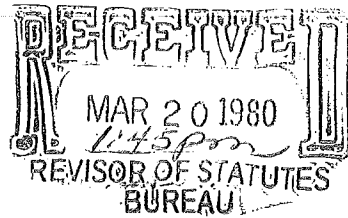


TRANS 6

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF TRANSPORTATION)



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Lowell B. Jackson Secretary of the Department of Transportation and custodian of the official records of said department, do hereby certify that the annexed rules relating to the federal rural and small urban area public transportation assistance program were duly approved and adopted by this department on March 18, 1980.

I further certify that said 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 here-
unto set my hand and affixed the
official seal of the Department of
Transportation at 4802 Sheboygan
Avenue in the city of Madison, this
18th day of March,
1980

Secretary
Wisconsin Department of Transportation

IN THE MATTER OF THE PROPOSED	:	
CHAPTER TRANS 6, WIS. ADMIN.	:	
CODE, RELATING TO THE FEDERAL	:	ORDER ADOPTING
RURAL AND SMALL URBAN AREA	:	RULES
PUBLIC TRANSPORTATION ASSIST-	:	
ANCE PROGRAM.	:	

Text of Rule

Pursuant to authority vested in the Wisconsin Department of Transportation by secs. 110.06(1), 85.08 (2)(g), and 227.014, Wis. Stats., the Department of Transportation hereby creates rules interpreting sec. 85.08(7), Wis. Stats., as follows:

CHAPTER TRANS 6

FEDERAL RURAL AND SMALL URBAN AREA
PUBLIC TRANSPORTATION ASSISTANCE PROGRAM

TRANS 6.01 Purpose and scope of rule. The purpose of this chapter is to prescribe the Department of Transportation's administrative interpretation of sec. 85.08(7), Stats., and to prescribe the administrative policies and procedures for implementing the federal program for public transportation projects in areas other than urbanized. This program is authorized by Section 18 of the Urban Mass Transportation Act of 1964, as amended. The goals of this program are to enhance access of people in non-urbanized areas for purposes such as health care, shopping, education, recreation, public services, and employment by encouraging the maintenance, development, improvement, and use of public transportation services. By federal definition, "areas other than urbanized" include small urban and rural areas.

TRANS 6.02 Definitions. (1) "Eligible applicants" are local public bodies and private transportation providers and Indian reservations.

(2) "Local public bodies" are counties, cities, villages, and towns or agencies thereof.

(3) "Private transportation providers" are privately owned (for-profit or nonprofit) organizations that operate an eligible public transportation service.

(4) "Eligible public transportation service" means a public transportation service operating or designed to operate in non-urbanized areas.

(5) "Public transportation service" means a passenger transportation service provided to the general public on a regular and continuing basis by a public agency or private firm. Passenger fares must be collected for the service in accordance with established tariff schedules. The transportation service may be provided by bus, rail, shared-ride taxicab, or other conveyance.

The service may constitute an entire public transit system or may be an individual route or a segment of a route provided by a common carrier of passengers. The service must be regulated by the State Transportation Commission under Chapter 194, unless exempt from such regulation under s.85.05(5), Stats., or under Chapter 194. A transportation service provided exclusively for a subgroup of the general public is not considered to be a "public transportation service" for purposes of this chapter.

(6) "Urbanized area" means those areas of the state so defined by the U.S. Bureau of the Census.

(7) "Operating project cost" means the difference between the costs of operating an eligible public transportation service and the revenues derived therefrom. User subsidies, such as transportation stamps and the like, are not considered to be "operating costs" for purposes of this Chapter.

(8) "Capital project cost" means the cost of acquisition, construction, reconstruction, and improvement of facilities, vehicles, and equipment for use in the provision of an eligible public transportation service.

TRANS 6.03 Federal Share of Project Costs. (1) The federal share of operating project costs shall not exceed 50 percent of such costs, subject to the "maintenance of effort" provisions of sec. TRANS 6.04. The Department shall determine the types of costs that are eligible for federal reimbursement in accordance with generally accepted accounting principles and practices and with applicable federal guidelines. The Department shall also establish the official projections of eligible operating costs for purposes of allocating federal aids.

(2) The federal share of capital project costs shall not exceed 80 percent of such costs. The Department shall determine the types of costs that are eligible for federal reimbursement in accordance with applicable federal guidelines. The Department shall also establish the appropriateness of each capital expenditure in accordance with generally accepted planning practices. The Department shall also establish the official projections of eligible capital costs for purposes of allocating federal aids.

