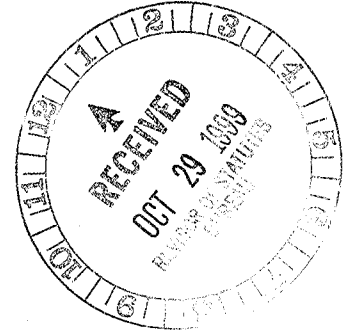


Clearinghouse Rule 99-091

CERTIFICATE

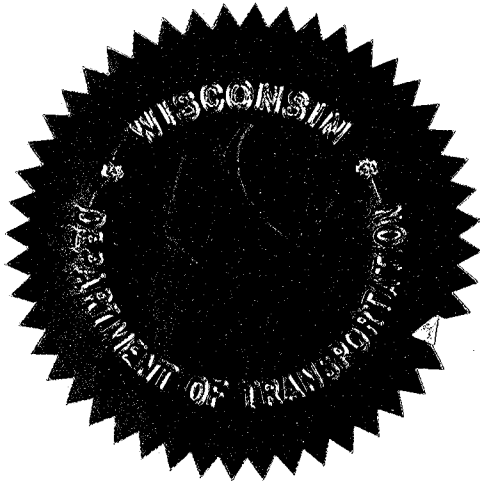
STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)




TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to the **local bridge program**, was duly approved and adopted by this Department on October 28, 1999.

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

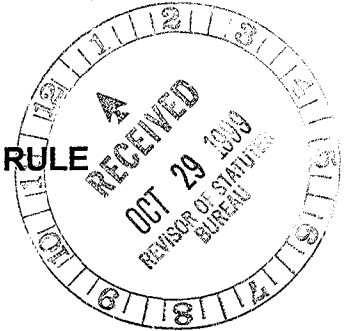


IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 28 day of **October**, 1999.


for CHARLES H. THOMPSON
Secretary

The Wisconsin Department of Transportation adopts an order to renumber TRANS 213.03(3) to (5); renumber and amend TRANS 213.03(2); amend TRANS 213.02(5), (6), (8) and (9); repeal and recreate TRANS 213.03(1); and create TRANS 213.02(2m), 213.03(2) and (4)(c)(note), relating to the local bridge program.

ORDER ADOPTING RULE



Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 84.18(7) and 85.16(1), Stats.

STATUTES INTERPRETED: s. 84.18, Stats.

General Summary of Rule. This rule making will modify the current Wisconsin requirements for replacement of eligible structures under the Local Bridge Improvement Assistance Program. The sufficiency rating for replacement is raised from less than 40 to the federal standard of less than 50. At the same time, minor changes in this rule will eliminate any discrepancies between federal requirements and the current rule, and update outdated references.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district, or federally-recognized tribes or bands. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

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

Copies of Rule. Copies of the rule may be obtained upon request, without cost, by writing to Alex Zanello, Department of Transportation, Bureau of Transit and Local Roads, Room 951, P. O. Box 7913, Madison, WI 53707-7913, or by calling (608) 266-1535. Alternate formats of the rule will be provided to individuals at their request.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 84.18(7) and 85.16(1), Stats., the department of transportation hereby amends a rule interpreting s. 84.18, Stats., relating to the local bridge program.

SECTION 1. Trans 213.02(2m) is created to read:

Trans 213.02(2m) "Deficient bridge" is a bridge that is "structurally deficient" or "functionally obsolete" as defined in the federal highway administration's federal-aid policy guide, part NS 23 CFR 650D, par. 9, dated September 30, 1992, attached as appendix 1.

SECTION 2. Trans 213.02(5), (6), (8) and (9) are amended to read:

Trans 213.02(5) "Fiscal period" means the period of time for which the program is being planned, normally ~~2~~ 3 years.

(6) "Local bridge" means a bridge which is not on the state trunk highway system or on marked routes of the state trunk highway system designated as connecting highways, and is under the jurisdiction of and maintained by an eligible applicant.

(8) "Seriously deteriorating local bridge" means a local bridge ~~exhibiting deficiencies that result in a sufficiency rating of less than 40~~ which is a deficient bridge.

(9) "Sufficiency rating" means a relative rating of the condition of a bridge as determined by the department from inventory and inspection data, as defined ~~by the American association of state highway and transportation officials in the *Manual for Maintenance Inspection of Bridges 1983*, as revised by the Interim Specifications Bridges, 1984-1990, published by the American association of state highway and transportation officials, 444 North Capitol Street, N.W.,~~ Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges, December 1995, Report No. FHWA-PD-96-001, prepared by the U.S. department of transportation, federal highway administration, office of engineering, bridge division, bridge management branch, Washington, D.C. 20004 20590. This manual is on file at the offices of the

~~division of highways, Wisconsin department of transportation, of the secretary of state
and of the revisor of statutes.~~

NOTE: This manual is on file at the offices of the Division of Transportation Infrastructure Development, Wisconsin Department of Transportation, the Secretary of State, and the Revisor of Statutes.

SECTION 3. Trans 213.03(1) is repealed and recreated to read:

Trans 213.03(1) DETERMINATION OF ELIGIBILITY. A local bridge project is eligible for funds under s. 84.18, Stats., if it meets the following criteria:

(a) The bridge has been determined by the department to be a deficient bridge.

(b) The bridge has a sufficiency rating of 80 or less.

(c) The bridge has not been constructed or reconstructed in the last 10 years regardless of the source of funding for the construction or reconstruction.

