



## Wisconsin Department of Transportation



Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

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

The Honorable Fred Risser  
President, Wisconsin State Senate  
Room 218 South, State Capitol  
Madison, Wisconsin 53707

January 4, 1999

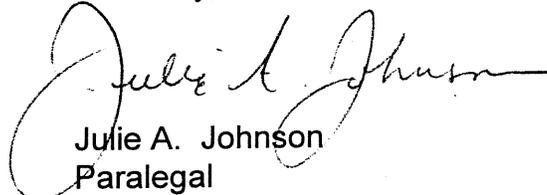
The Honorable Scott Jensen  
Speaker, Wisconsin State Assembly  
Room 211 West, State Capitol  
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 510**  
Notification of Legislative Standing Committees  
**CLEARINGHOUSE RULE 98-143**

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **98-143**, relating to **eligibility of TEA projects**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,



Julie A. Johnson  
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson (Deputy Revisor of Statutes)  
Senator Judy Robson  
Representative Glenn Grothman  
Gene Kussart  
Jim Van Sistine  
Dennis Leong

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CR 98-143

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

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**REPORT OF THE DEPARTMENT OF TRANSPORTATION  
ON THE FINAL RULE DRAFT**

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This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

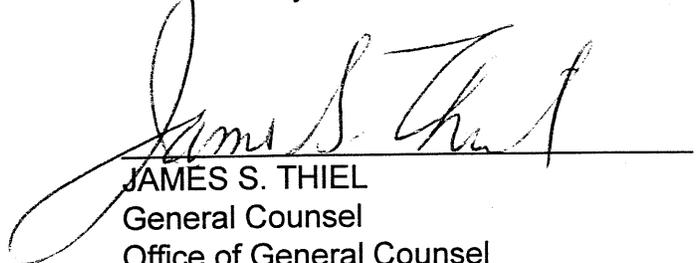
Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



JAMES S. THIEL

General Counsel

Office of General Counsel

Department of Transportation

Room 115-B, Hill Farms State

Transportation Building

P. O. Box 7910

Madison, WI 53707-7910

(608) 266-8928

## PART 1

### **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.

**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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## **PART 2** **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 20 day of November, 1998.

  
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CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation

WISCONSIN LEGISLATIVE COUNCIL STAFF

**RULES CLEARINGHOUSE**

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PART 3

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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

## LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO

**PART 4**  
**CR 98-143**

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ANALYSIS OF FINAL DRAFT OF TRANS 510

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(a) **Need for Amended Rule.** 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.

(b) **Modifications as a Result of Testimony at Public Hearing.** Notice of intent to adopt this proposed rule without public hearing was given under the procedure set forth in s. 227.16(2)(e), Stats. No one petitioned for a public hearing and no public hearing was held.

(c) **List of Persons who Appeared or Registered at Public Hearing.** Because there was no hearing, there were none.

(d) **Response to Legislative Council Recommendations.** The Legislative Council report contained no comments.

(e) **Final 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.