

## CHAPTER 85

## DEPARTMENT OF TRANSPORTATION

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**85.01 Definitions.** In this chapter:

(1) "Department" means the department of transportation.

(2) "Secretary" means the secretary of transportation.

History: 1971 c. 125; 1973 c. 90.

**85.02 Planning, promotion and protection.**

The department may direct, undertake and expend state and federal aid for planning, promotion and protection activities in the areas of highways, motor vehicles, traffic law enforcement, aeronautics, mass transit systems and for any other transportation mode as well as for ports, harbors and waterways when requested by a state, regional or municipal agency or harbor commission. All state, regional and municipal agencies and commissions created under authority of law shall to the extent practicable, when dealing with transportation, follow the recommendations made by the secretary.

History: 1973 c. 90.

**85.03 Federal reduction or termination of aid.**

All appropriations made to the department under s. 20.395 are subject to the specific provision that if federal government funding of any portion of a program under s. 20.395 is reduced or terminated, the secretary may terminate or reduce state participation in the program in such proportion as he deems appropriate.

History: 1971 c. 125; 1973 c. 90 ss. 397e, 560 (4).

**85.05 Urban mass transit operating assistance program.** (1) **DEFINITIONS.** In this section:

(a) "Eligible applicant" means a local public body in an urban area which was served by urban mass transit system on August 5, 1973, or which has received aid under s. 85.06 to establish a new urban mass transit system.

(b) "Total operating deficit" means the amount by which the total operating expenses (not to include return on investment or depreciation) incurred in the operation of an

urban mass transit system exceeds the amount of operating revenue derived therefrom.

(c) "Urban mass transit system" means a mass transit system, either publicly or privately owned, which provides to the public general or special service on a regular and continuing basis in any area that includes a city or village which is appropriate, in the judgment of the secretary, for an urban mass transit system.

(d) "Local public body" includes counties, municipalities or towns, or agencies thereof; transit or transportation commissions or authorities and public corporations established by law or by interstate compact to provide mass transportation services and facilities or 2 or more of any such bodies acting jointly under s. 66.30.

(2) **PURPOSE.** The purpose of this section is to promote the general public good by preserving mass transit systems in this state, and to thereby reduce the need for even greater public expenditures for highways and afford the benefits of a transportation system to those persons who would not otherwise have an available method of transportation.

(3) **ADMINISTRATION.** The department shall administer the mass transit aid program and shall have all the powers necessary and convenient to implement this section, including the following powers:

(a) To receive applications for aid under this section and to prescribe the form, nature and extent of information which shall be contained in applications.

(b) To make and execute contracts with any eligible applicant to ensure the continuance of quality urban mass transit service at reasonable fares. Payments under such contracts to eligible applicants shall not exceed two-thirds of the total operating deficit of the urban mass transit system involved, and, in the case of counties having a population of 500,000 or more, shall not exceed two-thirds of any contributions by county government to a privately owned urban mass transit system to allow a reduction in fares during nonpeak hours of transit operations for purposes of stabilizing fares. No such contract shall be effective for a period of more than one

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year in length and shall not be enforceable against the state unless eligible applicants pay the total operating deficit of the urban mass transit system involved on a schedule approved by the department or the total cost of eligible fare reductions.

(c) To determine the total operating deficit of any urban mass transit system in accordance with generally accepted accounting principles and practices. In determining such total operating deficit the department shall consider all increases in expenses and reductions in revenues of the urban mass transit system after August 5, 1973 and may disallow portions or all of any such increase or reduction. If more than one county, municipality or town contributes assistance to the operation of an urban mass transit system, the aid distributable under this section shall be allocated among the contributors in proportion to their contributions.

(d) To apply for and receive federal grants for the department or as requested on behalf of eligible recipients.

History: 1973 c. 90, 333; 1975 c. 39

**85.06 Mass transit planning and demonstration projects.** (1) The department may engage in mass transit planning and demonstration projects. Such projects shall be designed to plan or demonstrate the effect of improved mass transit service in reducing urban vehicular

travel, meeting total urban transportation needs at minimum cost, and reducing urban highway and parking facility requirements.

(2) The secretary shall determine the suitability of municipalities and counties served by mass transit systems for planning or demonstration projects.

(3) Suitable municipalities and counties may request grants from the department. Applications for such grants shall specify the program of planning or improvements for which the grant is to be used. Such programs may include:

(a) Improvement in accessibility of public transportation;

(b) Improvement in the quality of mass transit service to passengers;

(c) Improvement in the economic performance of mass transit systems; and

(d) Reduction of adverse impacts of vehicular transportation on the urban environment.

(4) The secretary may approve grants up to 100% of the cost of a mass transit planning or demonstration project from funds available under s. 20.395 (7). Uniform accounting procedures and documentation requirements may be established by the department.

(5) Nothing in this section prohibits the secretary from approving planning and demonstration grants for rural areas.

History: 1973 c. 90.