

**2009 DRAFTING REQUEST**

**Bill**

Received: **02/17/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Smith (608) 266-0660**

By/Representing: **Andrea Wahl**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - highways**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Rep.Smith@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Allowing reimbursement under Local Roads Improvement Program for design engineering performed by municipality's employee

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**Instructions:**

See attached

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**Drafting History:**

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/1	agary 04/01/2009	nmatzke 04/01/2009	phenry 04/02/2009	_____	mbarman 04/02/2009		S&L
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↳ At Intro.

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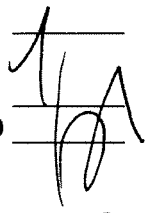
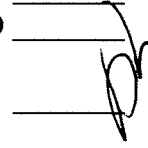
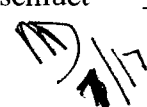
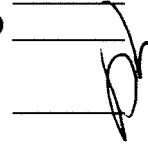
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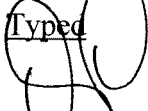
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**Gary, Aaron**

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**From:** Wahl, Andrea  
**Sent:** Wednesday, February 11, 2009 2:41 PM  
**To:** Gary, Aaron  
**Subject:** Email from LRB Website

**Attachments:** Local Roads Improvement Program Information.pdf



Local Roads  
Improvement Progra.

Attached is the information Rep. Smith received regarding a statutory revision to specify the eligibility for reimbursements under the Local Roads Improvement Program. If you have any questions, please feel free to call or email.

Thank you!

Andrea Wahl  
Office of Representative Jeff Smith  
93<sup>rd</sup> Assembly District  
608-266-0660

Issue Paper  
City of Altoona  
Eau Claire County, WI  
February 9, 2009

LRB → get in touch  
with regarding the  
long way

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### Introduction

The City of Altoona intends to reconstruct Bartlett Avenue, a roadway adjacent to the Elementary/Middle/High School campus. The project will be funded by reimbursement through the Municipal Street Improvement Program-Discretionary (MSIP-D) fund. The project is being designed by the City Engineer, and will be let for bids per the requirements of the MSIP-D program.

### Problem Statement

The City wishes to apply for reimbursement for the engineering design of the project. The City Engineer is licensed by the State of Wisconsin, and has extensive experience in the design and implementation of infrastructure projects. The City has contacted the Wisconsin Department of Transportation to inquire about reimbursement, and has been told by WisDOT representatives that in-house engineering is not an eligible item for reimbursement through the MSIP-D program. The WisDOT representatives have referred to the following documents as support for their statements.

1. State Statute 86.31(2)(b). For reference, the full text is as follows.

(b) Except as provided in par. (d), improvements for highway construction projects funded under the program shall be under contracts. Such contracts shall be awarded on the basis of competitive bids and shall be awarded to the lowest responsible bidder. If a city or village does not receive a responsible bid for an improvement, the city or village may contract with a county for the improvement. A town may contract with a county for the improvement subject to the criteria and procedures promulgated as rules under sub. (6) (h).

WisDOT staff, in referring to this Statute, has made the statement that "The exception to the competitive bidding would be in the case of a county choosing to do a CEF and bidding out a portion of the project equal to their LRIP limit. However, this does not waive the statutory requirement for the work, including the design, to be under contract."

2. Local Roads Improvement Program, 2008-2009 Information Packet for Cities and Villages published by the Wisconsin Department of Transportation. The LRIP Local Program Manager has stated the following.

"In addition, Page 10 of our 2008-2009 Information Packet for Cities and Villages: "The project must be let to contract and awarded to the lowest responsible bidder. Note: "Contracts for preliminary engineering (design), feasibility studies, and the purchase of real estate are exempt from this requirement". City and Village staff receive their wages and fringe from the community's payroll and not under contract. Therefore, they may not receive reimbursement from the state for the same."

### Rebuttal

The City makes the following points in rebuttal to the WisDOT representative's claims.

1. State Statute 86.31(2)(b).
  - a. The section listed previously clearly is in reference to the *construction* of the improvement project.

- b. The City was unable to find support within Statute 86.31(2)(b) that engineering design must be under contract.

