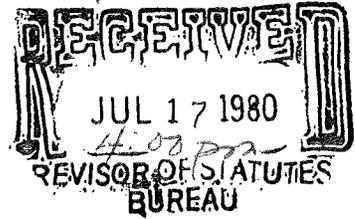


CR 80-77

C E R T I F I C A T E

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF TRANSPORTATION ) ss



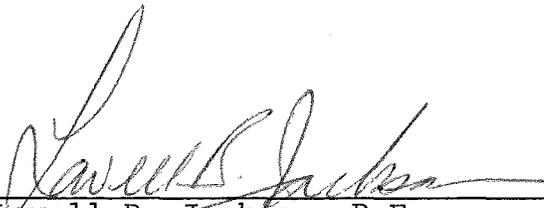
TO ALL TO WHOM THESE PRESENTS COME:

I, Lowell B. Jackson, Secretary of the Department of Transportation and custodian of the official records of the Department, do hereby certify that the annexed rule relating to the Transportation System Management Demonstration Program (CR 80-77) was duly approved and adopted by this Department on July 16, 1980.

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 at the Hill Farms State Office Building in the City of Madison, this 16<sup>th</sup> day of July, 1980.



  
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Lowell B. Jackson, P.E.  
Secretary  
Wisconsin Department of Transportation

*Not eff. date 10-1-80*



## OFFICE OF THE SECRETARY

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IN THE MATTER OF (CR 80-77)	:	
CHAPTER TRANS 78, WIS. ADMIN.	:	
CODE, RELATING TO THE	:	ORDER ADOPTING
TRANSPORTATION SYSTEM	:	<u>RULES</u>
MANAGEMENT PROGRAM	:	

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Analysis by the Department of Transportation

The recently enacted Wisconsin Statute 85.045 directs the Wisconsin Department of Transportation to administer a transportation system management (TSM) program which provides grants to eligible applicants for TSM planning and demonstration projects. In recent years, the more efficient management of our existing transportation system has emerged as a major emphasis in Federal and state transportation policy.

The new state program authorized under sec. 85.045 provides an opportunity to take additional steps in demonstrating the benefits of TSM actions and overcoming the problems noted above. The program provides \$225,000 specifically earmarked for locally implemented TSM projects requiring minimal capital investment. The projects to be funded under the program are to involve the coordinated management of existing facilities. Where possible, projects should reflect intermodal and/or interjurisdictional planning and coordination.

The statute requires that projects must have one or more of the following objectives: (1) improve air quality; (2) conserve energy; and, (3) increase transportation efficiency (i.e., mobility). Each project should also represent a new initiative for that local area with priority given to those projects which have at least one of the following characteristics: (1) have not received widespread application within the given local area; (2) do not fall within the normal program activities of existing agencies; or (3) involve a set of coordinated modal or intermodal actions.

An eligible applicant may be a county, city, village, town or combination thereof. Although no geographic restriction exists, the TSM program is oriented toward transportation problems most often found in urban settings. It is therefore expected that most applicants will be geographically located in urbanized areas of the state.

The Wisconsin statute creating the TSM program states that eligible projects shall include new initiatives which improve vehicular flow and transit services, give preferential treatment to high-occupancy vehicles, reduce peak-period travel and encourage the use of non-vehicular modes and high-occupancy vehicles.

The administration of the TSM program involves the request for applications from local implementing agencies or groups, the evaluation of applications against an established set of criteria, and the selection of those applications to receive funding under the program.

Applicants must clearly describe the proposed TSM project, including its basic features, area of application, type and extent of expected impacts, relationship to local goals and objectives, and how it would meet the stated objectives of the TSM program.

The department will establish and utilize an advisory council composed of qualified individuals with experience in transportation system planning, project design, facility and service operation and management to evaluate the applications. This council may include individuals from both outside and within the department. The responsibility of the evaluation council will be to determine which of the applications are most consistent with the program objectives and guidelines.

