



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

☞ Appendix A ... segment II

LRB BILL HISTORY RESEARCH APPENDIX

☞ The drafting file for

2011 LRB-2764 (For: Rep. Petrowski)

has been transferred to the drafting file for

2013 LRB-0934 (For: Rep. Petrowski)



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 01/04/2012 (Per: ARG)

☞ The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2764/04 PZ
ARG:kjf:rs

Wanted
by 10/27
end of day

in 10/25

RMV

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT to create 20.395 (2) (ec) and 84.182 of the statutes; relating to: creating
2 a local bridge grant program, providing an exemption from emergency rule
3 procedures, granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

to or from

*
*

This bill creates a local bridge grant program administered by the Department of Transportation (DOT). Under the program, DOT awards grants to counties, cities, villages, and towns (political subdivisions) for the improvement, rehabilitation, or reconstruction of local bridges on highway routes that provide access, for heavy vehicles transporting freight, ~~between state trunk highways and~~ (freight origin or destination points ~~off the state trunk highway system~~). Under the bill, a "heavy vehicle" is a vehicle that is legally operating at a gross vehicle weight exceeding 80,000 pounds. Grants are awarded from a new DOT appropriation from the general fund and grant recipients must make a matching local contribution of at least 10 percent of the total cost of the local bridge project. DOT must, by rule, prescribe the form of the grant application, establish the process for submitting applications, and establish the procedures and criteria for evaluating applications and awarding grants. However, these rules must contain specified provisions. Until permanent rules are promulgated, DOT may operate the program using emergency rule authority.

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

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

1 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

3 2011-12 2012-13

4 **20.395 Transportation, department of**

5 (2) LOCAL TRANSPORTATION ASSISTANCE

6 (ec) Local bridge grant program;

7 state funds GPR A ^{- 0 -} 5,000,000 5,000,000

8 SECTION 2. 20.395 (2) (ec) of the statutes is created to read:

9 20.395 (2) (ec) *Local bridge grant program; state funds.* From the general fund,
10 the amounts in the schedule for the ^{local bridge grant program} ~~purpose of awarding grants~~ under s. 84.182.

11 SECTION 3. 84.182 of the statutes is created to read:

12 **84.182 Local bridge grant program.** (1) DEFINITIONS. In this section:

13 (a) "Access route" means any route involving highways under the jurisdiction
14 of one or more political subdivisions that is used for the transportation of freight
15 ^{to the freight's} ~~between any part of the state trunk highway system and the origin or destination~~
16 ^{insert 2-16} ~~point for the freight that is off the state trunk highway system.~~

17 (b) "Heavy vehicles" means vehicles or vehicle combinations operated in
18 compliance with ch. 348 that have a gross vehicle weight exceeding 80,000 pounds.

1 (c) "Local bridge" means a bridge that is not on the state trunk highway system
2 or on routes of the state trunk highway system designated as connecting highways
3 under s. 86.32.

4 (d) "Local bridge project" means a project for the improvement, rehabilitation,
5 or reconstruction of a local bridge and may include planning, design, and engineering
6 work as well as necessary approach work for the bridge.

7 (e) "Political subdivision" means any city, village, town, or county.

8 (2) PROGRAM. The department shall administer a local bridge grant program
9 to award grants to political subdivisions for the improvement, rehabilitation, or
10 reconstruction of local bridges on highway routes that provide access, for heavy
11 vehicles transporting freight, ^{to or from} ~~between the state trunk highway system and~~ freight
12 origin or destination points ~~at the state trunk highway system.~~

13 (3) GRANTS. (a) The department shall award grants under this section to
14 political subdivisions from the appropriation under s. 20.395 (2) (ec).

15 (b) Each political subdivision that receives a grant under this section shall
16 provide a local contribution toward the costs of the local bridge project in an amount
17 equal to at least 10 percent of the total project costs.

18 (4) APPLICATIONS. (a) Any political subdivision may apply to the department
19 for a grant under this section.

20 (b) The department shall, by rule, prescribe the form of the application, except
21 that the application shall require the applicant to provide all of the following
22 information as it relates to the proposed local bridge project identified in the
23 application:

24 1. A description of the local bridge project for which the application is made,
25 including identification of any local bridge to be improved, rehabilitated, or

1 reconstructed as part of the project and the type of work to be performed, a statement
2 as to whether the proposed local bridge project would allow the bridge to
3 accommodate heavier vehicles, identification of any access route for which the local
4 bridge is relevant, an estimate of the total cost of the local bridge project, and an
5 estimate of the timeline for the local bridge project with alternative scenarios
6 depending on whether or not a grant is awarded under this section for the project.

7 2. A description of the applicable access route used, at the time of the
8 application, by vehicles transporting freight, including identification of the
9 applicable origin or destination of the freight, identification of highway names or
10 numbers, mileage between key points along the access route, and the total mileage
11 of the access route.