TRANS 6.04 Maintenance of effort. If an eligible applicant also receives state aids under sec. 85.05, Stats., for an operating project, the nonfederal share of the project shall at least equal the average of the state and local operating aids paid for the two preceding calendar years.

TRANS 6.05 Distribution of federal aids. (1) The State's annual apportionment of Section 18 funds will be distributed as follows:

- (a) Ten percent will be reserved by the Department for administrative and technical assistance purposes. Such technical assistance may include project planning, program development, management development, coordination of public transportation programs and such research as the Department may deem appropriate to promote effective means of delivering public transportation services in areas other than urbanized areas.

- (b) Forty-five percent will be reserved for grants to eligible applicants that also qualify for state aids under sec. 85.05, Stats. Funds reserved under this subsection will be expended in accordance with the criteria set forth under sec. TRANS 6.06.
- (c) Forty-five percent will be reserved for grants to eligible applicants that do not qualify for state aids under sec. 85.05, Stats. Funds reserved under this subsection will be expended in accordance with criteria set forth under sec. TRANS 6.07.

(2) Any uncommitted balance of the State's annual apportionment of Section 18 funds from a preceding project year shall be divided equally between the two grant categories defined in secs. TRANS 6.06 and 6.07.

TRANS 6.06 Operating Grants to Small Urban Areas. (1) Subject to the limitations defined in sec. TRANS 6.03(1), the funds available under sec. TRANS 6.05(1)(b) shall be allocated among eligible applicants that also qualify for state aids under s.85.05, Stats., in accordance with the following:

- (a) Eighty percent of the funds shall be allocated among all applicants in proportion to each applicant's share of the projected operating project costs of all applicants.
- (b) Ten percent of the funds shall be allocated among those applicants that have projected operating revenues to cover 20 percent, or more, of projected operating expenses. The allocation will be in proportion to each such applicant's share of the projected operating project costs of all such applicants.
- (c) Ten percent of the funds shall be allocated among those applicants that have projected operating revenues to cover 30 percent, or more, of projected operating expenses. The allocation will be in proportion to each such applicant's share of the projected operating project costs of all such applicants.

(2) If the funds reserved for grants under this section exceed the amounts applied for, such balances shall be made available to small urban areas for capital grants under sec. TRANS 6.08.

TRANS 6.07 Grants to Rural Areas. (1) The Department shall categorize all applications received from eligible applicants that do not also qualify for state aids under sec. 85.05, Stats., according to the following rank order of priority until the funds available under sec. TRANS 6.05(1)(c) are committed:

- (a) operating, or capital, or both operating and capital projects for services to Indian reservations;
- (b) operating projects for services that existed as of July 1, 1979;
- (c) operating projects for the second and subsequent years of operation for services initiated under par. (f);
- (d) capital projects for services that existed as of July 1, 1979;

- (e) capital projects for the second and subsequent years of operation for services initiated under par. (f);
- (f) operating projects, capital projects, or both, to initiate services that did not exist as of July 1, 1979, and that do not serve an Indian reservation.

(2) If available funds are not sufficient to fund all applications within a given category, then the Department shall, after consultation with the applicants, reduce the scope or timing of proposed projects within that category to fit available funding.

(3) If the funds reserved for grants under this section exceed the amounts applied for, such balances shall be made available to small urban areas for capital grants under sec. TRANS 6.08.

TRANS 6.08 Capital Grants to Small Urban Areas. (1) Any uncommitted balance of funds under sec. TRANS 6.06 and sec. TRANS 6.07 shall be made available for capital grants to eligible applicants that also qualify for state aids under s.85.05, Stats.

(2) The Department shall award capital grants to small urban areas according to the following rank order of priority until all available funds are committed:

- (a) projects to initiate a public transportation service within an urban area not having such services;
- (b) projects to replace vehicles operated by existing systems;
- (c) projects to replace maintenance and storage facilities of existing systems;
- (d) projects to expand the number of vehicles operated by existing systems;
- (e) projects to expand and rehabilitate maintenance and storage facilities of existing systems; and
- (f) projects to purchase and install passenger amenities for existing systems such as shelters, bus stop signs and the like.