As part of its advisory role, the council will furnish its recommendations to the department's program manager. These recommendations will reflect the findings of the council's evaluation. The evaluation will be based upon the following criteria: responsiveness to the TSM program objectives; feasibility of the implementation and evaluation plan; and, adequacy of staffing plan.

The department is reserving the right to reject or delay applications for any of the following reasons: (1) the proposed project is not consistent with the intent of the TSM program; (2) the state funds are insufficient; (3) the application is incomplete; or (4) the proposed project duplicates another project which has received a higher evaluation.

Technical assistance to the grant recipient may be made available through the District Offices. The scope of this assistance will be confined to general guidance and consultation unless a specific level of activity has been incorporated in the project budget. Projects will also be periodically reviewed by the Division of Planning and Budget to assure compliance with the basic program goals.

The administration of grants to successful applicants will include the opportunity to negotiate both the technical approach, and the management and budget of the project. By statute, no more than 75% of the total project cost can be supported through the TSM program funds. There are no restrictions on the source of the matching funds. Projects, including the evaluation and preparation of a final report shall be completed within two years from the date of execution of this grant contract, unless a different time period is negotiated in the grant contract. Continuation of the TSM action beyond the negotiated project time schedule will be at the initiative and responsibility of the local agency, as the department cannot promise additional state support. Grant recipients will be reimbursed in accordance with specific procedures spelled out in each grant contract.

Each grant recipient is required to submit a final report documenting the evaluation of the project. Each project is to be evaluated so that the local implementing area can determine whether progress has been made in

### Text of Rule

Pursuant to authority vested in the Wisconsin Department of Transportation by secs. 110.06(1), 85.045(2) and (3), 15.04(1)(c) and 227.014, Wis. Stats., the Department of Transportation hereby creates rules interpreting sec. 85.045, Wis. Stats., as follows:

#### CHAPTER TRANS 78 TRANSPORTATION SYSTEM MANAGEMENT PROGRAM

TRANS 78.01 Purpose and scope of rule. The purpose of this chapter is to prescribe the Department of Transportation's administrative interpretation of 85.045, Stats., and to prescribe the administrative policies and procedures for implementing the transportation system management (TSM) program.

TRANS 78.02 Definitions. (1) "Eligible Applicant" means county, city, village, town or combination thereof.

(2) "Project" means a transportation system management planning and demonstration project for which a grant is requested under this chapter. [Note: The above definitions are specified in s. 84.045(1)(a) and (b)].

(3) "Department" means the Wisconsin Department of Transportation.

(4) "Project Year" means a calendar year.

TRANS 78.03 TSM program objectives. The goals of this program are to improve air quality, conserve energy, and increase transportation efficiency through the coordinated management and operation of the existing transportation facilities and services. Where possible, the program should encourage interjurisdictional cooperation in the planning and the implementation of TSM projects.

TRANS 78.04 Eligible projects. The projects to be financed under the program shall involve the coordinated management and operation of existing transportation services and facilities. The projects shall be designed to plan and demonstrate how new initiatives which require minimal capital investment could be used to achieve program objectives. The projects shall include new initiatives which improve vehicular flow and transit services, give preferential treatment to high occupancy vehicles (HOV's), reduce peak period travel and promote nonvehicular travel modes and the use of high occupancy vehicles. Projects, therefore, should reflect intermodal considerations and interjurisdictional planning and coordination, where appropriate. Also, these projects can include non-government conducted actions, if accomplished under the direction of an eligible applicant.

TRANS 78.05 State share of project costs. (1) The state share of project costs may not exceed 75 percent of the actual cost of the project up to the maximum of the grant contract. The actual level of financing may vary from project to project and shall be based on consideration of the criteria expressed in section TRANS 78.07 and the amount of monies available to the department to fund projects.

achieving their transportation objectives. Project evaluation will also permit the state and other local areas to learn which of these TSM actions prove to be effective in Wisconsin communities. These actions can then be considered for more widespread application.