2. Local Roads Improvement Program, 2008-2009 Information Packet for Cities and Villages.

- a. Again, page 10 of the manual clearly is in reference to the *construction* of the improvement project. This is supported by the WisDOT representative's own statement that "Contracts for preliminary engineering (design), feasibility studies, and the purchase of real estate are exempt from this requirement".
- b. Page 3 of the packet contains the following sentence which clearly supports the City's position.

Eligible project costs may include feasibility studies, design, right-of-way acquisition, any items that are an integral part of street and road reconstruction, and related engineering costs.

In addition, TRANS 206.03(9) of the Wisconsin Administrative Code includes the following.

(9) ELIGIBLE LRIP PROJECT COSTS. Feasibility studies, design, right-of-way acquisition, any item which is an integral part of street and road construction, and related engineering costs are eligible costs.

Finally, a summary sheet listed on the WisDOT website lists "design engineering" as an eligible project cost.

The City is of the opinion that WisDOT staff is taking liberties in the interpretation of both State Statutes and their own information packet.

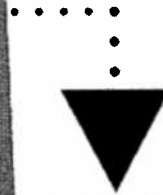
### **Proposed Solution**

The City requests that the State Statutes and the Local Roads Improvement Program, 2008-2009 Information Packet for Cities and Villages be clarified and/or revised to allow for in-house engineering to be included as an eligible item in the Local Roads Improvement Program. The benefits of such a revision would include the following.

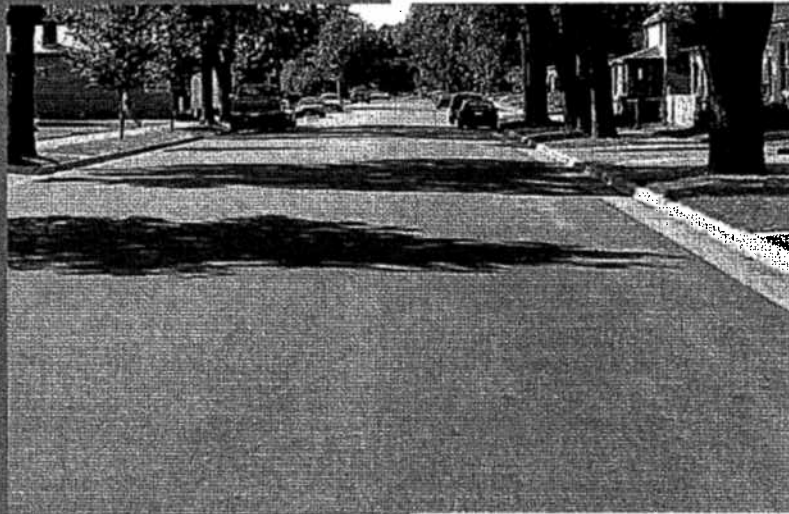
1. Local units of government will have the ability to be reimbursed for in-house engineering efforts when a qualified individual is on staff.
2. The encumbered rate of professional staff within a local unit of government will, in general, be significantly less than that of a consulting engineer. As a result, the cost of engineering on a particular project, as well as the overall project cost, will be significantly less.
3. In many communities, the cost of engineering is often passed on to property owners in the form of an assessment. As stated previously, the cost to engineer a project will typically be significantly less when performed by a qualified on-staff professional engineer. As a result, taxpayers will be relieved of an additional burden on their resources, which becomes particularly important during tough economic times.

### **Conclusion**

The City requests that the Legislature take action to revise State Statute Chapter 86 to allow the cost of in-house engineering to be included as an eligible item for reimbursement under the Local Roads Improvement Program.



# Local Roads Improvement Program



City of La Crosse, La Crosse County

**2008-2009  
Information Packet for  
Cities and Villages**

## **Local Roads Improvement Program (LRIP) Overview**

### **Objective**

The Local Roads Improvement Program (LRIP) was established in 1991 to assist local units of government in improving seriously deteriorating county highways, municipal streets in cities and villages, and town roads. The program is governed by *Wis. Stat. s. 86.31* (<http://www.legis.state.wi.us/statutes/Stat0086.pdf>) and *Ch. Trans 206. Wis. Admin. Code* (<http://www.legis.state.wi.us/rsb/code/trans/trans206.pdf>).

