

# Wisconsin Towns Association

May 2022

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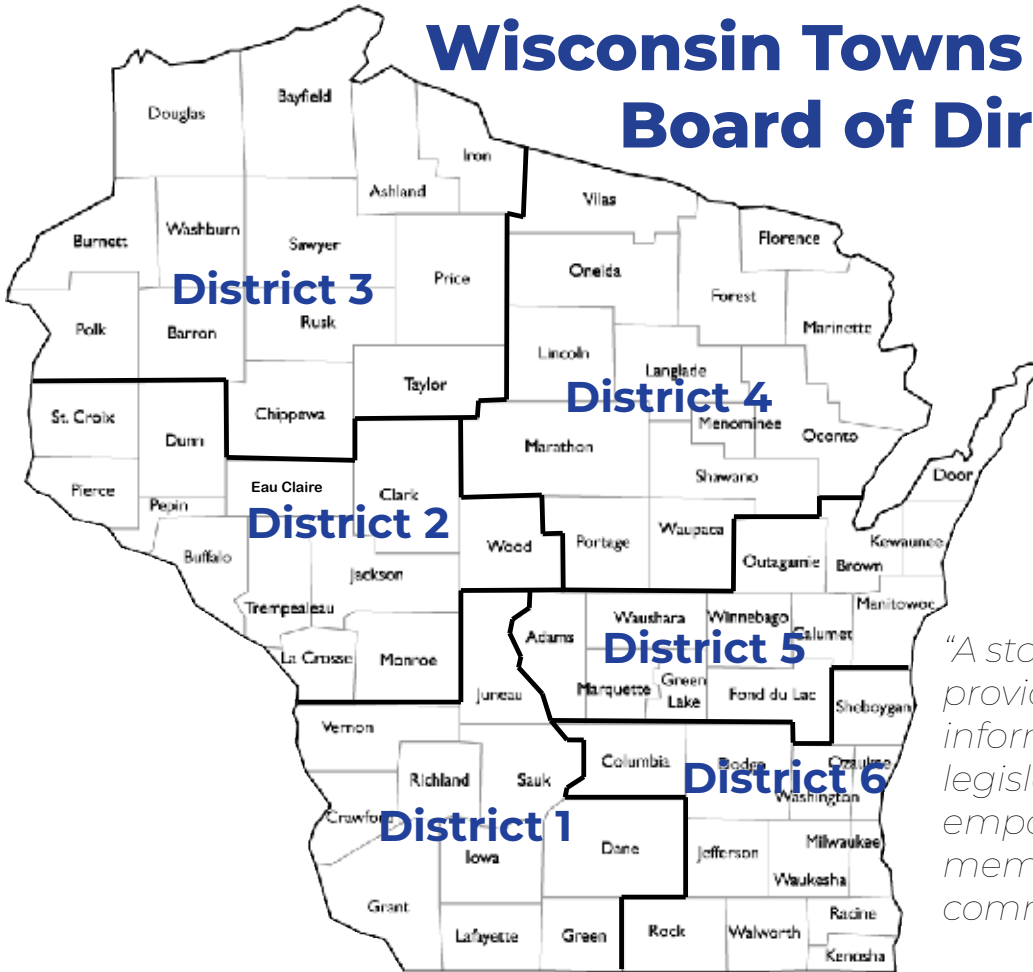
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# Wisconsin Towns

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*Empowering Town Officials*

# FROM THE EXECUTIVE DIRECTOR



By  
**Mike Koles**

## **Local Road Improvement Projects Awarded**

The Local Road Improvement Program (LRIP) is a reimbursement program that provides biennial grants for capital improvements on existing county, city, village, and town roads that was created in 1991. A capital improvement is defined as a project with a design life of at least 10 years. For towns, historically LRIP included both the Town Road Improvement program (TRI) and the Town Road Improvement – Discretionary program (TRID). The former is entitlement funding that is allocated to the towns in each county and awarded by the individual County Town Road Improvement Committees (CTRIC). The latter is a statewide competitive grant program. The Statewide Town Road Improvement Discretionary Committee (STRIDC) reviews the applications and chooses which projects receive awards. TRI and TRID may fund and traditionally have covered up to 50% of the total project costs.

During the 2019-21 biennial budget process, the legislature created a \$90 million program coined the Multimodal Local Supplement program (MLS). During the 2021-23 biennial budget process, this was transitioned into the Local Road Improvement Program – Supplemental (LRIP-S) and funding was increased to \$100 million. 39% of this funding is allocated to towns through the Town Road Improvement program – Supplemental (TRIS). This is a statewide competitive grant program, and awards may cover up to 90% of the total project costs. The STRIDC performs the review function for TRIS, and in both biennia has chosen to provide grants that cover 70% of project costs in order to increase the number of projects receiving awards.

For the 2021-23 biennium, 437 applications totaling \$254.1 million were submitted for TRID and TRIS. In early April, WisDOT informed 73 TRID and 81 TRIS project applicants that they were selected for grant funding. WisDOT does not send letters to those who haven't been selected so if you didn't receive one the first week in April your project was not selected.

A total of \$39 million in TRIS and \$25.4 million in TRID was awarded. This was \$12.4 million more in discretionary funding than was expected due to recirculated federal funding. Lucky for Wisconsin, other states did not use all of their previously appropriated infrastructure funding. When this happens, the left over funding is recirculated to states that exhausted their appropriation. The funding runs through WisDOT. Lucky for towns, Secretary Thompson understands the plight of town roads and provided an additional \$12.4 million of this recirculated money into TRID.

I would like to personally thank the 15 members of the Statewide Town Road Improvement Discretionary Committee. They each volunteered hundreds of hours of their time to read through over 400 project applications. There were many qualified projects and choosing the grant recipients is always a difficult task.

## **Bipartisan Infrastructure Law**

On the heels of TRID and TRIS applications, WisDOT announced a solicitation for the new federal *Surface Transportation Program – Local* and the traditional *Local Bridge Program*. The first round of applications for the Federal Fiscal Year (FFY) 2022 were due April 1<sup>st</sup>. The second

round of applications for FFY 2023-2026 are due June 3<sup>rd</sup>. Please see my April magazine article for more details.

A common question WTA is receiving pertains to the risk associated with applying for BIL, or for that matter, TRID or TRIS. **So, what is the risk associated with applying for these programs?** There are primarily two risks. First, you are risking the amount of time, money, and effort you put into writing the grant application. If you don't receive the grant, then you are out that investment. Now, if managed properly this could turn out to be only a temporary setback. This year, I witnessed a 2022 TRIS award go to a project that had previously applied 3 times. The town learned from previous failed submittals, applied the lessons with a fresh application, and eventually obtained a grant. The moral is that just because you don't receive an award the first time you apply doesn't mean that you won't get an award eventually.

