



## 2013 ASSEMBLY BILL 389

September 23, 2013 - Introduced by Representatives TITTL, THIESFELDT, AUGUST, NYGREN, MILROY, PETERSEN, WEATHERSTON, MURPHY, STROEBEL, CZAJA, JAGLER, PRIDEMORE, JACQUE, NASS, SANFELIPPO, CRAIG, LEMAHIEU, KERKMAN, SCHRAA, KAPENGA, KNUDSON and RIPP, cosponsored by Senators GROTHMAN and LAZICH. Referred to Committee on Transportation.

1     **AN ACT to amend** 346.57 (1) (ag), 346.57 (1) (am) and 346.57 (4) (gm); and **to**  
2             **create** 349.11 (2) (d) of the statutes; **relating to:** the maximum speed limit on  
3             freeways and expressways.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the maximum speed limit on any freeway or expressway in this state is 65 miles per hour. A “freeway” is defined as any state trunk highway with four or more lanes of traffic separated by a barrier or median (a paved or landscaped strip between opposing traffic) that gives preference to through traffic by limiting access to only interchanges. An “expressway” is also defined as any state trunk highway, but only a state trunk highway that the Department of Transportation (DOT) determines has four or more lanes of traffic separated by a barrier or median that gives preference to through traffic by use of interchanges or by limiting at-grade access to selected public roads and driveways.

Also under current law, if DOT determines on the basis of an engineering and traffic investigation that any statutory speed limit on the state trunk highway system is greater or less than is reasonable or safe or that the actual speed of vehicles is greater or less than is reasonable and prudent, DOT may determine and declare a reasonable and safe speed limit on the applicable highway segment and post the highway segment with signs imposing this modified speed limit. However, there are limitations on DOT’s authority to modify speed limits, and DOT may not declare a speed limit greater than 55 miles per hour, except that the speed limit may be 65 miles per hour on a freeway or expressway.

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This bill increases the maximum speed limit on freeways and expressways from 65 miles per hour to 70 miles per hour. This speed limit of 70 miles per hour does not take effect until DOT posts the limit by official traffic signs, but the bill requires DOT to post the 70 miles per hour limit on specified freeways or expressways within approximately one month after the bill's effective date and on all other freeways or expressways within approximately six months after the bill's effective date. The bill also limits DOT's authority to modify the statutory speed limit of 70 miles per hour on freeways and expressways. Under the bill, if DOT makes a determination following the process under current law, described above, that a reasonable and safe speed limit on a freeway or expressway is less than 70 miles per hour, DOT may notify the Joint Committee on Finance (JCF) in writing of the proposed lower speed limit. The proposed lower speed limit may be implemented by DOT, and DOT may post the applicable freeway or expressway with the lower speed limit, only if JCF expressly approves the proposed speed limit or implicitly approves the proposed speed limit by failing to schedule a meeting for the purpose of reviewing the proposed speed limit within 14 working days after the date of DOT's notification.

This bill also changes the definition of expressway to "a state trunk highway that, as determined by [DOT], has 4 or more lanes of traffic physically separated by a median or barrier and that gives preference to through traffic by allowing only some at-grade access to roads and driveways", and the definition of freeway to "a state trunk highway that, as determined by [DOT], has 4 or more lanes of traffic physically separated by a median or barrier and that gives preference to through traffic by limiting access to interchanges only."

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

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

1           **SECTION 1.** 346.57 (1) (ag) of the statutes is amended to read:  
2           346.57 (1) (ag) "Expressway" means a state trunk highway that, as determined  
3 by the department, has 4 or more lanes of traffic physically separated by a median  
4 or barrier and that gives preference to through traffic by ~~utilizing interchanges or~~  
5 ~~limiting~~ allowing only some at-grade access to selected ~~public~~ roads and public  
6 driveways. An "expressway" may include a highway that utilizes interchanges.

7           **SECTION 2.** 346.57 (1) (am) of the statutes is amended to read:

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1           346.57 (1) (am) “Freeway” means a state trunk highway that, as determined  
2 by the department, has 4 or more lanes of traffic physically separated by a median  
3 or barrier and that gives preference to through traffic by limiting access to  
4 interchanges only.

5           **SECTION 3.** 346.57 (4) (gm) of the statutes is amended to read:

6           346.57 (4) (gm) ~~Sixty-five~~ Seventy miles per hour on any freeway or  
7 expressway.