### **Description**

LRIP is a reimbursement program, which may pay up to 50% of total eligible project costs, with the balance of funding matched by the local unit of government. All applicable projects are locally let and reimbursed by WisDOT upon project completion. An LRIP project may be defined as a stand-alone project, part of a larger improvement, or the purchase of hot mix asphalt.

The program has three entitlement components that provide funding for road improvements. Counties are eligible for funding through the County Highway Improvement Program (**CHIP**), cities and villages through the Municipal Street Improvement Program (**MSIP**), and towns through the Town Road Improvement Program (**TRIP**).

In addition to entitlements, there are also three discretionary components for counties, cities and villages, and towns to request funding for high-cost projects. Counties with high cost projects totaling \$250,000 or more in eligible costs are eligible for the discretionary County Highway Improvement Program (**CHIP-D**). Cities and villages with high cost projects with total eligible costs of \$250,000 or more are eligible for the discretionary Municipal Street Improvement Program (**MSIP-D**). Towns with high cost projects totaling \$100,000 or more in total eligible costs are eligible for the discretionary Town Road Improvement Program (**TRIP-D**).

### **Eligibility**

Only work on existing county trunk highways, city and village streets, and town roads under the authority of the local unit of government are eligible for funding. Maintenance, new construction, or improvements to alleys or parking lots are not reimbursable through the program, per *s. Trans 206.03(9) Wis. Admin. Code* (<http://www.legis.state.wi.us/rsb/code/trans/trans206.pdf>).

Eligible projects include the following categories: Reconstruction, Resurfacing, Reconditioning, and Structure projects, Design Only, Hot Mix Asphalt Purchase Only, and Right-of-Way Acquisition Only.

Eligible project costs may include feasibility studies, design, right-of-way acquisition, any items that are an integral part of street and road reconstruction, and related engineering costs.

No LRIP funds may be used as the local match for federal aid projects. No federal aid funds may be used as the local match for an LRIP project.

- ▶ For help developing bid packages, specifications or advertisements, please contact the County Highway Commissioner, an engineering consultant or the University of Wisconsin-Transportation Information Center (UW-TIC). The UW-TIC has sample bid documents that can be adapted for individual use. Please call Don Walker at the UW-TIC at 1-800-442-4615 for more information or for sample documents.

- ▶ **The project must be let to contract and awarded to the lowest responsible bidder.**

**Note: Contracts for preliminary engineering (design), feasibility studies, and the purchase of real estate are exempt from this requirement.**

- ▶ If the city or village is bidding out hot mix asphalt *only*, the final project cost of the hot mix must be at least twice the awarded LRIP amount in order to receive all approved funds.
- ▶ Local guidelines and criteria for selecting bids should be established prior to opening bids. Bids may be rejected as not responsible for reasons determined by the letting authority. Considerations may include bidder qualifications, excessive cost, timing, financial responsibility of the bidder, prior work done by the bidder, or other considerations that may affect the potential project. The city or village may re-advertise for bids if the submitted bids are considered non-responsive or if no bids are received. The city or village may contact contractors and invite them to bid.
- ▶ For the County to do a project for the city or village: the city or village would either have to receive no bids or they would have to reject all bids as not responsible.
- ▶ Applicants should retain a copy of the dated board minutes or bid award and rejection letters for their files.

If the city's or village's total project costs are \$65,000 or more, an engineering certification is required that includes the following:

- ▶ The signature of a registered, professional engineer, stating that the improvement has been designed with a projected life of at least 10-years, the design uses current WisDOT specifications, and all construction will be accomplished consistent with these WisDOT specifications. (An example of the language used in the certification is included in Appendix I.)
- ▶ Please note that the certification does not require extensive engineering inspection, materials testing, design services or warranty the performance of the improvement. It is recommended that the city or village involve the engineer before beginning design and construction of the project.
- ▶ All MSIP-D projects require an engineering certification, since the minimum project cost is \$250,000.

The applicant must also confirm that the project is built to appropriate standards, as identified in this packet, or else the project applicant must have requested an exception to standards. The request for an exception to standards is submitted in writing to the WisDOT Local Program Engineer located in each regional office for approval. This must be done prior to construction (refer to Appendix F for WisDOT contact list).