Because most eligible recipients use the calendar year as their fiscal year, the department has defined a "project year" for the TSM program to also be a calendar year. The proposed due date for project year 1981 is September 1, 1980, or 60 days after TRANS 78 is officially promulgated, whichever date is later. For calendar year 1982 and beyond, the proposed due date for applications is July 1 of the preceding year.

The department will require all recipients of funds to maintain certain books and records and to make regular and special reports on their respective projects.

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### Statement of Fiscal Effect

This rule is created to interpret and implement a Transportation System Management (TSM) Demonstration Program established under Wisconsin Statute 85.045. It authorizes a program of state financial assistance, to be administered through the Wisconsin Department of Transportation, to support new transportation initiatives in eligible areas throughout the state. By definition, an eligible applicant is a county, city, village, town or combination thereof.

The amount of funds to be allocated under this program is \$225,000. Grants provided for transportation system management projects are not to exceed 75% of the monies expended by eligible applicants. In addition, an individual project will not be funded beyond two years. Continuation of the TSM action beyond the negotiated project time schedule will be at the initiative and responsibility of the local agency.

With respect to the \$225,000 allocated to this TSM program, the Department does not know how many applications might be made and for what types of projects. The 25% matching funds will have to be raised by the applicant. Under the current program, eligible applicants may be able to use other state or federal funds obtained under certain other programs to provide all or part of the match for TSM grants. Such possibilities have to be handled on a case-by-case basis.

In the event that the actual costs of a funded project exceeds the amount provided for in the grant contract, the state will provide only the amount specified in the grant contract.

Given the scope, complexity, and number of eligible project types under the TSM program, it is impossible to accurately predict the specific long-range fiscal implications.

Given the variety of ways that TSM funds can be matched, it is impossible to estimate the long-range fiscal impact on local units of government. To the degree that local public funds are required, local taxes will either have to be raised or expenditures on other programs will have to be reduced.

(2) The types of costs that are eligible for reimbursement will be negotiated in the grant contract.

(3) If available funds are not sufficient to fund all projects meeting the evaluation criteria, the department may ask applicants to reduce the scope or timing of proposed projects to fit available funding or to increase the local share of the project.

(4) There are no restrictions on the source of the matching funds or in-kind services.

(5) Projects, including the evaluation and preparation of a final report, shall be completed within two years from the date of execution of the grant contract, unless a different time period is negotiated in the grant contract.

(6) Grant recipients shall be reimbursed in accordance with specific procedures prescribed in each grant contract.

(7) Continuation of the TSM action beyond the negotiated project time schedule will be at the initiative and responsibility of the project applicant.

TRANS 78.06 Application for state grants. (1) Eligible applicants may apply to the department for TSM funds. Applications shall be made in a manner and form prescribed by the department.

[Note: Forms are available without charge and can be obtained through local district offices.]

(2) Except as provided in Sub (3), applications shall be submitted to the department through the appropriate district office no later than July 1st of the year preceding the proposed "project year".

An applicant shall concurrently submit a copy of its application for review and comment purposes to the appropriate metropolitan planning organization (MPO) or regional planning commission (RPC). In order to be considered by the department, comments by such agencies shall be submitted to the department's appropriate transportation district office within 30 days following the submission of the application to the department. The department shall give appropriate consideration to the review comments of such agencies. Within 60 days of the application submittal deadline, the department will notify all applicants of the results of the evaluation.

(3) Applications for project year 1981 shall be submitted to the department no later than September 1, 1980, or 60 days after the effective date of this rule, whichever date is later.

(4) The application at a minimum shall contain the following information:

(a) A formal request for assistance.

(b) The names of the representatives of the applying, eligible applicant:

1. Who are authorized to sign forms or claims; and,

2. Who will be the contact person for the project. In the case of a joint application, a central contact person, with the agreement of the parties involved, will be identified.

(c) A detailed description of the proposed project and its objectives as they relate to those expressed in section TRANS 78.03.

