

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

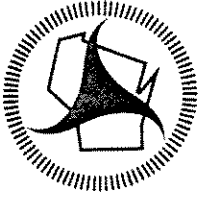
Joint Committee for
Review of
Administrative Rules
(JCR-AR)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
- 97hr_JCR-AR_CRule_98-122
- Committee Hearings ... CH
-
- Committee Reports ... CR
-
- Executive Sessions ... ES
-
- Hearing Records ... HR
-
- Miscellaneous ... Misc
-
- Record of Comm. Proceedings ... RCP
-

TRANS 210-(98-122) MAJOR HIGHWAY 75
PROTECT-EVALUATION



Wisconsin Department of Transportation



Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

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

May 21, 1998


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

RE: **STATEMENT OF SCOPE OF PROPOSED RULEMAKING, TRANS 210**

Dear Mr. Poulson:

Enclosed is the Statement of Scope for the proposed amendment of ch. Trans 210. Please publish this notice in the Administrative Register in accordance with § 227.135(3), Stats.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Richard G. Chandler/DOA State Budget Director
Senator Robert Welch, Co-Chair/JCRAR
Representative Glenn Grothman, Co-Chair/JCRAR
Gene Kussart
Sandy Beaupre
Mike Goetzman
Jim Van Sistine
Mark Wolfgram
Bob St. Clair

STATEMENT OF SCOPE

DESCRIPTION OF THE OBJECTIVE OF THE RULE:

This rule making will create ch. Trans 210, which implements statutes enacted in 1997 Wis. Act 86. The objective of this rule is to describe the methodology the Department of Transportation will use to numerically evaluate candidate major highway projects prior to recommending them for consideration by the Transportation Projects Commission under s. 13.489, Stats.

DESCRIPTION OF EXISTING POLICIES RELEVANT TO THE RULE AND OF NEW POLICIES PROPOSED TO BE INCLUDED IN THE RULE AND AN ANALYSIS OF POLICY ALTERNATIVES:

The Department of Transportation currently evaluates candidate major highway projects using numerical factors designed to rank proposed projects in terms of their ability to enhance Wisconsin's economy, improve highway service, improve highway safety, minimize undesirable impacts and serve community objectives. A process for evaluating candidate projects has been used to advise the Transportation Projects Commission since the Commission was created in 1983. The process has evolved over time as better information on candidate projects has become available. The current process ranks projects relative to other candidates under consideration and does not establish a minimum score that a project must obtain. The rule will establish a minimum score that a project shall meet or exceed in order to be eligible for recommendation to the Transportation Projects Commission.

STATUTORY AUTHORITY FOR THE RULE:

Section 85.05, Stats., as created by 1997 Wis. Act 86.

ESTIMATES OF THE AMOUNT OF TIME THAT STATE EMPLOYEES WILL SPEND DEVELOPING THE RULE AND OF OTHER RESOURCES NECESSARY TO DEVELOP THE RULE:

It is anticipated that approximately 650 hours will be required to write the draft rule, hold the public hearing, and write the final draft rule. It is not anticipated that other resources will be required.

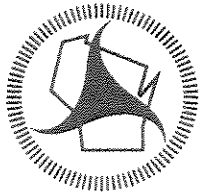
Signed at Madison, Wisconsin, this 19 day
of May, 1998.



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

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

August 28, 1998


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

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to **major highway project numerical evaluation process, Trans 210**

Dear Senator Welch and Representative Grothman:

Enclosed for your information is a Notice of Public Hearing and Text of Proposed Rulemaking relating to the above-entitled matter. These documents have also been filed with the Revisor of Statutes, the Legislative Council, and the Department of Administration in accordance with the requirements of §§ 227.15 and 227.17, Stats.

Sincerely,


Julie A. Johnson
Paralegal

Enclosure

cc: Gene Kussart
Sandy Beaupre
Mike Goetzman
Jim Van Sistine
Mark Wolfgram
Dawn Krahn

The Wisconsin Department of Transportation proposes an order to create ch. TRANS 210, relating to major highway project numerical evaluation process.

**NOTICE OF HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to s. 85.05, Stats., and interpreting s. 84.013(3), Stats., the Department of Transportation will hold a public hearing in **Room 144-B** of the Hill Farms State Transportation Building, 4802. Sheboygan Avenue, Madison, Wisconsin on the **1st** day of **October**, 1998, at **9:00 AM**, to consider the creation of chapter Trans 210, Wisconsin Administrative Code, relating to major highway project numerical evaluation process.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

The public record on this proposed rule making will be held open until close of business on October 2, 1998, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to Dawn Krahn, Department of Transportation, Bureau of State Highway Programs, Room 951, P. O. Box 7913, Madison, WI 53707-7913.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 85.05, Stats., as created by 1997 Wis. Act 86
STATUTES INTERPRETED: s. 84.013(3), Stats.

General Summary of Proposed Rule. The Wisconsin Legislature created s. 85.05, Stats., which directs the Department to adopt a rule setting forth the procedure for numerically evaluating projects considered for enumeration under s. 84.013, Stats. The proposed rule shall establish a minimum score that a project shall meet or exceed in order to be eligible for recommendation to the Transportation Projects Commission.

This proposed rule making will create ch. Trans 210 to describe the methodology the Department will use to numerically evaluate candidate major highway projects prior to recommending them for consideration to the Transportation Projects Commission under s. 13.489, Stats. The proposed rule describes the basic goals of the scoring process, the guidelines used for component scoring measures, the weights applied to the measures, and the calculation of the overall composite project score. In addition, this proposed rule will establish a minimum score that a project shall meet or exceed in order to be eligible for recommendation to the Transportation Projects Commission.

The Department currently evaluates candidate major highway projects using numerical factors designed to rank proposed major projects in terms of their ability to enhance Wisconsin's economy, improve highway service, improve highway safety, minimize environmental impacts and serve community objectives. A process for evaluating candidate projects has been used to advise the Transportation Projects Commission since the Commission was created in 1983. The process has evolved over time as better information on candidate projects has become available. The current process ranks projects relative to other candidates under consideration and does not establish a minimum score that a project must obtain.

Fiscal Estimate. The Department estimates that ch. Trans 210 will not have any state fiscal effect or any fiscal effect on county, city, village, town, school district, vocational, technical college district, sewerage district, or any federally-recognized American Indian tribes or bands. This outcome is anticipated because the state expenditures for major highway projects are determined by the Legislature through the budget process. This proposed rule merely outlines the numerical process that is used to recommend candidate major highway projects to the Transportation Projects Commission which, in turn, makes recommendations to the Governor and the Legislature. In addition, this proposed rule does not mandate any expenditures by local units of government.

Initial Regulatory Flexibility Analysis. This proposed rule will have no adverse impact on small businesses.

Copies of Proposed Rule. Copies of the rule may be obtained upon request, without cost, by writing to Dawn Krahn, Department of Transportation, Bureau of State Highway Programs, Room 951, P. O. Box 7913, Madison, WI 53707-7913, or by calling

(608) 267-7715. Alternate formats of the proposed rule will be provided to individuals at their request.

TEXT OF PROPOSED RULE

Under the authority vested in the Wisconsin department of transportation by s. 85.05, Stats., the Department of Transportation hereby proposes to create ch. Trans 210, Wisconsin Administrative Code, implementing s. 84.013(3), Stats., relating to major highway project numerical evaluation process.

SECTION 1. Chapter Trans 210 is created to read:

CHAPTER TRANS 210

MAJOR HIGHWAY PROJECT NUMERICAL EVALUATION PROCESS

Trans 210.01 PURPOSE. In accordance with s. 85.05, Stats., this chapter sets forth the process and criteria used by the department to numerically evaluate projects considered for enumeration. This process for evaluating candidate major highway projects is used to advise the transportation projects commission. This chapter establishes a minimum score that a project shall meet or exceed in order to be eligible for recommendation to the transportation projects commission.

Trans 210.02 APPLICABILITY. The procedures in this chapter shall be applied to projects being considered for enumeration as major projects by the department.

Trans 210.03 DEFINITIONS. In this chapter:

- (1) "Department" means the Wisconsin department of transportation.
- (2) "Enumeration" means a project that has been listed in s. 84.013(3), Stats.
- (3) "Major project" has the meaning specified in s. 84.013(1)(a), Stats.

(4) "Transportation projects commission" has the meaning as defined in s. 13.489, Stats.

Trans 210.04 GOALS. The department shall use this process to evaluate a proposed major highway project in terms of its ability to enhance Wisconsin's economy, improve highway service, improve highway safety, minimize environmental impacts, and serve community objectives.

Trans 210.05 MINIMUM REQUIREMENT. Each proposed major project shall satisfy a minimum requirement based on the level of traffic flow and safety on the highway segments under consideration before it can be recommended to the transportation projects commission. Each proposed major project shall meet one of the following requirements:

(1) The predicted level of service on significant portions of the highway shall be worse than the level of service recommended in the design guidelines which are set forth in chapter 11, section 5 of the department's facilities development manual. Department engineers shall use the appropriate methodologies as outlined in the manual to determine the projected capacity and level of service that is predicted to exist 27 years from the year of the analysis.

NOTE: Copies of Chapter 11, Section 5 of the Facilities Development Manual may be obtained from the Division of Infrastructure Development, Bureau of State Highway Programs, P. O. Box 7913, Madison, WI 53707-7913. Copies are also on file with the Revisor of Statutes Bureau and the Attorney General's office.

(b) Safety on significant portions of the highway shall be worse than the statewide average for a similar highway type. Safety shall be identified by the number of crashes or the severity of crashes using any one of the following:

1. The crash rate, which shall be calculated by the total number of crashes divided by the number of vehicle miles traveled over the length of the highway segments.

2. Severity index, which shall be calculated by the proportion of fatalities and incapacitating injuries to total injuries over the length of the highway segments.

3. Crashes per mile, which shall be calculated by the total crashes divided by the length of the highway segments.

NOTE: The crash rates and indexes are objective measures which are based on principles found in the Highway Safety Evaluation Procedural Guide published by the Federal Highway Administration. A copy of the Guide can be obtained by writing to the U.S. Department of Transportation, Federal Highway Administration, Office of Highway Safety, 400 7th Street, S.W., Washington D.C. 20590, Docket No. FHWA-TS-81-219.

Trans 210.06 MEASURES. Measures shall be used to quantify the effect of the proposed major project on the highway system or the communities that will be affected by the project. The department shall numerically evaluate proposed major projects in the following 5 categories:

(1) **ECONOMIC MEASURE.** (a) The department shall evaluate each proposed major project's ability to increase the competitiveness of the existing businesses through all of the following:

1. Comparison of the reduction in long-term travel costs to the cost of constructing and maintaining the proposed major project. Reduction in travel costs may include, but is not limited to, vehicle operating cost savings, travel time savings and accident savings.

2. Evaluation of the existing businesses that will benefit from the proposed major project, which may be measured by the number of business entities, and the amount of employment, population and tourism in the proposed or existing highway corridor.

Greater consideration shall be given to those businesses in growth-related business sectors.

(b) An evaluation shall be made for the proposed major project's ability to attract new businesses through:

1. Consideration of the proposed major project's potential to increase the productivity of industry along the highway corridor.

2. Consideration of business redistribution potential of the proposed major project. Greater consideration shall be given to proposed major projects that do not redistribute growth from one part of the state to another, and for projects that contain businesses with the ability to attract business from outside of the state.

