

CR 90-236

CERTIFICATE

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

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 Urban Mass Transit Operating Assistance Program**, was duly approved and adopted by this Department on April 1, 1991.

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 1st day of April, 1991.

Ronald R. Fiedler, Deputy

for RONALD R. FIEDLER, P.E.
Secretary

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APR 1 1991
9:45 am
Director of Studies
Bureau

6-1-91

IN THE MATTER OF a rule to amend ch. Trans 3(title), 3.01(1) and (2), 3.03(title), (1), (2), (3)(intro.), (a), (c) and (d), 3.04(1), (2) and (3)(intro.) and (a) to (d); to renumber 3.04(4)(b)5 and (5)(a), (b) and (d); to renumber and amend Trans 3.04(4)(a) and (b)(intro.) and 1 to 4 and 6 and (6); to create Trans 3.03(3)(e), (f) and (g), 3.04(4), (5)(b)6, (6) and (7), to repeal and recreate Trans 3.02, and to repeal 3.04(5)(c), Wisconsin Administrative Code, relating to the Urban Mass Transit Operating Assistance Program.

ORDER ADOPTING RULE

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APR 1 1991

Revisor of Statutes
BureauAnalysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.16(1), Stats.

STATUTE INTERPRETED: s. 85.20, Stats.

General Summary of Rule. Chapter Trans 3, Wis. Admin. Code interprets and implements s. 85.20, Stats., relating to the reporting of passenger trips on urban mass transit systems. The rule is promulgated under the authority granted to the Department of Transportation (Department) by ss. 85.16(1) and 85.20, Stats. Chapter Trans 3 has not undergone significant revision since it was first promulgated in 1978, and since then many changes have occurred in fare structures and transit ridership data collection practices. The amendments to Trans 3 will bring the existing rule into conformity with changes in the guidelines and practices for reporting urban mass transit system ridership.

The amendments to Trans 3 fall into 3 general categories: (1) those which clarify and update existing definitions used by the Department for collecting transit ridership data by urban mass transit systems receiving financial aid under s. 85.20, Stats.; (2) those which address the collection of ridership data on transfer and free fare passengers in addition to revenue passenger trips; and (3) those which address changes and increases in the use of transfers, unlimited use passes and free fare promotions.

In the first category, s. Trans 3.02(5) is amended to change "average fare" to "average fare factor." This change is made throughout the rule to clarify the distinction between the generally accepted definition of "average fare" (total annual passenger revenue divided by total annual revenue passengers) and the various factors transit systems must compute for different types of service days when using the average fare method.

Section Trans 3.02(7) is amended to eliminate any possible double counting of passenger trips in cases where one system receiving aid under s. 85.20, Stats., is providing

service under contract to another recipient of state aid under s. 85.20, Stats. Section Trans 3.02(3) also changes the term "deficits" to "expenses" to reflect the process by which transit systems are now reimbursed under s. 85.20, Stats. Section Trans 3.02(9) is created to define a "specialized subsystem" and introduce the term disabled rather than handicapped as the currently preferred term for persons with disabilities.

Section Trans 3.03(3)(f) is created to clarify how specialized transit service ridership for the elderly and disabled is to be counted and reported. The number of persons using specialized transit services has increased since the rule was originally promulgated and it is anticipated that this usage will continue to increase under the federal Americans with Disabilities Act, which requires urban transit systems to increase the availability of specialized service.

In the second category, the titles of ch. Trans 3 and s. Trans 3.01(1) are changed to eliminate the term "revenue" before "passenger." The change reflects the broadening of transit ridership data collection efforts to include transfer and free fare rides in addition to the continued reporting of revenue passenger trips. Subsections Trans 3.02(1), 3.02(2), 3.02(4), 3.02(10) and 3.02(11) are created to define a "free fare passenger," "free fare passenger trip," "transfer passenger," and a "transfer passenger trip," and to define "passenger trips" as the sum of revenue, transfer and free fare passenger trips. For simplicity, the entire definitions section of Trans 3.02 has been repealed and recreated due to extensive revision, additions and renumbering to this section.

