

CR 92-8

CERTIFICATE

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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 **method of determining eligibility for funding the acceleration of the reconstruction or rehabilitation of seriously deteriorating local bridges**, was duly approved and adopted by this Department on May 26, 1992.

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 26 day of May, 1992.

Charles H. Thompson

CHARLES H. THOMPSON
Secretary

IN THE MATTER OF a rule renumbering ss. Trans 213.02(1) to (7), renumbering and amending Trans 213.02(8), amending Trans 213.03(1)(b), (2), (3)(a), (b), (c), (e), (f) and (4), and creating Trans 213.02(5) and Trans 213.03(1)(c) and (g), Wisconsin Administrative Code, relating to the method of determining eligibility for funding the acceleration of the reconstruction or rehabilitation of seriously deteriorating local bridges.

ORDER ADOPTING RULE

Analysis Prepared by the Wisconsin Department of Transportation

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

STATUTE INTERPRETED: s. 84.18, Stats.

General Summary of Rule. Under s. 84.18(7), Stats., the Department of Transportation has been directed to adopt rules to implement a state aid program for the acceleration of the reconstruction or rehabilitation of seriously deteriorating local bridges. An initial rule implementing the program was adopted in 1982 and the rule needs revision to reflect changes in the organization of the Department and in standards for bridge inspection which have occurred since its promulgation. In addition, the Department's experience with the program demonstrated a need to broaden the category of bridges eligible for rehabilitation and to provide for planning and scheduling of projects on a multi-year basis rather than annually.

Related statutes and rules include s. 84.17, Stats., which establishes a continuing bridge inspection and rating program for the identification of bridges requiring replacement or repair. Chapter Trans 212 is the related administrative rule which implements the inspection program. In addition, some deteriorated bridges may be eligible for state aid in reconstruction under s. 84.11, Stats. Chapter Trans 215 is the rule which establishes criteria for determining eligibility under this program for replacing or constructing local high cost bridges. Local bridges are eligible for state aid under s. 84.18, Stats., or s. 84.11, Stats., but not both.

The first section of the rule renumbers the definition section to place them in alphabetical order. The second section of the rule defines "fiscal period" as a multi-year planning period. The third section of the rule amends references to the Division of Highways to reflect a formal change in the title of that division, and changes the definition of "sufficiency rating" to reflect the fact that a new edition of the manual developed by the American Association of State Highway and Transportation Officials for guidance in rating bridges has been published. The Attorney General and the Revisor of Statutes have consented to the incorporation by reference of the current edition of the manual under the provisions of s. 227.21, Stats. In the fourth section of the rule, the number of bridges eligible for aid for rehabilitation projects is expanded by amending the criteria for eligibility to include bridges with a sufficiency rating of less than

80. In addition, an engineering study must be conducted to verify that the project will be cost effective, correct the deficiencies and extend the life of the bridge by at least 10 years. In addition, several amendments are made to subsections (2) and (3) of s. Trans 213.03 to change from an annual to a multi-year planning and scheduling period. The fifth section of the rule provides authority for the Department to advance or defer projects during a fiscal period for efficient management of the program.

Fiscal Estimate. The amendments of Chapter Trans 213 will have no effect on the fiscal liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district, or sewerage district. The amendments and changes to Chapter Trans 213 will have no effect on state revenues or liabilities. This estimate is based on the fact that the rule changes do not affect the proportionate share of any county, nor the amount of funds available for the program.

Final Regulatory Flexibility Analysis. The amendments and changes to Chapter Trans 213 have no effect on any small businesses as the rule applies only to municipalities.

Copies of Rule and Contact Person. The person to contact for further information is Doug Duckert (608) 266-2963.

TEXT OF RULE

Under the authority vested in the Wisconsin department of transportation, by ss. 84.18(7), and 85.16(1), Stats., the department of transportation hereby amends a rule interpreting and implementing s. 84.18, Stats., as follows:

SECTION 1. Section Trans 213.02 (1) to (7) are renumbered 213.02(2), (3), (4), (1), (6), (7) and (8).

SECTION 2. Section Trans 213.02(5) is created to read:

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

SECTION 3. Section Trans 213.02(8) is renumbered 213.02(9) and amended to read:

Trans 213.02(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*

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

(c) The proposed projects shall be ranked according to the ratio of the ~~estimated cost of funds requested for~~ 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 Funds requested for~~ multiple projects in a county shall be accumulated in priority order for ranking purposes.

(e) Funds shall be assigned to projects in order of rank to the limit of available funds in each ~~fiscal-year~~ period. 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~~ period in which they are assigned. Any project not authorized in the ~~fiscal-year~~ period for which funds are assigned shall lose approved status and shall be requested in a subsequent ~~year~~ period if the county wishes to pursue the project.

(4) FINANCIAL PARTICIPATION. The department shall provide ~~80%~~ the percentage 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.

SECTION 5. Trans 213.03(1)(c) and (3)(g) are created to read:

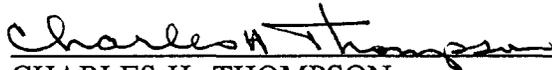
Trans 213.03(1)(c) A local bridge which has been programmed for construction under an order by the department under s. 84.11(4), Stats., is not eligible for state cost participation under s. 84.18, Stats.

(3)(g) The department may make adjustments to the assigned funds for a project and to the schedule of approved projects within a fiscal period to assure the efficient management of the program.

(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.), Stats.

Signed at Madison, Wisconsin, this 26 day of May, 1992.



CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

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

May 26, 1992

Mr. Gary Poulson
Assistant Revisor of Statutes
119 Martin Luther King, Jr. Blvd.
2nd Floor
Madison, Wisconsin 53703

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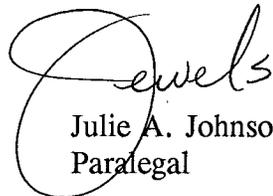
RE: CLEARINGHOUSE RULE 92-8

In the Matter of the Adoption of **TRANS 213**, Wisconsin Administrative Code, relating to the **method of determining eligibility for funding the acceleration of the reconstruction or rehabilitation of seriously deteriorating local bridges.**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 92-8**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Tom Walker
Dorothy Kapke
Jim McDonnell
Fred Ross
Doug Duckert
Bruce Karow