3. Consideration of the economic development strengths of the communities served by the project. Greater consideration shall be given to communities that are sufficiently organized to capitalize on the economic opportunities associated with the proposed major project.

4. Consideration of unique regional differences in the economic need and abilities of the communities affected by the proposed major project.

(c) An evaluation shall be made of the proposed major project's ability to improve connections between economic centers with greater consideration given to those routes that are part of Wisconsin's corridors 2020 network of quality highways.

**NOTE: Copies of Corridors 2020 can be obtained from the Office of Public Affairs,
P. O. Box 7913, Madison, WI 53707-7913.**

(2) TRAFFIC FLOW MEASURE. (a) The department shall evaluate the existing traffic flow on the highway system that will be affected by the proposed major project. Traffic flow shall be measured using accepted engineering practices to compute the level

of service on the highway system segments which may consider, but is not limited to, traffic density, travel time or traffic delay.

(b) Greater consideration shall be given for the severity of congestion and for the amount of traffic that is on the existing highway system segments that would be affected by the proposed major project.

NOTE: Department engineers will use the procedures outlined in the general design consideration guidelines in Chapter 11, Section 5 of the *Facilities Development Manual* published by the Wisconsin Department of Transportation to determine the quality of highway service. Copies of the manual may be obtained by writing to the Division of Investment Management, Bureau of State Highway Programs, P. O. Box 7913, Room 951, Madison, WI 53707-7913.

(3) SAFETY MEASURE. (a) The department shall evaluate the number of crashes as well as the severity of the crashes on the highway system affected by the proposed major project through:

1. Determining the crash rate which shall be calculated by the total number of crashes divided by the number of vehicle miles traveled over the length of the highway system segments.

2. Computing the severity index which shall be calculated by the proportion of fatalities and incapacitating injuries to total injuries on the highway system segments.

3. Determining the crashes per mile which shall be calculated by the total crashes divided by the length of the highway system segments.

(b) Greater consideration shall be given to those crash rates and indexes that are significantly above the statewide average for similar highway types.

NOTE: The crash rates and indexes are objective measures which are based on principles found in the *Highway Safety Evaluation Procedural Guide* published by the Federal Highway Administration. A copy of the Guide can be obtained by writing to the U.S. Department of Transportation, Federal Highway Administration, Office of Highway Safety, 400 7th Street, S.W., Washington D.C. 20590, Docket No. FHWA-TS-81-219.

(4) ENVIRONMENTAL MEASURE. (a) The department shall evaluate environmental considerations associated with the proposed major project through a draft environmental impact statement or environmental assessment. The draft environmental impact statement or environmental assessment shall provide summary information which shall be used to determine the potential effects the proposed major project may have on environmental resources.

(b) A proposed major project that will affect relatively more natural resources including, but not limited to, wetlands, uplands, flood plains, stream crossings and endangered species, shall be scored lower.

(c) A proposed major project that will affect relatively more physical resources including, but not limited to, air quality, sound quality, and contaminated sites shall be scored lower.

(d) A proposed major project that will affect relatively more socio-economic resources including, but not limited to, agricultural land, park land, residential and business development, shall be scored lower.

(e) A proposed major project that will affect relatively more cultural resources including, but not limited to, historic properties and archeological sites shall be scored lower.

NOTE: Environmental data will be collected from the environmental summary matrix provided in the draft environmental impact statement or the environmental assessment for specific impacts which apply to natural, physical, socio-economic and cultural resources.

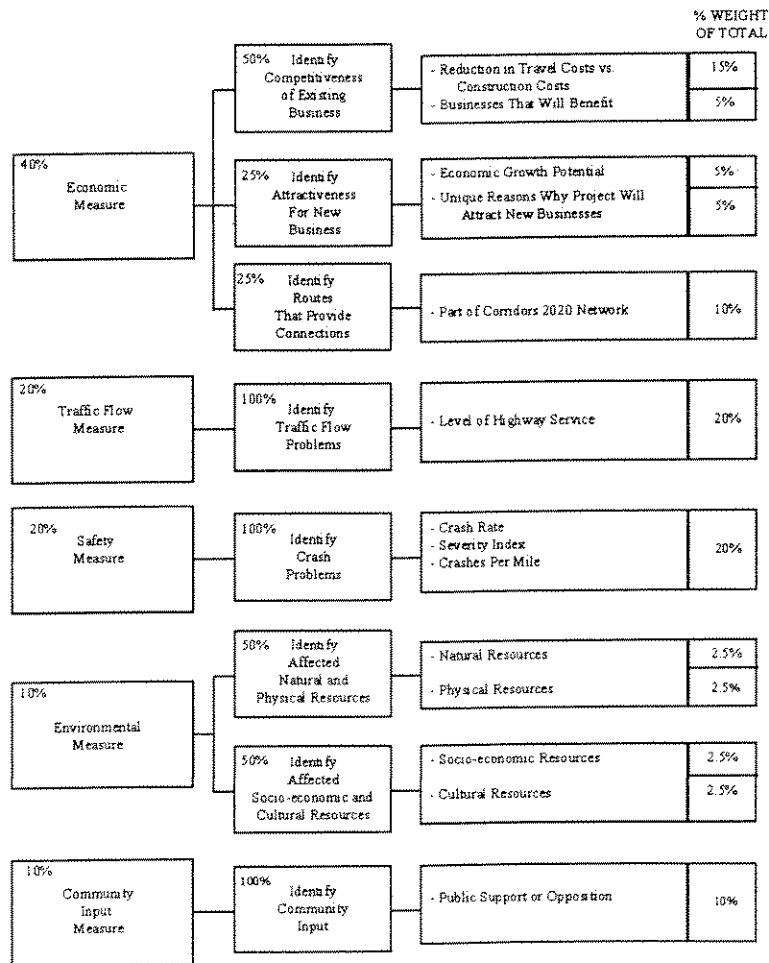
(5) COMMUNITY INPUT MEASURE. (a) The department shall evaluate community support or opposition to a proposed major project by gathering community

input from local officials, local groups or associations, and local residents or merchants through informational hearings and correspondence.

(b) Greater consideration shall be given for input that is based on the project's overall impact on the community.

Trans 210.07 WEIGHTS APPLIED TO MEASURES. Weights for each of the 5 measures shall be included in the calculation of the composite score as described in s. Trans 210.08. Where necessary, sub-weights shall be applied to components of the measures prior to the determination of the score for the overall measure. The values and effect of both the overall measure weights and the component sub-weights are shown in Figure 1.

**FIGURE 1
WEIGHTS APPLIED TO MEASURES**



Trans 210.08 COMPOSITE SCORE. (1) COMPUTATION OF COMPOSITE

SCORE. A combination of the 5 measures, weights for each of the measures and the minimum requirement shall be used to calculate a composite score for each proposed major project. Each measure shall have a score which ranges from 0 to 100 points. The composite score shall have a range of 0 to 200 points. The following formula shall be used to determine the composite scores:

$$\text{Composite Score} = \beta_0 (100 + \beta_1 \text{ economic measure} + \beta_2 \text{ traffic flow measure} + \beta_3 \text{ safety measure} + \beta_4 \text{ environmental measure} + \beta_5 \text{ community input measure})$$

where:

$\beta_0 = 1$ if the minimum requirements are met for either traffic flow or safety, or = 0 if the minimum requirements are not met for traffic flow and safety.

$\beta_1 =$ weight for the economic measure which shall be .40

$\beta_2 =$ weight for the traffic flow measure which shall be .20

$\beta_3 =$ weight for the safety measure which shall be .20

$\beta_4 =$ weight for the environmental measure which shall be .10

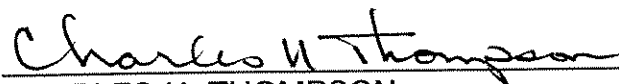
$\beta_5 =$ weight for the community input measure which shall be .10

(2) MINIMUM SCORE. The minimum allowable score for a composite score is 100 points. Only those projects which have greater than 100 points may be recommended by the department to the transportation projects commission.

(END OF RULE TEXT)

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 27 day of August, 1998.



CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation



Wisconsin Transportation Builders Association

1 South Pinckney Street, Suite 818
Madison, WI 53703

Phone: 608.256.6891 ♦ Fax: 608.256.1670
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September 30, 1998

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Ms. Dawn Krahn
Department of Transportation
Bureau of State Highway Programs
Room 951
P.O. Box 7913
Madison, WI 53707-7913

Re: Trans 210 (as proposed)

Dear Ms. Krahn:

WTBA is a statewide organization representing over 270 member companies, including transportation contractors and consulting engineers, as well as suppliers of a wide variety of materials, equipment, and services to the transportation construction industry. WTBA members build, rehabilitate, and improve all types of transportation facilities.

WTBA members strongly support the integrity of the TPC process, including orderly Legislative oversight of project development and project selection. In order to accomplish this goal, a clear and consistent process to rank candidate projects and set minimum criteria for enumeration is appropriate.

Over the past 15 years, the Department has evolved a good ranking system, that appropriately emphasizes economic development and safety, the primary goals of the Major Projects Program. Therefore, we strongly concur with incorporating most of the current ranking process and point allocation into the administrative rule.

Furthermore, we concur conceptually that the minimum score requirement is met if a proposed project exceeds either a fixed threshold for safety deficiencies or traffic flow deficiencies. Furthermore, we endorse the



American Road &
Transportation Builders
Association

Ms. Dawn Krahn
September 30, 1998
Page 2

proposed threshold for safety: worse than the statewide average for similar highway types.

However, we are strongly opposed to the proposed threshold for traffic flow. We believe that the level of service threshold needs to be numerically fixed. As the rule is proposed, the Department could easily change this threshold unilaterally in the future by changing its level of service standard in the Facilities Development Manual, without notifying the Legislature or the public through the Administrative Rule process.

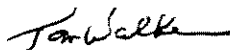
Therefore, we recommend that the minimum requirement be met if a facility exceeds LOS C, for the "design year". This threshold should apply on all State Trunk Highways, regardless of type. We would strongly oppose placing a higher threshold on non-Corridors 200 routes. There should be one standardized definition of congestion, for this rule.

In the Environmental Measure, we question the validity of ranking projects lower on the basis of potential impacts, without considering whether likely alternatives evaluated in the DEIS can mitigate those impacts. What matters are environmental impacts that cannot be avoided or mitigated.

Finally, we strongly disagree with the 10% allocated to projects on the Corridors 200 System. Many critical capacity needs in urbanized areas are projected, that are not on this system. Corridors 200 is, by definition, an inter-city, inter-regional network. Many critical urban corridors are not on Corridors 200, but are on the National Highway System (NHS), which is also interconnected, and includes Corridors 200. Shifting the 10% to NHS routes would end the inherent anti-urban bias of the current ranking system, while continuing to prioritize critical routes.

Thank you for the opportunity to comment.

Sincerely,



Tom Walker
Executive Director



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

September 30, 1998

SEP 30 1998

TO: Senator Robert Welch
Room 201, 1 East Main

FROM: Bob Lang, Director

SUBJECT: Department of Transportation's Proposed Rules for Scoring Candidate Major Highway Projects

At your request, I am providing information about the Department of Transportation's proposed rules for scoring candidate major highway projects.

BACKGROUND

A provision of Act 86 requires DOT to promulgate rules that establish: (a) criteria for numerically evaluating potential major highway projects; and (b) a minimum score that a potential project must meet or exceed for the Department to recommend the project for enumeration to the Transportation Projects Commission (TPC). On August 28, 1998, DOT submitted the draft rules to the Legislative Council.