The collection of data on free fare and transfer trips is useful for a variety of reasons and reflects federal transit passenger data reporting requirements for Wisconsin transit systems. The federal reporting system requires that systems report "unlinked" passenger trips, which include revenue, free fare, and transfer passengers. The added passenger categories provide information on the efficiency and effectiveness of transit systems. Transfer rates vary significantly among the state's transit systems depending on route structure, transfer policies and other factors. Several of the state's transit systems (including the 2 largest - Milwaukee County and Madison) have policies that permit transfer riders to make a return trip on the same route or conduct a variety of activities prior to completing their trip on a second urban transit vehicle. Also, urban transit systems are expanding the availability of free fare rides for special promotions to encourage overall public transit usage. The increasing amount of transfer and free fare ridership represents an important contribution of urban transit systems to overall urban travel activity.

A third category of amendments relates to methods for collecting data on revenue, transfer, and free fare ridership. Section Trans 3.03(1) is amended to clarify the methods for counting transfer, free fare and revenue passengers. Section Trans 3.03(3) is amended to clarify the special categories of transfer and free fare passengers that are to be counted and reported to the Department. Section Trans 3.03(3)(q) is created to specify that transfer and free fare ridership reporting requirements do not apply to shared-ride taxi systems.

Section Trans 3.04(4) is created to provide guidelines for counting transit passengers using passes that permit unlimited ridership on an urban transit system for a specified period. The use of such passes has expanded over time and Trans 3 currently provides little guidance

for counting and reporting pass users. The amendments reflect the preferred practices that have developed for counting and reporting pass users on urban transit systems. Trans 3.04(6) and Trans 3.04(7) are created to provide guidelines for counting transfer and free fare riders.

Fiscal Estimate. The rule has no fiscal impact upon local public bodies receiving funding under s. 85.20, Stats., or on the state. No added expenditures or administrative costs will result for either local or state government.

Preparation. This analysis was prepared by John Duffe of the Department's Bureau of Transit. Questions about the rule may be directed to Mr. Duffe at the Bureau of Transit, 4802 Sheboygan Avenue, Room 701, Madison, Wisconsin 53707, (608) 266-8508.

RULE TEXT

Pursuant to the authority vested in the state of Wisconsin, department of transportation, by s. 85.16(1), Stats., the department of transportation hereby renumbers, amends, repeals and creates provisions in the administrative rule interpreting s. 85.20, Stats., as follows:

SECTION 1. Chapter Trans 3(title) is amended to read:

CHAPTER TRANS 3

URBAN MASS TRANSIT OPERATING ASSISTANCE PROGRAM;

PROCEDURES FOR COUNTING PASSENGER TRIPS

SECTION 2. Trans 3.01(1) and (2) are amended to read:

TRANS 3.01 PURPOSE AND SCOPE. (1) The purpose of this chapter is to establish procedures for counting revenue passenger trips taken on participating urban mass transit systems in connection with the administration of the state financial urban mass transit assistance program under s. 85.20, Stats.

(2) The procedures prescribed in this chapter shall apply to all urban mass transit system ridership information collected during calendar year 1978 1991 and in each year thereafter.

SECTION 3. Trans 3.02 is repealed and recreated to read:

TRANS 3.02 DEFINITIONS. As used in this chapter:

(1) "Free fare passenger" means a person who makes a free fare passenger trip.

(2) "Free fare passenger trip" means a trip on an urban mass transit system by a passenger who is any of the following:

(a) A passenger who does not pay a fare.

(b) A passenger for whom a fare has not been paid by another or under a contract or other arrangement with an urban mass transit system.

(c) A passenger who does not use a transfer or other equivalent.

(3) "Holiday" means any one of the 6 legal holidays; New Years, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas, or the days officially designated for their observance.

