



2023 ASSEMBLY BILL 244

April 28, 2023 - Introduced by Representatives TRANEL, VANDERMEER, NOVAK, C. ANDERSON, ARMSTRONG, BEHNKE, BINSFELD, CALLAHAN, CONLEY, DITTRICH, EDMING, GOEBEN, GREEN, GUNDRUM, GUSTAFSON, HURD, KITCHENS, KRUG, KURTZ, MAGNAFICI, MURPHY, MURSAU, O'CONNOR, OLDENBURG, PENTERMAN, PETRYK, PLUMER, RETTINGER, ROZAR, SAPIK, SCHMIDT, SCHRAA, SHANKLAND, SNYDER, SORTWELL, SPIROS, SUMMERFIELD, SWEARINGEN, WITTKE and TITTL, cosponsored by Senators MARKLEIN, TOMCZYK, BALLWEG, CABRAL-GUEVARA, COWLES, FELZKOWSKI, FEYEN, JAMES, PFAFF, QUINN, SPREITZER, TESTIN, WANGGAARD and BRADLEY. Referred to Committee on Transportation.

AUTHORS SUBJECT TO CHANGE

- 1 **AN ACT** *to renumber* 86.31 (1) (a); *to amend* 86.31 (2) (a); and *to create* 20.395
2 (2) (fc), 59.58 (6), 86.31 (1) (ac) and 86.31 (3o) of the statutes; **relating to:** an
3 agricultural roads improvement grant program and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Transportation to establish an agricultural road improvement grant program. Under the program, projects are eligible for reimbursement of up to 100 percent of the costs of a project under the program if all of the following apply:

1. The project is for the improvement of a local road, minor collector, bridge, or culvert (agricultural road facility) that is maintained by a political subdivision.
2. The agricultural road facility provides access to agricultural lands used for the production of agricultural goods and is used by more than one agricultural producer.
3. Due to structural deficiencies, the agricultural road facility is subject to weight limitations at least annually.
4. After completion of the project, the agricultural road facility will not be subject to weight limitations other than under extraordinary or emergency circumstances.

The bill also requires DOT to prioritize projects that improve access by the largest number of agricultural producers, projects that make improvements to agricultural road facilities that are the oldest, projects that will result in the largest reduction in deferred or repeated trips by vehicles of agricultural producers, projects

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that will result in the greatest positive economic impact, projects making improvements to agricultural road facilities that provide the only feasible route of access, and projects that are the subject of a grant application by a political subdivision that faces demonstrable fiscal or administrative difficulties in completing highway projects.

The bill also requires that for a project under this program, upon request by a grantee, DOT must be designated as a fiscal agent of a grantee that is a political subdivision and that, upon agreement by the grantee and the county, a county may be designated as a fiscal agent of a grantee if the grantee is a town located within the county. If acting as a fiscal agent under this program, DOT or a county must, upon request, pay reimbursable costs for a project when incurred and retain or receive grant moneys in reimbursement of these payments.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

	2023-24	2024-25
3 20.395 Transportation, department of		
4 (2) LOCAL TRANSPORTATION ASSISTANCE		
5 (fc) Agricultural roads	GPR C 150,000,000	-0-

6 **SECTION 2.** 20.395 (2) (fc) of the statutes is created to read:
7 20.395 (2) (fc) *Agricultural roads.* As a continuing appropriation, from the
8 general fund, the amounts in the schedule for agricultural road improvement grants
9 under s. 86.31 (3o).

10 **SECTION 3.** 59.58 (6) of the statutes is created to read:
11 59.58 (6) AGRICULTURAL ROADS AGENCY. Subject to s. 86.31 (3o) (f), the board may
12 authorize the county to act as a fiscal agent for a town located within the county with
13 regard to a project under s. 86.31 (3o).

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1 **SECTION 4.** 86.31 (1) (a) of the statutes is renumbered 86.31 (1) (ak).

2 **SECTION 5.** 86.31 (1) (ac) of the statutes is created to read:

3 86.31 (1) (ac) “Agricultural road facility” means a highway functionally
4 classified by the department as a local road or minor collector or a bridge or culvert
5 on a highway functionally classified by the department as a local road or minor
6 collector.

7 **SECTION 6.** 86.31 (2) (a) of the statutes is amended to read:

8 86.31 (2) (a) The department shall administer a local roads improvement
9 program to accelerate the improvement of seriously deteriorating local roads or, for
10 grants under sub. (3o), agricultural road facilities, by reimbursing political
11 subdivisions for improvements. The selection of improvements that may be funded
12 under the program shall be performed by officials of each political subdivision,
13 consistent with par. (h) and the requirements of subs. (3), (3g), (3m), (3o), and (3r).
14 The department shall notify each county highway commissioner of any deadline that
15 affects eligibility for reimbursement under the program no later than 15 days before
16 such deadline.

17 **SECTION 7.** 86.31 (3o) of the statutes is created to read:

18 86.31 (3o) AGRICULTURAL ROADS. (a) 1. From the appropriation under s. 20.395
19 (2) (fc), subject to par. (c), the department shall award grants to political subdivisions
20 for eligible projects under par. (b).

21 2. The department shall prescribe the form, nature, and extent of information
22 that shall be contained in applications for grants under this subsection. To the extent
23 feasible, the department shall do all of the following:

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

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

3 (b) A project to improve an agricultural road facility is eligible for funding
4 under this subsection if all of the following apply:

5 1. The agricultural road facility is maintained by a political subdivision.

6 2. The agricultural road facility provides access to agricultural lands used for
7 the production of agricultural goods and is used by more than one agricultural
8 producer.

9 3. Due to structural deficiencies, the agricultural road facility is designated as
10 a class “B” highway under s. 349.15 or is subject to a posted weight limitation at least
11 annually.

12 4. After completion of the project, the agricultural road facility will not be
13 designated as a class “B” highway under s. 349.15 and will not be subject to a posted
14 weight limitation other than under extraordinary or emergency circumstances.

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 used for the production of agricultural goods.

19 2. Projects that make improvements to agricultural road facilities that are the
20 oldest based on date of initial construction.

21 3. Projects that will result in the largest reduction in deferred or repeated trips
22 by vehicles of agricultural producers.

23 4. Projects that will result in the greatest positive economic impact.

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

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

4 (d) Notwithstanding sub. (4), a political subdivision may apply to the
5 department under this subsection for reimbursement of not more than 100 percent
6 of eligible costs of an improvement to an agricultural road facility. Amounts awarded
7 in a grant under this subsection may include any costs related to a project under par.
8 (b), including costs of planning, designing, engineering, and constructing an
9 agricultural road facility.

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

13 (f) Upon request by the grantee, the department shall be designated as a fiscal
14 agent of a grantee that is a political subdivision or, upon agreement by the grantee
15 and the county, a county may be designated as a fiscal agent of a grantee that is a
16 town located within the county for the purposes of a project funded by a grant under
17 this subsection. If acting as a fiscal agent under this paragraph, the department or
18 county shall, upon request, pay reimbursable costs for a project when incurred and
19 retain or receive grant moneys in reimbursement of these payments.

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(END)