SUMMARY OF PROPOSED RULES

The proposed rules would establish five factors for assigning a score to a candidate major highway project. The factors would be: (a) economic development; (b) traffic flow; (c) safety; (d) environmental impacts; and (e) community input. For each of these factors, the candidate project would be given a score between 0 and 100. Each of these scores would be multiplied by a weighting factor and the results would be added together, which would produce a composite score between 0 and 100. The economic development factor would be given a weight of 40%, the traffic flow and safety factors would each be given a weight of 20% and the environmental impacts and community input factors would each be given a weight of 10%. In addition, the formula would add 100 points to the composite score, resulting in a score of between 100 and 200 points.

Finally, this score would be multiplied by a variable that is either equal to zero or one. If the project is below average when compared to similar highways in the state on either its level of service, which is a measure of congestion, or in safety, measured in any one of three ways, this variable would equal one, thus not changing the score. If the project is not worse than average in any of these congestion or safety measures, the variable would equal zero, and thus the total score would be zero. Consequently, all projects would either have a score of zero, or anywhere between 100 and 200. A score greater than zero, but less than 100, would not be possible.

The proposed rules would establish a minimum score of 100, which a project would need to exceed to be recommended for enumeration by DOT to the TPC.

For each of the five factors, the proposed rules would require DOT to consider or evaluate various conditions. For the economic development measure, DOT would be required to evaluate the ability of the proposed project to: (a) increase the competitiveness of existing businesses; (b) attract new businesses; and (c) improve connections between economic centers, with greater consideration given to routes that are part of Wisconsin's Corridors 2020 network. In considering how the proposed project would increase the competitiveness of existing businesses, DOT would be required to: (i) compare the reduction in long-term travel costs to the cost of constructing and maintaining the proposed major project; and (ii) evaluate the existing businesses that would benefit from the project, including the number of businesses and the amount of employment, population and tourism in the highway corridor. In considering how the proposed project would attract new businesses, DOT would be required to consider: (i) the potential of the project to increase the productivity of industry along the highway corridor; (ii) the potential of the project to redistribute growth from one part of the state to another; (iii) the economic development strengths of the communities served by the project; and (iv) the unique regional differences in the economic need and abilities of the communities.

For the traffic flow measure, the Department would be required to evaluate the existing traffic flow on the highway system that would be affected by the proposed major project using accepted engineering practices for measuring level of service and giving greater consideration to highways that are heavily congested.

For the safety measure, DOT would be required to evaluate the safety record of the existing highway using: (a) the crash rate, which is the total number of crashes divided by the number of vehicle miles traveled over the length of the highway; (b) the crash severity index, which is the number of fatalities and incapacitating injuries as a proportion of total injuries along the highway segment; and (c) the average number of crashes per mile along the highway segment.

For the environmental impacts measure, the proposed rules would require the Department to evaluate the impacts through the completion of a draft environmental impact statement. A candidate project would be evaluated based on its impact on: (a) natural resources, including but not limited to, wetlands, uplands, flood plains, stream crossings and endangered species; (b) physical resources, including, but not limited to, air quality, sound quality and contaminated sites; (c) socio-economic resources, including, but not limited to, agricultural land, park land, and

residential and business development; and (d) cultural resources, including, but not limited to, historic properties and archeological sites.

Finally, for the community input measure, the proposed rules would require DOT to evaluate community support or opposition to a proposed project by gathering input from local officials, local groups or associations and local residents or merchants through informational hearings and correspondence.

ANALYSIS

The proposed scoring system in the draft rules closely resembles the procedure that the Department has used in the past to score projects for the TPC. Although the proposed rules would not change the five factors and their relative weights from the current system, the establishment of the scoring system in the administrative code would accomplish one of the principal goals of Act 86. Once promulgated, the Department would not be able to change the criteria in the future without being subject to legislative oversight. However, the manner in which the proposed rules would establish the final scores may deserve further attention before the rules are finalized.

As noted in the summary, the scoring system would result in either a score of zero or anywhere between 100 and 200. Any project scoring above 100 could be recommended for enumeration by DOT to the TPC. Because a project could not score below 100 points if it is worse than average in either level of service or in any one of three measures of safety, and since it would seem unlikely that the Department would propose a project for improvements in the major highway development program that was not at least worse than average in one of these measures, it appears that the proposed minimum score would not prohibit the recommendation of any candidate projects. The apparent goal of the Act 86 provision was to require DOT to establish a standard so that, in an environment of limited resources, only the most worthy projects would be recommended for enumeration. Since the proposed minimum score would allow the Department to recommend any project that is worse than average, it seems that the proposed rules would not accomplish this goal.

Furthermore, the automatic assignment of 100 points to all projects on highways that are worse than average in terms of congestion or safety, followed by the use of a minimum score of 100 points for recommending a project for enumeration, may warrant further examination. This will produce the same results that would occur if projects were assigned no automatic points and the minimum score were set at zero. However, to the casual observer, the proposed rule may make it appear that the 100 point minimum establishes a real benchmark. Even if the concept proposed by DOT is acceptable (that all projects on highways that currently have congestion or safety records that are worse than average should be eligible for recommendation by DOT to the TPC), the Legislature may still wish to consider requiring DOT to rewrite the rules to eliminate the addition of 100 automatic points in the formula and make the minimum score 1 point. This would make the intent of the minimum score clearer.

If the Legislature wants to have a minimum score that screens out some projects, the minimum score could be set at a level that requires projects to have some percentage of the total possible points awarded on the basis of the five measures. For example, if obtaining 50% of the possible points is viewed as an acceptable standard, the minimum score could be set at 50 points (or 150 points, if the DOT approach with 100 automatic points is retained).

Another one of the apparent goals of the Act 86 provision was to require DOT to establish objective criteria for rating projects that can more easily be reviewed by the public and the Legislature. While the proposed rules would specify the criteria to be used, it is not clear how the criteria would be tied to a specific numeric score. For instance, in determining a score for the economic potential of a candidate project, the proposed rules would require DOT to consider the potential of the project to increase the productivity of industry along the highway corridor. The rules do not specify, however, how this potential would be measured, or how the measure would be tied to a particular score. Since it would not be possible for an outside observer to arrive at a precise score for a candidate project simply by following the steps in the proposed rules, the rules would not seem to facilitate greater scrutiny of the Department's recommendations.

On Thursday, October 1, the Department will hold a public hearing on the proposed rules. Written comments on the rules will be accepted until October 2.

I hope this information is helpful. If you have any further questions, please contact me.

BL/dls



State Senator
Robert T. Welch

FACSIMILE COVER PAGE

TO: GENE KUSSART

Fax: 6-9912 Phone: 6-1114

FROM: LES WAKEFIELD

State Capitol * P.O. Box 7882 * Madison, WI 53707-7882 * 608/266-0751 * Fax 608/267-4350

DATE: 10/2/98

Pages w/cover: 5

COMMENTS:

MATERIAL FROM LFB. NOTE - BOB DID NOT REMEMBER
ASKING FOR THIS! I KNOW THE SEN. WELL-ENOUGH TO SAY
THAT IF HE "DIDN'T REMEMBER ASKING FOR THIS" - HE
DIDN'T ASK FOR IT!!!

Wakefield, Les

From: Krieser, Steve
Sent: Thursday, October 01, 1998 9:50 AM
To: Wakefield, Les
Subject: I re-worked this a bit. Let me know what you think.

Steve Krieser
Office of State Rep. Glenn Grothman
Room 125 West, State Capitol
P.O. Box 8952
Madison, WI 53708-8952
v:608-264-8486 or 888-534-0059 f:608-282-3659
Visit Us on the World Wide Web!
<http://www.legis.state.wi.us/assembly/asm59/news/>

From: Wakefield, Les
Sent: Thursday, October 01, 1998 8:58 AM
To: Krieser, Steve
Subject: DOT Rules- ACT 86

Let me know what you think.

October 1, 1998

Mr. Charles Thompson, Secretary
Wisconsin Department of Transportation
Room 120 B; Hill Farms State Office Building
Madison, Wisconsin 53707-7910

Dear Secretary Thompson;

We are writing to indicate our concern over the proposed rules, currently in the preliminary hearing stages, which would implement 1997 Wisconsin Act 86 (SB 335). This proposal passed the legislature with only one negative vote and was intended to require the Department to develop an objective and systematic system of determining priorities for road projects.

We have reviewed information prepared for members of the Legislature by our Fiscal Bureau and are very concerned at the rules you have proposed to implement Act 86. As co-sponsors of this legislation, we are not convinced that the rule does anything to help remove the backlog of road projects. To quote the Legislative Fiscal Bureau, ". . . A project could not score below 100 points if it is worse than average in either level of service or in any one of three measures of safety . . . (.) Since it would seem unlikely that the Department would propose a project . . . that was not at least worse than average in one of these measures, it appears that the proposed minimum score would not prohibit the recommendation of any candidate projects" (emphasis added). It appears to us that the rule, as currently written, does nothing more than to add another confusing layer of bureaucracy to an essentially unchanged process. We have enclosed a copy of the Fiscal Bureau document referred to herein, so you may view some examples of constructive changes which could be made to the rule draft.

As the co-chairmen of the Joint Committee for Review of Administrative Rules, we would encourage the Department, in the strongest possible terms, to review this rule and to develop it so that it truly meets legislative intent, to wit: It should set up a system which will provide recommendations to the Transportation Projects Commission for only the most essential proposed projects. The changes should occur prior to implementation and submission to the Legislature.

I would appreciate your prompt attention to this matter and a written response to this letter.

Sincerely,

Robert T. Welch
State Senator

Rep. Glenn Grothman
State Representative

Connecting Wisconsin to the world



Wisconsin Transportation Builders Association

1 South Pinckney Street, Suite 818
Madison, WI 53703

Phone: 608.256.6891 ♦ Fax: 608.256.1670
e-mail: wtba@midplains.net ♦ www.wtba.org

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10/1/98

Total Pages Transmitted
Including Cover Sheet

3

To: Name

Les WAKEFIELD

Company

Fax #

267 4350

From: Name

Tom

MESSAGE



American Road &
Transportation Builders
Association

Wisconsin Transportation Builders Association

1 South Pinckney Street, Suite 818
Madison, WI 53703

Phone: 608.256.0891 ♦ Fax: 608.256.1670
e-mail: wtba@midplains.net ♦ www.wtba.org



September 30, 1998

Ms. Dawn Krahn
Department of Transportation
Bureau of State Highway Programs
Room 951
P.O. Box 7913
Madison, WI 53707-7913

Re: Trans 210 (as proposed)

Dear Ms. Krahn:

WTBA is a statewide organization representing over 270 member companies, including transportation contractors and consulting engineers, as well as suppliers of a wide variety of materials, equipment, and services to the transportation construction industry. WTBA members build, rehabilitate, and improve all types of transportation facilities.

WTBA members strongly support the integrity of the TPC process, including orderly Legislative oversight of project development and project selection. In order to accomplish this goal, a clear and consistent process to rank candidate projects and set minimum criteria for enumeration is appropriate.

Over the past 15 years, the Department has evolved a good ranking system, that appropriately emphasizes economic development and safety, the primary goals of the Major Projects Program. Therefore, we strongly concur with incorporating most of the current ranking process and point allocation into the administrative rule.