12 3. A description of the applicable access route that heavy vehicles would utilize
13 if the proposed local bridge project were not completed, with a comparison to the
14 access route described in subd. 2. This description shall include the same types of
15 information specified in subd. 2., but as it pertains to the different route identified
16 under this subdivision.

17 4. A description of the applicable access route that heavy vehicles would utilize
18 if the proposed local bridge project were completed, with a comparison to the access
19 route described in subd. 2. This description shall include the same types of
20 information specified in subd. 2., but as it pertains to the different route identified
21 under this subdivision.

22 5. Information about the types of vehicles that use the access route described
23 in subd. 2., as of the time of the application, including average gross vehicle weight
24 and axle weights, if available, as obtained from inspection reports or traffic data.

or local industry officials

1 6. A description of the types of vehicles that are expected to be replaced by
2 heavy vehicles if the proposed local bridge project were completed and a description
3 of these replacement heavy vehicles, including average gross vehicle weight and axle
4 weights as well as axle spacing.

5 7. A 5-year projection of future vehicle volumes on the access route described
6 in subd. 4. if the proposed local bridge project were completed.

7 7~~8~~. A demonstration of the applicant's ability to satisfy the requirement under
8 sub. (3) (b).

9 **(5) PROCEDURES AND CRITERIA.** (a) The department shall, by rule, establish the
10 process for submitting applications under this section and the procedures and
11 criteria for evaluating applications and awarding grants under this section. Subject
12 to par. (b), in evaluating applications and awarding grants under this section, the
13 department may consider any criteria determined to be pertinent by the department,
14 including impacts on freight-intensive industries and facilities, local needs, local
15 economic impacts, environmental impacts, and other factors.

16 (b) The rules under par. (a) shall require the department, in evaluating
17 applications and awarding grants, to consider all of the following:

18 1. The extent to which, if heavy vehicles are expected to replace other vehicles
19 on any applicable access route, there would be a resulting change in the number of
20 vehicle miles traveled and vehicle payload-ton miles on the access route.

21 2. Assuming heavy vehicles will replace other vehicles as described in subd. 1.,
22 the difference in the number of vehicle miles traveled and vehicle payload-ton miles
23 on the applicable access route if the proposed local bridge project is completed in
24 comparison to the same information if the local bridge project is not completed.

1 3. Estimates of highway system user benefits and impacts, public agency
 2 benefits and impacts, and net benefits and impacts following the general
 3 methodology of the department's Wisconsin Truck Size and Weight Study, dated
 4 June 15, 2009, and using the information described in subds. 1. and 2. For purposes
 5 of this subdivision, the department may consider benefits in terms of monetary
 6 savings and impacts in terms of monetary expenditures. Highway system user
 7 benefits and impacts may include changes in transportation costs for motor carriers,
 8 shippers, and others, as well as highway safety considerations. Public agency
 9 benefits and impacts may include changes in pavement wear and bridge
 10 improvement costs attributable to the vehicles, including heavy vehicles. The
 11 department shall calculate net benefits and impacts as a ratio of all highway system
 12 user and public agency benefits to all highway system user and public agency
 13 impacts, including local bridge project expenditures.

14 **SECTION 4. Nonstatutory provisions.**

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15 (1) ^{(c) Proposed permanent rules.} The department of transportation shall submit in proposed form the rules
 16 required under section 84.182 (4) (b) and (5) (a) of the statutes, as created by this act,
 17 to the legislative council staff under section 227.15 (1) of the statutes no later than
 18 the first day of the 4th month beginning after the effective date of this subsection.

19 (2) ^{(c) Emergency rules.} Using the procedure under section 227.24 of the statutes, the department
 20 of transportation shall promulgate rules required under section 84.182 (4) (b) and (5)
 21 (a) of the statutes, as created by this act, for the period before the effective date of the
 22 permanent rules promulgated under section 84.182 (4) (b) and (5) (a) of the statutes,
 23 as created by this act, but not to exceed the period authorized under section 227.24
 24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the statutes.

25 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department

1 is not required to provide evidence that promulgating a rule under this subsection
2 as an emergency rule is necessary for the preservation of public peace, health, safety,
3 or welfare and is not required to provide a finding of an emergency for a rule
4 promulgated under this subsection.

Insert
7-4 →

5 **SECTION 5. Effective dates.** This act takes effect on the first day of the 4th
6 month beginning after publication, except as follows:

7

(1) The treatment of SECTION 4 (1) and (2) of this act take^s effect on the day after
8 publication.

9 →

(END)

Insert
7-8

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2764/P2ins
ARG:.....

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2

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INSERT 2-16:

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(no #)

or used to access the freight's point of origin for purposes of transporting the
freight

6

7

INSERT 7-4:

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b

(3) POSITION AUTHORIZATION. The authorized FTE positions for the department
of transportation are increased by 0.2 GPR position, to be funded from the
appropriation under section 20.395 (2) (ec) of the statutes, as created by this act, to
administer the local bridge grant program under section 84.182 of the statutes, as
created by this act.