One of the misperceptions is that simply applying requires a town to incur engineering costs. This is not the case. After you are awarded a grant, the town must sign a State Municipal Agreement (SMA). Once this contract is signed, then that's when the engineering and construction costs come into play. On occasion we have a town that is awarded a grant that chooses not to move forward with a signed SMA. In other words, they turn down the grant award. In this instance, they are out the investment they made to make the grant application, no more – no less.

The second risk is that you get the award and have underestimated the project costs. The state and federal cost share is based off of your estimate. So, if your project turns out to be more expensive than anticipated then your town will be responsible for the additional costs. That is why it is particularly important to have a qualified individual assisting you with your grant application project estimates.

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## Frequently Asked Questions Regarding the Board of Review

### **Q. When must the board of review (BOR) meet?**

A. The board of review must meet sometime during the fourth Monday in April and the 45 day period thereafter. That means that in 2022, your BOR must meet between April 25<sup>th</sup> and June 9<sup>th</sup>. Wis. Stat. § 70.47(1). If the assessment roll is not complete at that time, the board of review must still meet during this time period to call the meeting to order and then the members would vote to adjourn the meeting to a later date when it is assumed that the assessment roll will be ready and the board of review will be able to conduct its business.

### **Q. Who makes up the town Board of Review?**

A. A town board of review is made up of the town board and the town clerk, if he or she is *elected* to the office of town clerk. However, a clerk *appointed under s. 60.30(1e), Wis. Stat.* is **not automatically a voting member of the board of review**. See Wis. Stat. § 70.46(1m). Section 70.46(1m) prohibits an appointed clerk from serving on the board of review so that *non-residents* do not end up as voting members of the board of review. Note that towns with appointed clerks *who are town residents* still have the option of adopting an ordinance to appoint the clerk to fill the vacancy on the board of review created by the appointive office. See Wis. Stat. § 70.46(1m)(b). There is a sample ordinance to this effect on the WTA website. Note that appointed non-resident clerks would still clerk the board of review, complete the necessary forms, swear in witnesses, take minutes, etc. However, he or she would not participate in the deliberations or vote on matters at the board of review. Towns with non-resident appointed clerks would have a vacancy on their board of review and the board should appoint a town resident to fill that position.

### **Q. What sort of notice is required before the first session of the board of review?**

A. At least 15 days before the first session of the board of review (or at least 30 days in advance if it is revaluation year), the clerk of the board of review must provide a Class 1 notice. Towns and villages without an official newspaper may post their notices in 3 physical locations, post in 1 physical location and the municipal website, or pay to publish the notice in a newspaper likely to give notice in your area. Wis. Stat. § 70.47(2). The notice must contain all of the information required by Wis. Stat. §§ 70.47(7)(aa),(ac),(ad)(ae) and (af). If the assessment roll is not complete, an abbreviated notice may be used for the first meeting that indicates you are meeting for the purpose of adjourning to a later date.

The longer notice would still be provided later, as described above, at least 15 (or 30 days) prior to the reconvened board of review.

**Q. How many members of the board of review must meet the mandatory annual training requirement?**

A. Only one voting member must meet the training requirements specified in Wis. Stat. § 70.46(4). If the town has only one certified person and the one certified member must abstain from hearing a particular objection because of a conflict of interest or request for removal, it is recommended that he or she still be available in the meeting room to answer procedural questions that may arise while the objection is heard.

**Q. When can a board of review adjust an assessment?**

A. After the assessor's affidavit is completed and signed, the board *must accept the valuations in the assessment roll as correct valuations*. This presumption of correctness is binding on the board of review unless sufficient evidence to the contrary exists. To overturn the presumption of correctness, the property owner has the burden of proof to show evidence proving the assessor incorrect. See Wis. Stat. § 70.47(8)(i). The board of review cannot simply "split the difference" and give a property owner a reduced assessment because he or she bothered to appear at board of review. The final assessment must be based on the evidence submitted at the board of review hearing.

**Q. What type of taxpayer notification is needed at the end of a board of review hearing?**

A. The board of review may announce its decision to the property owner and assessor at the conclusion of the hearing, or it may take the case under advisement. *Prior to final adjournment*, however, the clerk of the board of review must provide the objector, or the appropriate party, notice of the finalized assessment on Department of Revenue Form PR-302. (This form also explains the property owner's appeal rights and procedures as required by law.) The notice can either be hand delivered to the taxpayer or mailed return receipt required. After providing these notices, the clerk of the board of review must also prepare an affidavit that includes the date when the notice was delivered or mailed. See Wis. Stat. § 70.47(12).

**Q. Is there anything else the clerk needs to do before wrapping up BOR for the year?**

A. After the board of review has made its decisions, the clerk should summarize the proceedings and decisions on forms prescribed by the Department of Revenue (Form PA-800). The summary should include the following items: name of property owner, description of the property, amount of the assessment objected to, names of the persons who appeared for the property owner, and the board of review's determination. If there were any requests for waiver of the BOR hearing, Form PA-811 would also be completed. These forms must be retained for at least seven years along with the clerk's notes, written objections, tape recordings of the proceedings, and all other material submitted to the board of review.



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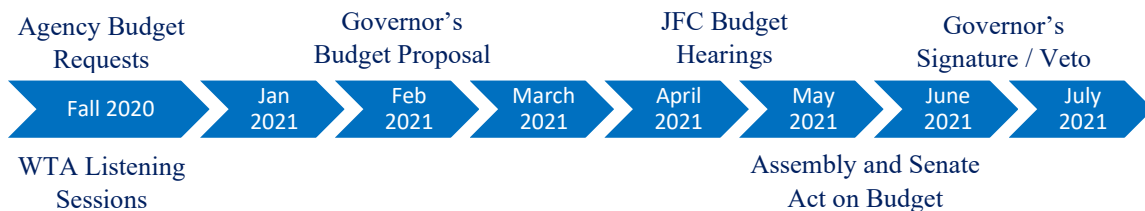
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## 2021 – 2022 Legislative Overview Part 1: Transportation

Wisconsin’s legislative session has drawn to a close, providing us the opportunity to take a breath and reflect on all that was accomplished in the last two years. Spoiler alert – a lot of good legislation passed for towns and villages. We have so much to discuss, in fact, that I am breaking this article down into multiple parts. Part one – this article – will discuss transportation funding in the 2021-23 state budget. In the coming months, we will discuss other state budget provisions as well as standalone legislation with local government impacts.

