

2013 DRAFTING REQUEST

Bill

Received: **10/9/2012** Received By: **agary**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget** By/Representing: **Byrnes**
May Contact: Drafter: **agary**
Subject: **Transportation - highways** Addl. Drafters:
Extra Copies: **EVM**

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

DOA:.....Byrnes, BB0240 -

Topic:

Change maintenance definition and add appropriation

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	agary 11/8/2012	scalvin 11/8/2012	rschluet 10/23/2012	_____	mbarman 10/23/2012		State S&L
/P2	agary 11/9/2012		jfrantze 11/8/2012	_____	sbasford 11/8/2012		State S&L
/P3	agary 11/13/2012	scalvin 11/12/2012	phenry 11/12/2012	_____	lparisi 11/12/2012		State S&L

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/2	agary 1/18/2013	scalvin 1/7/2013	jfrantze 1/7/2013	_____	srose 1/7/2013		State S&L
/3	agary 2/13/2013	scalvin 1/21/2013	jmurphy 1/21/2013	_____	sbasford 1/21/2013		State S&L
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1/14 SAC
02/13/2014

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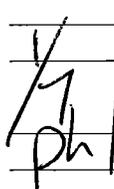
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/1		scalvin 11/13/2012	phenry 11/13/2012	_____	lparisi 11/13/2012		State S&L

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pk
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11/13/12

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For: Transportation By/Representing: Anna Richter
May Contact: Drafter: agary
Subject: Transportation - highways Addl. Drafters:
Extra Copies: EVM

Submit via email: YES
Requester's email: Anna.Richter@dot.wi.gov
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

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Instructions:

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/P1 agary

/Pl sac
10/22/12

9
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FE Sent For:

<END>

Gary, Aaron

From: Richter, Anna - DOT <Anna.Richter@dot.wi.gov>
Sent: Monday, October 08, 2012 2:51 PM
To: Gary, Aaron; Mueller, Eric
Cc: Merriman Hitchman, Linda H - DOT
Subject: DOT Budget Draft: Change Maintenance Definition and Add Appropriation

Hi Aaron and Eric,

Attached are drafting instructions to modify the current Chapter 84 definitions of maintenance and improvement and create a new appropriation that would be used for county-provided maintenance services only. The changes got kind of tricky for us to follow in the normal format we usually submit to you, so instead we've provided a numbered list of the changes we are requesting.

Also, we have provided more specific detail as to what types of maintenance activities would be included in each appropriation, but that's just to provide you with examples. We don't actually want anything drafted so specific that these types of activities make it into statutes.



Linda Merriman Hitchman will be your main point of contact on this draft for questions and clarifications. I've cc'd her.

Thanks!
Anna

Drafting Instructions – Highway Maintenance and Improvement Language and Appropriation Changes

Modifications to the statutory language that defines the highway maintenance and improvement programs under 84.06 and 84.07 and appropriations 20.395 (3) (cq) and (eq) are being proposed. The purposes are to separate out the funding that goes to the counties under their annual contracts and modify the definition of "improvement" in 84.06 to make additional activities eligible for funding under 20.395 (3) (cq). Further, some outdated language would be eliminated and other modifications would be made.

1. Create a new continuing segregated appropriation from the Transportation Fund titled "County and municipal maintenance activities" or similar. The new appropriation would include the funding for the county or municipal contracts under s. 84.07 (1). All other maintenance activities, salt and administration would still be in (3) (eq). Possible example: **20.395 (3) (XX) County and municipal maintenance activities, state funds. As a continuing appropriation, the amounts in the schedule for maintenance activities carried out under contract with county highway committees or municipalities under s. 84.07 (1)**
2. Rename the existing maintenance appropriation 20.395 (3) (eq) to be "Highway System Management and Operations." This appropriation would also need to be modified so that it no longer includes funding for the county and municipal contracted maintenance activities.
3. Eliminate the references to "special maintenance" in 84.07 and 20.395 (3) (eq). This term is outdated and no longer used.
4. Modify the definition of "improvement" in 84.06 (1) to include "activities that add four or more years of useful life, restore or improve highways or streets and are not general maintenance under 84.07 (1)" or something that accomplishes the same intent. This intent is to allow corrective and preventative maintenance activities to be funded under 20.395 (3) (cq). However, because "improvement" is defined to exclude "maintenance" it would be less confusing if we can add preventative and corrective maintenance to the improvement definition without using that term. One suggestion is that we do this by defining it in the negative, i.e. anything that isn't covered under general maintenance. What do you think?