(3) If available funds are not sufficient to fund all applications within a given category, then the Department shall, after consultation with the applicants, reduce the scope or timing of proposed projects within that category to fit available funding.

(4) If the funds available for grants under this section exceed the amounts applied for, such balances shall be distributed in accordance with sec. TRANS 6.05(2).

TRANS 6.09 Application for federal aids. (1) Eligible applicants may apply to the Department for Section 18 funds. If more than one local public body will financially participate in the project, one such body should submit a single application on behalf of all. In such cases, the federal aids received shall be allocated among all local public bodies in proportion to each one's share of eligible project costs.

(2) Except as provided in Sub. (3), applications shall be submitted to the Department no later than September 1 of the year preceding the

proposed "project year." For purposes of this chapter, a "project year" is defined to be a calendar year.

(3) Applications for project year 1980 shall be submitted to the Department no later than April 1, 1980, or 90 days after the effective date of this rule, whichever date is later.

(4) Applications shall be made in a manner and form prescribed by the Department in accordance with governing federal regulations.

(5) The applicant shall submit the original of its application to the appropriate Transportation District Office of the Department

(6) An applicant shall submit a copy of its application for review and comment purposes to the appropriate Regional Planning Commission, to the appropriate Area Agency on Aging, and to the appropriate Department of Health and Social Services' Division of Community Services' regional office. In order to be considered by the Department, comments by such agencies must be submitted to the Department's appropriate Transportation District Office within 45 days following the submission of the application to the Department. The Department shall give appropriate consideration to the review comments of such agencies.

(7) The Department reserves the right to reject applications for the following reasons:

- (a) the proposed project is not consistent with the intent of the Section 18 program;
- (b) the lack of federal funds;
- (c) the application is incomplete;
- (d) the proposed project is not effective and efficient when compared to projects of a similar type using such measures as the ratio of operating revenues to operating expenses, passengers per mile of service, operating expenses per passenger, and passengers per population served.

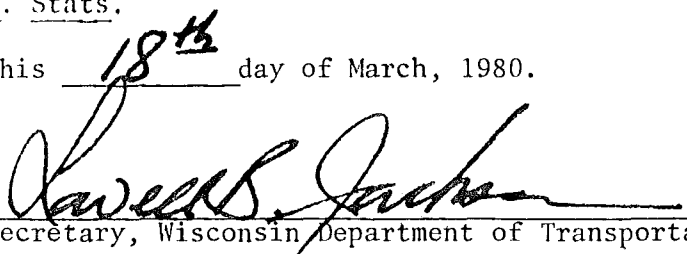
TRANS 6.10 Reporting requirements. All grant recipients are required to maintain books and records as required by the Department and to make periodic and special reports to the Department as required by the Department or by governing federal regulations.

TRANS 6.11 Labor protection requirements. Each eligible applicant, through formal resolution by its governing body, must assume all responsibility and liability for all labor protection requirements imposed by the federal government to implement Section 13(c) of the Urban Mass Transportation Act of 1964, as amended. The Department shall not fund any applicant that fails to comply with this section.

[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 18th day of March, 1980.


Secretary, Wisconsin Department of Transportation



State of Wisconsin \

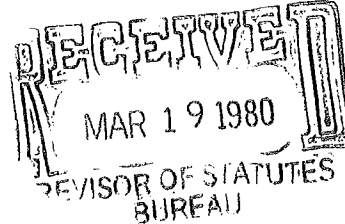
DEPARTMENT OF TRANSPORTATION
Division of Transportation Assistance



March 19, 1980

BUREAU OF TRANSIT
4802 Sheboygan Avenue
P. O. Box 7914
Madison, WI 53707
(608) 267-7350

Mr. Gary L. Poulson
Assistant Revisor of Statutes
411 West, State Capitol
Madison, Wisconsin 53702



Dear Mr. Poulson:

Pursuant to the administrative rule-making procedure specified in sec. 227.023 Stats., enclosed is one certified copy and one printer's copy of the Order Adopting Chapter TRANS 6 of the Wisconsin Administrative Code.

The enclosed rule was approved by the Assembly Transportation Committee on March 12, 1980 and by the Senate Committee on Aging, Business and Financial Institutions, and Transportation on March 12, 1980.

If you have any questions concerning this transmittal, please contact me at 266-0658.

Sincerely,

John M. Hartz, Director
Bureau of Transit

JMH:dkm

Enclosures