(4) "Passenger trip" means a revenue, transfer or free fare passenger trip on an urban mass transit system vehicle.

(5) "Periods" mean the time periods during which a transit system is required to make its survey for the purpose of computing average fare factors pursuant to the survey method under Trans 3.04. The general limits of the respective periods are: period I, March through April; period II, mid-June through mid-August; period III, mid-September through mid-November. The specific limits of these periods for any year shall be determined by the department and a notice of that determination shall be mailed to participating transit systems by January 31 of that year.

(6) "Revenue passenger" means any passenger who pays a fare or for whom a fare has been paid by another under a contract or other arrangement with an urban mass transit system.

(7) "Revenue passenger trip" means a trip by a revenue passenger taken on an urban mass transit system. The transit system may include routes that are generally known as express, shuttles, trippers, route guarantees, and special contracts for routes or service open to the general public unless the passenger trips on the routes are paid for and reported by another urban mass transit system receiving state transit aids under s. 85.20, Stats. Revenue passenger trips on specialized subsystems shall be included to the extent that the subsystem's operating expenses are included in the mass transit system's program under s. 85.20, Stats. If the subsystem's operating expenses are not fully supported by the participating urban mass transit system, then the revenue passenger trip figures from the subsystem shall be in proportion to the transit system's share of the subsystem's operating expenses.

(8) "Special fare day" means any day in which the transit system is operating with a single day or short term special tariff in effect.

(9) "Specialized subsystem" means a transportation service operated as a separate part of an urban mass transit system and which provides transportation exclusively for the disabled and elderly. The specialized subsystem may be operated directly by the urban mass transit system or by a public or private transportation provider under contract to the urban mass transit system receiving funds under s. 85.20, Stats.

(10) "Transfer passenger" means a person who makes a transfer passenger trip.

(11) "Transfer passenger trip" means a trip taken on an urban mass transit system by any passenger who uses a transfer or other equivalent for the purpose of completing a trip which requires boarding two or more vehicles.

(12) "Weekday/no school" means any day Monday through Friday when public elementary and high schools are not in regular session and are not conducting classes. Summer school is not considered to be part of the regular school session. If an urban mass transit system serves 2 or more public school districts with varying school schedules, the term includes only those days when the majority of pupils normally served are not attending regular school sessions.

(13) "Weekday/school" means any day Monday through Friday when public elementary and high schools are in regular session and conducting classes. Summer school is not considered to be part of the regular school session. If an urban mass transit system serves 2 or more public school districts with varying school schedules, the term includes only those days when the majority of the pupils normally served are attending regular school sessions.

SECTION 3. Trans 3.03(title), (1), (2) and (3)(intro.), (a), (c) and (d) are amended to read:

Trans 3.03(title) DETERMINATION OF ANNUAL PASSENGER TRIPS.

(1) ALTERNATIVE METHODS. Subject to the department's review and approval under sub. (2), an urban mass transit system may determine the number of ~~revenue~~ passenger trips taken annually on its system by any of the following methods:

(a) By taking a headcount of each ~~revenue~~ passenger using the system during the calendar year; and separately accounting for revenue passengers, transfer passengers, free fare passengers and passengers on specialized subsystems.

(b) By dividing the system's annual fare revenue by the system's per passenger tariff if the system has established and applied a uniform fare for each passenger using the system during the calendar year, and after accounting separately for elderly and ~~handicapped~~

~~passenger trips; disabled, transfer and free fare passenger trips and passenger trips on specialized subsystems.~~

(c) By using the method prescribed in Trans 3.04 for surveying the actual revenue and number of revenue passengers using the system on selected representative days during different periods of the year in order to establish an average fare factor for various types of service day categories and then applying those average fares fare factors to the system's accumulated passenger revenue; ~~or~~ and developing ratios of transfer and free fare passengers to revenue passengers.