Before we dig into the details of the 2021-23 state budget, let’s briefly review the budget process. Wisconsin operates on a biennial budget, with a new budget process beginning in the fall of each even-numbered year. This process begins with each state agency submitting a budget request to the Governor. The Governor compiles and revises those requests and submits a full budget proposal to the legislature. The legislature’s Joint Committee on Finance then conducts hearings and prepares its own version of the budget for approval by the full legislature. Finally, the legislature’s budget goes to the Governor for signature or veto. The Wisconsin Constitution also provides the Governor with the power to partially veto any bill containing an appropriation, meaning the Governor may delete portions of the budget without vetoing the full bill. The 2021-23 budget was signed into law, with 50 partial vetoes, on July 8, 2021.



WTA advocacy efforts follow a similar timeline. We begin with member listening sessions in even-numbered years to develop a list of legislative priorities. Those priorities are then discussed by WTA’s Town Advocacy Council (TAC) which makes recommendations for legislative action to the WTA Board of Directors. Our goal is to develop a primary legislative agenda with enough time to advocate for that agenda at every step in the budget process.

For more information about the Town Advocacy Council or WTA’s legislative priorities, please visit the Legislative section of the WTA website.

### 2021-23 Budget: Transportation

Transportation funding is a primary focus of WTA’s budget related advocacy efforts each year. Towns and villages across the state depend upon general transportation aids and various transportation grants to maintain local highway infrastructure. Consequently, WTA spends significant effort advocating for more

and better funding of these programs. The 2021-23 budget included a number of positive transportation related provisions, including the following increases in state funding for local transportation infrastructure:

- ✓ A 2% increase in General Transportation Aids (GTA) in each year of the biennium. This represents an increase from \$2,628 per mile in prior years to \$2,681 per mile for calendar year 2022 (\$53) and \$2,734 per mile for calendar years 2023 and thereafter (\$106). WTA favors baseline increases to General Transportation Aids (GTA) over one-time and competitive grant programs.
- ✓ \$39,054,000 for towns in the Local Road Improvement Program – Supplemental (LRIP-S). Additional funds were set aside in this program for villages, cities, and counties. This program provides one-time competitive grant funds with up to a 90% state match (10% local). Although LRIP-S is truly a one-time funding source as opposed to a baseline appropriation like GTA, this is the second iteration of program – funded at a higher level in this budget than the last.

In addition to the increased funding listed above, WTA was also successful in its ask for two GTA policy changes. These changes do not create new funding for roads, but rather, help towns leverage the full amount of GTA that is already available.

The first GTA policy change fixed a negative impact on GTA caused by the timing of disaster aids and other reimbursement payments. A town that experienced a large flood, for example, might have been awarded disaster aids to reimburse the town for road costs associated with that disaster. In that scenario, the disaster aid payment would generally come in the form of a reimbursement check a few (or many) years after the town made the expenditure that fixed the road. The mismatch in the timing of this reimbursement compared to the timing of the town's expenditure would have caused a negative impact on that town's GTA calculation. The legislature and the Governor recognized that the timing of such reimbursements should not negatively impact GTA payments, and they set aside \$1,000,000 per year to make towns whole for these impacts. Going forward, towns affected by the timing of a reimbursement will receive a supplemental GTA payment called an Aid Limitation Adjustment (ALA).

The second GTA policy change specifically addressed towns with very low equalized values. Prior to the 2021-23 budget, all towns were required to have a minimum of 15% of their transportation spending come from the town. This is often referred to as the 85-15 cost share. Unfortunately, low equalized values and rising costs for essential services has caused a number of towns to continually find themselves unable to meet this 15% threshold – not spending enough locally to leverage their full GTA award. The 2021-23 budget included a provision to alleviate this issue for towns held down by a relatively low tax base. Now, towns in the lowest quartile (25%) of all towns by equalized value are only required to have a minimum of 2% of their transportation spending coming from the town (a 98-2 cost share). In other words, these relatively low tax base towns can now more easily capture the GTA funds that were set aside for them. This also provides greater flexibility for these towns to fund other priorities as needed without raising taxes or sacrificing state aid. PLEASE NOTE that the determination of which towns are in the bottom quartile will occur annually. Towns on the borderline of the first and second quartile should be aware that their position may change year to year, affecting eligibility for this flexibility.

# Basic Financial Administration for Wisconsin Local Governments



Proper budgeting, accounting, and reporting practices are necessary to fund a local government's priorities and meet its day-to-day operations. There is now a great resource available to assist with these important tasks. The "Basic Financial Administration for Wisconsin Local Governments" handbook focuses on the needs of smaller local governments and addresses the financial operational needs of clerks, treasurers, other staff, and governing bodies. Chapters include topics such as payroll, budgeting, reconciliations, purchasing, and municipal borrowing. Order your copy today!

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## **Local Regulations Related to Alcohol Licensing**

**Q. If a bar owner has outstanding delinquent property taxes, can the town board refuse to renew the bar’s license to sell alcohol?**

A. The town could only refuse to issue or renew an alcohol license on this basis if the town has adopted a local ordinance to this effect. If your town board adopts such an ordinance for the first time now, the regulation shouldn’t be applied until next year’s licensing period (July of 2023), so that licensees have adequate time to comply with the new rule. The town can only enforce such an ordinance in relation to outstanding amounts owed to the town, as opposed to bills due to the county, state, or any other entity. Additionally, the ordinance must apply to all types of licenses issued by the town, not just alcohol licenses. As an example, the ordinance could require that as a condition of obtaining or renewing any town license, all local taxes, assessments, special charges, fees, or other outstanding amounts, including but not limited to municipal forfeitures from a violation of any town ordinance, must be paid on a current basis. This type of ordinance also must provide the applicant with notice and other due process protections as required by law. A sample Ordinance Requiring Payment of Local Claims as a Condition of Obtaining or Renewing Town Issued Licenses is available from our office.

**Q. If a town has issued its full quota of “Class B” liquor licenses, can the town board revoke or non-renew the “Class B” liquor license of a bar owner who isn’t using it, so that the license can go to someone else who actually plans to keep a retail alcohol business in operation?**

A. Under state law, a retail alcohol license holder is not required to operate or keep their business open a certain number of days per year. It’s up to each licensee to decide whether and how long to keep their business in operation, meaning a bar owner could hold onto their liquor license after their bar closes down or could operate an establishment that is closed for the majority of the year. However, a town could adopt a local ordinance requiring that licensees keep their licensed premises open for a certain number of months or days per year as a condition of keeping their license. Violation of such an ordinance could be used by the town as grounds for non-renewing or revoking a license. As noted above, if the town newly adopts this type of ordinance, it should give licensees a full licensing year to come into compliance before starting to enforce the new regulation. A sample Continuation of Business Ordinance is available from our office.

