

- 1 **AN ACT** *to create* 85.02 (3) of the statutes; **relating to:** department of transportation
2 planning for bicycle and pedestrian ways.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council's Special Committee on Performance-Based Disease Management Programs for Large Populations.

This draft requires the Department of Transportation (DOT) to ensure that bicycle and pedestrian ways are established in all new construction and reconstruction projects in this state which utilize state or federal transportation funds, unless DOT finds that certain circumstances exist.

This draft requires DOT to promulgate rules that specify the circumstances under which the requirement to include bicycle and pedestrian ways does not apply. These circumstances may include only situations in which one or more of the following apply:

1. Bicyclists or pedestrians are prohibited by law from using the roadway.
2. The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. The draft allows DOT to determine when the cost would be "excessively disproportionate".
3. Establishing bikeways or walkways would have excessive negative impacts in a constrained environment. The draft allows DOT to determine, by rule, when the effects would be "excessively negative".
4. Sparsity of population, traffic volume, or other factors indicate an absence of need. The draft allows DOT to determine when there is an "absence of need".
5. Refusal of a community to accept an agreement for maintenance of sidewalks.

The provisions of the draft first apply to construction and reconstruction projects for which the initial planning begins after the enactment of the draft.

- 3 **SECTION 1.** 85.02 (3) of the statutes is created to read:

85.02 (3) (a) Except as provided under par. (b), the department shall ensure that bicycle and pedestrian ways are established in all new construction and reconstruction projects in this state which utilize state or federal transportation funds.

(b) The department shall, by rule, specify circumstances under which the requirement under par. (a) does not apply. These exceptions may include only situations in which one or more of the following apply:

1. Bicyclists or pedestrians are prohibited by law from using the roadway.

2. The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use.

3. Including bicycle or pedestrian facilities would have excessive negative impacts in a constrained environment.

4. Sparsity of population, traffic volume, or other factors indicate an absence of need.

5. Refusal of a community to accept an agreement for maintenance of sidewalks.

SECTION 2. Initial applicability.

(1) This act first applies to construction and reconstruction projects for which the initial planning is commenced on the effective date of this subsection.

(END)