13

14

INSERT 7-8:

15

(2) The treatment of SECTION 4 (3) of this act take effect on July 1, 2012, or on
the first day of the 4th month beginning after publication, whichever is later.

16

a.r. (a)
a.r. (b)
S

Gary, Aaron

From: Gary, Aaron
Sent: Tuesday, February 14, 2012 12:35 PM
To: Fiocchi, Tim
Subject: RE: Local Priority Bridge Program (LRB 2764)

Hi Tim,

I am starting to work on this, as time permits. I will restructure the program to be more like the LRIP program, which is a reimbursement program and which also specifically requires projects to be under contract (let). However, LRIP provides for a 50% reimbursement of costs. Given p. 3, lines 14-16 of the /P2 draft, I assume you want this program to provide 90% reimbursement of costs (although the 10% in the /P2 draft is only a *minimum* local match). I think DOT would also need to specify by rule what are "eligible costs" that are reimbursable.

Since this will no longer be a grant program, I need to change the name of the program. DOT already has a "local bridge program" under s. 84.18, so I don't want to use this name. Do you have a preference for any of the following: local bridge renewal program? local bridge reinforcement program? local bridge heavy vehicle program? something else?

Also, DOT has misread the rule-making provisions of the draft. The draft already does what you request below in terms of rule-making, so no changes need to be made as to item 2. in your list below. I note that funding and the FTE increase begin at the new fiscal year (July 1).

This draft is going to look quite a bit different when I'm done, so I will do a /P3. If that looks good, I can immediately convert it to a /1.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Fiocchi, Tim
Sent: Monday, February 13, 2012 1:40 PM
To: Gary, Aaron
Cc: Krieser, Steven - DOT
Subject: FW: Local Priority Bridge Program (LRB 2764)

Hi Aaron,

Per the conversation below we would like to make a few changes to the draft and get a /1.

1. The draft should specify that the projects would be let in the same way similarly funded projects are currently.
2. The draft should specify that DOT implement the program initially under emergency rules within 3 months and subsequently through the normal rule process (I don't know if we need a time frame on the latter.)
3. Per Steve's comment below the program should be set up such that the locals pay for the projects and then receive reimbursement.
4. Change the .2 FTE positions to .4.

Let me know if you have any questions.

Thank you,

Tim

From: Krieser, Steven - DOT [<mailto:Steven.Krieser@dot.wi.gov>]

Sent: Thursday, February 02, 2012 10:25 AM
To: Fiocchi, Tim
Cc: Punches, Derek
Subject: RE: Local Priority Bridge Program

This all looks fine. I'd still advocate for some kind of professional engineering requirement for the improvements, so we don't end up funding a bunch of slapdash work at the local level that doesn't hold up.

With regard to the rulemaking process, it seriously takes about a year to carry a permanent rule from concept to completion now. If you want emergency rulemaking orders in the interim, those take about two months, and I'd suggest building in a specific requirement that we do emergency rulemaking, and that we be exempt from a finding of emergency and all the other surplussage in the process.

I'd also note that it should be relatively easy to handle this like our other local assistance programs, which are managed like cooperative agreements (spend first and then get reimbursed), instead of grants, where we disburse the money up front. I would tend to think that the drafter could use the structure of the other local assistance programs as a general template for this one.

Please let me know if you have any other questions on this. Thanks!

Steve Krieser
Executive Assistant
Wisconsin Department of Transportation
Phone: 608-266-1114

From: Fiocchi, Tim [<mailto:Tim.Fiocchi@legis.wisconsin.gov>]
Sent: Monday, January 30, 2012 12:53 PM
To: Krieser, Steven - DOT
Cc: Punches, Derek - LEGIS
Subject: RE: Local Priority Bridge Program

Hi Steve,

With everything else that we want to get done this had kind of fallen by the wayside, but we would like to pursue it. After revisiting the issues raised below, I was going to order a redraft to reflect the following:

- The projects would be required to be let, just as other similarly funded projects are now.
- I don't think we want to further define "local bridge." If a large culvert is preventing the heavier loads from using a route it should be an eligible project. The department may not give those projects high priority, but they would also likely be low cost projects.
- This is an improvement program. The grants are to upgrade bridges on routes that could otherwise not be used by heavier truck traffic.
- If we need some language in the draft to clarify that the projects would be paid for up front by the locals we're fine with that, just give us a little more direction. Likewise, given the new rule process, if you could suggest a timeline for implementation.

Any suggestions are welcome.

