

CR 90-40

CERTIFICATE

STATE OF WISCONSIN)
)
DEPARTMENT OF TRANSPORTATION) ss.

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 **June 12, 1990**.

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 12th day of June, 1990.

Ronald R Fiedler

RONALD R. FIEDLER, P.E.
Secretary

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IN THE MATTER OF a rule renum- *
bering and amending Trans 4.06 *
(4) and 4.09; amending Trans *
4.05 (2)(intro.) and (a) and *
4.06 (2) and (3); and creating *
Trans 4.05 (2)(c), 4.06 (4) and *
(5), 4.09 (2) and (3) and 4.10, *
Wisconsin Administrative Code, *
relating to the urban mass *
transit operating assistance *
program. *

ORDER ADOPTING
RULE

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Analysis Prepared by the Wisconsin Department of Transportation

Summary of Rule. The Wisconsin Department of Transportation (Department) proposes an order to amend Trans 4.05(2)(intro.) and (a) and 4.06(2) and (3); to renumber and amend Trans 4.06(4) and 4.09; and to create Trans 4.05(2)(c), 4.06(4) and (5), 4.09(2) and (3) and 4.10, relating to the administration of the urban mass transit operating assistance program.

Chapter Trans 4, Wis. Admin. Code, interprets and implements s. 85.20, Stats., relating to the state's aid program for preserving and improving existing mass transit systems in Wisconsin. The rule is promulgated under the authority granted to the Department by ss. 85.16(1), 85.20 and 227.11, Stats. The changes to Trans 4, Wis. Admin. Code, will bring the existing rule into conformity with changes made in the program by 1989 Wisconsin Act 31, the 1989-90 biennial budget. Those changes are as follows:

(1) Trans 4.05(2) and Trans 4.06(2) are amended to increase the maximum allowable level of funding to an applicant from 37.5% to 38.5% of the applicant's operating expenses for a project year, as provided in s. 85.20(4m)(a) and (em), 1989 Stats.

(2) Trans 4.05(2)(intro.) and (a) are amended, Trans 4.06(4) is renumbered and amended, and Trans 4.05(2)(c) and 4.06(4) and (5) are created to specify that recipients, other than those served exclusively by shared-ride taxi systems, must provide a local contribution toward operating expenses that is equal to at least 20% of the state aids they receive under the program. This new provision is required under s. 85.20(4m)(b), 1989 Stats.

(3) Trans 4.09 is renumbered and amended and Trans 4.09(2) and (3) are created to require applicants for aids under the program to establish multi-year service and performance goals for

their mass transit systems and assess system effectiveness in relation to those goals. This change conforms with s. 85.20 (6)(b), 1989 Stats.

(4) Trans 4.10 is created to authorize the Department to conduct management performance audits of all urban mass transit systems participating in the program at least once every 5 years, in conformity with s. 85.20(3)(cr), 1989 Stats.

Fiscal Estimate. The rule has no fiscal impact independent of s. 85.20, Stats., which it interprets and implements. The 1989-90 biennial budget act amended s. 85.20, Stats., by increasing the maximum level of state funding from 37.5% to 38.5% of operating expenses. Based on eligible operating expenses for the transit systems currently participating in the program, the 1% increase will provide approximately \$1.25 million in additional state funding annually to participating transit systems. The 1989-90 biennial budget act also requires all recipients, except those served exclusively by shared-ride taxi systems, to provide a local contribution equal to at least 20% of the state aids received under the program. Since all systems receiving state aid currently provide local contributions in excess of the 20% required, this change will have no fiscal impact.

Contact Person. Persons having questions about this rule may contact Dick Martin, Division of Transportation Assistance, Department of Transportation, 4802 Sheboygan Avenue, Room 701, Madison, Wisconsin 53707, telephone (608) 266-6812.