Here is a brief definition of both corrective and preventative maintenance provided by program staff to help you. I will also attach an appendix which defines these terms exhaustively. *Corrective is time sensitive and normally associated with emergency situations where there are immediate safety risks or some degree or unacceptable mobility delays, hence the urgency. Preventative maintenance is life cycle or investment driven and based on an asset management philosophy where taking action prevents or delays deterioration of system functionality.*

5. We may want to define maintenance under 84.07 (1) to be routine maintenance, to differentiate it from the other types and therefore make the improvement definition less ambiguous. Do you think adding the word "routine" in front of "continuing" in that description would help to do that?
6. Modify chapter 84 and chapter 20 to remove some of the limitations that were put in place by 2001 Act 16, thereby making traffic control signals and ITS eligible for improvement funding even when not incidental. Leave the restrictions on signs, highway lighting and pavement marking, and continue to have them funded solely from maintenance funding (both 365 and new appropriation).

Modify the definition in 84.07 (1) so that maintenance of traffic control signals and ITS is still considered maintenance, even though installation, etc. would be improvement eligible.

7. Modify 84.07 to enable maintenance provided by counties or municipalities through contract to be provided on a regional basis, without regard to county boundaries.

84.06 Highway construction.

(1) DEFINITIONS. In this section, "improvement" or "highway improvement" includes construction, reconstruction, rehabilitation, and processes incidental to building, fabricating, or bettering a highway or street, but not maintenance. "Improvement" also includes activities that add four or more years of useful life, restore or improve highways or streets and are not general maintenance under s. 84.07 (1). The terms do not include the installation, replacement, rehabilitation, or maintenance of highway signs, ~~traffic control signals, highway lighting or pavement markings, or intelligent transportation systems,~~ unless incidental to building, fabricating, or bettering a highway or street.

84.07 Maintenance of state trunk highways.

(1) STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY. The state trunk highway system shall be maintained by the state at state expense. The department shall prescribe by rule specifications for such maintenance and may contract with any county highway committee or municipality to have all or certain parts of the work of maintaining the state trunk highways within or beyond the limits of the county or municipality, including interstate bridges, performed by the county or municipality, and any county or municipality may enter into such contract. General maintenance activities include the application of protective coatings, the removal and control of snow, the removal, treatment and sanding of ice, interim repair of highway surfaces and adjacent structures, and all other operations, activities and processes required on a routine, continuing basis for the preservation of the highways on the state trunk system, and including the care and protection of trees and other roadside vegetation and suitable planting to prevent soil erosion or to beautify highways pursuant to s. 66.1037, and all measures deemed necessary to provide adequate traffic service. ~~Special maintenance activities include the restoration, reinforcement, complete repair or other activities which the department deems are necessary on an individual basis for specified portions of the state trunk system.~~ Maintenance activities also include the installation, replacement, rehabilitation, or maintenance of highway signs, ~~traffic control signals, highway lighting and, pavement markings, and intelligent transportation systems.~~ and the maintenance of traffic control signals and intelligent transportation systems. The department may contract with a private entity for services or materials or both associated with installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, and intelligent transportation systems.

20.395 (3) (eq) Highway maintenance, repair and traffic operations, state funds. As a continuing appropriation, the amounts in the schedule for the maintenance and repair of roadside improvements under s. 84.04, state trunk highways under s. 84.07, and bridges that are not on the state trunk highway system under s. 84.10; for permit issuance and other highway operations, including the installation, replacement, rehabilitation, repair or maintenance of highway signs, ~~traffic control signals, highway lighting, and pavement markings, and the maintenance of traffic control signals and intelligent transportation systems,~~ under ss. 84.04, 84.07, 84.10, and 348.25 to 348.27 and ch. 349; for the grant under 2005 Wisconsin Act 25, section 9148 (3f); and for the disadvantaged business demonstration and training program under s. 84.076. ~~This paragraph does not apply to special maintenance activities under s. 84.04 on roadside improvements.~~

- Routine maintenance – consists of work that is planned, scheduled, and performed on a routine basis to maintain and preserve the condition of the highway system or to respond to specific conditions and events that restore the highway system to an adequate level of service. In Wisconsin, routine maintenance activities have historically been performed by county forces and are financed with state dollars only.