- ▶ A written request for an exception to standards must state the reason(s) for the request (refer to Appendix H for an example of a request for Exceptions to



Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

## Chapter Trans 206

### LOCAL ROADS IMPROVEMENT PROGRAM

Trans 206.01	Purpose and scope.	Trans 206.05	County highway improvement.
Trans 206.02	Definitions.	Trans 206.06	Town road improvement.
Trans 206.03	Uniform provisions.	Trans 206.07	County highway improvement program districts and committees.
Trans 206.035	Town road improvement discretionary provisions.	Trans 206.08	Statewide town road improvement discretionary committee.
Trans 206.04	Municipal street improvement.		

**Trans 206.01 Purpose and scope.** The purpose of this chapter is to interpret and administer procedures for assisting in the improvement of deteriorating local highways, streets and roads under s. 86.31 (6), Stats.

*History:* Cr. Register, June, 1992, No. 438, eff. 7-1-92.

**Trans 206.02 Definitions.** The words and phrases defined in s. 86.31 (1), Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter:

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

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

(2) "Annual entitlement" means the annual amount of state funds available under the local roads improvement program to a county, county town road improvement committee, county municipal street improvement committee, or city or village with a population of 20,000 or more to make improvements to the local roads.

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

(3) "Biennial entitlement" means the sum of the 2 annual entitlements in a state biennium.

(4) "Chief executive" means the town board chairperson, village president, elected mayor or city manager.

(5) "Contract administration" means the preparing of or having plans prepared for the project, acquiring right of way, letting of bids and construction supervision of a local roads improvement program project.

(6) "Cost ceiling" means the maximum amount the state of Wisconsin will pay as its share of the local road improvement project under this chapter.

(7) "County board chairperson" has the meaning specified in s. 59.05, Stats.

(8) "County executive" has the meaning specified in s. 59.17, Stats.

(9) "County highway commissioner" has the meaning specified in s. 83.01, Stats.

(10) "County highway improvement" or "CHI" means the improvement projects on the county trunk system funded by the county highway improvement entitlement component of the local roads improvement program as authorized under s. 86.31 (3), Stats.

(11) "County highway improvement plan" means a county's 5-year plan of improvements to the county trunk system which is

eligible to be funded from the county highway improvement component of the local roads improvement program.

(12) "County highway improvement program district" means a group of counties designated by the secretary of transportation under s. 86.31, Stats., to be a county highway improvement program district.

(13) "County highway improvement program district committee" means a committee consisting of not more than 5 county executives or designees or when there is no office of county executive, county board chairpersons or the chairperson's designee from counties within a county highway improvement district.

(14) "County municipal street improvement committee" or "CMSIC" means a committee of not more than 5 chief executives or designees of cities and villages with a population of less than 20,000 within the county responsible to select MSI projects within the county.

(15) "County town road improvement committee" or "CTRIC" means a committee of not more than 5 town chairpersons or designees from within the county responsible to select TRI projects within the county.

(16) "Department" means the department of transportation.

(17) "Eligible project" means one or more logical phases of a specific improvement including, but not limited to, a feasibility study, design engineering, grading, base, paving, and road finish materials such as hot mix asphalt.

(18) "Feasibility study" means the engineering and environmental studies for a specific section of a local road that will lead to a LRIP improvement project.

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

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

(21) "Miles" means the number of miles of roads and streets as determined by the department of transportation under s. 86.302, Stats.

(22) "Municipal street improvement" or "MSI" means the improvement projects on the city and village street system funded by the municipal street improvement entitlement component of the local roads improvement program as authorized under s. 86.31 (3), Stats.

(23) "Municipal street improvement plan" means a city or village's 5-year plan of improvements to the municipal street system eligible to be funded from the municipal street improvement component of the local roads improvement program.

(24) "PASER" means the pavement surface evaluation and rating process developed and taught by the transportation information center at the university of Wisconsin extension, Madison, WI 53706.

## Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

the manner prescribed by the department, the list of projects to be developed or constructed under the CHI, TRI, TRID and MSI components of the LRIP in the current state biennium.

(c) Determine if uncommitted entitlements of a recipient in the county can be used by another recipient within the county.

**(8) REIMBURSEMENT OF COUNTIES FOR ADMINISTRATIVE COSTS RELATED TO THE CMSIC AND THE CTRIC.** (a) Counties shall be reimbursed for the costs of the administrative services provided by the county highway department to that CTRIC and CMSIC.

