

CR 89-207

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CERTIFICATE

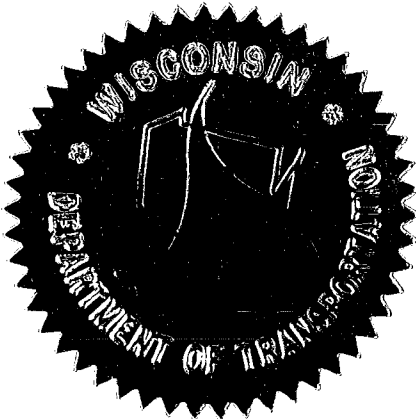
APR 16 1990
2:40 pm
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
)
DEPARTMENT OF TRANSPORTATION) ss.

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, RONALD R. FIEDLER, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule relating to **the Local High-Cost Bridge Program** was duly approved and adopted by this Department on **April 16, 1990.**

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 16th day of April, 1990.

Ronald R. Fiedler
RONALD R. FIEDLER, P.E.
Secretary

6-1-90

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AN ORDER Creating Chapter *
Trans 215, Wisconsin Adminis- *
trative Code, Relating to the *
Local High-Cost Bridge *
*

ORDER
ADOPTING
RULE

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Analysis Prepared by the Wisconsin Department of Transportation

General Summary of Rule. 1989 Wisconsin Act 31 established provisions for designing and constructing local high-cost bridge projects. The statute authorizes the Department of Transportation to determine eligibility, evaluate and administer the development of bridge projects.

This program was created to enable financing of locally owned bridges that exceed the normal capabilities of the Local Bridge Program as documented in Trans 213.

The purpose of Trans 215 is to set forth the methods used by the Department of Transportation in implementing the local high-cost bridge program.

The provisions of this rule include the following:

- * Criteria for eligibility
- * Elements required for evaluation considerations
- * Requirements for construction of a new bridge

Authority for Rule. Section 84.11 (1r), Stats., requires the Department to promulgate rules to implement the high-cost local bridge program.

Fiscal Estimate. 1989 Wisconsin Act 31 provides a continuing appropriation of \$1,537,500 for designing local high-cost bridges in the 1989-91 biennium. A commitment for construction will require appropriation of these funds in the 1991-93 biennium. A complete fiscal estimate is available on request.

Final Regulatory Flexibility Analysis. This rule can positively assist those municipalities that may be considering applying for funding a bridge under this program as defined in s. 84.11, Wis. Stats. There should be no negative impact on any community as a result of this rulemaking.

Copies of Rule and Contact Persons. Copies of this rule are available without cost upon request to the Division of Highways and Transportation Services, Room 951, P. O. Box 7916, Madison, Wisconsin 53707. For questions about this rule making, please

call Joe Maassen, Office of General Counsel, (608) 266-8810, or Kermit Franzen, Program Development Engineer, (608) 266-3341.

RULE TEXT

Pursuant to the authority vested in the state of Wisconsin, department of transportation, by s. 84.11 (1r), Stats., the department of transportation adopts a rule to implement s. 84.11, Stats., and to establish the criteria for determining eligibility, evaluating and administering local high-cost bridge projects.

SECTION 1. Chapter Trans 215, Wis. Admin. Code, is created to read:

Trans 215.01 PURPOSE. In accordance with s. 84.11, Stats., this chapter sets forth the methods used by the department of transportation for determining the eligibility of evaluating and administering local high-cost bridge construction projects.

[Note: This chapter is so closely associated with Wisconsin Statutes, and makes such extensive reference to s. 84.11, Stats., that it is essential to refer to both this chapter and the law in order to develop a project. This chapter does not cover the selection of local bridge projects which can be financed with entitlement provided through Trans 213.]

Trans 215.02 DEFINITIONS. In this chapter: (1) "Construction" includes reconstruction or new construction.

(2) "Department" means the Wisconsin department of transportation.

(3) "Bridge" means a structure erected over a depression or an obstruction, such as water, a highway, or a railway, and having an opening measured along the center of the roadway of more than 20 feet between the end supports.

(4) "Local high-cost 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 estimated to cost in excess of \$5 million to construct.

(5) "Sufficiency rating" means a rating of the condition of a bridge as determined by the department from inventory and inspection data, as set forth in the "Manual for Maintenance Inspection of Bridges."

[Note: The manual is published by the American association of state highway and transportation officials. This manual is on file in the offices of the division of highways and transportation districts, Wisconsin department of transportation.]

(6) "Rate score" means a numerical rating of a bridge in which the lower the number, the greater is the need for replacement. In addition to the structural elements of the sufficiency rating, rate score is weighted for average daily traffic (ADT), functional classification and inventory rating.

Trans 215.03 ELIGIBILITY AND PROJECT EXTENT. (1) Projects which are eligible for financing under this chapter include:

(a) Local high-cost bridges which have a sufficiency rating of less than 20.

