

Clearinghouse Rule 99-152

CERTIFICATE

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

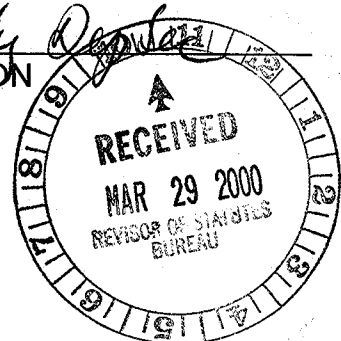
I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **calculation of fees for special events, security, traffic enforcement and escort services**, was duly approved and adopted by this Department on March 27, 2000.

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 27 day of **March**, 2000.

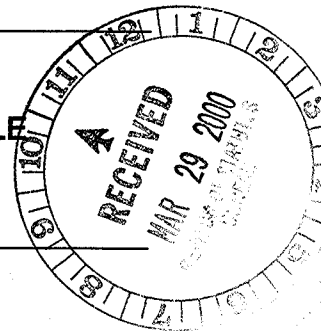
Charles H. Thompson
do CHARLES H. THOMPSON
Secretary



6-100

The Wisconsin Department of Transportation adopts an order to create ch. TRANS 320, relating to calculation of fees for special events, security, traffic enforcement and escort services

ORDER ADOPTING RULE



Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.51, 194.43 and 348.25(3), Stats.

STATUTES INTERPRETED: ss. 85.51, 194.43 and 348.26(2), Stats.

General Summary of Rule. 1997 Wisconsin Act 27 created s. 85.51, Stats., which permits the Division of State Patrol to charge a fee for security and traffic enforcement services provided at any public event for which an admission fee is charged for spectators if the event is organized by a private organization. Act 27 also created ss. 25.40(1)(a)14 and 20.395.(5)(dg), Stats., which mandate that the fees for the events and for escort services be deposited in the general fund and credited to the appropriation account, and establishes that appropriation account s. 20.395(5)(dg), Stats.

This rule making creates Ch. Trans 320 which establishes a uniform method for calculating fees charged to event organizers and motor carrier companies for traffic enforcement and escort services provided by the State Patrol beyond the normal traffic enforcement and safety tasks performed by State Patrol Troopers and Inspectors.

Final Regulatory Flexibility Analysis. This rule will have no adverse impact on small businesses.

Fiscal Effect. The rule will increase revenues for providing special event security and traffic enforcement services by about \$35,000 per year. The Department already collects about \$75,000 per year for providing escort services for oversize and overweight loads. Since the rule incorporates the Department's existing formula for calculating escort fees, escort fee revenues should remain the same.

Copies of Rule. Copies of the rule may be obtained upon request, without cost, by writing to Lorelee Brumund, Department of Transportation, Division of State Patrol, Room 551, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 267-3622. 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 ss. 85.51, 194.43 and 348.25(3), Stats., the department of transportation hereby creates a rule interpreting ss. 85.51, 194.43 and 348.26(2), Stats., relating to calculation of fees for special events, security, traffic enforcement and escort services.

SECTION 1. Chapter Trans 320 is created to read:

**CHAPTER TRANS 320
CALCULATION OF FEES FOR SPECIAL EVENTS,
SECURITY, TRAFFIC ENFORCEMENT AND ESCORT SERVICES
TRANS 320.01 Purpose and scope. (1) PURPOSE.** As authorized by ss.

85.51 and 348.25(3), Stats., the purpose of this chapter is to establish a uniform method to determine the fees that may be charged for special events, security and traffic enforcement services, and escort services provided by state traffic officers.

(2) SCOPE. This chapter applies to all special events in which state traffic officers provide security and traffic enforcement services for which an admission fee is charged, and the special event is organized by a private organization. This chapter also applies to motor carriers and private motor carriers who require escort services for oversize or overweight vehicles or loads.

TRANS 320.02 Definitions. In this chapter:

(1) "Department" means the department of transportation.

(2) "District commander" means a Wisconsin division of state patrol captain who is the commander of one of the division of state patrol's 7 districts, or the commander's designee.

(3) "Duty hours" means a traffic officer's starting and ending times for each work day. This includes travel time from the traffic officer's residence or work location to the

starting point from which special event or escort services are provided. It also includes travel time returning from the special event or escort site back to the traffic officer's residence or work location, or travel to and from the escort or special event site for traffic officers with split shifts.