Routine maintenance consists of day-to-day activities that are scheduled on a short time horizon, up to a month in-advance, by maintenance personnel to maintain not enhance the current condition or level of service of the highway system. If a repair is involved, they are small-scale or isolated distresses where the remedy retards further deterioration.

More specifically, the general nature of routine maintenance is to address conditions of distress that are very limited both in terms of cost and extend (e.g., density or frequency). For example, routine maintenance activities on the highway system's traveled way would most often be random or isolated "spot" repairs, not continual or stretches of traveled way repair; this may typically involve some small amounts of crack sealing, joint repair, patching, and lane-shoulder drop-off repair.

As part of an asset management strategy, these routine maintenance activities are integral to achieving a lower lifecycle cost for long-term service by treating distress conditions in spot locations. Measureable system life extension resulting from routine maintenance is impractical to meaningful quantify. This is because the service life extension benefit of these activities is a function of the cumulative effect of all routine maintenance activities over the life of the roadway (life between major rehabilitation).

- Corrective maintenance – involves activities whose need cannot be anticipated with any certainty in advance. The maintenance activities typically require timely attention and are performed to restore the roadways, roadsides, structures or facilities to an acceptable level of service due to unforeseen conditions necessitated by accidents, storms and other weather related conditions, premature failures, malfunctions, or other unusual or unexpected damage.

Corrective maintenance is the response to unplanned or unforeseen events or deterioration conditions, and when the magnitude and/or severity of distress is severe, it is referred to as emergency or catastrophic maintenance. These activities are reactive treatments that restore an adequate but often minimal level of service by repairing isolated problems that are compromising safe and efficient operations of the facility. In some cases, a permanent restoration is simultaneously being designed and scheduled to subsequently supplement the corrective treatment.

Corrective maintenance actions are required when the system breaks down or malfunctions; therefore, they are only performed on an as-needed basis. For example, situations requiring corrective maintenance activities include bridge hits, pavement blow-ups, and road washouts. Pavement treatments such as pothole repair, patching, edge failures, grade separations along shoulders, joint replacement, and isolated full width and depth slab replacements are corrective maintenance activities.

Given the reactive and incident driven nature of these needs, the performance of this work is always time sensitive and sometimes specialized. Permanent, long-term repair or replacement of a pavement, shoulder, bridge, culvert, drainage system or other ancillary structure is considered to significantly extend service life. It is typically executed under emergency contract or expedited letting procedures and funded through the improvement program, but not exclusively.

On occasion, when the urgency demands and the routine maintenance budget allows, qualified county forces may be employed. In very limited circumstances only, county forces may perform small scale operations (low cost or lengths of 0.1 mile or less, for instance) if urgent conditions demand and the nature of the necessary repair work allows. When county forces are employed, routine maintenance funds are to be used.

- Preventative maintenance – these are planned asset management strategies that add system service life by retarding future deterioration and are delivered as programmed or scheduled projects. In addition to being essential to achieving the lowest lifecycle cost for long-term system service, these treatments extend system service life because the amount of distress addressed is such that treatment lowers distress severity and increases overall system condition enough that system service life is added. Because this work is scheduled and eligible for federal funding, it is always let to private contractors.

Pavement preventive maintenance efforts are typically lower in cost than full fledged improvements and are intended to: (a) slow a highway's deterioration, (b) maintain its functional condition, and (c) extend pavement life up to 10 years. These treatments focus largely on pavements and bridges including seal coats, joint seals, crack seals, patching, thin overlays, profiling and milling, micro-surfacing, chip seals, under drains and drainage system restorations, bridge cleaning and painting, scour counter measures, deck rehabilitation, and deck drain cleaning.

To be eligible for federal funding, preventive maintenance pavement preservation strategies typically must occur while the pavement is in good to very good condition. Repair needs on pavements where conditions are less than those prescribed under the federal definition of good fall short of eligibility. The definition of viable preventive maintenance strategies will be expanded to include those portions of the STH system that fall outside the accepted parameters for federal preventive maintenance funding and supplemented with 100% state-funded projects as part of the improvement program.

Assignment of Activities:

The following section further defines specific maintenance activities by placing them into these three broad categories and could be used in assigning the type of work activity when addressing planning and budgeting concerns. Specific work activities cannot be exclusively assigned to any particular maintenance category.

