

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

*Joint Committee for  
Review of  
Administrative Rules  
(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR\_RCP\_pt01a
- 97hrAC-EdR\_RCP\_pt01b
- 97hrAC-EdR\_RCP\_pt02

- Appointments ... Appt
- 
- Clearinghouse Rules ... CRule
- 97hr\_JCR-AR\_CRule\_98-143
- 
- Committee Hearings ... CH
- 
- Committee Reports ... CR
- 
- Executive Sessions ... ES
- 
- Hearing Records ... HR
- 
- Miscellaneous ... Misc
- 
- Record of Comm. Proceedings ... RCP
-

TRANS 510 TEN PROTECTS  
98-143

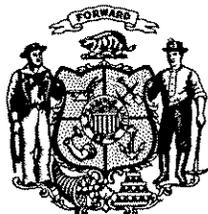
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

***RULES CLEARINGHOUSE***

**Ronald Sklansky**  
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(608) 266-1946

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Assistant Director  
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**David J. Stute, Director**  
Legislative Council Staff  
(608) 266-1304

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 98-143**

AN ORDER to amend Trans 510.05, relating to eligibility of TEA projects.

Submitted by **DEPARTMENT OF TRANSPORTATION**

09-21-98 RECEIVED BY LEGISLATIVE COUNCIL.

10-15-98 REPORT SENT TO AGENCY.

RS:WF:jal



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The Wisconsin Department of Transportation proposes an order to amend TRANS 510.05, relating to eligibility of TEA projects.

**NOTICE OF INTENT TO ADOPT RULE  
WITHOUT PUBLIC HEARING  
AND  
TEXT OF PROPOSED RULE**

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NOTICE IS HEREBY GIVEN that pursuant to the authority of s. 84.185(4), and 227.11, Stats., and according to the procedure set forth in s. 227.16(2)(e), Stats., the Wisconsin Department of Transportation will adopt the following rule amending ch. Trans 510 without public hearing unless, within 30 days after publication of this notice [revisor to insert date], the Department of Transportation is petitioned for a public hearing by 25 natural persons who will be affected by the rule; a municipality which will be affected by the rule; or an association which is representative of a farm, labor, business or professional group which will be affected by the rule.

Questions about this rule and any petition for public hearing may be addressed to Dennis Leong, Division of Investment Management, Bureau of Planning, Economic Development Section, P. O. Box 7913, Room 901, Madison, WI 53707-7913, or by calling (608) 267-9910.

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**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** s. 84.185(4), Stats.

**STATUTES INTERPRETED:** s. 84.185, Stats.

**General Summary of Proposed Rule.** This proposed rule will amend ch. Trans 510, relating to the Transportation Facilities Economic Assistance and Development (TEA) program. The rule change will delete language related to the eligibility of TEA projects which requires that a TEA project be at least 25% of the total transportation facility improvement cost. The not "less than 25%" rule excluded economic development projects based upon the size of a transportation improvement project. TEA

projects were unintentionally and often unfairly excluded when projects generated a small number of jobs given the larger scope of the transportation improvement. The elimination of these small job creation projects puts an unnecessary burden on communities with limited financial resources and on those communities that wanted to use the TEA funds to leverage other financial commitments to help pay for needed infrastructure improvements.

**Fiscal Effect.** This proposed rule will have a positive impact on all local governments since they will not be eliminated from TEA grant program based upon the overall size of the transportation facility improvement. Small and rural communities will be able to secure grants based upon the number of new jobs created by a business in the community and not be disqualified based upon the size of the transportation improvement project. State transportation dollars used to fund the TEA grant program will not be negatively impacted since grant awards are based upon the number of jobs created by businesses and not on the size of the transportation project.

**Initial Regulatory Flexibility Analysis.** This proposed rule will benefit many small businesses eligible under the TEA grant program. Small businesses such as manufacturers, wholesalers, distributors, etc. will be eligible to apply for needed infrastructure projects which promote better traffic circulation, improve accessibility to highway, rail, harbor and airport facilities and help to improve the overall transportation efficiency for the business and the local community.

**Copies of Rule.** Copies of this proposed rule are available upon request, without cost, by writing to Dennis Leong, Division of Investment Management, Bureau of Planning, Economic Development Section, P. O. Box 7913, Room 901, Madison, WI 53707-7913, or by calling (608) 267-9910.

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### **TEXT OF PROPOSED RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by s. 84.185(4), Stats., the department of transportation hereby proposes an order to amend a rule interpreting s. 84.185, Stats., relating to eligibility of TEA projects.

**SECTION 1.** Trans 510.05 is amended to read:

**Trans 510.05 Evaluation of eligibility.** Applications passing the initial screening shall be evaluated based on the criteria in s. 84.185(2)(b), Stats., and this chapter. Determination of the eligibility of an application for funding shall be documented in an

evaluation report and shall be based on how well the application satisfies the criteria in s. 84.185(2)(b), Stats., and this chapter. ~~Applications shall be ineligible for funding if the criteria in this chapter would result in a grant ceiling of less than 25% of the reviewed transportation facility improvement cost.~~

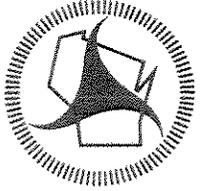
(END OF RULE TEXT)

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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 21 day of September, 1998.

  
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CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation



## Wisconsin Department of Transportation



Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

September 21, 1998

The Honorable Robert Welch  
Senate Chairman  
Joint Committee for Review  
of Administrative Rules  
One East Main, Suite 201  
Madison, Wisconsin 53707

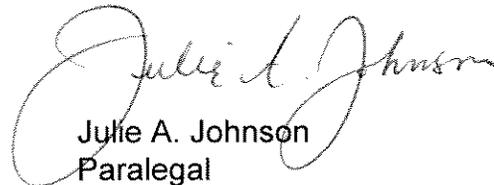
The Honorable Glenn Grothman  
Assembly Chairman  
Joint Committee for Review  
of Administrative Rules  
Room 125, State Capitol  
Madison, Wisconsin 53707

RE: **NOTICE OF INTENT TO ADOPT RULE WITHOUT PUBLIC HEARING** and Text  
of Proposed Rule, relating to **eligibility of TEA projects**, Trans 510

Dear Senator Welch and Representative Grothman:

Enclosed for your information is a Notice of Intent to Adopt Rule Without Public Hearing and Text of Proposed Rule making relating to the above-entitled matter. This document has also been filed with the Legislative Council and with the Revisor of Statutes in accordance with the requirements of ss. 227.15(1) and 227.16(2)(e), Stats.

Sincerely,

  
Julie A. Johnson  
Paralegal

Enclosure

cc: Gene Kussart  
Sandy Beaupre  
Mike Goetzman  
Jim Van Sistine  
Dennis Leong

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**(END OF RULE TEXT)**

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Signed at Madison, Wisconsin, this 21 day of September, 1998.

  
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CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation