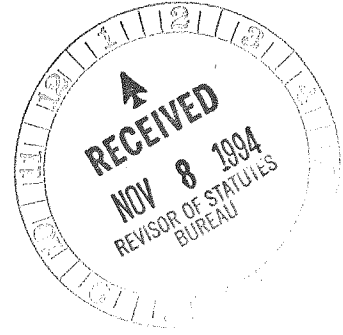


CR 94-87

CERTIFICATE



STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to the **local roads improvement program**, was duly approved and adopted by this Department on November 7, 1994.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

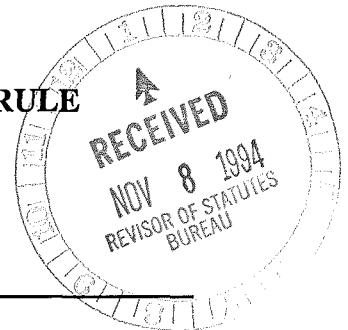


IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 7<sup>th</sup> day of November, 1994.

*Terrence D. Pulasky* Dep Sec  
CHARLES H. THOMPSON  
Secretary

IN THE MATTER OF an Order Adopting Rule **RENUMBERING** Trans 206.02(31) and (32); **AMENDING** Trans 206.02(1), (19), (20) and (27), 206.03(6)(b), (7)(b) and (14), 206.06(2)(a) and (b), (4), (5)(title), (intro.), (a), (6)(b) and (7); and **CREATING** Trans 206.02(1m), (2m), (31) and (33), and 206.035(title) and (1) to (4), Wisconsin Administrative Code, relating to the local roads improvement program.

ORDER ADOPTING RULE



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

**STATUTORY AUTHORITY:** s. 86.31(6), Stats.

**STATUTE INTERPRETED:** s. 86.31, Stats.

**General Summary of Rule.** 1993 Wisconsin Act 16 established that \$500,000 be allocated in each fiscal year to fund town road improvements with eligible costs totalling \$100,000 or more.

**Fiscal Estimate.** 1993 Wisconsin Act 16 allocates \$500,000 in each fiscal year to fund town road improvements with eligible costs totaling \$100,000 or more from the continuing local roads improvement program appropriation. This funding is in addition to the allocation of funds for entitlements.

**Final Regulatory Flexibility Analysis.** This rule will have no adverse impact on small businesses.

**Forms.** Application forms will be available from the Wisconsin Department of Transportation, Division of Highways, P.O. Box 7916, Madison, WI 53707.

**Contact Persons.** Persons having questions about this rule may write or contact the following Wisconsin Department of Transportation employees: **Douglas Duckert**, Director of the Office of Local Highway Programs, and **Mary Forlenza**, 4802 Sheboygan Avenue, Room 951, P. O. Box 7916, Madison, WI 53707-7916, (608) 264-8724.

## TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 86.31(6), Stats., the department of transportation hereby amends a rule interpreting s. 86.31, Stats., relating to the local roads improvement program.

**SECTION 1.** Trans 206.02(1) is amended to read:

Trans 206.02(1) "Administrative cost" means the county highway commissioner's staff and material costs to perform the county highway commissioner's duties to the county MSI program for cities and villages with a population of 20,000 or less, ~~and~~ the county TRI program, and the statewide TRID, as defined in this chapter, including the cost of conducting bid lettings for MSI projects in cities and villages with a population of 20,000 or less and for TRI and TRID projects.

**SECTION 2.** Trans 206.02(1m) is created to read:

Trans 206.02(1m) "Annual allocation" means the annual amount of state funds available under the TRID component of the local roads improvement program to a town to make improvements with total project costs of \$100,000 or more to local town roads.

**SECTION 3.** Trans 206.02(2m) is created to read:

Trans 206.02(2m) "Biennial allocation" means the sum of the 2 annual allocations in a state biennium.

**SECTION 4.** Trans 206.02(19), (20) and (27) are amended to read:

Trans 206.02(19) "Local roads improvement program" or "LRIP" means the state entitlement program with county trunk highway, town road and municipal street entitlement components as established in s. 86.31, Stats., or the state allocation component separate from the entitlement program as established in s. 86.31(3m), Stats.