Travel Way

The table below defines travel way maintenance activities by category.

Routine Maintenance	Corrective Maintenance	Preventative Maintenance
<p>Travel Way related work to include:</p> <p>Crack-sealing</p> <p>Patching alligator cracking</p> <p>Rut filling/wedging for safety</p> <p>Overlays to restore rideability (overlays not to exceed total average depth of 2"), and not to exceed 500' on length</p> <p>Seal coats</p> <p>Concrete joint repair limited to less than 10 locations (for instance) per lane mile</p> <p>Concrete crack repair limited to less than 10 locations (for instance) per lane mile</p> <p>Sweeping pavement</p> <p>Traffic control (routine & emergency)</p> <p>Hazardous debris removal</p> <p>Surveillance</p> <p>Installation and replacement of long line and special pavement markings</p> <p>Routine sign replacements</p> <p>*Note: 500' does not include transitions</p>	<p>Travel Way related work to include:</p> <p>Overlays not to exceed an average depth of 2" to extend service life to the next improvement project</p> <p>Concrete Joint Repair</p> <p>Concrete patching and slab replacement</p> <p>Milling</p> <p>Diamond grinding</p> <p>Urgent repair of blow-ups, potholes and punchouts</p> <p>Patching alligator cracking and high severe cracking</p>	<p>Travel Way related work to include:</p> <p>Resurfacing</p> <p>PCC dowel bar retrofitting w/diamond grinding</p> <p>Asphaltic patching-full depth</p> <p>Concrete joint repair</p> <p>Concrete patching - partial and full depth</p> <p>Concrete Joint Repair</p> <p>Milling</p> <p>Diamond grinding</p>

Shoulder

The table below defines maintenance activities by category for shoulders.

Routine Maintenance	Corrective Maintenance	Preventative Maintenance
<p>Shoulder related work to include:</p> <p>Maintaining gravel shoulders by regrading the existing shoulder material to correct grade and cross slope</p> <p>Adding material as needed to correct gravel shoulder grade and/or cross slope</p> <p>Repair washouts to gravel shoulders</p> <p>Patching potholes in asphalt shoulders</p> <p>Filling cracks in asphalt shoulders</p> <p>Seal coating asphaltic and shoulders</p> <p>Spot repair removal and repaving of asphalt shoulders limited to 500' in length</p> <p>Spot repair of concrete shoulder joints limited to less than 10 locations per mile</p>	<p>Shoulder related work to include:</p> <p>Maintaining gravel shoulders by regarding the existing shoulder material to correct grade and cross slope</p> <p>Adding material as needed to correct gravel shoulder grade and/or cross slope</p> <p>Repaving of asphalt shoulders to serve adequately until permanent improvement made</p> <p>Milling and repaving of asphalt shoulders</p> <p>Slab replacement</p> <p>Grinding and asphalt overlay of concrete shoulders</p> <p>Spot repair of concrete shoulder joints</p>	<p>Shoulder related work to include:</p> <p>Resurfacing of asphalt shoulders</p> <p>Removal and replacement of concrete shoulders</p> <p>Milling and repaving of asphalt shoulders</p> <p>Grinding and asphalt overlay of concrete shoulders</p> <p>Concrete patching – partial and full depth</p> <p>Slab replacement</p> <p>Patching asphalt shoulders</p>

Roadside and Roadside Facilities

The table below defines roadside and roadside facilities maintenance activities by category.

Routine Maintenance	Corrective Maintenance	Preventative Maintenance
Roadside and Roadside Facilities related work to include:	Roadside and Roadside Facilities related work to include:	Roadside and Roadside Facilities related work to include:
Maintenance and operation of rest areas, picnic areas, historical markers, and scenic views	Overlays of ramps and parking areas not to exceed an average depth of 2" to extend service life to the next improvement project	Milling and repaving
Painting and cleaning of buildings	Patching ramps and parking areas	Resurfacing
Cleaning restrooms	Concrete Joint Repair of ramps and parking areas	Concrete joint repair of ramps and parking areas
Litter removal	Milling and repaving of ramps and parking areas	Concrete slab replacement of parking areas
Mowing and control of unwanted vegetation	Grinding and asphalt overlay of ramps and parking areas	Patching ramps and parking areas
Repair of guard rails and end terminals		
Removal and treatment of roadside hazards		
Crack sealing ramps and parking areas		
Patching potholes		

Drainage

The table below defines maintenance activities by category for drainage.