(d) The bridge has not been programmed for construction under an order by the department under s. 84.11(4), Stats.

SECTION 4. Trans 213.03(2) is renumbered Trans 213.03(3) and amended to read:

Trans 213.03(3) APPLICATION. Application for replacement or rehabilitation funds may be made by any eligible applicant to the county in which it is located. Each county shall establish priorities for proposed projects in the county. Applications for proposed projects shall be submitted to the department by each county, upon notification by the ~~department's division of highways~~ department.

SECTION 5. Trans 213.03(2) is created to read:

Trans 213.03(2) REPLACEMENT AND REHABILITATION. (a) An eligible local bridge project under sub. (1) may be for replacement of the bridge if the bridge has a current sufficiency rating of less than 50.

(b) An eligible local bridge project under sub. (1) may be for rehabilitation of the bridge if the bridge has a sufficiency rating of 80 or less. An engineering study shall be undertaken and funded independently by the eligible applicant that indicates that any rehabilitation would be cost effective, would extend the life of the bridge by at least 10 years, and would correct all deficiencies. If conditions exist that would prevent the completed improvement from correcting all deficiencies, the department may determine if the proposed project is eligible based on safety and the public interest.

SECTION 6. Trans 213.03(3) is renumbered Trans 213.03(4) and, as renumbered, Trans 213.03(4)(a) and (b) are amended to read:

Trans 213.03(4)(a) The proportionate share of the funds available to each county shall be the ratio of the estimated cost of replacing those eligible local bridges in the county with sufficiency ratings of less than ~~40~~ 50 to the estimated cost of replacing all eligible local bridges in the state with sufficiency ratings of less than ~~40~~ 50.

(b) Each county's entitlement shall be computed by adding the positive or negative balance of unused funds from previous years to the proportionate share for the fiscal period under consideration.

SECTION 7. Trans 213.03(4)(c)(note), as renumbered, is created to read:

NOTE: The statewide project ranking and calculation methodology is explained in the Program Management Manual, Chapter 06-02-08, June 10, 1988. Copies of this document may be obtained from the Division of Transportation Investment Management, P. O. Box 7913, Madison, WI 53707-7913, or by calling (608) 266-5408.

SECTION 8. Trans 213.03(4)(e), as renumbered, is amended to read:


Trans 213.03(4)(e) Funds shall be assigned to projects in order of rank, starting with rank #1 to the limit of available funds in each fiscal period. The department shall notify the counties of the assigned funding to approved projects.

SECTION 9. Trans 213.03(4) and (5) are renumbered Trans 213.03(5) and (6).

(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, 1999.


CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation

APPENDIX 1

Non-Regulatory Supplement
Federal-Aid Policy Guide
September 30, 1992, Transmittal 5

NS 23 CFR 650D

9. HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM (23 CFR 650.409)

The National Bridge Inventory will be used for preparing the selection list of bridges both on and off of Federal-aid highways. Highway bridges considered structurally deficient or functionally obsolete and with a sufficiency rating of 80 or less will be used for the selection list. Those bridges appearing on the list with a sufficiency rating of less than 50.0 will be eligible for replacement or rehabilitation while those with a sufficiency rating of 80.0 or less will be eligible for rehabilitation. To be considered for the classification of deficient bridge, a structure must be of bridge length, and had not been constructed or had major reconstruction within the past 10 years.

a. General Qualifications:

In order to be considered for either the structurally deficient or functionally obsolete classification a highway bridge must meet the following:

Structurally Deficient

1. A condition rating of 4 or less for
Item 58 - Deck; or
Item 59 - Superstructures; or
Item 60 - Substructures; or
Item 62 - Culvert and Retaining Walls.
[Item 62 applies only if the last digit of

or

2. An appraisal rating of 2 or less for
Item 67 - Structural Condition; or
Item 71 - Waterway Adequacy.
[Item 71 applies only if the last digit of Item 42 is coded 0, 5, 6, 7, 8, or 9.]

Functionally Obsolete

1. An appraisal rating of 3 or less for
Item 68 - Deck Geometry; or
Item 69 - Underclearances;
[Item 69 applies only if the last digit is coded 0, 1, 2, 4, 6, 7 or 8.]

or

 2. An appraisal rating of 3 for
Item 67 - Structural Condition; or
Item 71 - Waterway Adequacy. [see above]
- b. Any bridge classified as structurally deficient is excluded from the functionally obsolete category.



Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson
Governor

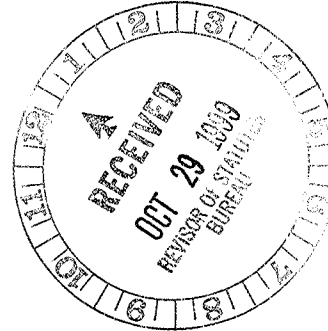
Charles H. Thompson
Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P.O. Box 7910
Madison, WI 53707-7910

Telephone: 608-266-8810
FAX: 608-267-6734
E-Mail: ogc.exec@dot.state.wi.us

October 29, 1999

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



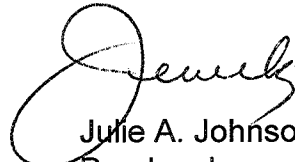
RE: **CLEARINGHOUSE RULE 99-091**

In the Matter of the Adoption of **TRANS 213**, Wisconsin Administrative Code,
relating to the **local bridge program**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 99-091**, an administrative rule relating to the above-mentioned matter.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Ernie Wittwer
Mike Goetzman
Sandy Beaupre
Marcia Traska
Alex Zanello