Thank you,

Tim

From: Krieser, Steven - DOT [<mailto:Steven.Krieser@dot.wi.gov>]

Sent: Friday, November 04, 2011 11:26 AM
To: Fiocchi, Tim
Cc: Panches, Derek
Subject: FW: Local Priority Bridge Program

Hi Tim,

A few weeks back, you asked me to have Department program staff review your boss' proposal to create a Local Priority Bridge grant program. I have shared it very judiciously with top managers in the program area, with the understanding that they may not share it further, and have asked them to respond. Below, you will find their comments.

I'd note that, in general, we think it is a fine idea. The funding stream seems reasonable. Some of the reactions below border more on the political realities associated with the debate over counties doing road work that goes beyond maintenance, and those are things you may have to work through with the WCHA and WTBA as you develop this. From some of the other comments, you may be able to take away some very minor adjustments to bill language that could be made to address those concerns.

I'd be happy to sit down with you to discuss these further. Please let me know if you have any questions or want to discuss.

Steve Krieser

Executive Assistant
Wisconsin Department of Transportation
Phone: 608-266-1114

- "Grant" program definition provides authority for all of these projects to be locally let. There's nothing in this legislation that indicates that projects must be let to contract at all. Does the word "grant" allow the locals to do the work that they can no longer do (LFAs), except under LRIP? The answer impacts locals, especially counties, and WTBA.
- Language defines "local bridge" as "a bridge" not on the STH system nor on a connecting highway. It makes no reference to federal aid eligible bridges, so it looks like the locals could potentially define a culvert of any size as a bridge? Since this is so general, it's also possible that eligible federal aid structures could be eligible for this program, since nothing prevents it. Again, is this a way for locals, particularly counties, to do approach and even bridge work themselves?
- Is this an improvement program, or an improvement and/or maintenance program (as such, perhaps the language should be explicit?)
- The routes specified imply heavy weights. Does that mean these projects will need to be professionally engineered to ensure the improvements hold up?
- To meet all the other requirements, in reality the locals would front the money and be reimbursed upon completion, like all of WisDOT's other assistance and improvement programs and reporting requirements.
- The language provides VERY ambitious timelines for rule-making ("no later than the first day of the 4th month beginning after the effective date...") and program start up (July 2012).
- .2 FTE to administer this program does not seem sufficient. See attached for more information.

Fiscal estimate from the winter highway maintenance grant program for local roads (2007 Legislative Session):

Gary, Aaron

From: Fiocchi, Tim
Sent: Friday, March 02, 2012 9:35 AM
To: Gary, Aaron
Subject: RE: Local Priority Bridge Program (LRB 2764)

Aaron,

My apologies, I must have missed that last email. In answer to your question, yes we intend that they would reimburse 90% of the cost. We can allow DOT to determine eligible cost in rule. If we need to differentiate, let's call it the "Local Freight Bridge Program." I'll give you a call shortly.

Thanks,

Tim

Type your signature here

-----Original Message-----

From: Gary, Aaron
Sent: Fri 3/2/2012 9:24 AM
To: Fiocchi, Tim
Subject: RE: Local Priority Bridge Program (LRB 2764)

Tim,

I did redraft this to a /P3 based on your instructions below and, having not heard back on the e-mail below, making a couple of assumptions. That redraft has been in editing and I put a rush on it so you'd have the /P3 today. Or would you rather just stick to the /P2 version?

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

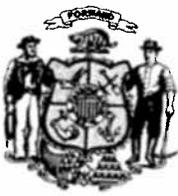
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Also, DOT has misread the rule-making provisions of the draft. The draft already



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2/29



LRB-2764/11
ARG:kjf:rs

TODAY
Sec
3/2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ^{freight} to create 20.395 (2) (ec) and 84.182 of the statutes; relating to: creating
 2 a local bridge grant program, providing an exemption from emergency rule
 3 procedures, granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a local bridge ^{freight} ~~grant~~ program administered by the Department of Transportation (DOT). Under the program, DOT ^{improvement} ~~awards grants to~~ counties, cities, villages, and towns (political subdivisions) for the improvement, rehabilitation, or reconstruction of local bridges on highway routes that provide access, for heavy vehicles transporting freight, to or from freight origin or destination points. Under the bill, a "heavy vehicle" is a vehicle that is legally operating at a gross vehicle weight exceeding 80,000 pounds. ^{reimburses} Grants are awarded from a new DOT appropriation from the general fund and grant recipients must make a matching local contribution of at least 10 percent of the total cost of the local bridge project. DOT must, by rule, prescribe the form of the ~~grant~~ application, establish the process for submitting applications, and establish the procedures and criteria for evaluating applications, ~~and awarding grants~~. However, these rules must contain specified provisions. Until permanent rules are promulgated, DOT may operate the program using emergency rule authority.

