



State of Wisconsin
2023 - 2024 LEGISLATURE

LRBs0054/2
EVM:wlj/amn/emw

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 247**

May 22, 2023 - Offered by Senator MARKLEIN.

1 **AN ACT** *to amend* 86.31 (2) (a); and *to create* 59.58 (6), 86.31 (1) (ao) and 86.31
2 (3o) of the statutes; **relating to:** an agricultural roads improvement grant
3 program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 59.58 (6) of the statutes is created to read:

5 59.58 (6) AGRICULTURAL ROADS AGENCY. Subject to s. 86.31 (3o) (f), the board may
6 authorize the county to act as a fiscal agent for a town located within the county with
7 regard to a project under s. 86.31 (3o).

8 **SECTION 2.** 86.31 (1) (ao) of the statutes is created to read:

9 86.31 (1) (ao) “Eligible agricultural road project” means a project that is eligible
10 for a grant under sub. (3o) (b).

11 **SECTION 3.** 86.31 (2) (a) of the statutes is amended to read:

1 86.31 (2) (a) The department shall administer a local roads improvement
2 program to accelerate the improvement of seriously deteriorating local roads and of
3 agricultural roads improvements by reimbursing political subdivisions for
4 improvements. The selection of improvements that may be funded under the
5 program shall be performed by officials of each political subdivision, consistent with
6 par. (h) and the requirements of subs. (3), (3g), (3m), (3o), and (3r). The department
7 shall notify each county highway commissioner of any deadline that affects eligibility
8 for reimbursement under the program no later than 15 days before such deadline.

9 **SECTION 4.** 86.31 (3o) of the statutes is created to read:

10 86.31 (3o) AGRICULTURAL ROADS IMPROVEMENTS. (a) 1. Any funds directed for
11 agricultural roads improvements under this subsection shall be distributed as
12 grants to reimburse political subdivisions for eligible agricultural road projects or
13 expended for reimbursable costs by the department acting as a fiscal agent under
14 par. (f).

15 2. The department shall prescribe the form, nature, and extent of information
16 that shall be contained in applications for grants under this subsection. If the
17 application is for a project to improve a class “B” highway, the department shall
18 require the applicant to state when the highway was designated as a class “B”
19 highway under s. 349.15. To the extent feasible, the department shall do all of the
20 following:

21 a. Develop an application that does not exceed 2 pages in length.

22 b. Prescribe a simple and clear application process that is reasonably accessible
23 to political subdivisions with limited staffing resources.

24 (b) An agricultural road project is eligible for a grant under this subsection if
25 all of the following apply:

1 1. The project is to improve a highway functionally classified by the department
2 as a local road or minor collector or a bridge or culvert on a highway functionally
3 classified by the department as a local road or minor collector.

4 2. The highway, bridge, or culvert under subd. 1. provides access to agricultural
5 lands and facilities used for the production of agricultural goods, including forest
6 products, and is used by more than one agricultural producer.

7 3. The highway under subd. 1. or the highway upon which the bridge or culvert
8 under subd. 1. is located is designated as a class "B" highway under s. 349.15 due to
9 structural deficiencies or is subject to a posted weight limitation at least annually.

10 4. After completion of the project, the highway under subd. 3. will not be
11 designated as a class "B" highway under s. 349.15 and will not be subject to a posted
12 weight limitation other than under extraordinary or emergency circumstances.

13 5. The highway, bridge, or culvert to be improved is maintained by a political
14 subdivision.

15 (c) In awarding grants under this subsection, the department shall prioritize
16 the following:

17 1. Projects that improve access by the largest number of agricultural producers
18 to agricultural lands and facilities used for the production of agricultural goods.

19 2. Projects that will result in reduction of any of the following for agricultural
20 producers:

21 a. Deferred or delayed trips.

22 b. Repeated trips at reduced weights.

23 c. Labor costs.

24 d. Fuel costs.

25 e. Mileage upon and damage to equipment used in agricultural production.

1 f. Costs other than those in subd. 2. a. to e. resulting from a highway being
2 designated as a class "B" highway under s. 349.15.

3 3. Projects that will result in the greatest positive economic impact.

4 4. Projects for which the access provided under par. (b) 2. is the only feasible
5 access to the lands or facilities.

6 5. Projects that are the subject of a grant application by a political subdivision
7 that faces demonstrable fiscal or administrative difficulties in completing highway
8 projects.

9 6. Projects that will result in the transportation of the largest amount of
10 agricultural goods.

11 (d) Notwithstanding sub. (4), upon request by a political subdivision for partial
12 payment not more frequently than quarterly, the department shall reimburse any
13 reimbursable costs incurred by the political subdivision for an eligible agricultural
14 road project. Not more than 100 percent of reimbursable costs of an improvement
15 to an eligible agricultural road project shall be reimbursed. Reimbursable costs
16 under this subsection include any costs related to an eligible agricultural road
17 project, including costs of initial plan design and engineering, planning, designing,
18 engineering, and construction of an eligible agricultural road project.

19 (e) A political subdivision may pay for or otherwise obtain engineering and
20 design work for a project funded by a grant under this subsection from the
21 department or from another source.

22 (f) Upon request by the grantee, the department shall be designated as a fiscal
23 agent of a grantee that is a political subdivision or, upon agreement by the grantee
24 and the county, a county may be designated as a fiscal agent of a grantee that is a
25 town located within the county for the purposes of a project funded by a grant under

1 this subsection. If acting as a fiscal agent under this paragraph, the department or
2 county shall, upon request, pay reimbursable costs for an agricultural road project
3 when incurred and retain or receive grant moneys in reimbursement of these
4 payments.

5 (g) The department shall establish a committee to review grant applications
6 and award grants under this subsection. The committee shall consist of members
7 appointed by the secretary, have geographically diverse representation, and include
8 as members representatives of agricultural industries and political subdivisions
9 with jurisdiction of highways, bridges, or culverts that are eligible for grants under
10 par. (b). The secretary or designee shall serve as a nonvoting member of the
11 committee. The committee members shall serve 2-year terms beginning October 1
12 of an odd-numbered year and ending September 30 of the next odd-numbered year.

13 (h) Notwithstanding ss. 349.15 (2) and 349.16 (1), no highway, bridge, or culvert
14 approved under this subsection may be designated as a class "B" highway under s.
15 349.15 or be subject to a posted weight limitation other than under extraordinary or
16 emergency circumstances unless the political subdivision having jurisdiction of the
17 highway, bridge, or culvert obtains a pavement or structural analysis performed by
18 a professional engineer or the county highway commissioner for the county in which
19 the highway, bridge, or culvert is located supports the weight limitation and certifies
20 to the department the reason for the weight limitation.

21 (END)