**Q. Can a town limit the total number of retail alcohol establishments in the town by setting stricter alcohol license quotas than those outlined in state law?**

A. Yes, a town could adopt an ordinance that limits the maximum number of each type of retail alcohol license the town board will issue at any one time. State statutes only impose a quota for “Class B” liquor licenses. A town could use a local ordinance to adopt a stricter “Class B” liquor license quota than imposed

by state law (for example, stating that no more than 5 “Class B” liquor licenses will be issued at any one time in the town despite the fact that the town’s statutory quota is 8), or to adopt local quota restrictions for “Class A” liquor licenses and Class “A” and Class “B” beer licenses.

**Q. Is the town board required to call a special board meeting to consider a request for a provisional license from someone who wants to open their bar or start work as a bartender as soon as possible?**

A. Provisional licenses permit individuals to engage in the activities that the regular retail alcohol license or operator’s license they applied for will allow while they are waiting for their regular retail alcohol or operator’s license application to be approved. Provisional licenses expire either when the person’s regular license is issued or 60 days after the provisional license was issued, whichever comes first. See Wis. Stats. §§ 125.185 and 125.17(5). Wisconsin law states that municipalities that issue retail alcohol licenses or operators’ (aka bartenders’) licenses must issue provisional licenses. However, a municipality can adopt local ordinances establishing standards under which provisional retail alcohol license and provisional operator’s license requests will be granted, as well as designating which local official has the power to issue provisional licenses. For example, a town board could adopt an ordinance authorizing the town clerk to issue provisional licenses if certain standards laid out in the ordinance are met. This type of ordinance can be helpful to avoid having to hold special town board meetings in order to vote on every provisional license request. Sample ordinances regarding the issuance of provisional retail alcohol licenses and provisional operators’ licenses are available from our office.

**Q. How long is the waiting period before a temporary (“picnic”) license to sell beer and/or wine at a special event can be issued to a club, church, or other eligible community group?**

A. The answer depends on the length of the event for which the temporary license was requested and whether the applicant plans to sell beer or wine. If an event will last 4 or more days, or if a temporary wine license is requested, the minimum waiting period is 15 days between when the application is filed and when the license can be granted. However, Wisconsin law gives municipalities the power to adopt local ordinances establishing the waiting period (of any length of time) required before granting a temporary license for an event that will last less than 4 days at which only beer will be sold. See Wis. Stat. § 125.04(3)(f). A town board could also use such an ordinance to delegate the authority to issue temporary licenses to a specific local official, such as the town clerk. See Wis. Stats. §§ 125.26(1) and 125.51(1)(a). Delegating this authority makes it possible for the designated local official to respond to last-minute requests for temporary licenses in a timely manner, without having to call a special town board meeting. A sample temporary license ordinance is available from our office.

**Q. Can a town give town officials and employees permission to sell beer at a concession stand in the town park?**

A. Municipalities cannot issue retail alcohol licenses to themselves. For example, a town cannot set up a tavern in the town hall. However, municipalities can adopt an “ordinance, resolution, rule or regulation” to allow municipal officials and employees to sell beer in municipal parks without a retail alcohol license. See Wis. Stat. § 125.06(6). Note that this exception is only for selling beer, *not* wine or intoxicating liquor.

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## WTA–Rural Mutual Insurance–Scott Construction 2021 Scholarship Winner

“What lessons can town governments take from the COVID-19 pandemic to improve their emergency management systems and prepare for and respond to future disasters?”

By: Elizabeth Volz, Sun Prairie High School

*The Wisconsin Towns Association, Rural Mutual Insurance Company, and Scott Construction, Inc. award \$8,000 in scholarships to high school seniors graduating from either a public or private high school that enroll in a Wisconsin public or private college or university. The winners are determined by independent judging of an essay contest.*

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“By failing to prepare, you are preparing to fail.” “The only thing certain is uncertainty.” While many are familiar with these mottos, they really sum up a core piece of American culture and thinking. As a society, we have been conditioned to expect the unexpected, so much so that thousands of people today make their living trying to predict the unpredictable. However, very few would have guessed that in 2020, our world would face a global pandemic. COVID-19 ushered in a wave of countless business closures, public health mandates, and disruptions to public sector operations, putting greater pressure on town and other local governments. As society begins to emerge from the pandemic, all levels of government have an important opportunity to learn from this crisis and improve their emergency responses. Two of the greatest takeaways from this pandemic are the need to develop and maintain strong community communication systems, and to incorporate disease management into emergency planning. Town governments should also recognize that the pandemic has shown the willingness of community members and local businesses to step up and support the overall economic and social health of the community.



As a member of the Sun Prairie Sustainability Task Force, I experienced firsthand how the pandemic not only affected my community, but also local government. As a subcommittee of the Sun Prairie City Council, the task force worked to create a list of recommendations on how our community could be more sustainable, which were then forwarded to the city council. As the sole student representative, I worked to share my classmates’ views on sustainability and promote their goals for our community. As the effects of the pandemic continued to present challenges, it became increasingly difficult to evaluate and effectively relay these views to the task force. I relied heavily on video conferencing to communicate with my environmentally focused classmates, but I knew that I was still missing some valuable viewpoints. With meetings being held virtually and with restrictions on in-person community events, these challenges were certainly experienced by local government elected leaders. This should signal to officials that a more efficient and equitable form of communication with their constituents should be implemented for emergency management. Of course, information, especially evacuation or safety information, should be



distributed at a rapid rate and should be available to all residents. Cities and towns should also work to develop more easily accessible ways for community members to, in turn, communicate with their officials. In disaster situations, information from community members can be just as important as information from safety officials, so two-way communication should be a priority. In this way, residents can provide creative ideas that can benefit the community as a whole.

In addition to the form of communication, government officials must focus on providing clear and consistent messages to the community. Throughout the pandemic, constant changes to public health guidelines led to great confusion among the general public as to the current state of regulations. Clarity in communications is necessary in fostering the public's trust in their local leaders.

The Sustainability Task Force worked to create solutions to environmental problems in our community before they became an emergency. I believe that is the key to creating a strong and adaptable community. It is never too early to begin planning for future or uncertain events, and conversely, it is never too late to create a plan either. I believe our task force best defined it in the vision statement we created: "Our mission is to promote and enable our community to embrace a culture that is inclusive, safe, resilient and sustainable.<sup>1</sup>" An important strategy to achieve resilience is to have a disaster plan created in advance. According to EHS Today, "Communities need to stress the all-hazards approach" to emergency management systems<sup>2</sup>. While many towns and other communities focus solely on natural disasters, it is also important to update plans for newer threats as they emerge. Emergency management systems should not only focus on physical damage or threats, but also economic threats. The pandemic-imposed recession-level economic consequences and necessitated immediate distancing and masking regulations. By having economic recovery plans and potential regulations at the ready, and by coordinating these plans with surrounding communities, emergency management officials can ensure that responses will be as effective as possible. In times of crisis, officials will no longer have to scramble to find solutions. Instead, solution guidelines will already be available, and officials can begin implementing them, decreasing response time, and quickening recovery.