Insert ANAL-A

Insert ANAL-B

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

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

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

2011-12 2012-13

20.395 Transportation, department of

(2) LOCAL TRANSPORTATION ASSISTANCE

(ec) Local bridge grant program;

state funds

GPR A

-0- 5,000,000

SECTION 2. 20.395 (2) (ec) of the statutes is created to read:

20.395 (2) (ec) Local bridge grant program; state funds. From the general fund,

the amounts in the schedule for the local bridge grant program under s. 84.182.

SECTION 3. 84.182 of the statutes is created to read:

84.182 Local bridge grant program. (1) DEFINITIONS. In this section:

(a) "Access route" means any route involving highways under the jurisdiction of one or more political subdivisions that is used for the transportation of freight to the freight's destination point or used to access the freight's point of origin for purposes of transporting the freight.

(b) "Heavy vehicles" means vehicles or vehicle combinations operated in compliance with ch. 348 that have a gross vehicle weight exceeding 80,000 pounds.

1 (c) "Local bridge" means a bridge that is not on the state trunk highway system
2 or on routes of the state trunk highway system designated as connecting highways
3 under s. 86.32.

4 (d) "Local bridge project" means a project for the improvement, rehabilitation,
5 or reconstruction of a local bridge and may include planning, design, and engineering
6 work as well as necessary approach work for the bridge.

7 (e) "Political subdivision" means any city, village, town, or county.

8 (2) PROGRAM. The department shall administer a local bridge grant program
9 to ~~award grants to political subdivisions for~~ ^{facilitate} the improvement, rehabilitation, or
10 reconstruction of local bridges on highway routes that provide access, for heavy
11 vehicles transporting freight, to or from freight origin or destination points.

12 ~~(3) GRANTS. (a) The department shall award grants under this section to~~
13 ~~political subdivisions from the appropriation under s. 20.395 (2) (ec).~~
14 ~~(b) Each political subdivision that receives a grant under this section shall~~
15 ~~provide a local contribution toward the costs of the local bridge project in an amount~~
16 ~~equal to at least 10 percent of the total project costs.~~

17 (4) APPLICATIONS. (a) Any political subdivision may apply to the department
18 for ~~a grant~~ ^{reimbursement of eligible costs} under this section.

19 (b) The department shall, by rule, prescribe the form of the application, except
20 that the application shall require the applicant to provide all of the following
21 information as it relates to the proposed local bridge project identified in the
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23 1. A description of the local bridge project for which the application is made,
24 including identification of any local bridge to be improved, rehabilitated, or
25 reconstructed as part of the project and the type of work to be performed, a statement

Insert
3-12

insert
3-11

freight

grant

1 as to whether the proposed local bridge project would allow the bridge to
2 accommodate heavier vehicles, identification of any access route for which the local
3 bridge is relevant, an estimate of the total cost of the local bridge project, and an
4 estimate of the timeline for the local bridge project with alternative scenarios
5 depending on whether or not ~~reimbursement is provided~~ ^{reimbursement} ~~is provided~~ ^{provided} under this section for the project.

6 2. A description of the applicable access route used, at the time of the
7 application, by vehicles transporting freight, including identification of the
8 applicable origin or destination of the freight, identification of highway names or
9 numbers, mileage between key points along the access route, and the total mileage
10 of the access route.

11 3. A description of the applicable access route that heavy vehicles would utilize
12 if the proposed local bridge project were not completed, with a comparison to the
13 access route described in subd. 2. This description shall include the same types of
14 information specified in subd. 2., but as it pertains to the different route identified
15 under this subdivision.

16 4. A description of the applicable access route that heavy vehicles would utilize
17 if the proposed local bridge project were completed, with a comparison to the access
18 route described in subd. 2. This description shall include the same types of
19 information specified in subd. 2., but as it pertains to the different route identified
20 under this subdivision.

21 5. Information about the types of vehicles that use the access route described
22 in subd. 2., as of the time of the application, including average gross vehicle weight
23 and axle weights, if available, as obtained from inspection reports, traffic data, or
24 local industry officials.

1 6. A description of the types of vehicles that are expected to be replaced by
2 heavy vehicles if the proposed local bridge project were completed and a description
3 of these replacement heavy vehicles, including average gross vehicle weight and axle
4 weights as well as axle spacing.

5 7. A demonstration of the applicant's ability to satisfy the requirement under
6 sub. (3) (b).

7 (5) PROCEDURES AND CRITERIA. (a) The department shall, by rule, establish the
8 process for submitting applications under this section and the procedures and
9 criteria for evaluating applications ^{and ranking} ~~and awarding grants~~ under this section. Subject
10 to par. (b), in evaluating ^{and ranking} applications and ^{providing reimbursement} ~~awarding grants~~ under this section, the
11 department may consider any criteria determined to be pertinent by the department,
12 including impacts ^{of the project} on freight-intensive industries and facilities, local needs, local
13 economic impacts, environmental impacts, and other factors.