(2) DEPARTMENT APPROVAL. (a) Since there are substantial differences among the various participating urban mass transit systems with respect to tariff schedules, elderly and ~~handicapped~~ disabled reduced fare programs, route service plans, subsystem arrangements, and operating procedures, no single method of calculating annual ~~revenue~~ passenger trips is appropriate for every system. When reviewing a system's proposed election of the methods prescribed in sub. (1), the department shall determine whether its election will be appropriate for that system for the purpose of providing valid and reliable measure of that system's ~~revenue~~ ridership and will allow that system's total to be comparable to the totals of all other participating systems.

(3) SPECIAL REQUIREMENTS AND PROCEDURES. ~~The provisions of this subsection~~ The following apply to ~~all the methods~~ each method described in sub. (1)(a) to (c):

(a) Transit riders boarding with a transfer ~~may not~~ shall be counted as ~~revenue~~ transfer passengers even though a transfer fare may be required.

(c) Children boarding free (~~usually because they are~~ because they are under a certain age and accompanied by an adult) ~~or because they meet other special conditions~~ may not shall be counted as ~~revenue~~ free fare passengers.

(d) Transit riders boarding and alighting within a free fare zone and not paying a fare ~~may not shall~~ be counted as ~~revenue~~ free fare passengers. unless a fare has been paid by another under a contract or other arrangement with an urban mass transit system. In the latter case, transit riders shall be counted as revenue passengers.

SECTION 4. Trans 3.03(3)(e), (f) and (g) are created to read:

Trans 3.03(e) Transit riders boarding on free fare days or during other free fare promotional periods shall be counted as free fare passengers unless a fare has been paid by another under a contract or other arrangement with an urban mass transit system. In the latter case, transit riders shall be counted as revenue passengers.

(f) Transit riders using special subsystems exclusively for elderly and disabled riders shall be counted separately from and included in a transit system's revenue passenger trips. Revenue passenger trips on special subsystems shall be determined by an actual count; or, if the subsystem is operated under contract to the urban mass transit system, the passenger trip figures reported shall be in direct proportion to the urban mass transit system's contribution to the special subsystem's total expenses. Alternative methods for counting transit riders under this paragraph may be used if expressly approved in writing by the department and then only if the department is satisfied that the alternative method does not adversely affect the statistical reliability, validity and comparability of the data collected pursuant to the variant procedures.

(g) Urban mass transit systems exclusively operating shared-ride taxi services shall only be required to report revenue passenger trips.

SECTION 5. Trans 3.04(1), (2) and (3)(intro.) and (a) to (d) are amended to read:

TRANS 3.04 SURVEY METHOD. (1) GENERAL. In general, the survey method for determining annual revenue passenger trips involves the calculation of average fares fare factors per revenue passenger received by a system on various types of service days (~~e.g. weekday/school, weekday/no school, etc.~~) and the application of those average fares fare factors to all similar service days during the calendar year. The calculation of average fares fare factors takes into account the type of service day, the applicable tariff schedules and the types of service being provided when the fare data are collected. In order to obtain a reliable and valid measure of the number of revenue passenger trips for any system, more than one average fare factor shall be calculated in accordance with the procedures prescribed in this section. In addition, the department may require a system to calculate more than one average fare factor for any particular type of service day in order to reflect special factors situations, including but not limited to subsystem operations, that may otherwise distort the system's revenue passenger trip figure.

(2) AVERAGE FARES REQUIRED. (a) The number of average fares fare factors that are required to determine annual revenue passenger trips depend on the days of the year when transit service is provided. In general, each transit system is required to establish from 2 to 5 average fares fare factors, that, when applied to the corresponding days of the year, establish the system's ridership. The actual number of average fares fare factors may be higher for transit systems required to determine average fares fare factors for special subsystem routes. The number of average fares fare factors required for a system is calculated by classifying each day of the year on which service is provided into one of the following categories:

1. Weekday/school₁
2. Weekday/no school₁

3. Saturday.
4. Sunday/holiday.
5. Special fare day.

(b) Each participating system shall establish an average fare factor for each of the 2 weekday categories in par. (a)1 and 2. Transit systems providing Saturday service are required to establish an average fare factor for Saturday, and systems providing Sunday and ~~Holiday~~ holiday service shall establish an average fare factor for those days. Revenue ridership figures shall be calculated for each special fare day during the year; special fare day passenger trip figures for one or more special fare days may not be used to project a system's revenue passenger trip total on such days on which a survey is not taken.

