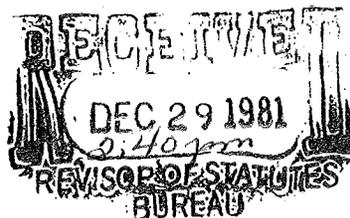


C E R T I F I C A T E

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Owen Ayres, Secretary of the Wisconsin Department of Transportation and custodian of the official records of the Department, do hereby certify that the annexed rule relating to the local bridge program was duly approved and adopted by this Department on December 29, 1981.

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 hereonto set my hand and affixed the official seal of the Department of Transportation in the City of Madison, Wisconsin, this 29 day of December, 1981.



OWEN AYRES, P.E
Secretary
Wisconsin Department of
Transportation

IN THE MATTER OF A RULE TO CREATE	:	ORDER
AN ADMINISTRATIVE RULE RELATING TO	:	ADOPTING
THE LOCAL BRIDGE PROGRAM.	:	RULES
	:	

Analysis Prepared by the Department of Transportation

General summary of rule. This rule implements the requirement of sec. 84.18(7), Stats., that rules be adopted to govern the administration of the local bridge aids program under sec. 84.18, Stats., as created by Chapter 20, Laws of 1981 (the 1981 budget act). The principal features of the rule are as follows:

- In general, the program is structured to supplement the federal aid program for the reconstruction or rehabilitation of local bridges administered under 23 U.S.C. 144 and 23 C.F.R. 650.401-650.415.

- Aid applications may be made by counties, cities, villages or towns, but each county is to act as a coordinating agency by setting priorities for all proposed bridge projects within the county and submitting proposals to the department of transportation in this priority order.

- The department of transportation will provide 80% of the cost of a local bridge project, in accordance with the requirement of sec. 84.18(3), Stats., that the same cost percentage be provided as under 23 U.S.C. 144(f).

The statute contains detailed directions for determination of entitlements (sec. 84.18(5), Stats.) and execution and control of work (sec. 84.18(6), Stats.), so these subjects are not addressed in the rule.

Authority for rule. As discussed above, this rule is required by sec. 84.18(7), Stats.

Fiscal estimate. Since the state aid program is intended to supplement the existing federal aid program, its implementation under this rule is not expected to create any significant new costs to the state. The only automatic local costs will be the administrative costs to local governments which file or coordinate aid applications. A successful aid applicant will have to pay 20% of the cost of its project, but that is not a cost directly required by this rule.

Forms. Application forms will be available from the DOT Division of Transportation Districts, P.O. Box 7916, Madison, Wisconsin 53707.

Notice of availability of an environmental assessment for TRANS 213. All interested persons are hereby advised that the Wisconsin department of transportation has prepared an environmental assessment on proposed TRANS 213.

An initial environmental assessment has been prepared according to the Wisconsin Environmental Policy Act indicating that this action will have no significant impact on the environment. This document is available for inspection and copying at the following location:

Wisconsin Department of Transportation
Bureau of Environmental Analysis and Review
Room 951
Hill Farms State Office Building
4802 Sheboygan Avenue
Madison, Wisconsin 53707

Written comments relative to the significance of impacts, the adequacy of assessing impact significance with an environmental assessment, and the further processing of this proposal with a finding of no significant impact are invited. Such comments are to be submitted to the department of transportation no later than October 30, 1981, and should be directed to Robert W. Baker, Director, at:

Wisconsin Department of Transportation
Division of Transportation Districts
Bureau of Environmental Analysis and Review
Room 951
Hill Farms State Office Building
4802 Sheboygan Avenue
Madison, Wisconsin 53707

This analysis has been prepared by Howard I. Bernstein, Office of General Counsel, Wisconsin Department of Transportation, 103B Hill Farms State Office Building, P.O. Box 7910, Madison, Wisconsin 53707, (608) 266-8810.