Routine Maintenance	Corrective Maintenance	Preventative Maintenance
Drainage related work to include:	Drainage related work to include:	Drainage related work to include:
Spot replacement and repair of curb, gutter limited to 500' in length	Constructing new drainage channels or modification of drainage structures to increase drainage capacity	Large culvert pipe replacement (5 ft. diameter or larger)
Riprap	Concrete Box Culvert replacement	
Cleaning, lining, repairing, of culverts	Concrete Box Culvert extensions	
Urgent repair or replacement of culverts/drainage structures	Culvert lining	
Clean and minor repair to storm sewers	Emergency culvert repair and/or replacement	
Erosion Repair or establishment of erosion controls		
Reshaping drainage ditches and channels		
Clean or repair of catch basin or		

inlets		
Debris removal		
Repair of washouts		
Repair and restoration of slope and embankment failure		
Small culvert repair or replacement (under 5 ft diameter)		

Structures

The table below defines maintenance activity by category for structures.

Routine Maintenance	Corrective Maintenance	Preventative Maintenance
<p><i>Bridge deck work to include:</i></p> <p>Repair of epoxy overlays</p> <p>Spot deck repair</p> <p>Approach slab foam jacking or mud jacking</p> <p>Crack sealing</p> <p>Concrete deck sealing</p> <p>Minor joint repair or replacement</p> <p>Approach slabs repair</p> <p>Railing repair</p> <p>Deck sweeping and power washing of decks</p> <p><i>Superstructure and substructure work to include:</i></p> <p>Minor repair of substructures and superstructures, including spot painting</p> <p>Power washing of superstructure and substructure units</p> <p><i>Channel, waterway, and other structure related work to include:</i></p> <p>Operation and maintenance of movable bridges</p> <p>Ferry operations and maintenance including approaches</p> <p>Traffic control for structure/bridge inspection</p> <p>Clearing brush and unwanted</p>	<p><i>Bridge deck work to include:</i></p> <p>Approach slab replacement</p> <p>Thin deck overlays and membrane installation</p> <p>Asphalt overlays without membrane installation</p> <p>Major joint replacement</p> <p>Epoxy overlays</p> <p><i>Superstructure and substructure work to include:</i></p> <p>Wing wall replacement</p> <p>Emergency bridge repair</p> <p>Bearing repair or replacement</p> <p><i>Channel, waterway and other structure related work to include:</i></p> <p>Slope protection installation and repair</p> <p>Slope paving repair</p>	<p><i>Bridge deck work to include:</i></p> <p>Concrete deck repair, patching and concrete overlays</p> <p>Asphalt overlays with membrane installation</p> <p>Epoxy and polymer overlays</p> <p>Expansion joint replacement when done in conjunction with an overlay or expansion joint elimination</p> <p>Chloride extraction</p> <p>Installation of a cathodic protection system</p> <p><i>Superstructure and substructure work to include:</i></p> <p>Steel structure cleaning and repainting, including complete repainting, zone painting, and spot painting with overcoat</p> <p>Structural repairs (except vehicle damage)</p> <p>Bearing repair or replacement</p> <p><i>Channel, waterway, and other structure related work to include:</i></p> <p>Rip placement (large quantity or deep channel)</p>

vegetation around structures		
Debris removal from waterway		
Placing rip-rap (small quantity or shallow channel)		

Winter

The table below defines maintenance activities by category for winter.

Routine Maintenance	Corrective Maintenance	Preventative Maintenance
<p>Winter related work to include:</p> <p>All activities, equipment and materials related to snow and ice control</p> <p>Plowing</p> <p>Applying deicers</p> <p>Cleaning up after storms and benching</p> <p>Erecting snow fences</p> <p>Equipment preparation and calibration</p> <p>Thawing culverts and inlets</p> <p>Loading, cleaning, maintenance, and inspection of salt sheds</p> <p>Clearing drainage ways</p> <p>Clearing snow covered signs</p> <p>Emergency assistance</p> <p>Training personnel</p>		

The following categories of activities, traffic operations and emergency operations, need to be further defined and expanded. Once done, they can be assigned to routine maintenance, improvement, or a standalone traffic operations (rename Highway Management and Operations) program.

Emergency Operations

The table below defines maintenance categories for emergency operations.