(20) "LRIP project application" means a department of transportation form which describes the projects that may be funded with LRIP entitlements, or LRIP allocations under TRID, in the current state biennium.

(27) "Recipient" means a county, county town road improvement committee, county municipal street improvement committee, a city or village with a population of 20,000 or more, or a town under the TRID.

**SECTION 5.** Trans 206.02(31) and (32) are renumbered 206.02(32) and (34).

**SECTION 6.** Trans 206.02(31) and (33) are created to read:

Trans 206.02(31) "Statewide town road improvement discretionary committee" or "STRIDC" means the committee appointed by the secretary responsible to recommend TRID projects for approval by the secretary.

(33) "Town road improvement discretionary" or "TRID" means the improvement projects on the statewide town road system funded by the town road improvement discretionary allocation component of the local roads improvement program as authorized under s. 86.31(3m), Stats.

**SECTION 7.** Trans 206.03(6)(b), (7)(b) and (14) are amended to read:

Trans 206.03(6)(b) The county, CTRIC or CMSIC, cities or villages with population of 20,000 or more, or towns under the TRID, may enter into agreements with counties, other county MSI or TRI committees, other cities or villages with populations of 20,000 or more or towns under the TRID to participate in projects that meet the standards of the local roads improvement program.

(7)(b) No later than January 15 of each even-numbered year, report to the secretary or the secretary's designee, on the form in the manner prescribed by the department, the list of projects to be developed or constructed under the CHI, TRI, TRID and MSI components of the LRIP in the current state biennium.

(14) PROJECT SUBSTITUTION. When a recipient informs the department that an eligible project for which a CHI, TRI or MSI project agreement has been executed cannot be built, that recipient shall have the option of substituting another eligible project that can be constructed in the same time period. The parties shall then void the original project agreement and execute a new project agreement for the substitute project. This subsection does not apply to recipients of TRID allocations.

**SECTION 8.** Section Trans 206.035(title) and (1) to (4) are created to read:

**Trans 206.035 TOWNROADIMPROVEMENTDISCRETIONARYPROVISIONS.**

(1) ALLOCATION. The TRID is an annual allocation for improvements to town roads in excess of \$100,000 total project cost. Biennially, selected allocations shall be made to towns. Allocations to the recipient shall be recommended by the STRIDC and approved by the secretary.

(2) OPTION TO ACCUMULATE ALLOCATION UNTIL THE SECOND YEAR OF THE BIENNIUM. To permit maximum flexibility in the use of allocations and use all allocations in the biennium appropriated, a recipient may:

- (a) Use the allocation in the state fiscal year it is available.
- (b) Accrue the annual allocation until the second year of the state biennium rather than using it in the year it is available.
- (c) Request approval, on the LRIP project application form, from the department to use the entire biennial allocation in the first year of the biennium.

(3) COMMITMENT OF ALLOCATION. (a) No later than November 1 of each odd-numbered year, each applicant shall complete the LRIP project application form and send it to the appropriate county highway commissioner.

(b) No later than January 15 of each even-numbered year, the appropriate county highway commissioner shall send the department a copy of each LRIP project application submitted by each applicant in the county.

(c) Upon the approval of each LRIP project application by the department, the estimated cost of the project listed on the LRIP project application form shall be committed, and allocated funds shall be reserved for the political subdivision with an approved LRIP project. A project agreement for each LRIP project shall be executed and received by the department no later than April 1 of the next odd-numbered year. If an executed project agreement is not received by April 1 of the next odd-numbered year, the commitment of state funds shall be withdrawn.

(4) UNCOMMITTED TRID ALLOCATIONS. On July 1 of each odd-numbered year, all uncommitted allocations from the previous biennium shall be added to the TRID appropriation for the current biennium.

**SECTION 9.** Trans 206.06(2)(a) and (b), (4), (5)(title), (intro.), (a) and (6)(b) are amended to read:

Trans 206.06(2)(a) Submit, no later than November 1 of each odd-numbered year, to the county highway commissioner the LRIP project application form listing of TRI projects planned, and TRID project applications prioritized for the current state biennium.