14 (b) The rules under par. (a) shall require the department, in evaluating
15 ^{and ranking} applications and ^{and providing reimbursement} ~~awarding grants~~, to consider all of the following:

16 1. The extent to which, if heavy vehicles are expected to replace other vehicles
17 on any applicable access route, there would be a resulting change in the number of
18 vehicle miles traveled and vehicle payload-ton miles on the access route.

19 2. Assuming heavy vehicles will replace other vehicles as described in subd. 1.,
20 the difference in the number of vehicle miles traveled and vehicle payload-ton miles
21 on the applicable access route if the proposed local bridge project is completed in
22 comparison to the same information if the local bridge project is not completed.

23 3. Estimates of highway system user benefits and impacts, public agency
24 benefits and impacts, and net benefits and impacts following the general
25 methodology of the department's Wisconsin Truck Size and Weight Study, dated

1 June 15, 2009, and using the information described in subds. 1. and 2. For purposes
2 of this subdivision, the department may consider benefits in terms of monetary
3 savings and impacts in terms of monetary expenditures. Highway system user
4 benefits and impacts may include changes in transportation costs for motor carriers,
5 shippers, and others, as well as highway safety considerations. Public agency
6 benefits and impacts may include changes in pavement wear and bridge
7 improvement costs attributable to the vehicles, including heavy vehicles.

8 SECTION 4. Nonstatutory provisions.

9 (1) PROPOSED PERMANENT RULES. The department of transportation shall submit
10 in proposed form the rules required under section 84.182 (4) (b) and (5) (a) of the
11 statutes, as created by this act, to the legislative council staff under section 227.15
12 (1) of the statutes no later than the first day of the 4th month beginning after the
13 effective date of this subsection.

14 (2) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,
15 the department of transportation shall promulgate rules required under section
16 84.182 (4) (b) and (5) (a) of the statutes, as created by this act, for the period before
17 the effective date of the permanent rules promulgated under section 84.182 (4) (b)
18 and (5) (a) of the statutes, as created by this act, but not to exceed the period
19 authorized under section 227.24 (1) (c) of the statutes, subject to extension under
20 section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and
21 (3) of the statutes, the department is not required to provide evidence that
22 promulgating a rule under this subsection as an emergency rule is necessary for the
23 preservation of public peace, health, safety, or welfare and is not required to provide
24 a finding of an emergency for a rule promulgated under this subsection.

1 (3) POSITION AUTHORIZATION. The authorized FTE positions for the department
2 of transportation are increased by ^{0.4}~~0.2~~ GPR position, to be funded from the
3 appropriation under section 20.395 (2) (ec) of the statutes, as created by this act, to
4 administer the local ^{freight} ~~grant~~ program under section 84.182 of the statutes, as
5 created by this act.

6 **SECTION 5. Effective dates.** This act takes effect on the first day of the 4th
7 month beginning after publication, except as follows:

8 (1) SECTION 4 (1) and (2) of this act takes effect on the day after publication.

9 (2) SECTION 4 (3) of this act takes effect on July 1, 2012, or on the first day of
10 the 4th month beginning after publication, whichever is later.

11 (END)

1

2

INSERT ANAL-A:

(no A) Under the program, DOT reimburses political subdivisions for eligible costs of local bridge projects, but the political subdivision has responsibility for all project costs and reimbursement is limited to not more than 90 percent of total eligible project costs. To be eligible for reimbursement under the program, a local bridge project must be performed under contract, awarded on the basis of competitive bidding.

3

INSERT ANAL-B:

(no A) , determining which costs are eligible for reimbursement, ranking applications when the number of applicants or aggregate project costs exceed available funding, and providing reimbursement

4

5

INSERT 3-11:

6

(no A) Under the program, the department shall reimburse political subdivisions for eligible costs of local bridge projects in accordance with sub. (3) and rules of the department.

7

8

9

INSERT 3-12:

10

(3) REIMBURSEMENT; PROJECTS UNDER CONTRACT. (a) From the appropriation under s. 20.395 (2) (ec), the department shall reimburse political subdivisions for eligible costs of local bridge projects, consistent with rules promulgated under sub.

11

12

13

14

15

16

(5). All costs of local bridge projects are the responsibility of the applicable political subdivision, but at the completion of such a project, the political subdivision may apply to the department for reimbursement of not more than 90 percent of total eligible costs of the project.

1 (b) Costs of a local bridge project are eligible for reimbursement under this
2 subsection[✓] only if the local bridge project was performed under contract, awarded on
3 the basis of competitive bidding.

4 **INSERT 5-9:**

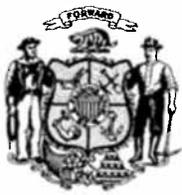
5 (no ~~(f)~~) , determining which costs are eligible for reimbursement, ranking applications
6 when the number of applicants or aggregate project costs exceed available funding,
7 and providing reimbursement

8

Barman, Mike

From: Punches, Derek
Sent: Monday, March 05, 2012 4:06 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-2764/1 Topic: Local bridge grant program

Please Jacket LRB 11-2764/1 for the ASSEMBLY.