Pursuant to authority vested in the department of transportation by ss. 84.18(7), 110.06(1) and 227.014, Stats., the department of transportation hereby adopts rules interpreting s. 84.18, Stats., as follows:

RULE TEXT

SECTION 1. TRANS 213 is created to read:

TRANS 213
LOCAL BRIDGE PROGRAM

TRANS 213.01 PURPOSE. The purpose of this chapter is to interpret and implement s. 84.18, Stats., relating to the method of determining eligibility for funding the acceleration of the reconstruction or rehabilitation of seriously deteriorating local bridges.

TRANS 213.02 DEFINITIONS. (1) "Coordinating agency" means the county which coordinates the submission of applications from eligible applicants within the county to the department.

(2) "Eligible applicant" means county, city, village, town or combination thereof.

(3) "Entitlement" means the amount of aids a coordinating agency will be eligible to receive under this section as determined under s. 84.18(5), Stats.

(4) "Bridge" means a structure, including supports, erected over a depression or an obstruction, such as water, a highway, or a railway, having a track or passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than 20 feet between the under-coping of abutments or spring lines of arches, or extreme ends of the openings for multiple boxes. It may include multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening.

(5) "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.

(6) "Local bridge project" means a project for the design and construction or rehabilitation of a seriously deteriorating local bridge and minimum approaches.

(7) "Seriously deteriorating local bridge" means a local bridge exhibiting deficiencies that result in a sufficiency rating of less than 40.

(8) "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 1978, 3rd edition 1979, published by the American association of state highway and transportation officials, 444 North Capitol Street, N.W., Washington, D.C. 20001.

[Note: This manual is on file at the offices of the division of highways and transportation districts, Wisconsin department of transportation, of the secretary of state and of the revisor of statutes.]

TRANS 213.03 ADMINISTRATION. (1) DETERMINATION OF ELIGIBILITY. (a) A local bridge which has a current sufficiency rating of less than 40 is eligible for replacement.

(b) A local bridge which has a current sufficiency rating of less than 40 is eligible for rehabilitation.

(2) 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 annually, upon notification by the department's division of transportation districts.

(3) DETERMINATION OF ENTITLEMENT. (a) The annual proportionate share of the funds available to each county shall be the ratio of the estimated cost of replacing those local bridges in the county with sufficiency ratings of less than 40 to the estimated cost of replacing all local bridges in the state with sufficiency ratings of less than 40.

(b) Each county's annual entitlement shall be computed by adding the balance of unused funds from previous years to the annual proportionate share.

(c) The proposed projects shall be ranked according to the ratio of the estimated cost of the proposed project to the entitlement of the county. Projects within each county shall be listed in priority order as submitted by the coordinating agency. The projects shall then be ranked on a statewide basis such that the proposed projects using the least percentage of a county's entitlement shall be ranked first and progressing to the proposed projects using the greatest percentage of a county's entitlement. Estimated costs of multiple projects in a county shall be accumulated in priority order for ranking purposes.

(d) A bridge which crosses a county line shall be treated as being 50% in each county unless another percentage figure is determined by the department to be more equitable.

(e) Funds shall be assigned to projects in order of rank to the limit of available funds in each fiscal year. The department shall notify the counties of the assigned funding to approved projects.

(f) Assigned funds shall be available for projects for the duration of the fiscal year in which they are assigned. Any project not authorized in the fiscal year for which funds are assigned shall lose approved status and shall be requested in a subsequent year if the county wishes to pursue the project.

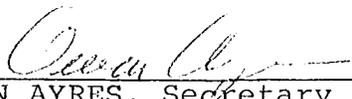
(4) FINANCIAL PARTICIPATION. The department shall provide 80% of the cost of a local bridge project, which is the same percentage applicable under the federal bridge program administered under 23 U.S.C. 144(f). The remainder of the cost shall be provided by the applicant.

(5) PROJECT AGREEMENTS. Each project which is assigned funds under this chapter shall be the subject of a formal agreement between the state and the applicant.

(End of Rule Text)

This rule shall take effect upon publication as provided in s. 227.026(1)(intro.), Stats.

Dated at Madison, Wisconsin, this
29 day of December, 1981.



OWEN AYRES, Secretary
Wisconsin Dept. of Transportation