Routine Maintenance	Corrective Maintenance	Preventative Maintenance
Emergency related work to include: Emergency traffic control during incidents Emergency traffic control during other natural disasters such as flood, tornados, and fires Removal of debris from the roadways after natural disasters such as floods, tornados, and fires		

Traffic Operations

The table below describes maintenance categories for traffic operations.

Routine Maintenance	Corrective Maintenance	Preventative Maintenance
Traffic Operations related work to include: Changeable message boards		

Gary, Aaron

From: Merriman Hitchman, Linda H - DOT <Linda.MerrimanHitchman@dot.wi.gov>
Sent: Tuesday, October 09, 2012 11:51 AM
To: Gary, Aaron
Cc: Richter, Anna - DOT
Subject: addendum to highway maintenance draft

Hi Aaron

I have an addition to the highway maintenance draft. I have added it as #8. to the bottom of the attached memo, which I have dated to avoid confusion. The purpose of the new proposal is to give the Department flexibility under 84.07 (2) to



pay the counties based on a contracted unit price as an option to the actual costs basis in current law

Thanks,
Linda

Linda Merriman Hitchman

Budget and Policy Analyst
Office of Policy, Budget and Finance - Room 132-B
Wisconsin Department of Transportation
4802 Sheboygan Avenue - P.O. Box 7910
Madison, WI 53707-7910
linda.merrimanhitchman@dot.wi.gov **608-266-1585**

Gary, Aaron

From: Merriman Hitchman, Linda H - DOT <Linda.MerrimanHitchman@dot.wi.gov>
Sent: Wednesday, October 17, 2012 2:13 PM
To: Gary, Aaron
Subject: additional request re: maintenance

Hi Aaron

Re: the new maintenance appropriation that would house funding for county contracts under s.84.07 (1), I neglected to say we also need parallel federal and local appropriations. I am attaching the drafting instructions updated with today's



date and with that 9th point included.

Thanks.

Linda Merriman Hitchman

Budget and Policy Analyst

Office of Policy, Budget and Finance - Room 132-B

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October 17, 2012

Drafting Instructions – Highway Maintenance and Improvement Language and Appropriation Changes

Modifications to the statutory language that defines the highway maintenance and improvement programs under 84.06 and 84.07 and appropriations 20.395 (3) (cq) and (eq) are being proposed. The purposes are to separate out the funding that goes to the counties under their annual contracts and modify the definition of "improvement" in 84.06 to make additional activities eligible for funding under 20.395 (3) (cq). Further, some outdated language would be eliminated and other modifications would be made.

1. Create a new continuing segregated appropriation from the Transportation Fund titled "County and municipal maintenance activities" or similar. The new appropriation would include the funding for the county or municipal contracts under s. 84.07 (1). All other maintenance activities, salt and administration would still be in (3) (eq). Possible example: **20.395 (3) (XX) *County and municipal maintenance activities, state funds. As a continuing appropriation, the amounts in the schedule for maintenance activities carried out under contract with county highway committees or municipalities under s. 84.07 (1)***
2. Rename the existing maintenance appropriation 20.395 (3) (eq) to be "Highway System Management and Operations." This appropriation would also need to be modified so that it no longer includes funding for the county and municipal contracted maintenance activities.
3. Eliminate the references to "special maintenance" in 84.07 and 20.395 (3) (eq). This term is outdated and no longer used.
4. Modify the definition of "improvement" in 84.06 (1) to include "activities that add four or more years of useful life, restore or improve highways or streets and are not general maintenance under 84.07 (1)" or something that accomplishes the same intent. This intent is to allow corrective and preventative maintenance activities to be funded under 20.395 (3) (cq). However, because "improvement" is defined to exclude "maintenance" it would be less confusing if we can add preventative and corrective maintenance to the improvement definition without using that term. One suggestion is that we do this by defining it in the negative, i.e. anything that isn't covered under general maintenance. What do you think?

Here is a brief definition of both corrective and preventative maintenance provided by program staff to help you. I will also attach an appendix which defines these terms exhaustively. *Corrective is time sensitive and normally associated with emergency situations where there are immediate safety risks or some degree or unacceptable mobility delays, hence the urgency. Preventative maintenance is life cycle or investment driven and based on an asset management philosophy where taking action prevents or delays deterioration of system functionality.*

5. We may want to define maintenance under 84.07 (1) to be routine maintenance, to differentiate it from the other types and therefore make the improvement definition less ambiguous. Do you think adding the word "routine" in front of "continuing" in that description would help to do that?
6. Modify chapter 84 and chapter 20 to remove some of the limitations that were put in place by 2001 Act 16, thereby making traffic control signals and ITS eligible for improvement funding even when not incidental. Leave the restrictions on signs, highway lighting and pavement marking, and continue to have them funded solely from maintenance funding (both 365 and new appropriation).