(b) For the years 1992 through 1995 of the local roads improvement program, 5% of each county's MSI entitlement for cities and villages with a population of less than 20,000 and 5% of each county's TRI entitlement shall be distributed to the county treasurer as reimbursement for the administrative costs of the MSI and TRI.

(c) Beginning with 1996, the percentage of each county's MSI entitlement for cities and villages with a population of less than 20,000 and county's TRI entitlement to be distributed to the county for administrative costs related to the MSI and TRI shall be reviewed with the county highway commissioner and the chairpersons of the county TRI and the MSI committees to determine an appropriate level of reimbursement. The county highway commissioner shall notify the department what percent level of reimbursement was selected as a result of the review. Until such notification is received, the level of reimbursement shall continue at 5%.

**(9) ELIGIBLE LRIP PROJECT COSTS.** Feasibility studies, design, right-of-way acquisition, any item which is an integral part of street and road construction, and related engineering costs are eligible costs. New installations or alterations of sanitary sewers and connections, water, gas, electric, telephone, police or fire alarm facilities, parking meters, street signs and similar utilities are not eligible costs. The cost to develop each county, municipality, or town's improvement plans is not an eligible cost.

**(10) CONTRACT ADMINISTRATION.** (a) The political subdivision with the eligible project shall be responsible for contract administration of the project. If an eligible project is located in more than one political subdivision, the project agreement shall specify the political subdivision responsible for contract administration.

(b) The design and construction of all eligible projects with eligible costs totaling more than \$50,000 under this chapter shall be certified by a registered professional engineer.

**(11) FINANCIAL PARTICIPATION.** (a) The state shall provide a maximum of 50% of the total eligible project cost up to the cost ceiling specified in the project agreement. The remainder of the cost shall be provided by the political subdivision where the work is performed.

(b) The political subdivision's share may be in the form of cash, engineering or right of way.

(c) No entitlement shall be used as the local match for federal aid projects.

(d) No federal aid funds shall be used as the local match for an eligible project.

**(12) PROJECT AGREEMENT.** (a) Each eligible project which is funded under this chapter shall be the subject of a formal agreement between the political subdivision and the department. The secretary or the secretary's designee shall sign the project agreement for the department. The secretary or the secretary designee's signature on the project agreement shall be the official acceptance of the terms of the agreement. When the project agreement is between the state and a county, the county executive or designee, or when there is no office of county executive, the county board chairperson or designee shall sign the project agreement for the county. When the project agreement is between the state and a town, village or city, the chief executive or designee of the politi-

cal subdivision shall sign the project agreement for the political subdivision.

(b) Each project agreement must be signed by the department no later than April 1 of each odd-numbered year.

(c) The project agreement shall include, but is not limited to, the following items of information:

1. Name of the signatory political subdivision or, in the case of a joint project, the project agreement shall include the names of all the political subdivisions and county MSI or TRI committees participating in the project.

2. Statement of need for the project.

3. Description of the proposed work as approved by the CTRIC, STRIDC or CMSIC where appropriate and the intended construction year.

4. Cost estimate of the work.

5. Description of the cost participation of each party to the agreement, including the amount of the cost ceiling for preliminary engineering, real estate acquisition and construction.

6. Description of all special provisions and considerations that apply to the proposed project.

7. Signed statement by the county executive or designee, or when there is no office of county executive, the county board chairperson or designee, town, city or village's chief executive or designee certifying that the work will be done in accordance with all federal, state and local laws, rules, ordinances and standards.

8. A statement that the department will only participate in eligible construction projects which are actually constructed to the appropriate standards described in this chapter. The entire cost of construction projects not constructed, or not constructed to standards, is the responsibility of the political subdivision.

9. A statement that the political subdivision with the eligible project assumes all responsibility for complying with all germane environmental requirements for the improvement, and certifies that an environmental analysis was completed and that all applicable environmental laws were followed.

**(13) EXCEPTION TO STANDARDS.** (a) The secretary or the secretary's designee may authorize deviation from the standards in special cases in which strict application of the standards is impractical and deviation is not contrary to the public interest and safety, and in the case of eligible county projects is not contrary to the intent of s. 84.01 (9) (b), Stats.

