

CERTIFICATE

STATE OF WISCONSIN)
) s.s.
DEPARTMENT OF TRANSPORTATION)

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TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Lowell B. Jackson, Secretary of the Wisconsin Department of Transportation and custodian of the official records do hereby certify that the rule relating to Inspection and Load Posting of Local Bridges, was duly approved and adopted by this department on February 20, 1986.

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, this 20th day of February, 1986.

Lowell B. Jackson

LOWELL B. JACKSON, P.E.
Secretary

IN THE MATTER OF THE ADOPTION	*	
OF A RULE TO AMEND ss. TRANS	*	
212.06(3) and 212.10 AND TO	*	
CREATE ss. TRANS 212.04(3),	*	ORDER
212.12, AND 212.13, WIS. ADMIN.	*	ADOPTING
CODE, RELATING TO INSPECTION AND	*	RULE
LOAD POSTING OF LOCAL BRIDGES	*	

Analysis Prepared by the Wisconsin Department of Transportation

General summary of rule. Under federal law (23 U.S.C. 116 and 144), all highway bridges must be inspected for safety (National Bridge Inspection Standards) and must be posted for load limitations or closed if inspections show that action is needed for safety reasons. See also 23 C.F.R. 650.301 to 650.415.

Wisconsin law (s. 84.17, Stats., and ch. Trans 212) provides standards and responsibility for the continuing inspection and posting of weight limits on bridges when it is determined that the maximum legal load under Wisconsin law exceeds the load that may be safely permitted on the bridge. In general, the Wisconsin Department of Transportation (WisDOT) is responsible for inspecting and posting bridges on the state trunk highway system, and local authorities are responsible for inspecting and posting highways under their jurisdiction. See also s. 84.18, Stats., and ch. Trans 213. All weight limit signs and their erection must comply with WisDOT rules. Section 349.16(2), Stats.

The Federal Highway Administration completed a review of Wisconsin's state and local bridge inspection and posting program to comply with the national standards for safety. The review found deficiencies that require immediate action to correct incomplete or inadequate inspection and load posting of identified structurally deficient local bridges. Failure to take immediate action jeopardizes federal funding of local highway projects and safety of travel. See 1985 Management Review of Wisconsin's National Bridge Inspection Standards and Load Posting Program, June 1985.

There are 12,892 bridges on state and local highways in Wisconsin. Current records indicated 39 of these bridges had not been inspected and 886 bridges had not been posted with weight limits as required or closed although they are not physically capable of safely carrying the legal loads allowed.

The Wisconsin Department of Transportation is, therefore, promulgating this rule to provide counties with additional authority to inspect, post, or close local bridges within the county that are structurally deficient. This rule is intended to replace an emergency rule that was promulgated by the Department in August 1985. This rule provides counties with clear authority

to erect load limit signs for deficient bridges that are not on the county trunk highway system where the local authorities have failed to do so. It provides clear authority for counties to inspect or cause to be inspected bridges which have failed to be inspected by local authorities. In addition, the rule provides that a county may recover costs from the maintaining authority's local transportation aids payment under s. 86.30, Stats., if the maintaining authority fails to reimburse the county. It expressly protects counties from liability for actions taken at the direction of WisDOT to post, inspect and continually monitor deficient local bridges. The rule also provides an acceptable means of keeping records of interim inspections of bridges and makes continued receipt of certain federal and state highway funds contingent on compliance with the bridge inspection and posting requirements.

Preparation. This analysis was prepared by James S. Thiel, (608) 266-8810, Office of General Counsel, Wisconsin Department of Transportation, P.O. Box 7910, Madison, Wisconsin 53707.

Pursuant to authority vested in the Department of Transportation by ss. 84.17(2) and (3), 84.18(7), 85.02 and 349.16(2), Stats., the Department of Transportation hereby amends and adopts rules interpreting ss. 84.17 and 84.18, Stats., as follows:

TEXT OF RULE

SECTION 1. Section Trans 212.04(3) is created to read:

Trans 212.04(3) When the department determines that a local authority or other authority having jurisdiction over a non-departmental maintained bridge has failed to inspect any highway bridge as required, the department shall inform the county highway commissioner of the county in which the bridge is located of the inspection failure and shall direct the county to inspect or cause the bridge to be inspected. Upon receipt of the department's notice and direction, the county shall perform the bridge inspection or cause it to be performed.