Furthermore, we concur conceptually that the minimum score requirement is met if a proposed project exceeds either a fixed threshold for safety deficiencies or traffic flow deficiencies. Furthermore, we endorse the

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Cliff Mashuda, Jr.
Mashuda Contractors

Kent Pihlk
Pihlk & Wick, Inc.

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Pat Klampe
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◆ **Executive Director**
Tom Walker

◆ **Deputy Executive Director**
Jack Arsenau



American Road &
Transportation Builders
Association



printed on recycled paper

Ms. Dawn Krahn
September 30, 1998
Page 2

proposed threshold for safety: worse than the statewide average for similar highway types.

However, we are strongly opposed to the proposed threshold for traffic flow. We believe that the level of service threshold needs to be numerically fixed. As the rule is proposed, the Department could easily change this threshold unilaterally in the future by changing its level of service standard in the Facilities Development Manual, without notifying the Legislature or the public through the Administrative Rule process.

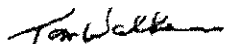
Therefore, we recommend that the minimum requirement be met if a facility exceeds LOS C, for the "design year". This threshold should apply on all State Trunk Highways, regardless of type. We would strongly oppose placing a higher threshold on non-Corridors 2020 routes. There should be one standardized definition of congestion, for this rule.

In the Environmental Measure, we question the validity of ranking projects lower on the basis of potential impacts, without considering whether likely alternatives evaluated in the DEIS can mitigate those impacts. What matters are environmental impacts that cannot be avoided or mitigated.

Finally, we strongly disagree with the 10% allocated to projects on the Corridors 2020 System. Many critical capacity needs in urbanized areas are projected, that are not on this system. Corridors 2020 is, by definition, an inter-city, inter-regional network. Many critical urban corridors are not on Corridors 2020, but are on the National Highway System (NHS), which is also interconnected, and includes Corridors 2020. Shifting the 10% to NHS routes would end the inherent anti-urban bias of the current ranking system, while continuing to prioritize critical routes.

Thank you for the opportunity to comment.

Sincerely,



Tom Walker
Executive Director

Mi. Cuten G. Ryle * TPC

1st. 100

2nd - up to 100 additional ps

Evans at the deal
↳
Burke

October 6, 1998

MEMORANDUM

To : Bob

From : Les

Subject : Meeting with Bob Lang on Transportation Rules for Road Projects
Classification

You will note there is a copy of the memo sent around by Bob Lang last week. This memo was the basis of a request made to this office to contact-by letter-the DOT on the proposed rules described in the memo. A similar request and copy of this memo was received by Representative Grothman.

I have, as you have requested, shared this document with the Roadbuilders, as well as Gene Kussart. I met with Tom Walker yesterday afternoon about this issue and he would like to meet with you after this meeting.

Tom Walker and Kussert both expressed some surprise and concern about this unsolicited memo. Walker suggests that Lang is using the rules as way to address bonding concerns that have been raised in the Finance Committee.

I reviewed the legislation which required these rules(SB 335), I remember that during debate in both Finance and on the floor, arguments were made to have DOT "codify its practice" of rating road projects; Senator Decker was the major critic of DOT and most vociferous in raising this issue.

The Department and Walker both believe that the rules "do in fact codify practice". Problems with road project determination still exist however despite caps placed on spending and the number of year in the future that a road project could be designated a priority by the DOT. The problem is that every road project must have an Environmental Impact Statement (EIS) developed before the TPC can consider a road project for "listing as a priority ". Since the DOT staff determines what projects have an EIS prepared, it becomes an insider's game—*this may be what Decker and Lang are pointing to; although no one seems sure.*

Complicating the matter further are the enclosed newspaper articles which only serve to politicize the issue. The last thing, I believe that you want at this point, is to be taking a position against the Governor in support of the environmentalists. A letter in the hands of the right report could be used against the Governor and Roadbuilders.

Finally, it would seem that the most serious concern here is a question' "What is enough bonding and what limits be?" Walker makes a convincing case on this point and has a memo that is circulating to his board but was not available, except to read.

Special treatment for Thompson donors alleged

Sy Jones 10/2

Governor's aides deny charges by environmental groups over road building

By RICHARD P. JONES
of the Journal Sentinel staff

Madison — Two environmental groups Thursday accused Gov. Tommy G. Thompson of giving road builders and other special interests preferential treatment in return for more than \$2 million in campaign contributions, a charge Thompson's aides flatly denied.

The Sierra Club and 1000 Friends of Wisconsin said that in the last eight years, Thompson received \$2.3 million in contributions from special interests that benefited most from what they described as the administration's road building binge.

"The governor has never said 'no' to a major highway expansion project," the environmental groups say in their report, "Pot-hole Payback." "The road build-

ers and developers get the payback while we get potholes and more traffic on our local streets."

According to the report, the Thompson administration gives greater weight to economic development and traffic flow in approving highway projects. Driver safety is secondary, and community concerns, environmental issues and land receive even less priority, it says.

The report also recommends a shift in funding to make local streets safer and help provide property tax relief.

In accusing Thompson of rewarding his contributors, the groups cited among their sources a recent analysis of the governor's campaign contributions by the Wisconsin Democratic Campaign, a non-partisan campaign finance watchdog.

Since 1999, Thompson has received more than \$285,000 from road builders, \$397,000 from transportation interests, \$555,000 from Realtors and more

than \$1 million from construction interests.

"Why would Governor Thompson and the DOT put developer interests and traffic flow ahead of concerns about safety, sprawl, community and real property tax relief," asked Brett Hulse, a Sierra Club leader and co-author of the report. "Just follow the money."

But Transportation Secretary Charles Thompson and Bob Wood, the governor's campaign manager, disputed the environmental groups' findings. Wood maintained that road builders, developers and others received no special treatment in return for campaign contributions.

"Absolutely not," he said. "The governor is committed to developing a strong infrastructure that is producing one of the strongest economies in the country, while still preserving our pristine environment."

Wood said that under Gov. Thompson, the state has preserved more than 200,000 acres, including the Turtle-Flambeau Flowage in Iron County.

"Yet the Sierra Club hasn't contributed \$1 to his campaign," Wood said. "Wonder how that happened?"

Charles Thompson defended the administrator's highway priorities.

"As our economy has changed from a rural agricultural economy, it's been necessary to develop all-season highways to all communities across the state," he said. "The past 12 years have seen significant increases in the number of jobs, and most of those jobs have occurred in rural communities that have changed from an agricultural to a manufacturing based economy."

The report notes that this year, the state will receive \$169 million in additional gas tax money under the new federal transportation bill. Instead of spending 70% of that on state and federal highways, more should be spent on local road repairs to make streets safer, the groups urged.

10/1/98

Road weary groups blast Tommy

Staff news services

Three environmental leaders today charged a proposed Thompson administration highway priority plan favors campaign contributors.

The three — Brett Hulsey, Dave Cieslewicz and Scott Spoolman — assailed the administration's plan as a benefit to Realtors, road builders, and the construction industry.

The groups have donated more than \$2.3 million to Gov. Tommy Thompson's re-election efforts over the years, they charged.

"Gov. Thompson has never said no to a major highway expansion project," they said in a prepared statement.

The environmentalists, who represent the Sierra Club and the 1000 Friends of Wisconsin, said more emphasis should be placed on repairing existing roads and reducing the use of property taxes for local street maintenance.

Their statement was released in preparation for a Department of Transportation hearing on state spending priorities. This year, Wisconsin expects to get an additional \$169 million of federal gasoline tax money.

The Sierra Club proposes changing the state's fuel-tax formula, saying property taxes now pay 80 percent of street and road maintenance while state revenue covers only 20 percent.

The state's tax collections should cover two-thirds of the local costs, Hulsey said.

Gov. Tommy Thompson rejects the idea because construction contractors gain more from major highway projects, Hulsey said.

"In 1986, Tommy Thompson told everyone he was going to ex-

pand our state highway system. That's what he did and the people love him for it," Thompson press secretary Kevin Keane said.

Keane said 80 percent of the state's new jobs are created within five miles of major highway corridors, calling highways "the lifeblood of Wisconsin's economy."

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Change in allocation of road money sought

10/2/98

Environmental groups seek more state funds

By Mike Flaherty
Wisconsin State Journal

Two environmental groups today will propose a plan that they say would cut property taxes, make roads safer and slow the conversion of Wisconsin farms into subdivisions.

The state Sierra Club and the 1,000 Friends of Wisconsin will propose tripling the amount of state road money given to local governments.

The groups also want the state Department of Transportation to give highway safety and environmental protection more thought when it selects highway projects.

"If you look at what the construction of four-lane highways has done for communities like Oregon and Sun Prairie, they've created a land rush," said Brett Hulsey, Midwest representative of the Sierra Club.

Those highways do nothing to reduce traffic or make roads safer, he said. "All they do is spur a lot of home building, which increases traffic" — and greatly expands traffic congestion in cities such as Madison. About 80,000 people a day commute to Madison to work, Hulsey said.

The groups will unveil their plan this morning at the department's public hearing on its proposed system for selecting highway projects.

Last year, the Legislature ordered the department to dump its system of selecting projects because it created a backlog of projects that would take decades to complete.

The department will create an administrative rule it will use to choose new highway projects. The proposed rule states that choices will be based on points, with 40 points for economic development, 20 for traffic flow improvement and the project's connection to other highways, 20 for safety,



GET INVOLVED: The state Department of Transportation will hold a public hearing on its proposed highway project selection process at 9 a.m. today in Room 144B of the Hill Farm State Office Building, 4802 Sheboygan Ave.

and 10 each for environmental considerations and public desire for the project.

"We want safety and the protection of communities to be at least as important as economic development," Hulsey said.

In addition, the group wants to change the gas tax formula. Property taxpayers now pay 80 percent of the cost of maintaining roads and the state pays 20 percent. The groups want the state to use the gas tax to pay two-thirds of the cost of local roads.

That would mean more investment in local roads, which would make them safer while lowering property taxes, Hulsey said.

He accused Gov. Tommy Thompson of rejecting that idea in the past in favor of big projects because they're more lucrative for the state's largest road builders to construct.

"Just follow the money," Hulsey said, noting the governor has received \$2.3 million in campaign contributions from road builders in the last eight years.

"That's wrong," said Thompson spokesman Kevin Keane. "In 1986, Tommy Thompson told everyone he was going to expand our state highway system. That's what he did, and the people love him for it."

Keane said 80 percent of the state's new jobs have been created within five miles of a major highway corridor — and that highways "are the lifeblood of Wisconsin's economy."

WTBA Position on Trans 210 (Majors Projects Ranking and Minimum Score)

Minimum Score:

- WTBA strongly supports the DOT approach. As proposed, the rule uses a threshold value, to determine whether a proposed project has severe safety and/or congestion problems. If so, then the project meets the minimum score and is eligible for enumeration, in competition with all other projects.
- WTBA requests that an explicit minimum value for congestion be defined in the rule, instead of by reference to the Facilities Design Manual, which can be changed by policy in the future, without Legislative approval.
- WTBA opposes establishing a set minimum number of points on the 0-100 point matrix proposed for ranking competing projects.
 - ◆ Any scoring process applied to value judgments is inherently imprecise.
 - ◆ Any absolute score could eliminate a project that addresses overwhelming needs in one area (e.g., safety), but has no impact in another (e.g., economic development).