(b) Any deviation in the standards shall be approved in writing by the secretary or the secretary's designee before any reimbursement payments are made.

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

**(15) DUTIES OF DOT.** The department shall perform the following:

(a) Compute the annual and biennial entitlement for each county, each CMSIC and CTRIC and for each city or village with a population of 20,000 or more.

(b) Inform, by September 1 of each odd-numbered year, each county, each CTRIC and CMSIC, and the chief executive of each city or village with a population of 20,000 or more of their biennial entitlement by state fiscal year for the current state biennium.

(c) Maintain a financial record of each project agreement and any other information the department deems necessary.

(d) Review a sufficient number of projects to ensure that the program is functioning according to applicable state laws and rules.

# LOCAL ROADS IMPROVEMENT PROGRAM (LRIP)

Statutory Authority: § 86.31

Admin. Rule: TRANS 206

## Objective

The Local Roads Improvement Program (LRIP) was established in 1991 to assist local units of governments in improving seriously deteriorating county highways, town roads, and municipal streets in cities and villages under the authority of the local unit of government.

## Description

LRIP is a reimbursement program, which pays up to 50% of the total eligible project costs, with the balance matched by the local unit of government. Projects must be built to appropriate road standards and adhere to applicable program requirements. LRIP is administered as a biennial program. Applicants submit project applications for improvements meeting the eligibility requirements to their County Highway Commissioner by November 15 of the odd numbered year.

LRIP is managed by WisDOT's Local Transportation Programs and Finance Section. County Highway Commissioners serve as the administrative contact between the local recipients and the department, except cities and villages with population of 20,000 or more. These communities administer their own projects. All LRIP projects are locally let and reimbursed by WisDOT upon improvement completion.

The program has three entitlement components that provide funding for road improvements. Counties are eligible for funding through the County Highway Improvement Program (**CHIP**), cities and villages through the Municipal Street Improvement Program (**MSIP**), and towns through the Town Road Improvement Program (**TRIP**).

In addition to entitlements, there are three discretionary components for counties, cities and villages, and towns to request funding for high-cost projects. Counties with high cost projects totaling \$250,000 or more in eligible costs are eligible for the discretionary County Highway Improvement Program (**CHIP-D**). Cities and villages with high cost projects with total eligible costs of \$250,000 or more are eligible for the discretionary Municipal Street Improvement Program (**MSIP-D**). Towns with high cost projects totaling \$100,000 or more in total eligible costs are eligible for the discretionary Town Road Improvement Program (**TRIP-D**).

## Eligible Project Costs

Only work on existing county trunk highways, town roads, and city and village streets, under the authority of the local unit of government, are eligible--no new construction, alleys or parking lots.

Eligible project categories include: Reconstruction, Resurfacing, Reconditioning, and Structure improvements. Eligible project costs are the costs eligible to be reimbursed by the department for a specific improvement including, but not limited to, a feasibility study, right-of-way acquisition, design engineering, grading, base, paving, and the eligible materials limited to finished hot mix asphalt.

Ineligible Project Costs
New roads.
Utilities are <u>not</u> eligible costs: This includes water, gas, electric, telephone, police, fire alarm facilities, parking meters, and street signs.
New installations or alterations of sanitary sewers and connections.
Cost to develop improvement plans.
Patching or other maintenance costs.
Sealcoats.

**Requirements**

LRIP entitlement projects are selected at the local level by town road committees and municipal street committees for municipalities with populations of less than 20,000. These committees also prioritize discretionary projects. Counties and municipalities with populations of 20,000 or more select their own entitlement projects. In addition:

- TRIP-D project recommendations are made by a statewide advisory committee, consisting of six Wisconsin Towns Association district directors and six members at large, and appointed by the Secretary of Transportation.
- MSIP-D project recommendations are made by a statewide advisory committee, consisting of members of the League of Wisconsin Municipalities and the Wisconsin Alliance of Cities, and appointed by the Secretary of Transportation.
- CHIP-D project recommendations are made by county highway improvement district committees established in each of the eight Wisconsin County Highway Association districts. Each committee consists of all County Highway Commissioners within the district.

Note: Recommendations by each committee are submitted to the Secretary of Transportation for approval.

