

Clearinghouse Rule 94-202

CERTIFICATE



STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **on-private property political signs next to interstates and freeways**, was duly approved and adopted by this Department on June 10, 1996.

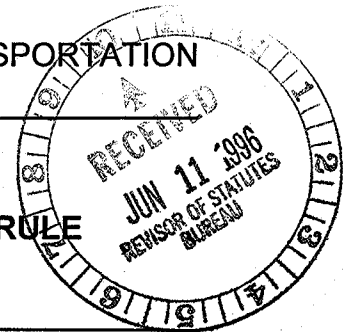
I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 10 day of **June**, 1996.


CHARLES H. THOMPSON
Secretary

The Wisconsin Department of Transportation adopts an order to amend TRANS 201.16(2)(e), relating to on-private property political signs next to interstates and freeways.

ORDER ADOPTING RULE**Analysis Prepared by the Wisconsin Department of Transportation**

CONSTITUTIONAL AUTHORITY: First Amendment, U.S. Constitution; Article 1, § 3, Wisconsin Constitution.

STATUTORY AUTHORITY: s. 84.30(14), Stats.

STATUTE INTERPRETED: s. 84.30, Stats.

General Summary of Rule. This rule making is necessitated by a recent U.S. Supreme Court decision. The Supreme Court has invalidated a Wisconsin restriction on otherwise qualifying political signs on private property. As a result, political signs on private property adjacent to interstates and freeways are exempt from our permit requirements in the same manner as other political signs adjacent to conventional highways if they meet the same size and election time limitations. Currently, Trans 201 exempts political signs from our normal billboard permit requirements if the sign meets certain size and election time frame criteria and if the sign is located on private property. However, Trans 201.16.(2)(e) states that the exemption does not apply if the political sign is "erected adjacent to an interstate highway or a freeway."

This rule making will amend Trans 201.16(2)(e) to eliminate the phrase "adjacent to an interstate highway or freeway or." It will also bring the rule into compliance with the Supreme Court decision. {*Ladue v. Gilleo*, 62 USLW 4477 [June 13, 1994]}.

Fiscal Effect. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district or sewerage district. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

Final Regulatory Flexibility Analysis. This rule will not have an adverse impact on small businesses.

Copies of Rule. Copies of this rule may be obtained, without cost, by writing to Robert Hardie, Division of Highways, Maintenance Section, P. O. Box 7916, Room 601, Madison, WI 53707-7916, or by calling (608) 266-3813. Alternate formats of the rule will be provided to individuals at their request.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 84.30(14), Stats., the department of transportation hereby adopts an order to amend a rule interpreting s. 84.30, Stats., relating to on-private property political signs next to interstates and freeways.

SECTION 1. Trans 201.16(2)(e) is amended to read:

Trans 201.16(2)(e) The sign is not erected ~~adjacent to an interstate highway or a freeway or~~ in a location where it constitutes a traffic hazard.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 10 day of June, 1996.



CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

June 11, 1996

Mr. Gary Poulson
Deputy Revisor of Statutes
131 West Wilson Street, Suite 800
Madison, Wisconsin 53703

RE: **CLEARINGHOUSE RULE 94-202**

In the Matter of the Adoption of **TRANS 201**, Wisconsin Administrative Code,
relating to **on-private property political signs next to interstates and freeways.**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 94-202**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Ann Agnew
Dorothy Kapke
Jim McDonnell
Jim Gruendler
Bob Hardie
Tom Lorfeld