Ranking Priorities:

- With minor exceptions, WTBA supports the DOT ranking process as proposed. These criteria were developed in 1988, in response to concerns from many communities about the previous process, which used only benefit cost ratios to determine economic value. Most communities argued for a strong emphasis on job creation and retention.
- The proposed ranking process appropriately emphasizes safety and congestion performance in existing corridors, and projects that prevent the degradation of mobility and increases in crashes.
- From a state perspective, the majors program should continue to emphasize economic productivity and competitiveness. 85% of Wisconsin's manufacturing job base is within 5 miles of a major highway.
- Concerns about land use are important, but should be addressed through improved planning and coordinated plan implementation at the local level.
 - ◆ Land use should not and can not be controlled by denying highway projects.
 - ◆ In most cases, increased highway capacity is a needed response to local land use decisions that place more trips on highways not designed to accommodate them.
 - ◆ A decision to deny needed highway capacity will inevitably increase congestion and accidents, and very likely accelerate sprawl, as development seeks uncongested locations.
 - ◆ Extra points could be applied to projects included in local land use/transportation plans, in the environmental section of the ranking matrix.



Wisconsin Department of Transportation



Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

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

The Honorable Brian Rude
President, Wisconsin State Senate
Room 301
119 MLK Jr. Blvd.
Madison, Wisconsin 53707

October 29, 1998

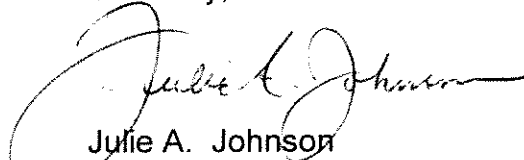
The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Room 315 North, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 210**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 98-122

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **98-122**, relating to the **major highway project numerical evaluation process**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,



Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson (Deputy Revisor of Statutes)/Senator Robert Welch/
Representative Glenn Grothman/Gene Kussart/Jim Van Sistine/Mark Wolfgram/
Dawn Krahn

CR 98-122

The Wisconsin Department of Transportation proposes an order to create ch. TRANS 210, relating to the major highway project numerical evaluation process.

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

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

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

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

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

Submitted by:



JOE MAASSEN
Assistant General Counsel
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
Transportation Building
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-8810

PART 1
Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 85.05, Stats., as created by 1997 Wis. Act 86
STATUTES INTERPRETED: s. 84.013(3), Stats.

General Summary of Proposed Rule. The Wisconsin Legislature created s. 85.05, Stats., which directs the Department to adopt a rule setting forth the procedure for numerically evaluating projects considered for enumeration under s. 84.013, Stats. The proposed rule shall establish a minimum score that a project shall meet or exceed in order to be eligible for recommendation to the Transportation Projects Commission.

This proposed rule making will create ch. Trans 210 to describe the methodology the Department will use to numerically evaluate candidate major highway projects prior to recommending them for consideration to the Transportation Projects Commission under s. 13.489, Stats. The proposed rule describes the basic goals of the scoring process, the guidelines used for component scoring measures, the weights applied to the measures, and the calculation of the overall composite project score. In addition, this proposed rule will establish a minimum score that a project shall meet or exceed in order to be eligible for recommendation to the Transportation Projects Commission.

The Department currently evaluates candidate major highway projects using numerical factors designed to rank proposed major highway projects in terms of their ability to enhance Wisconsin's economy, improve highway service, improve highway safety, minimize environmental impacts and serve community objectives. A process for evaluating candidate projects has been used to advise the Transportation Projects Commission since the Commission was created in 1983. The process has evolved over time as better information on candidate projects has become available. The current process ranks projects relative to other candidates under consideration and does not establish a minimum score that a project must obtain.

Fiscal Estimate. The Department estimates that ch. Trans 210 will not have any state fiscal effect or any fiscal effect on county, city, village, town, school district, vocational, technical college district, sewerage district, or any federally-recognized American Indian tribes or bands. This outcome is anticipated because the state expenditures for major highway projects are determined by the Legislature through the budget process. This proposed rule merely outlines the numerical process that is used to recommend candidate major highway projects to the Transportation Projects Commission which, in turn, makes recommendations to the Governor and the Legislature. In addition, this proposed rule does not mandate any expenditures by local units of government.

Copies of Proposed Rule. Copies of the rule may be obtained upon request, without cost, by writing to Dawn Krahn, Department of Transportation, Bureau of State Highway Programs, Room 933, P. O. Box 7913, Madison, WI 53707-7913, or by calling (608) 267-7715. Alternate formats of the proposed rule will be provided to individuals at their request.

PART 2
TEXT OF PROPOSED RULE

Under the authority vested in the Wisconsin department of transportation by s. 85.05, Stats., the Department of Transportation hereby proposes to create ch. Trans 210, Wisconsin Administrative Code, implementing s. 84.013(3), Stats., relating to major highway project numerical evaluation process.

SECTION 1. Chapter Trans 210 is created to read:

CHAPTER TRANS 210

MAJOR HIGHWAY PROJECT NUMERICAL EVALUATION PROCESS

TRANS 210.01 Purpose. In accordance with s. 85.05, Stats., this chapter sets forth the process and criteria used by the department to numerically evaluate projects considered for enumeration. This process for evaluating candidate major highway projects is used to advise the transportation projects commission. This chapter establishes a minimum score that a project shall meet or exceed in order to be eligible for recommendation to the transportation projects commission.

TRANS 210.02 Applicability. The procedures in this chapter shall be applied to projects being considered for enumeration as major highway projects by the department.

TRANS 210.03 Definitions. In this chapter:

- (1) "Department" means the Wisconsin department of transportation.
- (2) "Major highway project" has the meaning given in s. 84.013(1)(a), Stats.
- (3) "Transportation projects commission" has the meaning given in s. 13.489, Stats.
- (4) "Level of service or "LOS" means the ability of the facility to satisfy both existing and future travel demand. Six levels of service are defined for each type of highway

facility ranging from A to F, with LOS A representing the best operating conditions and LOS F the worst.

TRANS 210.04 Goals. The department shall use this process to evaluate a proposed major highway project in terms of its ability to enhance Wisconsin's economy, improve highway service, improve highway safety, minimize environmental impacts, and serve community objectives.

TRANS 210.05 Minimum requirement. Proposed major highway projects having traffic flow or safety deficiencies shall receive a minimum requirement score of 10 points. Only these projects shall be eligible for recommendation to the transportation projects commission. Traffic flow or safety deficiencies shall exist if either of the following conditions are satisfied:

(1) The predicted level of service on significant portions of the highway shall be worse than level of service C. Department engineers shall use the appropriate methodologies to determine the projected level of service that is predicted to exist 20 years from the year of the analysis.

NOTE: Department engineers will use the procedures outlined in the general design consideration guidelines in Chapter 11, Section 5 of the *Facilities Development Manual* published by the Wisconsin Department of Transportation to determine the level of highway service. Copies of the manual may be obtained by writing to or calling the Division of Investment Management, Bureau of State Highway Programs, P. O. Box 7913, Room 933, Madison, WI 53707-7913, (608) 267-7715.

(2) Safety on significant portions of the highway shall be worse than the statewide average for a similar highway type. Safety shall be identified by the number of crashes or the severity of crashes using any one of the following:

(a) The crash rate, which shall be calculated by the total number of crashes divided by the number of hundred million vehicle miles traveled over the length of the highway segments.

(b) Severity proportion, which shall be calculated by dividing the number of fatality and incapacitating injury crashes by total crashes over the length of the highway segments.

NOTE: The crash rates and severity proportions are objective measures which are based on principles found in the *Highway Safety Evaluation Procedural Guide*, Docket No. FHWA-TS-81-219, published by the Federal Highway Administration. A copy of the Guide can be reviewed by writing or calling the Safety and Traffic Operations Engineer at the Federal Highway Administration, 567 D'Onofrio Drive, Madison, WI. 53719, (608) 829-7519.

TRANS 210.06 Measures. Measures shall be used to quantify the effect of the proposed major highway project on the highway system or the communities that will be affected by the project. These measures shall contribute points beyond the minimum score and will be used to place projects in relative rank order. The department shall numerically evaluate proposed major highway projects in the following 5 categories:

(1) **ECONOMIC MEASURE.** (a) The department shall evaluate each proposed major highway project's ability to increase the competitiveness of the existing businesses through all of the following:

1. Comparison of the reduction in long-term travel costs to the cost of constructing and maintaining the proposed major highway project. The reduction in travel costs may include, but is not limited to, vehicle operating cost savings, travel time savings and accident savings. The calculation of the score for this economic measure component shall be based on each proposed major highway project's points relative to the proposed major highway project with the highest number of points in this category. These points

shall contribute to 37.5% of the total 100 points allowable for the economic measure score. The following formula shall be used to determine the score for this component:

$$\text{Benefit Cost Ratio Score} = [(B/C) / (B/C_{\max})](100) (.375)$$

where:

B/C = the ratio of reduction in long-term travel costs to the cost of constructing and maintaining the proposed major highway project.

B/C_{max} = the highest ratio of reduction in long-term travel costs to the cost of construction and maintenance for any proposed major highway project under consideration for enumeration in that year.

2. Evaluation of the existing businesses that will benefit from the proposed major highway project, which may be measured by the number of business entities, and the amount of employment, population and tourism in the proposed or existing highway corridor. Greater consideration shall be given to businesses that are projected to have significant growth over a majority of the life of the proposed highway project.

(b) An evaluation shall be made for the proposed major highway project's ability to attract new businesses through:

1. Consideration of the proposed major highway project's potential to increase the productivity of industry along the highway corridor.

2. Consideration of the business redistribution potential of the proposed major highway project. Greater consideration shall be given to proposed major highway projects that do not redistribute growth from one part of the state to another, and to projects that contain businesses with the ability to attract business from outside of the state.

3. Consideration of the economic development strengths of the communities served by the project. Greater consideration shall be given to communities that are sufficiently organized to capitalize on the economic opportunities associated with the proposed major highway project.

4. Consideration of unique regional differences in the economic need and abilities of the communities affected by the proposed major highway project.

(c) An evaluation shall be made of the proposed major highway project's ability to improve connections between economic centers. Greater consideration shall be given to those routes that are either part of Wisconsin's corridors 2020 network of quality highways, or part of the national highway system.

NOTE: Copies of Corridors 2020 or National Highway System maps can be obtained by writing to or calling the Division of Investment Management, Bureau of State Highway Programs, P. O. Box 7913, Room 933, Madison, WI 53707-7913, (608) 267-7715.

(2) TRAFFIC FLOW MEASURE. (a) The department shall evaluate the existing and predicted traffic flow on the highway system that will be affected by the proposed major highway project. Traffic flow shall be measured using accepted engineering practices to compute the level of service on the highway system segments, and may consider traffic density, travel speed or time delayed and other related factors.

(b) Greater consideration shall be given to the severity of congestion and to the amount of traffic that is on the existing highway system segments that would be affected by the proposed major highway project.

(c) The calculation of the traffic flow measure points shall be based on a combination of the existing and predicted levels of service, weights for the levels of service and the number of existing and predicted vehicle miles traveled on the highway

segments affected by the proposed major highway project. Points will be calculated for individual highway segments within the highway system affected by the major highway project. The total points for the major highway project is equal to the sum of the points for the highway segments. The following formula shall be used to determine the traffic flow measure points:

$$\text{Traffic Flow Measure Points} = \sum [(\text{LOS}_0) (W) (\% \text{HMVMT}_0) (2/3)] + \sum [(\text{LOS}_{10}) (W) (\% \text{HMVMT}_{10}) (1/3)]$$

where:

LOS_0 = the numeric value of the existing level of service on the highway segment .