**2008-2009 Biennial Entitlement Appropriation: \$34,173,100**  
**2008-2009 Biennial Discretionary Appropriation: \$14,422,800**

The LRIP budget for the entitlement program is distributed among the components as follows: 43% to CHIP, 28.5% to TRIP and 28.5% to MSIP. The TRIP-D, CHIP-D, and MSIP-D components receive a direct dollar allocation determined by each biennial budget. Local communities have three biennia to complete their LRIP projects. Funding for projects not completed and reimbursement requested by the sunset date is returned to the appropriate LRIP appropriation and redistributed the next program cycle. Uncommitted funds from previous biennia are carried over and added to the new statewide funding level in the following biennium.

**Program Managers** and the counties they each manage:

**Janice Watzke – (608) 266-9497 Email: [janice.watzke@dot.state.wi.us](mailto:janice.watzke@dot.state.wi.us)**  
 Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Crawford, Douglas, Dunn, Eau Claire, Grant, Jackson, Juneau, Kenosha, La Crosse, Milwaukee, Monroe, Ozaukee, Pepin, Pierce, Polk, Racine, Richland, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vernon, Walworth, Washburn, Washington, Waukesha

**Kathryn Dustin – (608) 264-7336 Email: [kathryn.dustin@dot.state.wi.us](mailto:kathryn.dustin@dot.state.wi.us)**  
 Adams, Brown, Calumet, Columbia, Dane, Dodge, Door, Florence, Fond du Lac, Forest, Green, Green Lake, Iowa, Iron, Jefferson, Kewaunee, Lafayette, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Menominee, Oconto, Oneida, Outagamie, Portage, Price, Rock, Sauk, Shawano, Sheboygan, Vilas, Waupaca, Waushara, Winnebago, Wood



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-2175/P1

ARG:f:...

nwn

in  
3/16

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

J-Note

SA ✓  
X-ref ✓

Gen.

- 1 AN ACT ...; relating to: costs eligible for reimbursement under the Local Roads
- 2 Improvement Program administered by the Department of Transportation. ✓

*Analysis by the Legislative Reference Bureau*

Under current law, the Department of Transportation (DOT) administers a Local Roads Improvement Program (program) to assist counties, cities, villages, and towns in improving seriously deteriorating local roads. Under the program, DOT may reimburse a county, city, village, or town for up to 50 percent of the eligible costs of a completed improvement. An "improvement" is defined to include a highway construction project with a projected design life of at least 10 years. With limited exceptions, improvements are eligible for reimbursement under the program only if they are made under contract awarded on the basis of competitive bidding.

Under this bill, a qualified, registered professional engineer employed by a city or village may perform design engineering work for a city or village street improvement and this design engineering work is eligible for reimbursement under the program.

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

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

- 3 SECTION 1. 86.31 (2) (b) of the statutes is amended to read:



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2175/P1dn

ARG:j:...

nwn

Date

ATTN: Andrea Wahl

Please review the attached draft carefully to ensure that it is consistent with your intent.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary  
Senior Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.wisconsin.gov](mailto:aaron.gary@legis.wisconsin.gov)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2175/P1dn  
ARG:nwn:rs

March 18, 2009

ATTN: Andrea Wahl

Please review the attached draft carefully to ensure that it is consistent with your intent.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

Aaron R. Gary  
Senior Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.wisconsin.gov](mailto:aaron.gary@legis.wisconsin.gov)



STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

4/1

Andrea - Rep. Smith  
• 6-0660

2175

• include countries



Soon

in  
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RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SAV

- 1                    *Regen.*  
 AN ACT *to amend* 86.31 (2) (b); and *to create* 86.31 (2) (cm) of the statutes;  
 2                    **relating to:** costs eligible for reimbursement under the Local Roads  
 3                    Improvement Program administered by the Department of Transportation.

***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Transportation (DOT) administers a Local Roads Improvement Program (program) to assist counties, cities, villages, and towns in improving seriously deteriorating local roads. Under the program, DOT may reimburse a county, city, village, or town for up to 50 percent of the eligible costs of a completed improvement. An "improvement" is defined to include a highway construction project with a projected design life of at least 10 years. With limited exceptions, improvements are eligible for reimbursement under the program only if they are made under contract awarded on the basis of competitive bidding.

