

IN THE MATTER OF an Order Adopting Rule AMENDING Trans 4.02(title), (1), (3) and (8), 4.04(2), (4)(b)1 and (5)(r), 4.05(2)(a), 4.06(2) and (3), and 4.08(4)(b) and (e); and CREATING 4.04(5)(x), Wisconsin Administrative Code, relating to the Urban Mass Transit Operating Assistance Program.

ORDER ADOPTING RULE**Analysis Prepared by the Wisconsin Department of Transportation**

STATUTORY AUTHORITY: ss. 85.16(1) and 85.20(3), Stats.

STATUTE INTERPRETED: s. 85.20, Stats.

General Summary of Rule. All changes relate to the State Urban Mass Transit Operating Assistance Program. This rule:

1. Increases the maximum level of state operating assistance to urban transit systems from 38.5% to 42% of eligible operating costs to bring the rule in conformity with s. 85.20, Stats.
2. Adds user contribution to a user-side subsidy service provided to disabled persons as an eligible project cost.
3. Increases the non-expendable personal property limit which can be recognized as operating expense from \$300 to \$1,000.
4. Allows the Department to withhold payments from recipients until overdue reports are filed.
5. Allows administrative and marketing expenses associated with public transit system van pool programs to be eligible transit operating expenses.
6. Changes the word "handicapped" to "disabled" to be consistent with Wisconsin Statutes.

Fiscal Impact. No fiscal impact is anticipated from the promulgation of this rule change.

Final Regulatory Flexibility Analysis. These rule changes will not have any significant effect upon any small businesses.

Copies of Rule. Copies of this rule may be obtained, free of charge, upon request to the Wisconsin Department of Transportation, Division of Transportation Assistance, Room 701, P. O. Box 7914, Madison, WI 53707-7914, or by calling Richard Martin at (608) 266-6812.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1) and 85.20(3), Stats., the department of transportation hereby amends a rule interpreting s. 85.20, Stats., relating to the urban mass transit operating assistance program.

SECTION 1. Trans 4.02(title), (1), (3) and (8) are amended to read:

Trans 4.02 (title) DEFINITIONS. In this chapter:

(1) ~~In accordance with the statutory definitions in s. 85.20(1), Stats., eligible applicants~~ are "Eligible applicant" means a local public bodies body in an urban areas area which are is served by an urban mass transit ~~systems~~ system incurring an operating ~~defeits~~ deficit.

(3) "Mass transit system" means an entity which provides the general public with passenger transportation services on a regular and continuing basis. The transportation services for the general public may be provided by buses, rail, shared-ride taxicabs or other conveyance. A mass transit system may provide specialized transportation services for the elderly and the ~~handicapped~~ disabled persons by operating a subsystem, or by contracting for such services with another agency. An agency which provides transportation services exclusively for a subgroup of the general public is not a "mass transit system" for purposes of this chapter.

(8) "Subsystem" means that part of a transit system which provides special services to the elderly or the ~~handicapped~~ disabled persons.

SECTION 2. Trans 4.04(2), (4)(b)1 and (5)(r) are amended to read:

Trans 4.04(2) Eligible project costs may include the costs of user-side subsidies provided to ~~handicapped~~ disabled persons. User contributions to the user-side subsidy service are considered eligible project costs in accordance with s. 85.20(3m)(b), Stats.

(4)(b)1. An eligible applicant shall prepare a "request for qualifications" document. That document shall request expressions of interest from providers, shall describe essential provider qualifications and shall describe criteria for evaluating the provider qualifications. The eligible applicant shall send the request for qualifications document to all providers of passenger transportation services, either for the general public or for the elderly or ~~handicapped~~ disabled persons, operating within the service area of the applicant. The eligible applicant shall also cause an appropriate notice of the request for qualifications to be published in a local newspaper of general circulation.

(5)(r) Expenses for contingencies or capital acquisitions, including contributions to a capital reserve account or fund. For purposes of determining eligible operating expenses, capital acquisitions are defined as the purchase of non-expendable personal property with a useful life of more than one year and an acquisition cost of ~~\$300~~ \$1,000 or more per unit. A unit is defined as one or more like items. The cost of materials and supplies utilized in facility or vehicle repairs, regardless of cost, shall be considered as eligible operating costs so long as such repairs involve replacement of existing items.

SECTION 3. Trans 4.04(5)(x) is created to read:

Trans 4.04(5)(x) Expenses for the direct operation of private or public transit van pools, except public transit van pool administrative and marketing expenses associated with the public transit van pool program.

SECTION 4. Trans 4.05(2)(a) is amended to read:

Trans 4.05(2)(a) ~~Thirty-eight and one-half~~ Forty-two percent of the audited operating expenses as determined by the department for the project year of the applicant's urban mass transit system.

SECTION 5. Trans 4.06(2) and (3) are amended to read:

Trans 4.06(2) From the amounts appropriated, an amount equal to ~~38.5%~~ 42% of the projected operating expenses of each eligible applicant's mass transit system shall be allocated to each eligible applicant.

(3) If the amounts appropriated are less than ~~38.5%~~ 42% of the projected operating expenses of the mass transit systems of all applicants, the allocations shall be made on a proportional basis.

SECTION 6. Trans 4.08(4)(b) and (e) are amended to read:

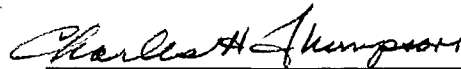
Trans 4.08(4)(b) Provide reduced fare programs for elderly and ~~handicapped~~ disabled persons during nonpeak hours, except if the mass transit system is a shared-ride taxi system. Reduced fares may not exceed one-half of the adult cash fare;

(e) Assure that the mass transit system will file any reports required by the department at a time and in a manner prescribed by the department. If any report is not filed as required, the department may withhold payments due a grant recipient until the report is filed in the manner and form prescribed;

(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), Stats.

Signed at Madison, Wisconsin, this 24th day of February, 1993.



CHARLES H. THOMPSON

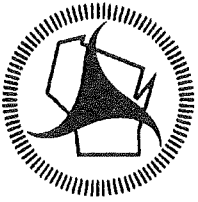
Secretary

Wisconsin Department of Transportation

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Tommy G. Thompson
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February 24, 1993

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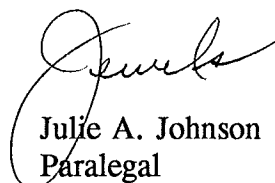
RE: **CLEARINGHOUSE RULE 92-160**

In the Matter of the Adoption of **TRANS 4**, 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 92-133**, 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
John Evans
Linda Lovejoy
Dick Martin