LOS_{10} = the numeric value of level of service that is predicted to exist on the highway segment 10 years from the analysis year. The following table shows the numeric LOS values.

LOS Letter Value	LOS Numeric Value
LOS A	1.01 to 2.00
LOS B	2.01 to 3.00
LOS C	3.01 to 4.00
LOS D	4.01 to 5.00
LOS E	5.01 to 6.00
LOS F	greater than 6.01

W = weight applied to LOS numerical values, based on the following categories of LOS:

LOS	W
1.00 to 4.00	0.00
4.01 to 4.50	0.40
4.51 to 5.00	0.55
5.01 to 5.50	0.70
5.51 to 6.00	0.85
greater than 6.01	1.00

$\%HMVMT_0$ = hundred million vehicle miles traveled over the highway segment for the existing year divided by the hundred million vehicle miles traveled over the affected highway system for the existing year.

$\%HMVMT_{10}$ = hundred million vehicle miles predicted to occur over the highway segment in the 10th year from the analysis year, divided by the hundred million vehicle miles predicted to occur over the affected highway system in the 10th year from the analysis year.

(d) The calculation of the traffic flow measure score shall be based on each proposed major highway project's traffic flow points relative to the proposed major highway project with the highest number of traffic flow points. The following formula shall be used to determine the traffic flow measure score:

$$\text{Traffic Flow Measure Score} = (\text{Traffic Flow Points} / \text{Traffic Flow Points}_{\text{max}}) (100)$$

where:

Traffic Flow Points = the traffic flow measure points for the proposed major highway project, as computed using procedures in sub. (2)(c).

Traffic Flow Points_{max} = the highest number of traffic flow measure points given to any proposed major highway project under consideration for enumeration in that year, as computed using procedures in sub. (2)(c).

NOTE: Department engineers will use the procedures outlined in the general design consideration guidelines in Chapter 11, Section 5 of the *Facilities Development Manual* published by the Wisconsin Department of Transportation to determine the level of highway service. Copies of the manual may be obtained by writing to or calling the Division of Investment Management, Bureau of State Highway Programs, P. O. Box 7913, Room 933, Madison, WI 53707-7913, (608) 267-7715.

(3) SAFETY MEASURE. (a) The department shall evaluate the number of crashes as well as the severity of the crashes that exist on the highway system affected by the proposed major highway project through:

1. Determining the crash rate which shall be calculated by the total number of crashes divided by the number of hundred million vehicle miles traveled over the length of the highway system segments.

2. Computing the severity proportion which shall be calculated by dividing the number of fatality and incapacitating injury crashes by the total crashes on the highway system segments.

(b) Consideration shall be given to those crash rates and severity proportions that are significantly above the statewide average for similar highway types.

(c) An evaluation of the number and severity of crashes shall include as many historical years as necessary to determine a reliable average.

(d) An evaluation shall be made to determine if the proposed major highway project will affect the safety of pedestrians and bicyclists. A proposed project that will increase speeds on the existing highway without providing for improved pedestrian and bicyclists facilities will be scored lower.

(e) The calculation of the safety measure points shall be based on the crash rate, severity proportion, and the hundred million vehicle miles traveled on the highway segments affected by the proposed major highway project. Points will be calculated for

individual highway segments within the highway system affected by the major highway project. The total points for the major highway project is equal to the sum of the points for the highway segments. The following formula shall be used to determine the safety measure points:

$$\text{Safety Measure Points} = \sum [(\text{CR} + \text{SP}) (\% \text{HMVMT}) (100)] - P$$

where:

CR = the crash rate points given for crash rates that are significantly above the statewide average for similar highway types. The following table shows the points given for the categorical ranges of crash rates.

Crash Rate	CR
less than .99 standard deviations above the mean	.00
1.00 to 1.49 standard deviations above the mean	.50
1.50 to 1.99 standard deviations above the mean	.75
greater than 2.00 standard deviations above the mean	1.00

SP = the severity proportion points given for severity proportions that are significantly above the statewide average for similar highway types. The following table shows the points given for the categorical ranges of severity proportions.

Severity Proportion	SP
less than .99 standard deviations above the mean	.00
1.00 to 1.49 standard deviations above the mean	.50
1.50 to 1.99 standard deviations above the mean	.75
greater than 2.00 standard deviations above the mean	1.00

%HMVMT = hundred million vehicle miles traveled over the highway segment for the existing year divided by the hundred million vehicle miles traveled over the affected highway system for the existing year.

P = 10 if the highway is currently used by pedestrians or bicycles, and will result in increased speeds on the existing facility without providing for improved bicycle and pedestrian facilities, or = 0 for those projects that are not used by bicycles and pedestrians, or will not result in increased speeds, or where improved bicycle and pedestrian facilities are planned.

(f) The calculation of the safety measure score shall be based on each proposed major highway project's safety measure points relative to the proposed major highway project with the highest number of safety points. The following formula shall be used to determine the safety measure score.

$$\text{Safety Measure Score} = (\text{Safety Points} / \text{Safety Points}_{\text{max}}) (100)$$

where:

Safety Points = the safety measure points for the proposed major highway project, as computed using procedures in par. (e).

Safety Points_{max} = the highest number of safety measure points given to any proposed major highway project under consideration for enumeration in that year, as computed using procedures in par. (e).

NOTE: The crash rates and severity proportions are objective measures which are based on principles found in the *Highway Safety Evaluation Procedural Guide*, Docket No. FHWA-TS-81-219, published by the Federal Highway Administration. A copy of the Guide can be reviewed by writing or calling the Safety and Traffic Operations Engineer at the Federal Highway Administration, 567 D'Onofrio Drive, Madison, WI. 53719, (608) 829-7519.

(4) ENVIRONMENTAL MEASURE. (a) The department shall evaluate environmental considerations associated with the proposed major highway project through a draft environmental impact statement or environmental assessment. The draft environmental impact statement or environmental assessment shall provide summary

information which shall be used to determine the potential net effects the proposed major highway project may have on environmental resources.

(b) The net environmental effects will be computed by comparing the potential effects of the build alternatives to the no build alternative.

(c) A proposed major highway project that will affect relatively more natural resources including, but not limited to, wetlands, uplands, flood plains, stream crossings and endangered species, shall be scored lower.

(d) A proposed major highway project that will affect relatively more physical resources including, but not limited to, air quality, sound quality, and contaminated sites, shall be scored lower.

(e) A proposed major highway project that will affect relatively more socio-economic resources including, but not limited to, agricultural land, park land, residential and business development, shall be scored lower.

(f) A proposed major highway project that will affect relatively more cultural resources including, but not limited to, historic properties and archeological sites, shall be scored lower.

NOTE: Environmental data will be collected from the environmental summary matrix provided in the draft environmental impact statement or the environmental assessment for specific impacts which apply to natural, physical, socio-economic and cultural resources.

(5) **COMMUNITY INPUT MEASURE.** (a) The department shall evaluate community support or opposition to a proposed major highway project through:

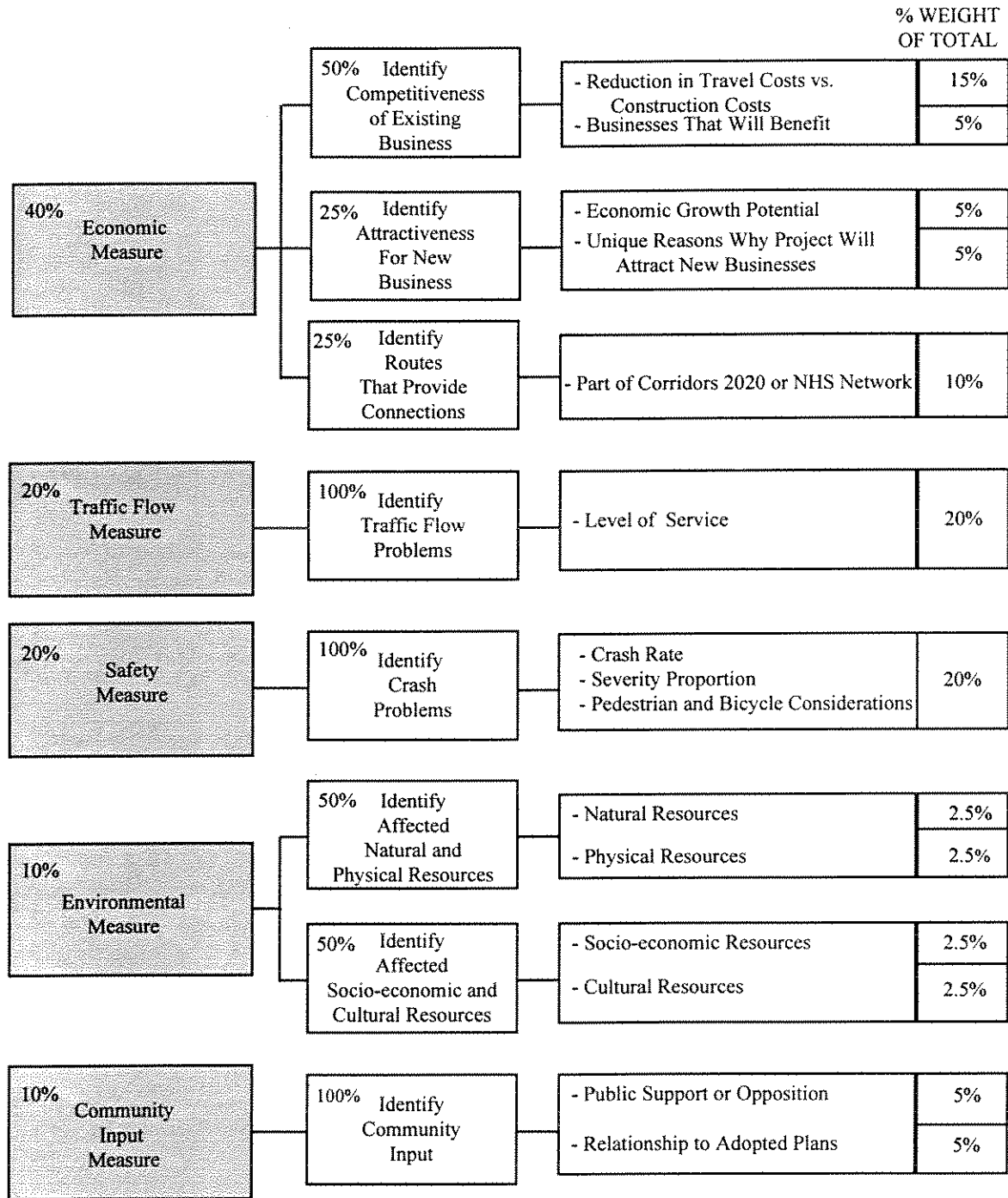
1. Determining community support or opposition from local and regional officials, associations, merchants and residents through informational hearings and

correspondence. Greater consideration shall be given for input that is based on the project's overall impact on the community or region.

2. Determining if the proposed major highway project is consistent with metropolitan, local or regional transportation plans that have been adopted or reaffirmed in the last 5 years. A transportation plan may include a comprehensive plan that contains a transportation component.

TRANS 210.07 Weights applied to measures. Weights for each of the 5 measures shall be included in the calculation of the composite score as described in s. Trans 210.08. Where necessary, sub-weights shall be applied to components of the measures prior to the determination of the score for the overall measure. The values and effect of both the overall measure weights and the component sub-weights are shown in Figure 1.