(3)(title) DETERMINATION OF AVERAGE FARE FACTORS. The average (~~mean~~) transit fare shall be established for each category of day by using a special survey procedure. The methodology for establishing the average fare factor for each category is as follows:

(a) Weekday/school. The average fare factor for the weekday/school day category is established by accurately counting both revenue and revenue passenger trips for 5 consecutive weekdays when both public and private schools are in session. The 5 days selected shall fall within period I or period III. The actual days selected within the period shall be normal days; special downtown or other promotion days may not be included. The regular tariff schedule shall be in effect during the entire ~~5-day~~ 5-day survey period. Total revenue passengers and total revenue shall be recorded for each day of the survey. The average fare factor is computed by dividing the 5-day total revenue by the 5-day total of revenue passengers.

(b) Weekday/no school. The average fare factor for the weekday/no school category is established by counting total revenue and revenue passenger trips for 5 consecutive

weekdays when both public and private schools are not in regular session. The actual days of the survey ~~should~~ shall be normal days and shall fall within period II. Survey days may not be ~~selected~~ during the week immediately following the end of school or immediately before the opening of school. The regular non-school day tariff shall be in effect during each day of the survey period. Total revenue and total revenue passengers shall be recorded for each day of the survey. The average fare factor is computed by dividing the 5-day revenue total by the 5-day total of revenue passengers.

(c) Saturday. The average fare factor for Saturdays is established by counting both revenue and revenue passenger trips for 2 Saturdays. One Saturday shall be selected from either period I or III and one Saturday shall be selected from period II. The total revenue from the 2 Saturdays divided by the total revenue passenger trips for the 2 Saturdays ~~equal~~ equals the Saturday average fare factor.

(d) Sunday/holiday. The average fare factor for Sundays and holidays is established by counting both revenue and revenue passenger trips for 2 Sundays. One Sunday shall be counted in either period I or III and one Sunday shall be counted in period II. The total revenue from the 2 Sundays divided by the total revenue passenger trips for the 2 Sundays equals the Sunday/holiday average fare factor.

SECTION 6. Trans 3.04(4)(a) and (b)(intro.) and 1 to 5 are renumbered Trans 3.04(5) and Trans 3.04(5)(a) and (b)1 to 4, as renumbered, are amended to read:

TRANS 3.04(5) DETERMINATION OF ANNUAL REVENUE PASSENGER TRIPS. (a) Each transit system shall segregate its revenue according to the category of day on which it is collected. A transit system computing average fares fare factors for special subsystems shall segregate the revenue for each subsystem and shall use the procedures set

forth in par. (b) ~~shall be used~~ for each subsystem. A subsystem's total annual revenue passenger trips shall be added to the system total.

(b)1. Add all weekday/school day revenue for the entire year and divide by the weekday/school day average fare factor.

2. Add all weekday/no school day revenue and divide by the weekday/no school day average fare factor.

3. Add all Saturday revenue and divide by the Saturday average fare factor.

4. Add all Sunday and holiday revenue and divide by the Sunday/holiday average fare factor.

SECTION 7. Trans 3.04(4)(b)6 is renumbered Trans 3.04(5)(b)7 and amended to read:

Trans 3.04(5)(b)7. Determine annual passenger trips by adding the passenger trips calculated in subds. 1 to 5 ~~6~~.