(b) Determine in the case where a proposed TRI project under agreement cannot be built within the specified time frame whether a substitute TRI project should be put under agreement.

(4) DUTIES OF THE TOWNS. Each town participating in TRI and TRID shall establish and maintain as a minimum, a 2-year plan of improvements to the town roads eligible to be funded under the TRI and TRID component components. The plan shall be based on sound engineering and management principals and life cycle cost criteria such as, but not limited to,

the PASER program model. It shall include a priority list of needs and a 2-year schedule of improvements.

(5)(title) DUTIES OF TOWNS WITH A TRI OR TRID PROJECT. Towns with a TRI or TRID project shall perform the following:

(a) Execute, no later than April 1 of each odd-numbered year, an approved project agreement for each TRI project awarded to the town by the CTRIC or TRID project awarded to the town by the department.

(6)(b) Conduct contract lettings for a town with a TRI or TRID project upon the request of the town.

(7) STANDARDS. All town road improvement projects funded under this chapter shall be designed and constructed using the state town road standards as described in ~~s. 86.26, Stats. ch. Trans 204~~, except as provided in s. ~~Trans 206.03(14)~~ 206.03(13).

**SECTION 10.** Trans 206.08 is created to read:

**Trans 206.08 STATEWIDE TOWN ROAD IMPROVEMENT DISCRETIONARY COMMITTEE.** (1) There shall be one STRIDC. The committee shall consist of members appointed by the secretary and have geographically balanced representation. The committee members shall serve 2-year terms beginning October 1 of the odd-numbered years and ending September 30 of the next odd-numbered year. The secretary or designee shall serve as a non-voting member of each statewide town road improvement discretionary committee.

(2) The statewide town road improvement discretionary committee shall perform the following duties:

(a) Establish criteria for the selection of TRID projects. These criteria shall include, but are not limited to, safety, reconstruction, traffic volume and type, and multi-jurisdictional projects.

(b) Select, no later than March 1 of each even-numbered year, TRID projects to be funded statewide.

(c) Select, no later than December 1 of the odd-numbered years, the committee chairperson for the next 2 years.

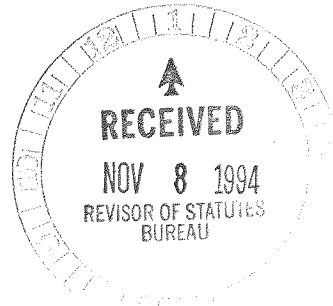
**(END OF RULE TEXT)**

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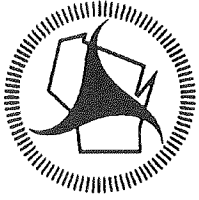
**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 7<sup>th</sup> day of November, 1994.

*Terrence D. Mulcahy, Dep Sec*  
on CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation







## Wisconsin Department of Transportation

Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

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

November 8, 1994

Mr. Gary Poulson  
Deputy Revisor of Statutes  
131 West Wilson Street, Suite 800  
Madison, Wisconsin 53703

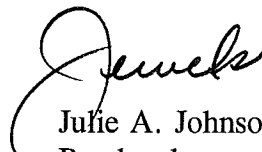
RE: **CLEARINGHOUSE RULE 94-87**

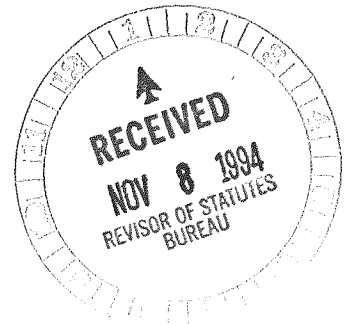
In the Matter of the Adoption of **TRANS 206**, Wisconsin Administrative Code, relating to the **local roads improvement program**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 94-87**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

  
Julie A. Johnson  
Paralegal



Enclosures

cc: Terry Mulcahy  
Tom Walker  
Dorothy Kapke  
Jim McDonnell  
Fred Ross  
Doug Duckert  
Mary Forlenza  
Joyce Kiel