**FIGURE 1
WEIGHTS APPLIED TO MEASURES**



TRANS 210.08 Composite score. (1) COMPUTATION OF COMPOSITE SCORE. A combination of the 5 measures, weights for each of the measures and the minimum requirement shall be used to calculate a composite score for each proposed major highway project. Each measure shall have a maximum score of 100 points. The composite score shall have a maximum of 110 points. The following formula shall be used to determine the composite scores:

Composite Score = β_0 (10 + β_1 economic measure score + β_2 traffic flow measure score + β_3 safety measure score + β_4 environmental measure score + β_5 community input measure score)

where:

β_0 = 1 if the minimum requirements are met for either traffic flow or safety, or = 0 if the minimum requirements are not met for traffic flow and safety.

β_1 = weight for the economic measure which shall be .40

β_2 = weight for the traffic flow measure which shall be .20

β_3 = weight for the safety measure which shall be .20

β_4 = weight for the environmental measure which shall be .10

β_5 = weight for the community input measure which shall be .10

(2) MINIMUM ALLOWABLE SCORE. The minimum allowable score for a composite score is 10 points. Only those projects which have greater than 10 points may be recommended by the department to the transportation projects commission.

(END OF RULE TEXT)

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 28 day of October, 1998.



CHARLES H. THOMPSON

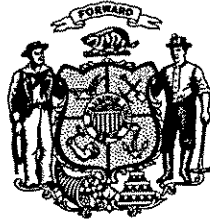
Secretary

Wisconsin Department of Transportation

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PART 3

CLEARINGHOUSE REPORT TO AGENCY

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

CLEARINGHOUSE RULE 98-122

AN ORDER to create chapter Trans 210, relating to major highway project numerical evaluation process.

Submitted by **DEPARTMENT OF TRANSPORTATION**

08-28-98 RECEIVED BY LEGISLATIVE COUNCIL.
09-25-98 REPORT SENT TO AGENCY.

RNS:AS:kjf;jt

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

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

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

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

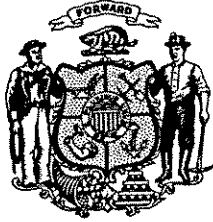
Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-122

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In s. Trans 210.03 (4), "as defined" should be replaced with "given." A similar change should be made in sub. (3).

b. In s. Trans 210.05, "(1)" should be followed by "(a)". In addition, that paragraph refers to "the department's facilities development manual." If any portion of that manual contains substantive requirements, it should be promulgated as a rule. [See ss. 227.01 (13) and 227.10 (1), Stats.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. Trans 210.03 (2), the defined term should be "considered for enumeration" and "that" should be deleted. Alternatively, the definition could be deleted and s. 84.013 (3), Stats., could be cited in s. Trans 210.02.

b. In s. Trans 210.03 (3), the term defined in s. 84.013 (1) (a), Stats., is "major highway project." If that definition is used, the phrase used should be the same as that used in the statutes for consistency.

c. In s. Trans 210.06 (1) (a) 2., it is unclear what "growth-related business sectors" means. Can this be clarified?

d. In s. Trans 210.08 (2), it is unclear why "the minimum allowable score" must be 100. The composite score may be zero, as is stated in sub. (1). Perhaps "minimum allowable score" can be clarified.

PART 4
CR 98-122

ANALYSIS OF FINAL DRAFT OF TRANS 210

(a) **Need for Amended Rule.** The Wisconsin Legislature created s. 85.05, Stats., which directs the Department to adopt a rule setting forth the procedure for numerically evaluating projects considered for enumeration under s. 84.013, Stats. The proposed rule shall establish a minimum score that a project shall meet or exceed in order to be eligible for recommendation to the Transportation Projects Commission.

This proposed rule making will create ch. Trans 210 to describe the methodology the Department will use to numerically evaluate candidate major highway projects prior to recommending them for consideration to the Transportation Projects Commission under s. 13.489, Stats. The proposed rule describes the basic goals of the scoring process, the guidelines used for component scoring measures, the weights applied to the measures, and the calculation of the overall composite project score. In addition, this proposed rule will establish a minimum score that a project shall meet or exceed in order to be eligible for recommendation to the Transportation Projects Commission.

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Madison on October 1, 1998. Modifications made as a result of testimony include the following:

1. A component was added to consider the safety impacts on pedestrians and bicycles in s. Trans 210.06 (3)(d).

2. A component was added to consider the relationship of the proposed major highway project to the metropolitan, local and regional plans in s. Trans 210.06(5)(a)2. The communities have adopted these plans to adequately plan for future transportation issues in order to make their communities more livable. Proposed major highway projects that are consistent with these local and regional plans will be scored higher.

(c) **List of Persons who Appeared or Registered at Public Hearing.** The following persons registered at the hearing:

Ken Beyer, Ken's Quick Stop, 6145 Hwy. 12, Dane, WI 53529—Spoke for information.

Brett Hulsey, Midwest Rep., Sierra Club, 214 North Henry Street, Suite 202, Madison, WI 53703—spoke in opposition.

Laurie Kuiper, Government Relations, City of Milwaukee—spoke in opposition.

Jon Dyck, Fiscal Analyst, Legislative Fiscal Bureau, One East Main, Suite 301, Madison, WI 53703—registered for information.

(d) **Response to Legislative Council Recommendations**. All of the Legislative Council suggestions have been incorporated into the proposed rule.

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

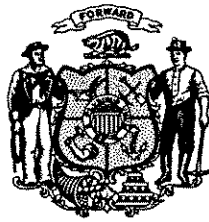
WISCONSIN LEGISLATIVE COUNCIL STAFF

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FORM 2

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CLEARINGHOUSE REPORT TO AGENCY

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CLEARINGHOUSE RULE 98-122

AN ORDER to create chapter Trans 210, relating to major highway project numerical evaluation process.

Submitted by **DEPARTMENT OF TRANSPORTATION**

08-28-98 RECEIVED BY LEGISLATIVE COUNCIL.

09-25-98 REPORT SENT TO AGENCY.

RNS:AS:kjf;jt

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

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

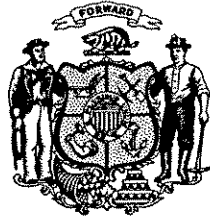
Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

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CLEARINGHOUSE RULE 98-122

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In s. Trans 210.03 (4), "as defined" should be replaced with "given." A similar change should be made in sub. (3).

b. In s. Trans 210.05, "(1)" should be followed by "(a)". In addition, that paragraph refers to "the department's facilities development manual." If any portion of that manual contains substantive requirements, it should be promulgated as a rule. [See ss. 227.01 (13) and 227.10 (1), Stats.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. Trans 210.03 (2), the defined term should be "considered for enumeration" and "that" should be deleted. Alternatively, the definition could be deleted and s. 84.013 (3), Stats., could be cited in s. Trans 210.02.

b. In s. Trans 210.03 (3), the term defined in s. 84.013 (1) (a), Stats., is "major highway project." If that definition is used, the phrase used should be the same as that used in the statutes for consistency.

c. In s. Trans 210.06 (1) (a) 2., it is unclear what "growth-related business sectors" means. Can this be clarified?

d. In s. Trans 210.08 (2), it is unclear why "the minimum allowable score" must be 100. The composite score may be zero, as is stated in sub. (1). Perhaps "minimum allowable score" can be clarified.

The Wisconsin Department of Transportation proposes an order to create ch. TRANS 210, relating to major highway project numerical evaluation process.

**NOTICE OF HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to s. 85.05, Stats., and interpreting s. 84.013(3), Stats., the Department of Transportation will hold a public hearing in **Room 144-B** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **1st** day of **October**, 1998, at **9:00 AM**, to consider the creation of chapter Trans 210, Wisconsin Administrative Code, relating to major highway project numerical evaluation process.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

The public record on this proposed rule making will be held open until close of business on October 2, 1998, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to Dawn Krahn, Department of Transportation, Bureau of State Highway Programs, Room 951, P. O. Box 7913, Madison, WI 53707-7913.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 85.05, Stats., as created by 1997 Wis. Act 86
STATUTES INTERPRETED: s. 84.013(3), Stats.

General Summary of Proposed Rule. The Wisconsin Legislature created s. 85.05, Stats., which directs the Department to adopt a rule setting forth the procedure for numerically evaluating projects considered for enumeration under s. 84.013, Stats. The proposed rule shall establish a minimum score that a project shall meet or exceed in order to be eligible for recommendation to the Transportation Projects Commission.

This proposed rule making will create ch. Trans 210 to describe the methodology the Department will use to numerically evaluate candidate major highway projects prior to recommending them for consideration to the Transportation Projects Commission under s. 13.489, Stats. The proposed rule describes the basic goals of the scoring process, the guidelines used for component scoring measures, the weights applied to the measures, and the calculation of the overall composite project score. In addition, this proposed rule will establish a minimum score that a project shall meet or exceed in order to be eligible for recommendation to the Transportation Projects Commission.

The Department currently evaluates candidate major highway projects using numerical factors designed to rank proposed major projects in terms of their ability to enhance Wisconsin's economy, improve highway service, improve highway safety, minimize environmental impacts and serve community objectives. A process for evaluating candidate projects has been used to advise the Transportation Projects Commission since the Commission was created in 1983. The process has evolved over time as better information on candidate projects has become available. The current process ranks projects relative to other candidates under consideration and does not establish a minimum score that a project must obtain.

Fiscal Estimate. The Department estimates that ch. Trans 210 will not have any state fiscal effect or any fiscal effect on county, city, village, town, school district, vocational, technical college district, sewerage district, or any federally-recognized American Indian tribes or bands. This outcome is anticipated because the state expenditures for major highway projects are determined by the Legislature through the budget process. This proposed rule merely outlines the numerical process that is used to recommend candidate major highway projects to the Transportation Projects Commission which, in turn, makes recommendations to the Governor and the Legislature. In addition, this proposed rule does not mandate any expenditures by local units of government.

Initial Regulatory Flexibility Analysis. This proposed rule will have no adverse impact on small businesses.

Copies of Proposed Rule. Copies of the rule may be obtained upon request, without cost, by writing to Dawn Krahn, Department of Transportation, Bureau of State Highway Programs, Room 951, P. O. Box 7913, Madison, WI 53707-7913, or by calling

(608) 267-7715. Alternate formats of the proposed rule will be provided to individuals at their request.

TEXT OF PROPOSED RULE

Under the authority vested in the Wisconsin department of transportation by s. 85.05, Stats., the Department of Transportation hereby proposes to create ch. Trans 210, Wisconsin Administrative Code, implementing s. 84.013(3), Stats., relating to major highway project numerical evaluation process.

SECTION 1. Chapter Trans 210 is created to read:

CHAPTER TRANS 210

MAJOR HIGHWAY PROJECT NUMERICAL EVALUATION PROCESS

Trans 210.01 PURPOSE. In accordance with s. 85.05, Stats., this chapter sets forth the process and criteria used by the department to numerically evaluate projects considered for enumeration. This process for evaluating candidate major highway projects is used to advise the transportation projects commission. This chapter establishes a minimum score that a project shall meet or exceed in order to be eligible for recommendation to the transportation projects commission.

Trans 210.02 APPLICABILITY. The procedures in this chapter shall be applied to projects being considered for enumeration as major projects by the department.