SECTION 8. Trans 3.04(4) is created to read:

Trans 3.04(4) PROCEDURES FOR COUNTING REVENUE PASSENGERS USING PASSES OR OTHER PREPAID FARE METHODS. Urban mass transit systems using the average fare factor method shall use one of the following methods to count daily, weekly, and monthly pass riders and other prepaid fare riders:

(a) Revenue from daily, weekly and monthly passes, route guarantee revenue, contract service revenue and other revenue not paid in the farebox may be excluded from the total revenue used in calculating average fare factors for the respective service day categories. The revenue passengers using passes or other prepaid fare methods may be determined by the actual count method.

(b) An urban mass transit system that includes revenue from pass sales and counts all pass riders in the computation of average fare factors shall allocate an appropriate amount of pass revenue to the various types of service days. An urban mass transit system shall obtain the approval of the department before using a proposed method for allocating and computing pass revenue and counting pass riders for the various types of service days.

(c) An urban mass transit system may estimate pass ridership by multiplying the number of each type of pass sold by the average number of passenger trips taken per pass during the time period for which the pass is valid. The average number of passenger trips taken by pass riders shall be estimated at least once every 3 years by a survey method approved by the department or when a change in a system's fare structure may significantly alter the average use of passes.

SECTION 9. Trans 3.04(5)(a), (b) and (d) are renumbered Trans 3.04(9)(a), (b) and (c), respectively.

SECTION 10. Trans 3.04(5)(b)6 is created to read:

6. Add all revenue passenger trips from pass users as determined under sub. (4).

SECTION 11. Trans 3.04(5)(c) is repealed.

SECTION 12. Trans 3.04(6) is renumbered Trans 3.04(10) and amended to read:

Trans 3.04(10) FORMS. (a) Revenue, transfer and free fare passenger trip determinations and surveys of passenger trips and computations of average fares fare factors shall be made on forms furnished by the department.

(b) The average fare factor computation forms shall be submitted to the department within 15 working days after the completion of the survey. Annual-revenue passenger trip

forms shall be submitted to the department within 15 calendar days after the last transit day in the calendar year.

SECTION 13. Trans 3.04(6) is created to read:

Trans 3.04(6) DETERMINATION OF TRANSFER RIDERS. Transfer riders shall be determined by an actual count of all passengers boarding with a transfer during the survey weeks, or by a count of all transfer slips turned in by passengers to the transit vehicle operator, or a combination of the 2 methods. The ratio of transfer passengers to revenue passenger trips shall be determined for each type of service day. The ratios shall be applied to the ridership figures derived from the average fare factors to determine transfer rides for each type of service day.

SECTION 14. Trans 3.04(7) is created to read:

Trans 3.04(7) DETERMINATION OF FREE FARE RIDERS. Free fare riders shall be determined by an actual count of all riders boarding without payment of a cash or cash equivalent fare or for whom a fare has not been paid by another under a contract or other arrangement with an urban mass transit system. The ratio of free fare passengers to revenue passenger trips shall be computed for each type of service day. The ratios shall be applied to the ridership figures derived from the average fare factors to determine free fare rides for each type of service day.

(END OF RULE TEXT)

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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), Stats.

Signed at Madison, Wisconsin, this 1st day of April, 1991.

Ronald R. Fiedler

RONALD R. FIEDLER, P.E.
Secretary
Wisconsin Department of Transportation

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Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Ronald R. Fiedler, PE
Secretary

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April 1, 1991

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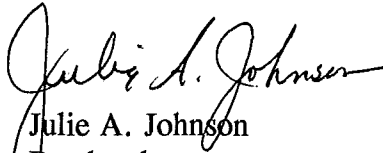
RE: **CLEARINGHOUSE RULE 90-236**

In the Matter of the Adoption of **TRANS 3**, Wisconsin Administrative Code, relating to
the Urban Mass Transit Operating Assistance Program.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 90-236**, 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
Linda Thelke
Sandy Beaupre
John Evans
John Duffe