8           **SECTION 4.** 349.11 (2) (d) of the statutes is created to read:

9           349.11 (2) (d) Modify the speed limit stated in s. 346.57 (4) (gm), except as  
10 provided in this paragraph. If the department has satisfied the requirements under  
11 sub. (1) (a) and determined that a speed limit less than 70 miles per hour is a  
12 reasonable and safe speed limit on an expressway, as defined in s. 346.57 (1) (ag), or  
13 a freeway, as defined in s. 346.57 (1) (am), the department may notify the joint  
14 committee on finance in writing of the proposed lower speed limit. If the  
15 cochairpersons of the committee do not notify the department that the committee has  
16 scheduled a meeting for the purpose of reviewing the proposed speed limit within 14  
17 working days after the date of the department’s notification, the department may  
18 consider the proposed speed limit to be approved. If, within 14 working days after  
19 the date of the department’s notification, the cochairpersons of the committee notify  
20 the department that the committee has scheduled a meeting for the purpose of  
21 reviewing the proposed speed limit, the proposed speed limit is not approved unless  
22 it is expressly approved by the committee. The department may not post the  
23 proposed speed limit as provided in sub. (1) (a) unless it has been approved under this  
24 paragraph.

25           **SECTION 5. Nonstatutory provisions.**

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1           (1) The department of transportation shall erect official signs giving notice of  
2 the limit under section 346.57 (4) (gm) of the statutes, as affected by this act, no later  
3 than the first day of the 2nd month beginning after publication, on all of the following  
4 freeways or expressways:

5           (a) USH 12, from the Illinois state line to Elkhorn north of I 43, a highway  
6 segment of approximately 15 miles.

7           (b) USH 14, from Madison south of the beltline to STH 138 in Oregon, a  
8 highway segment of approximately 10 miles.

9           (c) STH 16, from I 94 in Pewaukee to STH 67 in Oconomowoc, a highway  
10 segment of approximately 15 miles.

11           (d) I 39, from the Illinois state line to I 94 in Madison, a highway segment of  
12 approximately 50 miles.

13           (e) I 39/USH 51, from I 90/94 in Portage to Merrill, a highway segment of  
14 approximately 125 miles.

15           (f) USH 41, from Milwaukee to Abrams, a highway segment of approximately  
16 135 miles.

17           (g) I 43, from I 39 in Beloit to Milwaukee, a highway segment of approximately  
18 60 miles.

19           (h) I 43, from Milwaukee to Green Bay, a highway segment of approximately  
20 110 miles.

21           (i) USH 45, from USH 41 in Germantown to West Bend, a highway segment of  
22 approximately 15 miles.

23           (j) USH 53, from I 90 in Onalaska to Holmen, a highway segment of  
24 approximately 10 miles.

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- 1           (k) USH 53, from I 94 in Eau Claire to Rice Lake, a highway segment of  
2           approximately 60 miles.
- 3           (l) I 90, from the Minnesota state line to I 94 in Tomah, a highway segment of  
4           approximately 45 miles.
- 5           (m) I 39/90/94, from Portage to Madison, a highway segment of approximately  
6           30 miles.
- 7           (n) I 90/94, from Tomah to Portage, a highway segment of approximately 60  
8           miles.
- 9           (o) I 94, from the Minnesota state line to I 90 in Tomah, a highway segment of  
10          approximately 145 miles.
- 11          (p) I 94, from I 39/90 in Madison to Milwaukee, a highway segment of  
12          approximately 60 miles.
- 13          (q) I 94, from Milwaukee to the Illinois state line, a highway segment of  
14          approximately 30 miles.
- 15          (r) STH 172, from I 43 in Green Bay to USH 41 in Green Bay, a highway  
16          segment of approximately 7 miles.
- 17          (s) STH 441, from USH 41 in southwest Appleton to USH 41 in northeast  
18          Appleton, a highway segment of approximately 10 miles.
- 19          (t) USH 151, from I 39/90/94 in Madison to STH 73 in Columbus, a highway  
20          segment of approximately 25 miles.
- 21          (u) STH 29, from USH 51 in Wausau to CTH "O" in Wausau, a highway segment  
22          of approximately 5 miles.
- 23          (v) STH 29, from I 39/USH 51 in Wausau to CTH "Q" in Ringle, a highway  
24          segment of approximately 12 miles.

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1 (w) STH 29, from CTH "T" in Chippewa Falls to STH "Q" in Cadott, a highway  
2 segment of approximately 25 miles.

3 (x) USH 10, from USH 41 in Appleton to STH 49/110 in Fremont, a highway  
4 segment of approximately 25 miles.

5 (y) USH 45, from USH 41 in Oshkosh to CTH "G" in Butte des Morts, a highway  
6 segment of approximately 10 miles.

7 (z) USH 45, from CTH "G" in Butte des Morts to USH 10 in Winchester, a  
8 highway segment of approximately 5 miles.

9 (aa) USH 10, from I 39 in Stevens Point to STH 34 in Junction City, a highway  
10 segment of approximately 10 miles.

11 (2) Except with respect to expressways or freeways for which the speed limit  
12 is modified as provided in section 349.11 (2) (d) of the statutes, as created by this act,  
13 the department of transportation shall erect official signs giving notice of the limit  
14 under section 346.57 (4) (gm) of the statutes, as affected by this act, no later than the  
15 first day of the 7th month beginning after publication, on all freeways or expressways  
16 not identified in subsection (1).

17 (END)