SECTION 2. Section Trans 212.06(3) is amended to read:

TRANS 212.06(3) Interim inspections at intervals other than those specified in subs. (1) and (2) shall be conducted as found necessary by the ~~maintenance~~ maintaining authority on bridges that are posted, bridges subjected to excessive runoff that may cause scour, and bridges that have known deficiencies. The maintaining authority shall keep a record of interim inspections available for review by the department and federal authorities. If the maintaining authority has failed to perform the inspection, the county highway commissioner in the county in which the bridge is located shall perform the interim inspections as directed by the department and keep a record of the interim inspections available for review by the department and federal authorities. Upon receipt of the department's notice and direction, the county shall perform the interim inspections or cause them to be performed.

SECTION 3. Section Trans 212.10 is amended to read:

TRANS 212.10 POSTING. When it is determined by the department that the maximum load under state law exceeds the load permitted on a bridge as described in the AASHTO manual, the bridge shall be posted for weight limits or closed. The department shall post or close bridges on the state trunk highway system and all other bridges for which the department has been assigned maintenance responsibility. Each local authority shall post or close the bridges on highways under its jurisdiction. When a local authority fails to post or close a bridge as required, the department shall inform the county highway commissioner of the county in which the bridge is located and direct the county to post or close the bridge or cause the bridge to be posted or

closed. Upon receipt of the department's notice and direction, the county shall post or close the bridge or cause it to be posted or closed. After the erection of signs or barriers associated with the posting or closing of the bridge by the county, the local authority that has responsibility for the maintenance of the bridge is responsible for the maintenance of the signs or barriers.

SECTION 4. Sections Trans 212.12 and 212.13 are created to read:

TRANS 212.12 COUNTY STATUS UNDER DEPARTMENT DIRECTION. When a county highway commissioner of a county containing a bridge that has failed to be inspected, posted, or closed receives notice and direction from the department to perform the inspection, perform the interim inspection, keep records, post or close the bridge, the county is the agent of the local authority that has failed to fulfill its responsibilities. No liability is assumed by the county in carrying out the department's direction. Any liability associated with the county's action in following the department's direction is imputed to the local authority with maintenance responsibility for the bridge.

TRANS 212.13 COMPLIANCE AND COUNTY COSTS. Counties acting upon notice and direction from the department to perform the inspection, perform the interim inspection, keep records, post or close bridges on local roads that are not under county jurisdiction shall be reimbursed for the costs by the local authority with maintenance responsibility for the bridge. If the county is not reimbursed by the maintaining authority, the county

shall be eligible for reimbursement of costs from the maintaining authority's local transportation aids payment under s. 86.30, Stats. The reimbursement payment shall be made by the department directly to the county. Maintaining authorities that fail to reimburse counties for costs shall not be eligible for any local bridge program funds. Failure of a county to comply with notice and direction from the department to perform the inspection, perform the interim inspection, keep records, post or close bridges shall result in the suspension of all federal highway aids and all state bridge aids to the county.

(END OF RULE TEXT)

The rules and amendments contained in this order take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.026

(1)(intro.), Stats.

Signed at Madison, Wisconsin,
this 29th day of February, 1986.



LOWELL B. JACKSON, P.E.
Secretary
Wisconsin Department of
Transportation



State of Wisconsin \ DEPARTMENT OF TRANSPORTATION



PLEASE REPLY TO:

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OFFICE OF GENERAL COUNSEL

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February 20, 1986

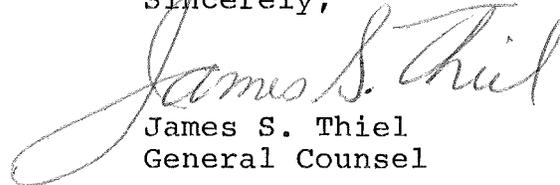
Mr. Gary Poulson
Assistant Revisor of Statutes
30 West Mifflin Street, Suite 904
Madison, Wisconsin 53703

RE: Clearinghouse Rule 85-125;
In the Matter of the Adoption of TRANS 212,
Wisconsin Administrative Code, Relating to
Inspection and Load Posting of Local Bridges

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.023, Wis. Stats., is a certified copy of CR 85-125, an administrative rule relating to inspection and load posting of local bridges. An additional, uncertified copy of CR 85-125 is enclosed to be used as a printer's copy. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,



James S. Thiel
General Counsel

JST:lkz
Enclosures
cc: K. Sue Gallagher
Maynard Schneider