(d) A detailed estimate of the cost of the project, indicating the eligible applicant's share, the requested amount of state funds, and the extent of all other sources or potential sources of funds.

(e) A statement assuring that money or in-kind services will be made available to cover the applicant's share of the actual cost of the proposed project and identifying the source of such funds.

(f) The anticipated time schedule for the project.

(g) The proposed staff assignments with their defined tasks.

TRANS 78.07 Application Evaluation. (1) The secretary of the department will establish an advisory council composed of qualified individuals with experience in transportation system planning, project design, facility and service operation and management to evaluate the applications. This council may include individuals from both outside and within the department. The responsibility of the advisory evaluation council shall be to determine which of the applications are most consistent with the program objectives and guidelines and make recommendations.

(2) The evaluation shall be based upon the following criteria:

(a) Responsiveness to the TSM Program objectives

1. The proposed project constitutes a new initiative for that local area.
2. The proposed project has a potentially significant positive impact on air quality, energy conservation, or transportation efficiency.
3. The proposed project is non-capital intensive.
4. The results of the proposed project will be applicable in other areas of the state.

(b) Feasibility of the implementation and evaluation plan

1. The proposed implementation schedule is realistic.
2. Adequate financial resources are being allocated.
3. There are no legal or administrative barriers to be overcome.

4. The evaluation plan is reasonable and consistent with the project objectives.
5. There is a possibility that a successful project will be continued after the demonstration period.

(c) Adequacy of staffing plan

1. The applicant has the necessary staff resources to carry out the project.
2. A qualified project manager has been identified.
3. The applicant has prior experience in conducting evaluation studies.

(3) High priority shall be given to those projects which would provide the opportunity to demonstrate TSM actions which:

- (a) Have yet to receive widespread local application;
- (b) Do not fall within the normal program activities of existing agencies; and
- (c) Involve a set of coordinated modal or intermodal actions.

(4) The department may reject or delay applications for the following reasons:

- (a) The proposed project is not consistent with the intent of the Transportation System Management program;
- (b) The state funds are insufficient;
- (c) The application is incomplete; or,
- (d) The proposed project duplicates another project which has received a higher evaluation.

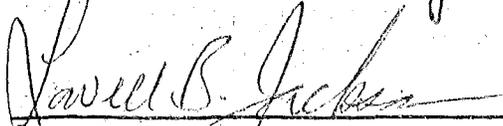
TRANS 78.08 Grant contract. TSM projects shall be implemented through formal contracts between the department and the eligible applicant. The contract formation process shall involve the opportunity to negotiate both the technical approach and the management and budget of the project.

TRANS 78.09 Reporting requirements. All grant recipients are required to maintain books and records as required by the department and to make such items available for audit purposes. In addition, grant recipients shall make periodic and special reports, including a final evaluation report, to the department as required by the department. No grant may be made to an eligible applicant under this section unless the applicant agrees to provide the department, upon completion of the project, a report which documents the effect of the project on air quality, energy conservation, and transportation efficiency.

[End]

The rules contained in this order shall take effect upon publication as provided in sec. 227.026(1) (Intro), Wis. Stats.

Signed at Madison, Wisconsin, this 19<sup>th</sup> day of July, 1980.

  
Secretary  
Wisconsin Department of Transportation

# CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Date: July 16, 1980

File Ref:

To: Orlan L. Prestegard  
Revisor of Statutes  
Room 411 West, State Capitol

From: Roger Schrantz, Administrator  
Division of Planning and Budget  
Wisconsin Department of Transportation



Subject: Clearing House Rule 80-77

Attached for filing, please find a certified copy of CR 80-77, an administrative rule relating to the Transportation System Management (TSM) demonstration program. Wisconsin Statute 85.045 directs the Department to administer a program which provides grants for TSM planning and demonstration projects.

An additional copy of CR 80-77, not certified, is attached to be used for printer's copy.

RLS:krg

CC: Arne Gausmann  
Howard Bernstein

Attachment

Kyd

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