(b) New local high-cost bridges at a new location which satisfy the criteria established in s. Trans 215.07(2)(b).

(2) "Project extent." Each project may include necessary approach roadways, necessary lands for right-of-way or other purposes, preliminary engineering, and all other appurtenances necessary to complete the bridge.

Trans 215.04 ADMINISTRATION. The department shall administer the local high-cost bridge construction program and have all powers necessary to implement the program. The department's policies and procedural manuals for project development and subsequent stages will apply.

[Note: The facilities development manual, the real estate manual, the bridge manual and the construction manual are available for use in the district and central offices of the division of highways of the department.]

Trans 215.05 INITIATION OF PROCEEDINGS. Proceedings for the construction of a bridge under the program may be initiated by a petition filed with the department. Petitions shall be submitted in accordance with the provisions of s. 84.11 (2), Stats.

Trans 215.06 HEARING. Within 60 days of the receipt of a petition, the department shall provide for a hearing in accordance with the provisions of s. 84.11 (3), Stats.

Trans 215.07 FINDING, DETERMINATION AND ORDER. (1) After the hearing specified in s. Trans 215.06, the department shall make such investigation as it considers necessary in order to make a decision. The investigation shall be conducted in accordance with the provisions of s. 84.11 (4), Stats.

(2)(a) The department shall evaluate and select each proposed replacement project based on a weighted ranking of the following elements:

1. Sufficiency rating
2. Rate score
3. Estimated remaining life

4. Hearing results and
5. Any other items determined to be significant.

(b) The department shall evaluate and measure the eligibility of each proposed new bridge at a new location in the following manner:

1. Initially, in order to be considered for financing under chapter Trans 215, the length must exceed 475 feet and the estimated cost must exceed \$5 million.

2. An economic analysis must result in measureable benefits that exceed costs.

(c) Any project determined to qualify under all requirements for a finding, determination and order will be scheduled for preliminary engineering and construction within limits of available funding.

[Note: State funding requirements over and above available dollars will be requested of the legislature with the department's biennial budget recommendation under appropriation 20.395 (2)(aq).

(d) Projects funded by the legislature and the local units of government as set forth in s. 84.11 (5), Stats., to June 30, 1993, or s. 84.11 (5m), Stats., after June 30, 1993, will proceed to construction.

Trans 215.08 APPORTIONMENT OF COST. (1) Costs shall be apportioned in accordance with the provisions of s. 84.11 (5), Stats., until June 30, 1993. Thereafter costs shall be apportioned in accordance with the provisions of s. 84.11 (5m), Stats.

(2) An agreement executed by all participating agencies prior to July 1, 1993, shall establish the apportionment of cost for the life of any project created under this chapter.

Trans 215.09 LOCAL COSTS. Local costs shall be established in accordance with the provisions of s. 84.11 (6), Stats.

Trans 215.10 EXECUTION AND CONTROL OF WORK. Execution and control of work shall be in accordance with the provisions of s. 84.11 (7), Stats., until June 30, 1993. Thereafter execution and control shall be in accordance with the provisions of s. 84.11 (7m), Stats.

Trans 215.11 MAINTENANCE AND OPERATION. Maintenance and operation shall be in accordance with the provisions of s. 84.11 (8), Stats.

Trans 215.12 EXCEPTIONS. (1) Nothing in this section prevents construction of a local bridge under other applicable programs.

(2) Any high cost bridge project that has been approved under this chapter will cause the local entitlement under the local bridge program in Trans 213 to be modified to reflect the change in status.

(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)(intro.), Wis. Stats.

Signed at Madison, Wisconsin this 16th day of April, 1990.

WISCONSIN DEPARTMENT OF TRANSPORTATION



Ronald R. Fiedler, P.E.
Secretary



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Ronald R. Fiedler, PE
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

April 16, 1990

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Bureau

Mr. Gary Poulson
Assistant Revisor of Statutes
30 West Mifflin Street
Suite 702
Madison, Wisconsin 53703

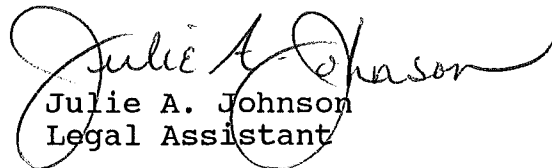
RE: **CLEARINGHOUSE RULE 89-207**

In the Matter of the Adoption of **TRANS 215**, Wisconsin Administrative Code, Relating to the Local High-Cost Bridge Program

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.20, Wis. Stats., is a certified copy of **CR 89-207**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,


Julie A. Johnson
Legal Assistant

jaj

Enclosure

cc: Tom Walker
Linda Thelke
Sandy Beaupre
Joe Maassen
Marv Schaeffer
Terry Mulcahy
Kerm Franzen