Modify the definition in 84.07 (1) so that maintenance of traffic control signals and ITS is still considered maintenance, even though installation, etc. would be improvement eligible.

October 17, 2012

7. Modify 84.07 to enable maintenance provided by counties or municipalities through contract to be provided on a regional basis, without regard to county boundaries.
8. Modify s. 84.07 (2) to allow the Department to reimburse the counties or municipalities based on a contracted unit price rather than only on actual costs. This should be permissive, to give the Department flexibility to pay either way.

(2) REPAYMENT FOR STATE WORK. When any county or municipality maintains the state trunk highways within or beyond the limits of the county or municipality, including interstate bridges, in compliance with the arrangement with the department, the department shall pay the actual cost of the maintenance, including the allowance for materials and the use of county or municipal machinery and overhead expenses agreed upon in advance. The payments shall be made upon presentation by the county highway committee or municipal clerk of a properly itemized and verified account. The county highway committee or municipal clerk shall present the itemized accounts for general maintenance work no later than one month following the period during which the work is performed.

9. ***Create parallel federal and local appropriations to the new segregated appropriation being created for county and municipal activities (10/17/2012)***

DRAFT

84.06 Highway construction.

(1) DEFINITIONS. In this section, "improvement" or "highway improvement" includes construction, reconstruction, rehabilitation, and processes incidental to building, fabricating, or bettering a highway or street, but not maintenance. "Improvement" also includes activities that add four or more years of useful life, restore or improve highways or streets and are not general maintenance under s. 84.07 (1). The terms do not include the installation, replacement, rehabilitation, or maintenance of highway signs, ~~traffic control signals, highway lighting or pavement markings, or intelligent transportation systems,~~ unless incidental to building, fabricating, or bettering a highway or street.

84.07 Maintenance of state trunk highways.

(1) STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY. The state trunk highway system shall be maintained by the state at state expense. The department shall prescribe by rule specifications for such maintenance and may contract with any county highway committee or municipality to have all or certain parts of the work of maintaining the state trunk highways within or beyond the limits of the county or municipality, including interstate bridges, performed by the county or municipality, and any county or municipality may enter into such contract. General maintenance activities include the application of protective coatings, the removal and control of snow, the removal, treatment and sanding of ice, interim repair of highway surfaces and adjacent structures, and all other operations, activities and processes required on a routine, continuing basis for the preservation of the highways on the state trunk system, and including the care and protection of trees and other roadside vegetation and suitable planting to prevent soil erosion or to beautify highways pursuant to s. 66.1037, and all measures deemed necessary to provide adequate traffic service. ~~Special maintenance activities include the restoration, reinforcement, complete repair or other activities which the department deems are necessary on an individual basis for specified portions of the state trunk system.~~ Maintenance activities also include the installation, replacement, rehabilitation, or maintenance of highway signs, ~~traffic control signals, highway lighting and pavement markings, and intelligent transportation systems,~~ and the maintenance of traffic control signals and intelligent transportation systems. The department may contract with a private entity for services or materials or both associated with installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, and intelligent transportation systems.

20.395 (3) (eq) Highway maintenance, repair and traffic operations, state funds. As a continuing appropriation, the amounts in the schedule for the maintenance and repair of roadside improvements under s. 84.04, state trunk highways under s. 84.07, and bridges that are not on the state trunk highway system under s. 84.10; for permit issuance and other highway operations, including the installation, replacement, rehabilitation, repair or maintenance of highway signs, ~~traffic control signals, highway lighting, and pavement markings, and the maintenance of traffic control signals and intelligent transportation systems,~~ under ss. 84.04, 84.07, 84.10, and 348.25 to 348.27 and ch. 349; for the grant under 2005 Wisconsin Act 25, section 9148 (3f); and for the disadvantaged business demonstration and training program under s. 84.076. ~~This paragraph does not apply to special maintenance activities under s. 84.04 on roadside improvements.~~