2011 BILL

1 **AN ACT to create** 20.395 (2) (ec) and 84.182 of the statutes; **relating to:** creating
2 a local freight bridge program, providing an exemption from emergency rule
3 procedures, granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a local freight bridge improvement program administered by the Department of Transportation (DOT). Under the program, DOT reimburses counties, cities, villages, and towns (political subdivisions) for the improvement, rehabilitation, or reconstruction of local bridges on highway routes that provide access, for heavy vehicles transporting freight, to or from freight origin or destination points. Under the bill, a "heavy vehicle" is a vehicle that is legally operating at a gross vehicle weight exceeding 80,000 pounds. Under the program, DOT reimburses political subdivisions for eligible costs of local bridge projects, but the political subdivision has responsibility for all project costs and reimbursement is limited to not more than 90 percent of total eligible project costs. To be eligible for reimbursement under the program, a local bridge project must be performed under contract, awarded on the basis of competitive bidding. DOT must, by rule, prescribe the form of the application, establish the process for submitting applications, and establish the procedures and criteria for evaluating applications, determining which costs are eligible for reimbursement, ranking applications when the number of applicants or aggregate project costs exceed available funding, and providing reimbursement. However, these rules must contain specified provisions. Until permanent rules are promulgated, DOT may operate the program using emergency rule authority.

BILL

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

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

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

				2011-12	2012-13
3					
4	20.395	Transportation, department of			
5	(2)	LOCAL TRANSPORTATION ASSISTANCE			
6	(ec)	Local freight bridge program;			
7		state funds	GPR A	-0-	5,000,000

8 **SECTION 2.** 20.395 (2) (ec) of the statutes is created to read:

9 20.395 (2) (ec) *Local freight bridge program; state funds.* From the general
10 fund, the amounts in the schedule for the local freight bridge program under s.
11 84.182.

12 **SECTION 3.** 84.182 of the statutes is created to read:

13 **84.182 Local freight bridge program. (1) DEFINITIONS.** In this section:

14 (a) "Access route" means any route involving highways under the jurisdiction
15 of one or more political subdivisions that is used for the transportation of freight to
16 the freight's destination point or used to access the freight's point of origin for
17 purposes of transporting the freight.

18 (b) "Heavy vehicles" means vehicles or vehicle combinations operated in
19 compliance with ch. 348 that have a gross vehicle weight exceeding 80,000 pounds.

BILL

1 (c) "Local bridge" means a bridge that is not on the state trunk highway system
2 or on routes of the state trunk highway system designated as connecting highways
3 under s. 86.32.

4 (d) "Local bridge project" means a project for the improvement, rehabilitation,
5 or reconstruction of a local bridge and may include planning, design, and engineering
6 work as well as necessary approach work for the bridge.

7 (e) "Political subdivision" means any city, village, town, or county.

8 (2) PROGRAM. The department shall administer a local freight bridge program
9 to facilitate the improvement, rehabilitation, or reconstruction of local bridges on
10 highway routes that provide access, for heavy vehicles transporting freight, to or
11 from freight origin or destination points. Under the program, the department shall
12 reimburse political subdivisions for eligible costs of local bridge projects in
13 accordance with sub. (3) and rules of the department.

14 (3) REIMBURSEMENT; PROJECTS UNDER CONTRACT. (a) From the appropriation
15 under s. 20.395 (2) (ec), the department shall reimburse political subdivisions for
16 eligible costs of local bridge projects, consistent with rules promulgated under sub.
17 (5). All costs of local bridge projects are the responsibility of the applicable political
18 subdivision, but at the completion of such a project, the political subdivision may
19 apply to the department for reimbursement of not more than 90 percent of total
20 eligible costs of the project.

21 (b) Costs of a local bridge project are eligible for reimbursement under this
22 subsection only if the local bridge project was performed under contract, awarded on
23 the basis of competitive bidding.

24 (4) APPLICATIONS. (a) Any political subdivision may apply to the department
25 for reimbursement of eligible costs under this section.

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1 (b) The department shall, by rule, prescribe the form of the application, except
2 that the application shall require the applicant to provide all of the following
3 information as it relates to the proposed local bridge project identified in the
4 application:

5 1. A description of the local bridge project for which the application is made,
6 including identification of any local bridge to be improved, rehabilitated, or
7 reconstructed as part of the project and the type of work to be performed, a statement
8 as to whether the proposed local bridge project would allow the bridge to
9 accommodate heavier vehicles, identification of any access route for which the local
10 bridge is relevant, an estimate of the total cost of the local bridge project, and an
11 estimate of the timeline for the local bridge project with alternative scenarios
12 depending on whether or not reimbursement is provided under this section for the
13 project.

