Inspection Program* (Letter Report, February 2008).
 - Audit Report 03-13, *Major Highway Program*.
3. Wisconsin Department of Transportation:
 - For more information and statistics related to transportation funding in Wisconsin and the DOT budget, see: <http://wisconsin.dot.gov/Pages/about-wisdot/performance/budget/budget.aspx>.
 - To view other topics on DOT's "research and library" page, see: <http://wisconsin.dot.gov/pages/about-wisdot/research/default.aspx>.
 - For other publications that describe programs and services under the jurisdiction of the DOT, see: <http://wisconsin.dot.gov/Pages/online-srvcs/find-dmv/default.aspx>.
 - For a list of DOT Service Centers, see: <http://wisconsin.dot.gov/Pages/travel/air/default.aspx>.
 - For more information on aeronautics, see ch. 114, Stats., or see: <http://wisconsin.dot.gov/Pages/doing-bus/aeronautics/default.aspx>.
 - For more information on travel by railroads, see: <http://wisconsin.dot.gov/Pages/travel/rail/default.aspx>; or see <http://ocr.wi.gov/>.
 - For information about freight transportation by water, see: <http://wisconsin.dot.gov/Pages/travel/water/default.aspx>.
 - For information about bicycling in Wisconsin, see: <http://wisconsin.dot.gov/Pages/travel/bike/default.aspx>.

GLOSSARY

Commercial driver license (CDL): A license issued to a person by the DOT or another jurisdiction that authorizes the licensee to operate certain commercial motor vehicles.

Commercial motor vehicle (CMV): A motor vehicle designed or used to transport passengers or property and that either meets certain weight requirements, passenger requirements, or transports certain hazardous materials.

Environmental assessment (EA): An analysis of a proposed action prepared by the DOT to determine whether a potential major highway project constitutes a major action significantly affecting the human environment.

Environmental impact statement (EIS): A detailed statement prepared by the DOT for certain proposed major highway projects, the contents of which substantially follow guidelines issued by the United States council on environmental quality.

Freight Rail Infrastructure Improvement Program (FRIIP): A rail assistance program in Wisconsin that provides loans to railroads, shippers, or local governments for certain rail-related capital improvement projects.

Freight Rail Preservation Program (FRPP): A rail assistance program in Wisconsin that provides grants to railroads, rail service customers, and governmental units to preserve rail service lines that might otherwise be lost.

Ignition interlock device (IID): A device which measures a person's alcohol concentration and which is installed on a vehicle in such a manner that the vehicle will not start if a sample shows that a person has a prohibited alcohol concentration.

Operating while intoxicated (OWI): A term that generally applies to offenses for operating a motor vehicle while under the influence of an intoxicant, controlled substance, or any other drug which renders a driver incapable of safely driving, as well as offenses for operating a motor vehicle with a prohibited alcohol concentration.

Transportation Projects Commissions (TPC): A commission comprised of 15 members, including the Governor, citizen members, and legislators, generally tasked under state law with reviewing and recommending for enumeration proposed highway projects.

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