

**STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY**

**NOTICE OF PUBLIC HEARING
CLEARINGHOUSE RULE 16-045**

The State of Wisconsin Department of Transportation Proposes an Order to Amend Permanent Rule Wisconsin Administrative Code § Trans 201.23 and ch. Trans 202 Relating to Wisconsin Scenic Byway Program.

NOTICE IS HEREBY GIVEN that, pursuant to ss. 227.17 and 227.24(4), Wis. Stats., the State of Wisconsin Department of Transportation (“WisDOT”) will hold a public hearing on permanent rule that will amend Wis. Admin. Code § Trans 201.23 and ch. Trans 202 relating to Wisconsin Scenic Byway Program, at the time and place shown below.

Hearing Information

Date: Wednesday, September 28, 2016
Time: 1:00 p.m.
Location: Wisconsin Department of Transportation
4802 Sheboygan Avenue, Room 144B
Madison, WI 53707

Appearances at the Hearing and Submittal of Written Comments: Interested persons are invited to appear at the public hearing and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their written comments. WisDOT will accept written comments until Monday, October 3, 2016. Written comments may be sent to Jane V. Carrola, Scenic Byways Coordinator, WisDOT, 4802 Sheboygan Avenue, Room 901, Madison, Wisconsin 53705, or e-mail: jane.carrola@dot.wi.gov. Comments can also be made on permanent rule, CR 16-045, through the Legislature’s Administrative Rules website at <http://docs.legis.wisconsin.gov/code/comment>, until Monday, October 3, 2016.

Accessibility: If you have special needs or circumstances regarding communication or accessibility at a hearing, please call Jennifer Peters, Administrative Rulemaking Coordinator, at (608) 267-6979 prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audio format will be made available on request to the fullest extent possible.

Initial Regulatory Flexibility Analysis: This proposed permanent rule neither requires nor prohibits any action on the part of any small business. This permanent rule will not impose

any direct or indirect costs on small businesses. The anticipated economic impact of implementing the proposed rule changes are:

- Scenic byways designation may provide an additional attraction for tourists. Therefore, more scenic byway designations should have a positive impact on tourism.
- Scenic byway designation provides municipalities on a route with a means of distinguishing themselves from other nearby municipalities (*e.g.*, “come visit us; we are a scenic byway”). Designation also creates additional avenues for promotion at the local level.
- In 2004, an economic impact study and marketing analysis was conducted of Wisconsin’s first scenic byway known as the Great River Road. The route is primarily on WIS 35, from Prescott to Kiel. The study showed that in 2003, recreational users along the Great River Road Scenic Byway generated an estimated \$337.5M in tourist expenditures. These expenditures supported an estimated 10,219 full-time equivalent jobs on the scenic byway.
- The full-time jobs generated an estimated additional \$145M in wages and proprietary income.
- No other studies or analyses have been done in Wisconsin regarding the economic impact of scenic byways.

Fiscal Estimate: The Department estimates that the fiscal impact will be to towns, villages, cities, counties or tribal governments for the purchase and installation of scenic byway logo signs on a local road or county trunk highway that is part of a formally designated scenic byway route. Scenic Byways logo signs are needed to identify the route and guide travelers along it.

2011 Wisconsin Act 147 creates Wis. Stat. § 84.106(3), related to marking highways. Wisconsin Stat. § 84.106(3) specifies that the Department shall be responsible for the installation and maintenance of logo signs along the state trunk highway system. 2011 Wisconsin Act 147 also specifies that the local government that has maintenance authority over a road or highway shall be responsible for the installation and maintenance of logo signs along those roads. The current cost of a logo sign, post, and installation is \$175. There is an average of 0.68 signs per mile on the three formally designated byways (excluding the Great River Road) in Wisconsin.

The minimum length for a Wisconsin scenic byway is 30 miles. Assuming the route is solely on county highways or local roads, approximately 20 signs would be needed for a total cost of \$3,500. It is important to note that the total cost would be shared by the local governments abutting the route. The actual cost per local government would depend on the percentage of the mileage of the local roads that comprise the scenic byways route.

Local governments may be able to coordinate with local service clubs or commissions to help defray the purchase cost of the signs. However, they have the ultimate responsibility for the purchase, installation and on-going maintenance of these signs.

The Department estimates that there will be no other fiscal impact on the liabilities or revenues of any town, village, city, county or tribal government related to scenic byway designation.

Anticipated costs incurred by the private sector: None.

Effect on small businesses: This proposed permanent rule neither requires nor prohibits any action on the part of any small business. This permanent rule will not impose any direct or indirect costs on small businesses.

A scenic byways designation provides an additional attraction for tourists. Small businesses located along a formally designated byway that are involved in the provision of goods and services related to tourism or travel may experience an incremental increase in visitors and revenues due to increased visitation by tourists as a result of byway designation. The agency contact person listed below is also the small business regulatory coordinator for this proposed rule.

Agency Contact Person/ Agency Small Business Regulatory Coordinator:

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