

# State of Wisconsin



2023 Senate Bill 247

Date of enactment: **June 21, 2023**  
Date of publication\*: **June 22, 2023**

## 2023 WISCONSIN ACT 13

AN ACT *to amend* 86.31 (2) (a); and *to create* 86.31 (1) (ao) and 86.31 (3o) of the statutes; **relating to:** an agricultural roads improvement grant program.

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

**SECTION 1.** 86.31 (1) (ao) of the statutes is created to read:

86.31 (1) (ao) "Eligible agricultural road project" means a project that is eligible for a grant under sub. (3o) (b).

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

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

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

86.31 (3o) AGRICULTURAL ROADS IMPROVEMENTS. (a)  
1. Any funds directed for agricultural roads improvements under this subsection shall be distributed as grants

to reimburse political subdivisions for eligible agricultural road projects or expended for reimbursable costs by the department acting as a fiscal agent under par. (i).

2. The department shall prescribe the form, nature, and extent of information that shall be contained in applications for grants under this subsection. If the application is for a project to improve a class "B" highway, the department shall require the applicant to state when the highway was designated as a class "B" highway under s. 349.15. To the extent feasible, the department shall do all of the following:

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

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

(b) An agricultural road project is not eligible for a grant under this subsection unless all of the following apply:

1. The project is to improve a highway functionally classified by the department as a local road or minor collector or a bridge or culvert on a highway functionally classified by the department as a local road or minor collector.

2. If the project is solely for the improvement of a bridge or culvert, the bridge or culvert is 20 feet or less

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

in length and is not eligible for funding under a federal program providing funding for bridge improvements.

3. The highway, bridge, or culvert under subd. 1. provides access to agricultural lands or facilities used for the production of agricultural goods, including forest products, and is used by at least one agricultural producer.

4. The highway under subd. 1. or the highway upon which the bridge or culvert under subd. 1. is located is designated as a class "B" highway under s. 349.15 due to structural deficiencies or has been subject to a posted weight limitation for at least one month during the previous year.

5. After completion of the project, except as provided under par. (k), the highway under subd. 4. will not be designated as a class "B" highway under s. 349.15 and will not be subject to a posted weight limitation other than under extraordinary or emergency circumstances.

6. The highway, bridge, or culvert under subd. 1. is maintained by a political subdivision.

(c) In awarding grants under this subsection, subject to par. (d), the department and the committee under par. (j), with information from affected highway users, shall select projects that provide the greatest benefit to agricultural producers in this state using the following criteria:

1. Projects that improve access by the largest number of agricultural producers to agricultural lands or facilities used for the production of agricultural goods, including forest products.

2. Projects that will result in reduction of any of the following for agricultural producers:

- a. Repeated trips at reduced weights.
- b. Labor costs.
- c. Fuel costs.

d. Mileage upon and damage to equipment used in agricultural production.

e. Costs other than those in subd. 2. a. to d. resulting from a highway being designated as a class "B" highway under s. 349.15 or being subject to a posted weight limit under other than extraordinary or emergency circumstances.

3. Projects that will result in the greatest positive economic impact. Under this subdivision, the department and the committee shall consider the number of employees and the amount of agricultural product sales from agricultural producers that would be directly affected by the project.

4. Projects for which the access provided under par. (b) 3. is the only feasible access to the lands or facilities.

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

6. Projects that will result in the transportation of the largest amount of agricultural goods, including forest products.

7. Projects that improve access to agricultural lands or facilities used for the production of agricultural goods, including forest products, for more than one agricultural producer.

(d) The department shall attempt to award grants under this subsection to political subdivisions in all geographic areas of the state.

(e) The department may make grants under this subsection of up to 90 percent of reimbursable costs.

(f) Reimbursable costs under this subsection include any costs related to an eligible agricultural road project, including costs of initial plan design and engineering, planning, designing, engineering, and construction of an eligible agricultural road project.

(g) Notwithstanding sub. (4), upon request by a political subdivision for partial payment not more frequently than quarterly, the department shall reimburse any reimbursable costs incurred by the political subdivision for an eligible agricultural road project.

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

(i) Upon request by the grantee, the department shall be designated as a fiscal agent of a grantee for the purposes of a project funded by a grant under this subsection. If acting as a fiscal agent under this paragraph, the department shall, upon request, pay reimbursable costs for an agricultural road project when incurred and retain or receive grant moneys as reimbursement for these payments.

(j) The department shall establish a committee to review grant applications and award grants under this subsection. The committee shall consist of members appointed by the secretary, have geographically diverse representation, and include as members representatives of agricultural industries and political subdivisions with jurisdiction of highways, bridges, or culverts that are eligible for grants under par. (b). The secretary or designee shall serve as a nonvoting member of the committee. The committee members shall serve a term equal to the duration of the program under this subsection.

(k) Notwithstanding ss. 349.15 (2) and 349.16 (1), no highway, bridge, or culvert improved under this subsection may be designated as a class "B" highway under s. 349.15 or be subject to a posted weight limitation other than under extraordinary or emergency circumstances unless the political subdivision having jurisdiction of the highway, bridge, or culvert obtains a pavement or structural analysis performed by a professional engineer or the county highway commissioner for the county in which the highway, bridge, or culvert is located supports the weight limitation and certifies to the department the reason for the weight limitation.

(L) By July 1, 2025, and annually thereafter, the department in consultation with the department of agriculture, trade and consumer protection shall submit a report on the program under this subsection to the joint committee on finance and the standing committee of each house of the legislature having jurisdiction over transportation. The report shall provide the number and total amount of grants awarded, and an estimate of the economic impact of projects funded, under this subsection during the previous year and over the lifetime of the program. The department of transportation is not required to

submit a report under this paragraph if no expenditures were made under this subsection in the previous year.

(m) 1. After 3 years after the effective date of this subdivision .... [LRB inserts date], the department may not award a grant under this subsection.

2. After 5 years after the effective date of this subdivision .... [LRB inserts date], the department may not reimburse any costs incurred under this subsection.

(n) Except as provided in pars. (k) and (m) 2., this subsection does not apply after 5 years after the effective date of this paragraph .... [LRB inserts date].

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