While the COVID-19 pandemic brought many negative consequences, it also highlighted the strength and communal spirit of local businesses and residents. Community members rallied around their local businesses, who in turn held countless charitable events. This relationship of mutual support should signal to local government officials that their residents are willing and ready to help their community. Emergency management officials should, therefore, incorporate outreach into their disaster plans. If a crisis strikes one segment of the community, officials should plan to appeal to the rest of the community for aid, whether it be for funds, volunteers, or material donations. A small number of officials can only do so much, but when you bring the entire community together, you can move mountains.

Emergency management systems are essential to mitigating the effects of a disaster. While having a response plan in place is critical, it is important to continue updating these plans in order to have the most effective and efficient response possible. The COVID-19 pandemic has offered up many opportunities for improving these plans. Emergency management officials should now look to creating more effective and equitable ways to communicate with residents, as well as incorporating disease management into response plans. Officials should also recognize the willingness of the community to help each other and should incorporate this into their planning in a manner that reflects the unique characteristics of their community.

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## American Rescue Plan Act Expenditures & General Transportation Aids

Many local governments have expressed interest in how American Rescue Plan Act (ARPA) expenditures could interact with their General Transportation Aids (GTA). After thorough discussions with the Wisconsin Department of Transportation (WisDOT) and the Wisconsin Department of Revenue (DOR), it has been determined that expenditure of ARPA funds on infrastructure won't negatively impact GTA and would have a positive impact on your GTA formula calculation if you continue to also spend your own source revenues (i.e., tax levy) in a manner similar to recent history. This discussion also presents an excellent opportunity to review how GTA are calculated. This article will explain how GTA is calculated; ARPA's potential impact on GTA by walking through how ARPA funds may be used for road construction, maintenance, and operation; and, where ARPA funds should be reported on the Municipal Financial Report.

### The GTA Calculation

The GTA program is a reimbursement program intended to help defray a portion of the costs incurred in constructing, maintaining, and operating roads and streets under local jurisdiction. Towns/villages who receive GTA under the rate per mile (RPM) formula are eligible to receive a maximum of \$2,681 per mile in 2022 and \$2,734 per mile in 2023. The amount of aid your town/village actually receives is based on a formula. Under the RPM formula, the two major determinants of the amount of aid a local government will receive are the road mileage under its jurisdiction and the amount of its own resources it has spent on that mileage over an average of three years. Some local governments may not receive the full amount they are eligible for if they have not spent enough own source revenue on transportation during the period in question. WisDOT looks at the average annual eligible costs for the most recent three-year period. The most recent three-year period is one year removed from the current year due to data reporting and processing time requirements. So, for GTA payments made in 2022, the state will be looking at the "net" eligible highway costs your local government reported for 2018, 2019, and 2020. Net eligible expenditures are determined after deducting certain revenues from "gross" eligible expenditures. In other words, WisDOT will add up all qualified expenditures and subtract all deductible revenues to calculate net eligible costs in each year of the three-year average.

WisDOT obtains information about your local government's eligible highway related expenditures and revenues from the Municipal Financial Report Form that your local government files with the Wisconsin Department of Revenue each year on or before May 15th. For this reason, it is critical that your highway expenditures and revenues are reported accurately on that report. Many clerks have questions about whether certain highway related expenditures can be reported or how they should be reported. Your town/village may consult the Transportation Aids Cost Reporting Manual which is available here: <https://wisconsindot.gov/Documents/doing-bus/local-gov/astnce-pgms/highway/gta-manual.pdf>.

WisDOT will also look at the number of miles your local government has reported on the highway inventory which is filed with WisDOT by December 15th of each year. Keep in mind that there is a about

a one-year lag between the date the mileage is certified and when the new data is used to calculate GTA payments.

Most towns and all villages may not receive a GTA payment that exceeds 85% of the local government's 3-year average highway spending. Towns in the bottom quartile (25%) of equalized value (i.e., 312 towns) may not receive a GTA payment that exceeds 98% of the 3-year average. The latter rule was created in the 2021-23 biennial budget in recognition of that fact that towns with lower property values have a more difficult time producing own source revenues to accomplish an adequate match to leverage all of their potential GTA. In 2022, 40 towns in the bottom quartile of equalized value benefitted from this provision. Towns would be wise to use this new provision with caution as the 312 towns eligible for this provision will change annually. If your town is near the "bubble" of slipping out of the bottom quartile, you will definitely not want to rely upon this provision.

### **Share of Cost**

Towns and villages who do not receive GTA through the RPM calculation receive it through the Share of Cost calculation (SOC). WisDOT calculates GTA through both the SOC formula and the RPM formula and selects the higher amount when awarding highway aid. SOC is calculated by averaging the amount of eligible annual costs over the 6 most recent years and multiplying it by an SOC percentage, which changes annually. Less than 10% of towns receive GTA by way of the SOC formula. You can find out whether or not you receive GTA through the RPM or SOC formula and other GTA details for your town by visiting the WisDOT GTA website and looking at your town's calculation sheet - <https://wisconsindot.gov/Documents/doing-bus/local-gov/astnce-pgms/highway/gta-calc.pdf>

### **ARPA and Transportation Expenditures**

One of ARPA's four allowable use categories is replacing lost public sector revenue. Communities can claim a standard allowance of up to \$10 million to be used for the provision of government services. Government services are generally services traditionally provided by governments unless the Treasury has stated otherwise. Road maintenance is a government service. All Wisconsin towns and villages may allocate their entire ARPA award to revenue loss projects.

### **ARPA Funds and the Municipal Financial Report**

WisDOT calculates GTA by using the information contained on your town's Municipal Financial Report. On the revenue side, local governments will report their ARPA funds on line "103-43300: Federal Grants – Other Federal Payments." This revenue line is NOT a deductible revenue for GTA purposes; therefore, it will not impact your town's net eligible costs in your GTA average. On the expenditure side, your local government should report all expenditures as you normally would, including transportation and road-related expenditures.

### **Late Filing Reminder**

Being that most readers will be reviewing this article in May, it is important to note that if the Municipal Financial Report Form is filed late, your GTA for the following year is automatically reduced by 1% for each working day that your report was filed late. State law does provide that the total reduction may not exceed 10% of the aids payable to the municipality for the preceding year. See Wis. Stat. §§ 86.303(5)(e) & (f). Be sure your report gets filed on time!