\* Under this bill, a qualified, registered professional engineer employed by a city or village may perform design engineering work for a city or village street improvement and this design engineering work is eligible for reimbursement under the program. *counties*

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

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

§ respectively, a county trunk highway *improvement* or



STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

4/23

Andrea - Rep. Smith 6-0660

' want to add "towns"

86.31 (2) (cm)



TODAY

in 4/24

RMR

# 2009 BILL

SA

(political subdivisions)

regen.

1 AN ACT to amend 86.31 (2) (b); and to create 86.31 (2) (cm) of the statutes;

2 relating to: costs eligible for reimbursement under the Local Roads

3 Improvement Program administered by the Department of Transportation.

### Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) administers a Local Roads Improvement Program (program) to assist counties, cities, villages, and towns in improving seriously deteriorating local roads. Under the program, DOT may reimburse a ~~county, city, village, or town~~ for up to 50 percent of the eligible costs of a completed improvement. An "improvement" is defined to include a highway construction project with a projected design life of at least <sup>(ten)</sup> 10 years. With limited exceptions, improvements are eligible for reimbursement under the program only if they are made under contract awarded on the basis of competitive bidding.

Under this bill, a qualified, registered professional engineer employed by a ~~county, city, or village~~ may perform design engineering work for ~~respectively a~~ <sup>(an)</sup> ~~county trunk highway~~ improvement ~~or city or village street improvement~~ and this design engineering work is eligible for reimbursement under the program.

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

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

x2  
political subdivision

of the political subdivision





State of Wisconsin  
2009 - 2010 LEGISLATURE

500v

LRB-2175 3  
ARG:nwn:rs

7/14 per the w/ Andrea Wahl  
**2009 BILL**

ca 7/14

RMA

SA ✓

Regen.

1 AN ACT *to amend* 86.31 (2) (b); and *to create* 86.31 (2) (cm) of the statutes;  
2 relating to: costs eligible for reimbursement under the Local Roads  
3 Improvement Program administered by the Department of Transportation.

**Analysis by the Legislative Reference Bureau**

Under current law, the Department of Transportation (DOT) administers a Local Roads Improvement Program (program) to assist counties, cities, villages, and towns (political subdivisions) in improving seriously deteriorating local roads. Under the program, DOT may reimburse a political subdivision for up to 50 percent of the eligible costs of a completed improvement. An "improvement" is defined to include a highway construction project with a projected design life of at least ten years. With limited exceptions, improvements are eligible for reimbursement under the program only if they are made under contract awarded on the basis of competitive bidding.

Under this bill, a qualified, registered professional engineer employed by a political subdivision may perform ~~design~~ engineering work for an improvement of the political subdivision and this ~~design~~ engineering work is eligible for reimbursement under the program.

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

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

## BILL

1           **SECTION 1.** <sup>✓</sup> 86.31 (2) (b) of the statutes is amended to read:

2           86.31 (2) (b) Except as provided in ~~par.~~ pars. (cm) and (d), improvements for  
3 highway construction projects funded under the program shall be under contracts.  
4 Such contracts shall be awarded on the basis of competitive bids and shall be  
5 awarded to the lowest responsible bidder. If a city or village does not receive a  
6 responsible bid for an improvement, the city or village may contract with a county  
7 for the improvement. A town may contract with a county for the improvement  
8 subject to the criteria and procedures promulgated as rules under sub. (6) (h).

9           **SECTION 2.** <sup>✓</sup> 86.31 (2) (cm) of the statutes is created to read:

10          86.31 (2) (cm) A qualified, registered professional engineer employed by a  
11 political subdivision may perform design engineering work for an improvement of  
12 the political subdivision and this design engineering work is eligible for  
13 reimbursement under sub. (4).

14          **SECTION 3. Initial applicability.**

15          (1) This act first applies to improvements for which design engineering work  
16 is commenced on the effective date of this subsection.

17

(END)



**Basford, Sarah**

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**From:** Wahl, Andrea  
**Sent:** Wednesday, August 19, 2009 1:28 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-2175/3 Topic: Allowing reimbursement under Local Roads Improvement Program for design engineering performed by municipality's employee

Please Jacket LRB 09-2175/3 for the ASSEMBLY.