(4) "Escort services" means the escort of oversize or overweight vehicles by uniformed traffic officers using authorized law enforcement vehicles, in accordance with ch. Trans 252.

(5) "Inspection time" means the time spent by traffic officers performing a safety inspection, or re-inspection, for any vehicle or load requiring an oversize or overweight permit, and the time spent for travel by traffic officers to and from the inspection site.

(6) "Lodging allowance" means the cost of overnight lodging permitted for individual traffic officers per day as identified in the department's transportation administrative manual, or TAM, 8-6 entitled *Travel Expense Reimbursement Rates and Allowances*.

(7) "Meal allowance" means the cost of meals permitted for individual traffic officers per day as identified in the department's transportation administrative manual, or TAM, 8-6 entitled *Travel Expense Reimbursement Rates and Allowances*.

(8) "Mileage rate" means the cost per mile for operation of a division of state patrol vehicle while performing official duties including special event or escort services.

(9) "Motor carrier" means any person, firm, partnership, corporation, or limited liability company that transports property for hire by motor vehicle upon public highways that requires escort services, including government and military agencies.

(10) "Oversize" means a vehicle or load exceeding the height, length, or width limits in ss. 348.05, 348.06 and 348.07, Stats.

(11) "Overweight" means a vehicle or load exceeding weight limitations in ss. 348.15, 348.16, 348.17 and 348.175, Stats.

(12) "Private motor carrier" means any person, firm, partnership, corporation or limited liability company that transports property by motor vehicle, other than an automobile or trailer, upon public highways, that requires escort services.

(13) "Rate of pay" means a traffic officer's average hourly wage, either for regular time or overtime, including time-off-with-pay percentage and fringe benefits percentage where applicable, as determined by collective bargaining agreement or state of Wisconsin compensation plan.

(14) "Special event" means a public event organized by a private organization for which an admission fee is charged for spectators.

(15) "Special event services" means security and traffic enforcement services provided at a special event by the division of state patrol.

(16) "Sponsor" means a private organization that organizes a special event.

(17) "Traffic officer" means a division of state patrol officer, including an inspector, with the powers and duties described in s. 110.07, Stats.

(18) "Vehicle mileage" means all mileage traveled by each state patrol vehicle used for special event or escort services. This includes travel to and from any special event or inspection site, and travel from a traffic officer's residence or work location to the starting point from which special event or escort services are provided. It also includes travel returning from the destination back to a state traffic officer's residence or work location, or travel to and from the escort or special events sites for traffic officers with split shifts.

NOTE: A copy of TAM 8-6, *Travel Expense Reimbursement Rates and Allowances*, may be obtained without cost by writing to the Division of State Patrol, Room 551, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 267-3622.

TRANS 320.03 General Requirements. (1) Requests for escort and special event services shall be submitted to the district commander of the division of state patrol district in which the special event shall take place or in which the escort services shall originate.

(2) Fees for special event services requested by another law enforcement agency shall be charged to the special event sponsor in the same manner as requests received directly from a sponsor.

(3) Requests for special event services shall be submitted at least 48 hours prior to the beginning of the special event.

(4) Costs related to requests for services not made in advance of a special event for which the division of state patrol is ultimately required to provide services, shall be charged to the event sponsor.

(5) Requests for escort services shall be submitted at least 48 hours prior to the beginning of the escort.

(6) Requests for escort services shall be accompanied by a valid oversize or overweight permit issued by the department's division of motor vehicles, bureau of vehicle services, motor carrier services section, or an officer in charge of maintenance of local highways.

(7) Requests to the district commander shall include all of the following:

(a) Identification of the point of origin and the point of termination for any escort service.

(b) Identification of the location of the special event.

(c) Identification of roads and highways to be provided with security and traffic enforcement.

(d) Identification of the anticipated starting and ending dates and times for any escort service, or identification of the starting and ending dates and times, including the number of days involved, for any special event for which security and traffic enforcement is to be provided.

(8) The district commander, in compliance with division of state patrol overtime policies, shall determine the number of, and authorize the use of, traffic officers or equipment to be used to provide special events security and traffic control or escort services with priority given to ensuring safe completion of the assignment.

(9) Routes for motor carriers and private motor carriers which require escort services shall be approved by the department's motor carrier services section, which may receive advice from the division of state patrol district commander and the department's division of transportation districts' district engineer.