Trans 210.03 DEFINITIONS. In this chapter:

- (1) "Department" means the Wisconsin department of transportation.
- (2) "Enumeration" means a project that has been listed in s. 84.013(3), Stats.
- (3) "Major project" has the meaning specified in s. 84.013(1)(a), Stats.

(4) "Transportation projects commission" has the meaning as defined in s. 13.489, Stats.

Trans 210.04 GOALS. The department shall use this process to evaluate a proposed major highway project in terms of its ability to enhance Wisconsin's economy, improve highway service, improve highway safety, minimize environmental impacts, and serve community objectives.

Trans 210.05 MINIMUM REQUIREMENT. Each proposed major project shall satisfy a minimum requirement based on the level of traffic flow and safety on the highway segments under consideration before it can be recommended to the transportation projects commission. Each proposed major project shall meet one of the following requirements:

(1) ^(a) The predicted level of service on significant portions of the highway shall be worse than the level of service recommended in the design guidelines which are set forth in chapter 11, section 5 of the department's facilities development manual. Department engineers shall use the appropriate methodologies as outlined in the manual to determine the projected capacity and level of service that is predicted to exist 27 years from the year of the analysis.

NOTE: Copies of Chapter 11, Section 5 of the Facilities Development Manual may be obtained from the Division of Infrastructure Development, Bureau of State Highway Programs, P. O. Box 7913, Madison, WI 53707-7913. Copies are also on file with the Revisor of Statutes Bureau and the Attorney General's office.

(b) Safety on significant portions of the highway shall be worse than the statewide average for a similar highway type. Safety shall be identified by the number of crashes or the severity of crashes using any one of the following:

1. The crash rate, which shall be calculated by the total number of crashes divided by the number of vehicle miles traveled over the length of the highway segments.

2. Severity index, which shall be calculated by the proportion of fatalities and incapacitating injuries to total injuries over the length of the highway segments.

3. Crashes per mile, which shall be calculated by the total crashes divided by the length of the highway segments.

NOTE: The crash rates and indexes are objective measures which are based on principles found in the Highway Safety Evaluation Procedural Guide published by the Federal Highway Administration. A copy of the Guide can be obtained by writing to the U.S. Department of Transportation, Federal Highway Administration, Office of Highway Safety, 400 7th Street, S.W., Washington D.C. 20590, Docket No. FHWA-TS-81-219.

Trans 210.06 MEASURES. Measures shall be used to quantify the effect of the proposed major project on the highway system or the communities that will be affected by the project. The department shall numerically evaluate proposed major projects in the following 5 categories:

(1) **ECONOMIC MEASURE.** (a) The department shall evaluate each proposed major project's ability to increase the competitiveness of the existing businesses through all of the following:

1. Comparison of the reduction in long-term travel costs to the cost of constructing and maintaining the proposed major project. Reduction in travel costs may include, but is not limited to, vehicle operating cost savings, travel time savings and accident savings.

2. Evaluation of the existing businesses that will benefit from the proposed major project, which may be measured by the number of business entities, and the amount of employment, population and tourism in the proposed or existing highway corridor.

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Greater consideration shall be given to those businesses in growth-related business sectors.

(b) An evaluation shall be made for the proposed major project's ability to attract new businesses through:

1. Consideration of the proposed major project's potential to increase the productivity of industry along the highway corridor.

2. Consideration of business redistribution potential of the proposed major project. Greater consideration shall be given to proposed major projects that do not redistribute growth from one part of the state to another, and for projects that contain businesses with the ability to attract business from outside of the state.

3. Consideration of the economic development strengths of the communities served by the project. Greater consideration shall be given to communities that are sufficiently organized to capitalize on the economic opportunities associated with the proposed major project.

4. Consideration of unique regional differences in the economic need and abilities of the communities affected by the proposed major project.

(c) An evaluation shall be made of the proposed major project's ability to improve connections between economic centers with greater consideration given to those routes that are part of Wisconsin's corridors 2020 network of quality highways.

NOTE: Copies of Corridors 2020 can be obtained from the Office of Public Affairs,
P. O. Box 7913, Madison, WI 53707-7913.

(2) TRAFFIC FLOW MEASURE. (a) The department shall evaluate the existing traffic flow on the highway system that will be affected by the proposed major project. Traffic flow shall be measured using accepted engineering practices to compute the level

of service on the highway system segments which may consider, but is not limited to, traffic density, travel time or traffic delay.

(b) Greater consideration shall be given for the severity of congestion and for the amount of traffic that is on the existing highway system segments that would be affected by the proposed major project.

NOTE: Department engineers will use the procedures outlined in the general design consideration guidelines in Chapter 11, Section 5 of the *Facilities Development Manual* published by the Wisconsin Department of Transportation to determine the quality of highway service. Copies of the manual may be obtained by writing to the Division of Investment Management, Bureau of State Highway Programs, P. O. Box 7913, Room 951, Madison, WI 53707-7913.

(3) SAFETY MEASURE. (a) The department shall evaluate the number of crashes as well as the severity of the crashes on the highway system affected by the proposed major project through:

1. Determining the crash rate which shall be calculated by the total number of crashes divided by the number of vehicle miles traveled over the length of the highway system segments.

2. Computing the severity index which shall be calculated by the proportion of fatalities and incapacitating injuries to total injuries on the highway system segments.

3. Determining the crashes per mile which shall be calculated by the total crashes divided by the length of the highway system segments.

(b) Greater consideration shall be given to those crash rates and indexes that are significantly above the statewide average for similar highway types.

NOTE: The crash rates and indexes are objective measures which are based on principles found in the *Highway Safety Evaluation Procedural Guide* published by the Federal Highway Administration. A copy of the Guide can be obtained by writing to the U.S. Department of Transportation, Federal Highway Administration, Office of Highway Safety, 400 7th Street, S.W., Washington D.C. 20590, Docket No. FHWA-TS-81-219.

(4) ENVIRONMENTAL MEASURE. (a) The department shall evaluate environmental considerations associated with the proposed major project through a draft environmental impact statement or environmental assessment. The draft environmental impact statement or environmental assessment shall provide summary information which shall be used to determine the potential effects the proposed major project may have on environmental resources.

(b) A proposed major project that will affect relatively more natural resources including, but not limited to, wetlands, uplands, flood plains, stream crossings and endangered species, shall be scored lower.

(c) A proposed major project that will affect relatively more physical resources including, but not limited to, air quality, sound quality, and contaminated sites shall be scored lower.

(d) A proposed major project that will affect relatively more socio-economic resources including, but not limited to, agricultural land, park land, residential and business development, shall be scored lower.

(e) A proposed major project that will affect relatively more cultural resources including, but not limited to, historic properties and archeological sites shall be scored lower.

NOTE: Environmental data will be collected from the environmental summary matrix provided in the draft environmental impact statement or the environmental assessment for specific impacts which apply to natural, physical, socio-economic and cultural resources.

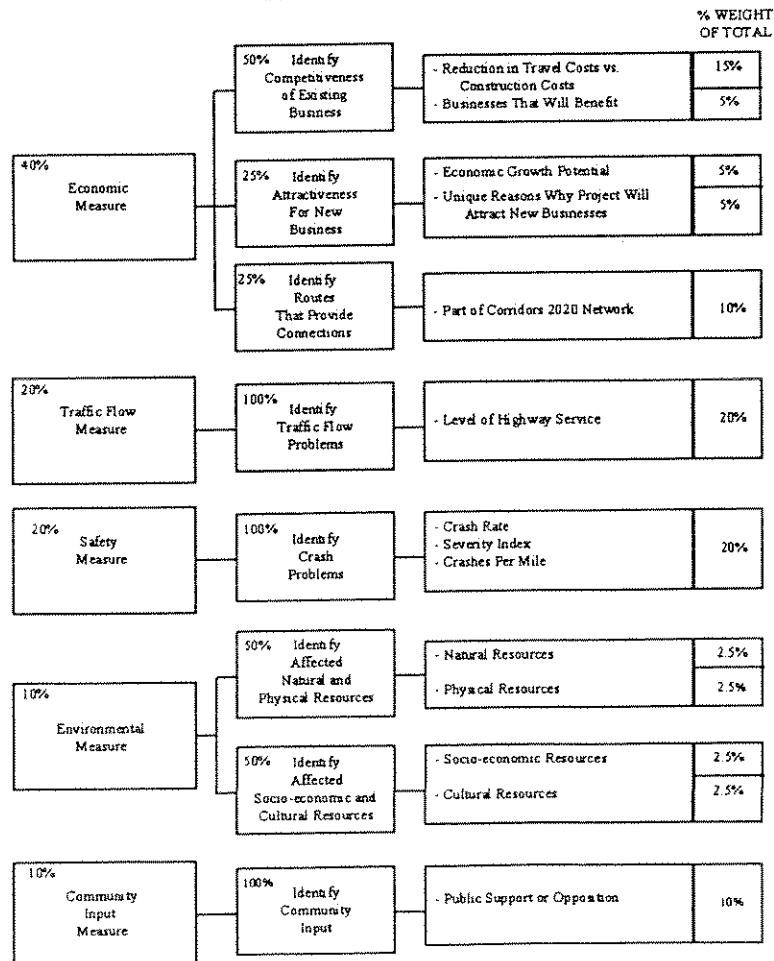
(5) COMMUNITY INPUT MEASURE. (a) The department shall evaluate community support or opposition to a proposed major project by gathering community

input from local officials, local groups or associations, and local residents or merchants through informational hearings and correspondence.

(b) Greater consideration shall be given for input that is based on the project's overall impact on the community.

Trans 210.07 WEIGHTS APPLIED TO MEASURES. Weights for each of the 5 measures shall be included in the calculation of the composite score as described in s. Trans 210.08. Where necessary, sub-weights shall be applied to components of the measures prior to the determination of the score for the overall measure. The values and effect of both the overall measure weights and the component sub-weights are shown in Figure 1.

**FIGURE 1
WEIGHTS APPLIED TO MEASURES**



Trans 210.08 COMPOSITE SCORE. (1) COMPUTATION OF COMPOSITE SCORE. A combination of the 5 measures, weights for each of the measures and the minimum requirement shall be used to calculate a composite score for each proposed major project. Each measure shall have a score which ranges from 0 to 100 points. The composite score shall have a range of 0 to 200 points. The following formula shall be used to determine the composite scores:

$$\text{Composite Score} = \beta_0 (100 + \beta_1 \text{ economic measure} + \beta_2 \text{ traffic flow measure} + \beta_3 \text{ safety measure} + \beta_4 \text{ environmental measure} + \beta_5 \text{ community input measure})$$

where:

$\beta_0 = 1$ if the minimum requirements are met for either traffic flow or safety, or = 0 if the minimum requirements are not met for traffic flow and safety.

$\beta_1 =$ weight for the economic measure which shall be .40

$\beta_2 =$ weight for the traffic flow measure which shall be .20

$\beta_3 =$ weight for the safety measure which shall be .20

$\beta_4 =$ weight for the environmental measure which shall be .10

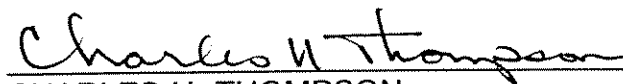
$\beta_5 =$ weight for the community input measure which shall be .10

(2) MINIMUM SCORE. The minimum allowable score for a composite score is 100 points. Only those projects which have greater than 100 points may be recommended by the department to the transportation projects commission.

(END OF RULE TEXT)

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 27 day of August, 1998.



CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation