

CR 85-211

CERTIFICATE

STATE OF WISCONSIN)
) s.s.
DEPARTMENT OF TRANSPORTATION)

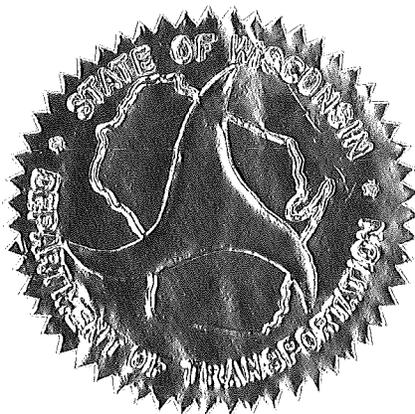
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Revisor of Statutes
Bureau

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Lowell B. Jackson, Secretary of the Wisconsin Department of Transportation and custodian of the official records to hereby certify that the rule relating to the urban mass transit operating assistance program was duly approved and adopted by this department on August 13, 1986.

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, this 13th day of August, 1986.



Lowell B. Jackson

LOWELL B. JACKSON, P.E.
Secretary

OFFICE OF THE SECRETARY

IN THE MATTER OF THE ADOPTION *
 OF A RULE TO RENUMBER TRANS 4.02 *
 (3), (4), (5) and (6) and 4.04 *
 (2); TO AMEND TRANS 4.02(4), *
 4.04(1) and (5)(a), (d) and (L), *
 4.05(1)(a) and (4), 4.06(2), (3) *
 and (4) and 4.07(2); and TO *
 CREATE TRANS 4.02(4), (5), (6), *
 (7) and (11) and 4.04(2), (3) *
 and (4), WISCONSIN ADMINIS- *
 TRATIVE CODE, RELATING TO THE *
 URBAN MASS TRANSIT OPERATING *
 ASSISTANCE PROGRAM. *

ORDER
 ADOPTING
 RULE

Analysis Prepared by the Wisconsin Department of Transportation

General summary of rule. This rule amends chapter Trans 4, Wisconsin Administrative Code, so that it conforms with sec. 85.20, Stats., as amended by 1985 Wisconsin Act 29. It also establishes procedures for administering the shared-ride taxicab program and changes the program application deadline from December 1 to November 15. The changes can be summarized as follows:

1. Trans 4.02 is amended to define private provider, public provider and user-side subsidy.

2. Trans 4.04 delineates what are eligible project costs. It is amended to include the cost of user-side subsidies for handicapped persons and for the general public using shared-ride taxicab systems. The expanded delineation also includes profit or return on investment and includes depreciation for privately owned systems. Additionally, the amended section establishes procedures for administering the shared-ride taxicab program. These changes are made so that the rule conforms with 1985 Wisconsin Act 29.

3. Trans 4.05(1)(a) and Trans 4.06 are amended to raise the State's share of eligible project costs from 35 percent to 37.5 percent. This is done under 1985 Wisconsin Act 29.

4. Trans 4.07(2) is amended to change the program application deadline from December 1 to November 15; this will allow the department additional time for adequate application review and contract preparation.

Regulatory Flexibility Analysis. This rule does not affect small businesses directly and does not have any independent effect beyond that of the statute.

Fiscal estimate. Section 85.20, Stats., as amended by 1985 Wisconsin Act 29, will have a financial effect on state aid recipients under the urban mass transit operating assistance program and on the State of Wisconsin. By 1985 Wisconsin Act 29, the Legislature increased the maximum level of State funding from 35 percent to 37.5 percent of a participating transit system's total eligible operating expenses. In 1985, there were 35 urban transit systems participating in the program. State funding for these systems at the 35 percent level would have been approximately \$77.2 million for the 1985-87 biennium. Alternatively, state funding for these systems at the 37.5 percent level will be approximately \$80.6 million for the biennium. The additional cost to the state, therefore, will be approximately \$3.4 million. That additional amount will be distributed among the participating urban areas as a consequence of 1985 Wisconsin Act 29. This rule change has no fiscal effect independent of 1985 Wisconsin Act 29.

Pursuant to authority vested in the state of Wisconsin, department of transportation by ss. 85.02, 85.16(1), 85.20(3) and 227.11, Stats., the department of transportation hereby renumbers, amends and creates rules interpreting s. 85.20, Stats., as follows:

TEXT OF RULE

SECTION 1. Trans 4.02(3) is renumbered Trans 4.02(10).

SECTION 2. Trans 4.02(4) is renumbered Trans 4.02(3) and as renumbered is amended to read:

Trans 4.02(4) "Mass transit system" means ~~a public agency or private firm~~ 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 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.

SECTION 3. Trans 4.02(5) is renumbered Trans 4.02(9).

SECTION 4. Trans 4.02(6) is renumbered Trans 4.02(8).

SECTION 5. Trans 4.02(4) is created to read:

Trans 4.02(4) "Private provider" means a privately owned entity that owns facilities or revenue passenger vehicles used to provide mass transit service.

SECTION 6. Trans 4.02(5) is created to read:

Trans 4.02(5) "Public provider" means any provider of mass transit service not defined as a private provider.

SECTION 7. Trans 4.02(6) is created to read:

Trans 4.02(6) "Revenue passenger vehicle" means a vehicle used to transport revenue paying passengers on a mass transit system.

SECTION 8. Trans 4.02(7) is created to read:

Trans 4.02(7) "Shared-ride taxicab" means a taxicab legally able to simultaneously transport passengers having different origins or destinations.

SECTION 9. Trans 4.02(11) is created to read:

Trans 4.02(11) "User-side subsidy" means financial assistance provided directly to a user of a mass transit system or of a subsystem thereof in the form of a voucher provided to the user by the local public body for use in payment of a fare, or a portion of a fare, for a trip taken on an urban transit system or eligible subsystem.

SECTION 10. Trans 4.04(1) is amended to read:

Trans 4.04(1) Eligible project costs are limited to the operating expenses of a an urban mass transit system, including labor, fringe benefits, materials and supplies, utilities, insurance, purchased transportation services, license fees and lease expenses. For publicly owned mass transit systems, only the wages and fringe benefits of those employees whose activities are directly related to the day-to-day operation of the system shall be considered eligible project costs. If ~~such~~ those employees do not work full time on transit, only that portion of their time spent on transit shall be considered.

SECTION 11. Trans 4.04(2) is renumbered 4.04(5).

SECTION 12. As renumbered, Trans 4.04(5)(a), (d) and (L) are amended to read:

~~Trans 4.04(5)(a) Depreciation and amortization, except as authorized by sub. (4).~~

(d) Profit, except as authorized by sub. (4).

(L) User-side subsidies, except as authorized by subs. (2) and (3).

SECTION 13. Trans 4.04(2), (3), and (4) are created to read:

Trans 4.04(2) Eligible project costs may include the costs of user-side subsidies provided to handicapped persons.

(3)(a) This subsection is applicable only to urban areas served exclusively by shared-ride taxicab systems and not served by any other mass transit service. In lieu of using eligible

project costs as described in subs. (1) and (2), project costs may consist of the costs of user-side subsidies for the reasonable fares paid by all users of urban mass transit services within the urban area. In determining the eligible project costs, a reasonable fare shall be calculated by dividing total projected annual operating expenses by the projected number of annual revenue passengers. Such projections shall be subject to review and approval by the department. Eligible project costs shall equal the difference between the calculated reasonable fare and the fares actually charged the passengers after subsidy by the local public body. A local public body using general public user-side subsidies shall have no eligible project costs other than the eligible costs for user-side subsidies.

(b) Local public bodies having user-side subsidies shall ~~provide vouchers to participating shared-ride taxicab systems.~~ Each voucher shall be completed and signed both by the shared-ride taxicab driver and by the passenger for each subsidized trip provided. Payment by the local public body to the shared-ride taxicab system shall be based on a monthly invoice of the fully completed vouchers. State aids shall be paid quarterly to the local public body.