Pursuant to the authority vested in the state of Wisconsin, department of transportation, by s. 85.16(1) and s. 227.11(2), Stats., the department of transportation hereby renumbers, amends, and creates provisions in the administrative rule interpreting s. 85.20, Stats., as follows:

SECTION 1. Trans 4.05(2)(intro.) and (a) are amended to read:

Trans 4.05(2)(intro.) The state's share of eligible project costs may not exceed either any of the following:

(a) ~~Thirty-seven~~ Thirty-eight 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 2. Trans 4.05(2)(c) is created to read:

(c) Five times the amount of the applicant's required local contribution under Trans 4.06(4).

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

Trans 4.06(2) From the amounts appropriated, an amount equal to ~~37.5%~~ 38.5% 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 ~~37.5%~~ 38.5% of the projected operating expenses of the mass transit systems of all applicants, the allocations shall be made on a proportional basis.

SECTION 4. Trans 4.06(4) is renumbered Trans 4.06(6) and amended to read:

Trans 4.06(6) State aids shall be paid to ~~recipients~~ a recipient on a quarterly basis. If the department's audit establishes that the state aid ~~commitment~~ payment to a recipient has exceeded either ~~37.5% of the mass transit system's actual operating expenses, or the actual non-federal share of the mass transit system's operating deficit,~~ any limitation on the state's share of eligible project costs under Trans 4.05(2), then the

~~recipients~~ recipient shall refund to the department an amount sufficient to reduce the state aids ~~to equal the lesser of the 2 sums to an amount that is in conformity with Trans 4.05(2).~~

SECTION 5. Trans 4.06(4) and (5) are created to read:

Trans 4.06(4) Except as provided in sub. (5), each eligible applicant shall provide a local contribution, exclusive of user fees, toward operating expenses in an amount equal to at least 20% of state allocations to that applicant under this chapter. No in-kind services, federal or state categorical financial aids or passenger revenues are allowed as part of the local contribution. The local contribution shall be determined by audit and calculated by subtracting passenger revenues, federal aids and state aids from eligible operating expenses.

(5) Subsection (4) does not apply to an eligible applicant that is served exclusively by a shared-ride taxi system.

SECTION 6. Trans 4.09 is renumbered Trans 4.09(intro.) and (1) and amended to read:

Trans 4.09 PLANNING REQUIREMENTS. (intro.) As a condition of eligibility to receive state aids, ~~an applicant is required to annually~~ an applicant shall comply with the following requirements:

(1) Prepare and submit annually to the department a 4-year transit development program, in the form and manner prescribed by the department.

SECTION 7. Trans 4.09(2) and (3) are created to read:

Trans 4.09(2) Establish annually service and performance goals for a 4-year period and assess the effectiveness of the applicant's mass transit system in relation to those goals. The goals shall be submitted to the department as a part of the application for state aids. At a minimum, systemwide goals must be established for the following performance indicators:

- (a) The ratio of operating expenses to total miles.
- (b) The ratio of operating expenses to revenue passengers.
- (c) The ratio of operating expenses to platform hours.
- (d) The ratio of revenues to operating expenses.
- (e) The ratio of revenue passengers to revenue miles.

(3) Prepare and submit quarterly to the department a written report of system effectiveness in relation to the goals established under sub. (2). The reports are due within 60 days following the end of each calendar quarter. The eligible applicant shall also submit a copy of the report to the appropriate local governing body.

SECTION 8. Trans 4.10 is created to read:

Trans 4.10 MANAGEMENT PERFORMANCE AUDITS. The department shall conduct a management performance audit of all urban mass transit systems participating in the program at least once every 5 years. The department shall determine the scope of services for each audit in cooperation with the management of the transit system subject to the audit.

(END OF RULE TEXT)

This rule shall take effect on the first day of the month following its publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin this
12th day of June, 1990.

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

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

June 12, 1990

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Mr. Gary Poulson
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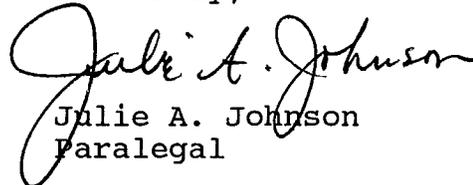
RE: **CLEARINGHOUSE RULE 90-40**

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 sec. 227.20, Wis. Stats., is a certified copy of **CR 90-40**, 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
Toya Nelson
Richard Martin