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# Working from home puts the brakes on weekday traffic

*The onset of the COVID-19 pandemic significantly decreased traffic on Wisconsin’s roads. Today, weekend traffic has largely returned to pre-pandemic levels, yet weekday traffic – a much greater part of the total – has not. Ridership levels on Wisconsin’s major transit systems also remain far below what they used to be, reinforcing the conclusion that the pandemic’s impact on transportation in Wisconsin could have long-term implications.*

The COVID-19 pandemic engendered many permanent changes to daily life, including a shift to “working from home” at least part of the time for many white-collar workers. One result can be seen on roads across the state. Data from the Wisconsin Department of Transportation (DOT) show that weekend traffic at hundreds of statewide sites has generally recovered to pre-pandemic levels but weekday traffic continues to lag.

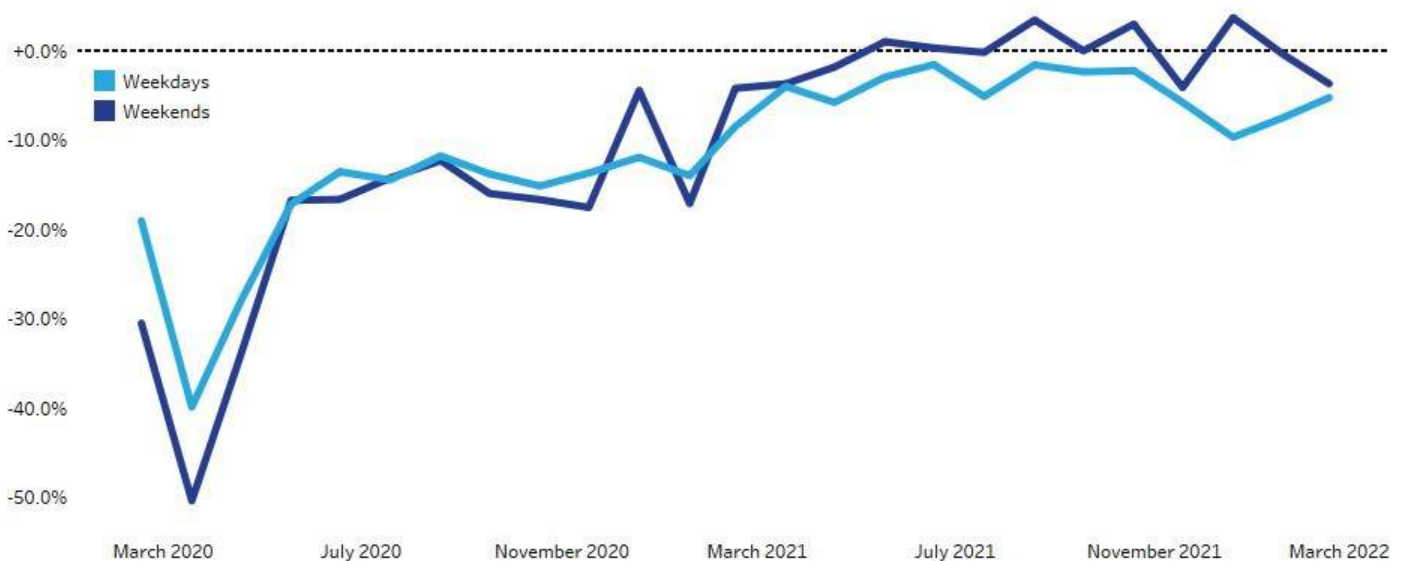
Comparing average daily traffic over the last year (April 2021 to March 2022) to traffic in the year preceding the pandemic, weekend traffic is down just 0.2%, while weekday traffic is down by 4.4% (see Figure 1). In fact, DOT data indicate that weekend traffic volumes have

shown stronger recoveries than weekday volumes in each of the last 13 months, starting in March 2021. Traffic levels in Wisconsin’s most populous urban counties, as well as ridership on the state’s largest transit systems, show the likely cause is a reduction in the number of people commuting to work. Though weekday traffic may still further recover, the potential for a long-term shift should be considered when it comes to future road construction and transit route decisions.

These findings come from a WPF analysis of DOT traffic volume data from more than 230 sites across the state, as well as data from the Federal Transit Administration. It should be noted that the DOT data mostly come from

**Figure 1: Weekend Traffic Recovers; Weekdays Lag Behind**

Change in average daily traffic volume by month compared to same month pre-pandemic\*, March 2020-2022



Source: Wisconsin Department of Transportation. \*March 2019 to February 2020. Data from 239 sites with ample collections in every month from March 2019 to March 2022.

state, U.S., and interstate highways and only capture a handful of local roads. That said, data near major centers of activity in Madison and Milwaukee show that the findings within this report extend to those types of roadways as well, at least in urban centers.

### Weekdays and Weekends Diverge

When businesses shut down during the early days of the pandemic and a “stay at home” order was put in place on March 25, 2020, traffic patterns in Wisconsin [changed significantly](#). Compared to the same months in 2019, Wisconsin’s 2020 traffic volumes were down 21.1% in March, 42.4% in April, and 30.3% in May.

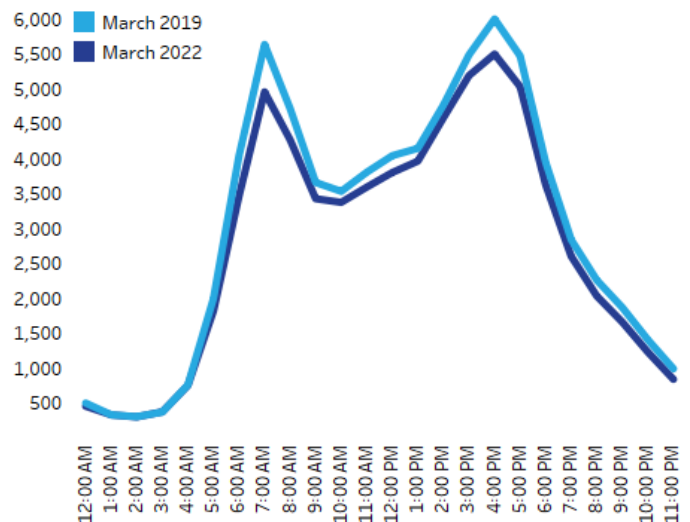
By March 2021 – when many Wisconsinites began to receive their first or second dose of COVID-19 vaccines – average daily volumes recovered to just 6.4% below March 2019 numbers. This was the first month in which average traffic volumes had not been down by at least 10% relative to the same month in the year preceding the pandemic (as our baseline, we use the 12 months running from March 2019 to February 2020). Since then, traffic volumes have remained below pre-pandemic levels in every month except September 2021.