(4) If urban mass transit service is provided under a local public body contract with a private provider chosen following advertisement for competitive bids, eligible project costs may include profit or return on investment and may include

depreciation of facilities and capital equipment used directly for the provision of urban mass transit services. If a facility is a joint-use facility, depreciation costs for only that portion of the facility used in the provision of urban mass transit services are eligible project costs. In these circumstances, eligible project costs may only include costs associated with the bid accepted by the local public body. No costs shall be eligible project costs unless the bid process and all bids received are approved by the department prior to the award of a contract to the private provider.

SECTION 14. Trans 4.05(1)(a) is amended to read:

Trans 4.05(1)(a) ~~Thirty-five~~ Thirty-seven and one-half percent of the audited operating expenses as determined by the department for the project year of the applicant's urban mass transit system; or

SECTION 15. Trans 4.05(4) is amended to read:

Trans 4.05(4) "Operating expenses" ~~has---the---meaning designated--in~~ shall be determined in accordance with s. Trans 4.04(4).

SECTION 16. Trans 4.06(2), (3) and (4) are amended to read:

Trans 4.06(2) From the amounts appropriated, an amount equal to ~~35%~~ 37.5% of the projected operating expenses of each eligible applicant.

(3) If the amounts appropriated are less than ~~35%~~ 37.5% of the projected operating expenses of the mass transit systems of all applicants, the allocations shall be made on a proportional basis.

(4) State aids shall be paid to recipients ~~on-a~~ quarterly basis. If the department's audit establishes that the state aid commitment has exceeded either ~~35%~~ 37.5% of the mass transit system's actual operating expenses, or the actual nonfederal share of the mass transit system's operating deficit, then the recipients shall refund to the department an amount sufficient to reduce the state aids to equal the lesser of the 2 sums.

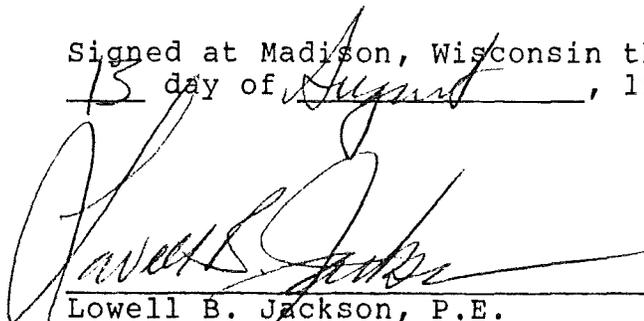
SECTION 17. Trans 4.07(2) is amended to read:

Trans 4.07(2) Applications for aids shall be submitted to the department no later than ~~December-1~~ November 15 of the year immediately preceding the proposed project year. Applicants may request up to a ~~30~~ 45-day extension of this due date and the department may grant such requests. No application received after January 1 of the project year shall be funded unless the secretary of transportation determines that a later date is appropriate in order to properly respond to an emergency situation.

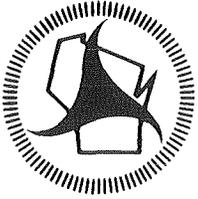
(End)

This rule shall take effect on the first day of the month following its publication as provided in s. 227.22(1) (intro.), Stats.

Signed at Madison, Wisconsin this
13 day of August, 1986



Lowell B. Jackson, P.E.
Secretary
Wisconsin Department of
Transportation



Wisconsin Department of Transportation

OFFICE OF GENERAL COUNSEL
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Madison, WI 53707-7910
Telephone: (608) 266-8810

August 13, 1986

Mr. Gary Poulson
Assistant Revisor of Statutes
30 West Mifflin Street
Suite 904
Madison, Wisconsin 53703

RE: Clearinghouse Rule 85-211
In the Matter of the Adoption
of TRANS 4, Wis. Admin. Code,
Relating to the Urban Mass Transit
Operating Assistance Program

RECEIVED

AUG 15 1986

Revisor of Statutes
Bureau

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of CR 85-211, an administrative rule relating to the Urban Mass Transit Operating Assistance Program. An additional, uncertified copy of CR 85-211 is enclosed to be used as a printer's copy. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

A handwritten signature in cursive script that reads "Philip Peterson".

Philip Peterson
Deputy General Counsel

PPP:dln

Enclosures

CC: K. Sue Gallagher
Maynard Schneider
Douglas Haist
John Hartz
Jim Beckwith
Richard Martin