14 2. A description of the applicable access route used, at the time of the
15 application, by vehicles transporting freight, including identification of the
16 applicable origin or destination of the freight, identification of highway names or
17 numbers, mileage between key points along the access route, and the total mileage
18 of the access route.

19 3. A description of the applicable access route that heavy vehicles would utilize
20 if the proposed local bridge project were not completed, with a comparison to the
21 access route described in subd. 2. This description shall include the same types of
22 information specified in subd. 2., but as it pertains to the different route identified
23 under this subdivision.

24 4. A description of the applicable access route that heavy vehicles would utilize
25 if the proposed local bridge project were completed, with a comparison to the access

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1 1. The extent to which, if heavy vehicles are expected to replace other vehicles
2 on any applicable access route, there would be a resulting change in the number of
3 vehicle miles traveled and vehicle payload-ton miles on the access route.

4 2. Assuming heavy vehicles will replace other vehicles as described in subd. 1.,
5 the difference in the number of vehicle miles traveled and vehicle payload-ton miles
6 on the applicable access route if the proposed local bridge project is completed in
7 comparison to the same information if the local bridge project is not completed.

8 3. Estimates of highway system user benefits and impacts, public agency
9 benefits and impacts, and net benefits and impacts following the general
10 methodology of the department's Wisconsin Truck Size and Weight Study, dated
11 June 15, 2009, and using the information described in subds. 1. and 2. For purposes
12 of this subdivision, the department may consider benefits in terms of monetary
13 savings and impacts in terms of monetary expenditures. Highway system user
14 benefits and impacts may include changes in transportation costs for motor carriers,
15 shippers, and others, as well as highway safety considerations. Public agency
16 benefits and impacts may include changes in pavement wear and bridge
17 improvement costs attributable to the vehicles, including heavy vehicles.

SECTION 4. Nonstatutory provisions.

18 (1) PROPOSED PERMANENT RULES. The department of transportation shall submit
19 in proposed form the rules required under section 84.182 (4) (b) and (5) (a) of the
20 statutes, as created by this act, to the legislative council staff under section 227.15
21 (1) of the statutes no later than the first day of the 4th month beginning after the
22 effective date of this subsection.
23

24 (2) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,
25 the department of transportation shall promulgate rules required under section

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1 route described in subd. 2. This description shall include the same types of
2 information specified in subd. 2., but as it pertains to the different route identified
3 under this subdivision.

4 5. Information about the types of vehicles that use the access route described
5 in subd. 2., as of the time of the application, including average gross vehicle weight
6 and axle weights, if available, as obtained from inspection reports, traffic data, or
7 local industry officials.

8 6. A description of the types of vehicles that are expected to be replaced by
9 heavy vehicles if the proposed local bridge project were completed and a description
10 of these replacement heavy vehicles, including average gross vehicle weight and axle
11 weights as well as axle spacing.

12 **(5) PROCEDURES AND CRITERIA.** (a) The department shall, by rule, establish the
13 process for submitting applications under this section and the procedures and
14 criteria for evaluating applications, determining which costs are eligible for
15 reimbursement, ranking applications when the number of applicants or aggregate
16 project costs exceed available funding, and providing reimbursement under this
17 section. Subject to par. (b), in evaluating and ranking applications and providing
18 reimbursement under this section, the department may consider any criteria
19 determined to be pertinent by the department, including impacts of the project on
20 freight-intensive industries and facilities, local needs, local economic impacts,
21 environmental impacts, and other factors.

22 (b) The rules under par. (a) shall require the department, in evaluating and
23 ranking applications and providing reimbursement, to consider all of the following:

BILL

1 84.182 (4) (b) and (5) (a) of the statutes, as created by this act, for the period before
2 the effective date of the permanent rules promulgated under section 84.182 (4) (b)
3 and (5) (a) of the statutes, as created by this act, but not to exceed the period
4 authorized under section 227.24 (1) (c) of the statutes, subject to extension under
5 section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and
6 (3) of the statutes, the department is not required to provide evidence that
7 promulgating a rule under this subsection as an emergency rule is necessary for the
8 preservation of public peace, health, safety, or welfare and is not required to provide
9 a finding of an emergency for a rule promulgated under this subsection.

10 (3) POSITION AUTHORIZATION. The authorized FTE positions for the department
11 of transportation are increased by 0.4 GPR position, to be funded from the
12 appropriation under section 20.395 (2) (ec) of the statutes, as created by this act, to
13 administer the local freight bridge program under section 84.182 of the statutes, as
14 created by this act.

15 **SECTION 5. Effective dates.** This act takes effect on the first day of the 4th
16 month beginning after publication, except as follows:

17 (1) SECTION 4 (1) and (2) of this act takes effect on the day after publication.

18 (2) SECTION 4 (3) of this act takes effect on July 1, 2012, or on the first day of
19 the 4th month beginning after publication, whichever is later.

20 (END)