However, the totals obscure a more complicated story. Over the last year (April 2021 to March 2022) and excluding holidays, weekend traffic exceeded pre-pandemic levels in six out of 12 months, including volumes that were 3.7% higher on weekends in January 2022 compared to January 2020. Meanwhile, there has not yet been a single month in which weekday traffic topped pre-pandemic levels (see Figure 1).

Traffic in Wisconsin’s most populous counties mirrors these trends. Across 15 sites in Milwaukee County, average weekday traffic was down 5.3% in March 2022 compared to March 2019, but weekend volumes were only down 3.6%. In Dane County during the same months, weekday traffic was down 9.8%, while the reduction was just 6.1% on weekends.

In recent [decades](#) in the United States, car volume and vehicle miles travelled (VMT) can fluctuate but tend to increase over time. However, today, volume in Wisconsin appears to be only back to what it was at in 2015 or 2016, according to DOT data. That said, DOT notes that truck traffic is up notably (7% from March 2019 to March 2022). The increase may reflect an underlying shift in consumer spending away from

**Figure 2: Rush Hour Traffic Below Pre-Pandemic Levels**  
Average hourly traffic at 16 sites in Dane & Milwaukee Counties by hour, weekdays only



Source: Wisconsin Department of Transportation. Data from 9 sites in Dane County and 7 sites in Milwaukee County.

services and towards goods during the pandemic: truck volumes have been above pre-pandemic levels in every month since December 2020.

Still, for all vehicles, a closer look allows us to confirm that commuting has played the primary role in this divergence. DOT collects information at certain sites by the hour, allowing for an examination of traffic patterns over the course of a day.

Across 16 sites in Dane and Milwaukee counties that track hourly data, average weekday traffic volumes during daytime hours declined from March 2019 to March 2022. But they were down the most during morning and evening rush hours. Compared to declines of 3% to 7% during mid-day (9 a.m. to 4 p.m.), rush hour traffic declined by at least 9.5% in each hour between 6 a.m. and 9 a.m. and by at least 8.0% in each hour between 4 p.m. and 8 p.m. (see Figure 2). Notably, weekday traffic was down by an even greater amount – between 10% and 16% - in the evening and late night hours at these sites. This could indicate that in addition to commuting patterns changing, Wisconsin residents have also changed their behavior when it comes to post-work and post-school activities.

Meanwhile, average weekend traffic also remained down at the same 16 sites, but with more uniform decreases. Weekend traffic in March 2022 was down

no more than 4% during all hours from 11 a.m. to 9 p.m.

Determining exactly how many cars travel Wisconsin’s roads each day is difficult, and the numbers in this report represent only a sample of the hundreds of sites at which DOT collects volume data. On a month-to-month basis, data may be erratic, especially in winter months that have inconsistent weather from year to year. That said, DOT and WPF analyses indicate that while overall traffic volumes are beginning to look similar to those in the mid-2010s, the new reality is weekend travel that has largely returned to normal and weekday rush hours that are less intense than they used to be.

### Transit Declines Even More

While traffic on Wisconsin’s roads has yet to fully recover since the onset of the COVID-19 pandemic, ridership on Wisconsin’s major transit systems shows an even more drastic picture.

The FTA’s National Transit Database (NTD) tracks monthly ridership numbers for hundreds of systems throughout the country, and includes full data through January 2022. In Wisconsin, there are nine bus systems that have complete ridership data in every month since January 2007, which include those serving the cities of Appleton, Eau Claire, Green Bay, Kenosha, Madison,

Oshkosh, Racine, and Waukesha, as well as the Milwaukee County Transit System.

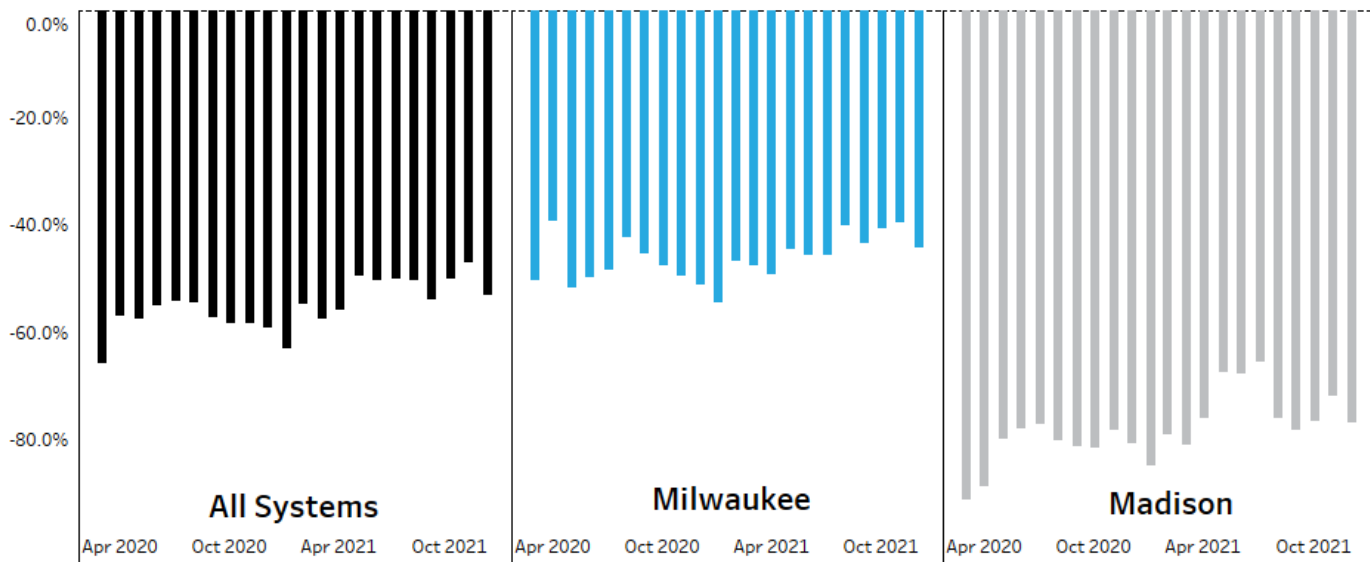
In 2019, Wisconsinites rode on these nine transit systems a total of 48.5 million times – a number that represented a stark but gradual decrease from the 72 million rides they took in 2007. In 2020, that number plummeted to 26.4 million, a decline of 45.6% that is unrivaled by any other year of data. In 2021, bus ridership declined once again to 22.6 million, a decrease of 14.6% that was larger than any previous year-over-year decline other than the year prior.