(10) Fees for special event services may be required to be paid in advance of the special event.

(11) Fees for escort services shall be reimbursed by the motor carrier or private motor carrier no later than 30 days after the motor carrier or private motor carrier receives the bill. For payments not received within 30 days, the department may deny future overweight or oversize permits or escort services for the motor carrier or private motor carrier until payment is received.

(12) Notification of the cancellation of a request for special events services shall be provided to the appropriate division of state patrol district commander no later than

48 hours before the event was scheduled to commence. Failure to notify the district commander within 48 hours shall result in a surcharge of \$100.

(13) Notification of the cancellation of a request for escort services shall be provided to the appropriate division of state patrol district commander as soon as possible, but no later than 24 hours before the scheduled escort date. Failure to notify the district commander within 24 hours shall result in a surcharge of \$100.

TRANS 320.04 Formula for determining fees for special events. (1) The fee formula for special events shall include all of the following:

- (a) Duty hours.
- (b) Rate of pay.
- (c) Vehicle mileage.
- (d) Mileage rate.
- (e) Meal allowance.
- (f) Lodging allowance.
- (g) Number of days.

(2) Special events assignments shall be given as regular duty hours or overtime hours as determined by the district commander in accordance with division of state patrol policy and collective bargaining agreement.

(3) The formula for special events fees shall be calculated as:

(a) $[(\text{Number of duty hours per traffic officer}) \times (\text{duty hour rate of pay})] + [(\text{vehicle mileage per traffic officer}) \times (\text{mileage rate for type of vehicle used})] + [(\text{meal allowance per traffic officer}) \times (\text{number of meals per traffic officer})] + [(\text{lodging allowance per day per traffic officer}) \times (\text{number of days of lodging per traffic officer})] = \text{cost per traffic officer and vehicle for special events services.}$

(b) Total special events fee = cumulative costs per officer and vehicle.

(c) Total special events fee may not exceed the division of state patrol's reasonable and necessary costs.

TRANS 320.05 Formula for determining fees for escort services. (1) The fee formula for escort services shall include all of the following:

(a) Duty hours.

(b) Rate of pay.

(c) Vehicle mileage.

(d) Mileage rate.

(e) Meal allowance.

(f) Lodging allowance.

(g) Number of days.

(h) Inspection time.

(2) Escort services assignments shall be given as regular duty hours or overtime hours as determined by the district commander in accordance with division of state patrol policy and collective bargaining agreement.

(3) The formula for escort services fees shall be calculated as:

(a) $[(\text{Number of duty hours per traffic officer}) \times (\text{duty hour rate of pay})] + [(\text{vehicle mileage per traffic officer}) \times (\text{mileage rate for type of vehicle used})] + [(\text{meal allowance per traffic officer}) \times (\text{number of meals per traffic officer})] + [(\text{lodging allowance per day per traffic officer}) \times (\text{number of days of lodging per traffic officer})] = \text{cost per traffic officer and vehicle for escort services.}$


(b) Total escort services fee = cumulative costs per officer and vehicle.

(c) Total escort services fee may not exceed the division of state patrol's reasonable and necessary costs.

(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 27 day of March, 2000.


CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

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E-Mail: ogc_exec@dot.state.wi.us

March 29, 2000

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

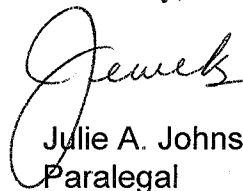
RE: **CLEARINGHOUSE RULE 99-152**

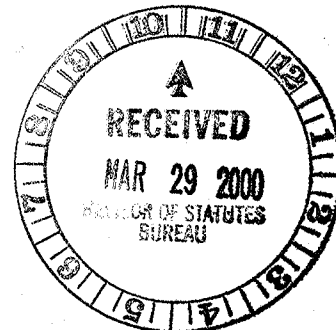
In the Matter of the Adoption of **TRANS 320**, Wisconsin Administrative Code, relating to **calculation of fees for special events, security, traffic enforcement and escort services**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 99-152**, an administrative rule relating to the above-mentioned matter.

Sincerely,


Julie A. Johnson
Paralegal



Enclosures

cc: Mike Goetzman
Alice Morehouse
David Schumacher
Dan McGuire
Loralee Brumund