Since the earliest months of the pandemic, Wisconsin saw its fewest reported COVID cases in June and July 2021; by this time, Pfizer and Moderna vaccines had also been made widely available to the general public. Still, in those two months, ridership on these nine bus systems was down 49.5% and 50.4%, respectively, compared to June and July 2019 (see Figure 3).

In Wisconsin, car traffic showed a recovery in 2021 after plummeting in 2020. The same cannot be said of Wisconsin’s transit systems, in which ridership levels remain alarmingly low for all nine bus systems. There has yet to be a single month where even one bus system reached the same number of rides as the corresponding month prior to the pandemic.

**Figure 3: Driven by Big Systems, Wisconsin’s Bus Ridership Plummet**

Decline in bus ridership relative to same month pre-pandemic\* by month, nine major Wisconsin bus systems



Source: Federal Transit Administration’s National Transit Database. \*March 2019 to February 2020. Includes Appleton, Eau Claire, Green Bay, Kenosha, Madison, Milwaukee County, Oshkosh, Racine, and Waukesha



Madison, however, has seen a much bigger drop in riders than other systems. Figure 3 shows this sharp difference using March 2019 to February 2020 as a “pre-pandemic” year. Since the first full month of the pandemic in April 2020, transit ridership in Madison has been down 65% or more from pre-COVID-19 levels. This may be due to factors such as Madison having a higher concentration of its workforce in white-collar jobs with the ability to work from home.

## Future Implications

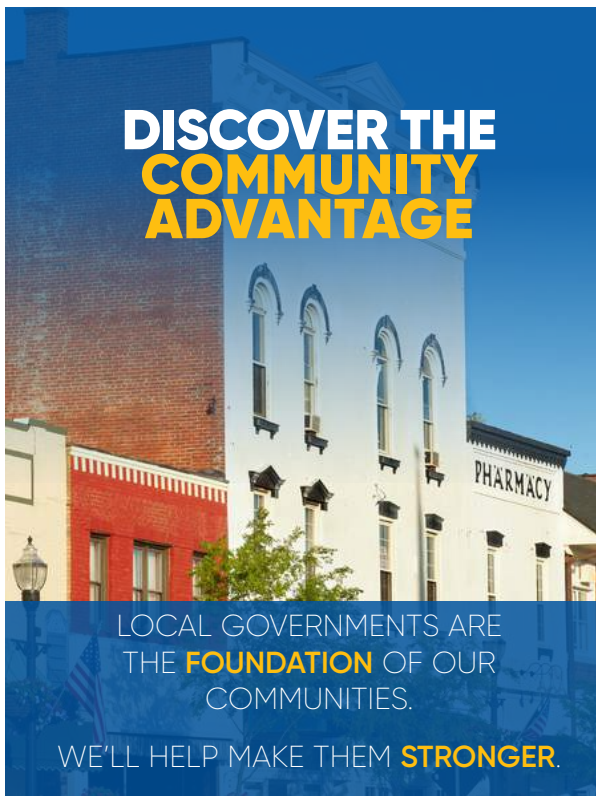
We have previously detailed the [various challenges](#) that face local public transit systems in Wisconsin in the coming months and years if ridership fails to rebound. Federal pandemic relief funds have allowed most systems to weather a sharp decline in passenger revenue. Once those funds are exhausted, however, they may be faced with a choice of cutting or altering service, making up the difference with property tax levy or other revenues, or a combination of the two.

We also have noted that a drop in traffic volume has a [direct impact](#) on fuel tax revenues for the state, which in turn fund transportation spending such as maintenance and construction projects for state and local roads. The data so far bear out this concern from our February 2021 research brief:

*“Even if the virus is in retreat by late 2021, it remains unclear if more widespread adoption of remote work or online shopping may cause longer-term changes in travel patterns...This only compounds pre-pandemic concerns about how the fund is being affected by increasing vehicle fuel efficiency and the 2006 elimination of automatic gas tax increases that tracked the rate of inflation.”*

Beyond the impact on transportation revenues, state and local policymakers should consider the declines in both traffic and transit ridership as they make decisions on transit routes and roadway improvements, and as they contemplate related issues like the need for parking and bicycle and pedestrian amenities. Between various rounds of federal COVID relief funds and the federal infrastructure legislation, Wisconsin has and [will receive](#) massive influxes of monies for both transit and highways. Those funds will help to make up for losses in state and local revenues in the short term but would ideally be used also to help address the long-term implications of changing commuting habits.

Some uptick in roadway commuting and transit ridership is possible as COVID-19 recedes or state residents simply learn to live with it and re-engage in old patterns and activities. That said, even with the receding of the Omicron wave of COVID-19 in March 2022, Wisconsinites are still not driving cars to the same extent they did in 2019 and early 2020. State and local leaders may need to rethink the state’s roads and transit services to reflect the way Wisconsinites travel in a post-pandemic world.



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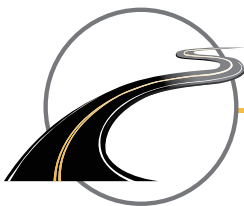
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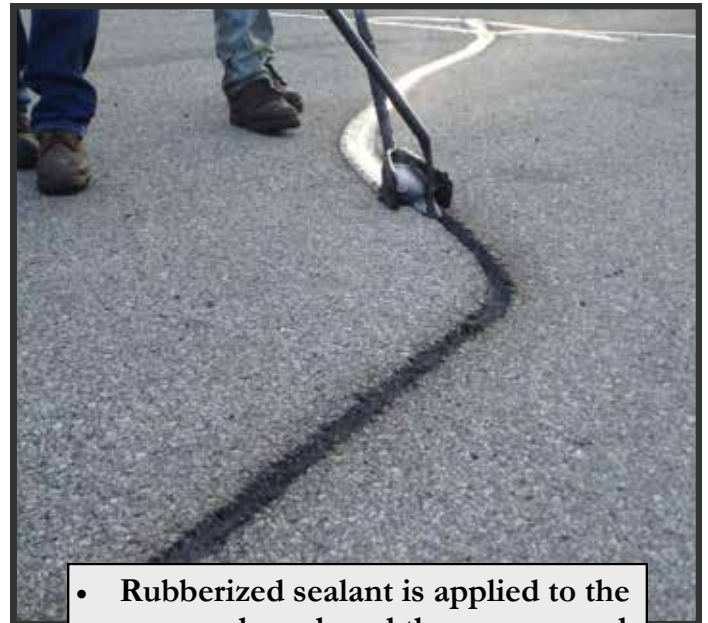
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