

vice provider. This limitation may not limit the director's authority to review an eligible applicant's actions or inactions under this section or under other state or federal law.

(d) Paragraph (c) applies only to eligible applicants filing applications due on or after November 15, 1988.

(2) The federal share of capital project costs shall not exceed 80% of eligible costs, except that the federal share of capital improvement projects which enhance accessibility for elderly and handicapped persons to public transportation service and which are not required by federal law may not exceed 95% of eligible costs. The department shall establish the appropriateness of each capital expenditure. Where capital items are to be shared by parties not directly involved in the provision of the project service, it shall be shown to the satisfaction of the department that the applicant will use the item at least 50% of the available time before the item shall be considered eligible for funding. The project cost shall be prorated according to the use percentage.

History: Cr. Register, April, 1984, No. 340, eff. 5-1-84; emerg. am. (1) (b) 1., 3., 4., and 6., eff. 2-12-85; am. (1) (b) 1., 3., 4., 6. and 7., Register, November, 1985, No. 359, eff. 12-1-85; am. (1) (a) and (b) 4., r. and recr. (1) (b) 2., cr. (1) (c) and (d), Register, December, 1987, No. 384, eff. 1-1-88; reprinted to restore dropped copy in (1) (b) (intro.), Register, May, 1988, No. 389; am. (1) (a), (c) 3. and (2), cr. (1) (b) 18., Register, October, 1989, No. 406, eff. 11-1-89.

**Trans 6.04 Distribution of federal aids.** (1) The state's annual apportionment of federal section 18 funds shall be distributed as follows:

(a) Up to 10% will be reserved by the department for administrative and technical assistance purposes. Such technical assistance may include project planning, program development, management development, coordination of public transportation programs and research the department deems appropriate to promote effective means of delivering public transportation services in areas other than urbanized areas. Any uncommitted balance of the state's apportionment of administrative funds from a preceding project year may be used during subsequent years until the balance is depleted.

(b) Apportionments are initially available for operating assistance grants to eligible applicants, but when combined with state s. 85.20, Stats., operating assistance funds are limited to the lesser of either 70% of the total eligible operating expenses or the operating project cost. No city or village shall be appropriate for a municipal bus transportation system for purposes of receiving federal section 18 funds unless the system is approved by action of its governing body and by referendum vote of its electorate pursuant to s. 66.065 (5), Stats.

(c) Any balance remaining in the apportionment referred to in par. (b) after operating assistance limits are met under par. (b) shall be available to all eligible applicants for capital grants awarded in accordance with criteria set forth under s. Trans 6.06.

(d) Any balance remaining in the apportionment after capital assistance needs are met under par. (c) shall be available to all eligible applicants for operating assistance beyond the 70% limitation initially imposed in par. (b), not to exceed 50% of the operating project cost.

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(2) Any uncommitted balances of the state's apportionments or any unexpended balances from previous obligations shall be carried forward to the following year.

History: Cr. Register, April, 1984, No. 340, eff. 5-1-84; emerg., am. (1) (c), eff. 2-12-85; emerg. am. (1) (c), eff. 6-5-85; am. (2), Register, November, 1985, No. 359, eff. 12-1-85; am. (1) (c), cr. (1) (d), Register, December, 1989, No. 408, eff. 1-1-90; emerg. r. (1) (b), renum. (1) (c) and (d) to be (1) (b) and (c) and am., cr. (1) (d), eff. 2-20-92; r. (1) (b), renum. (1) (c) and (d) to be (1) (b) and (c) and am., cr. (1) (d), Register, June, 1992, No. 438, eff. 7-1-92.

**Trans 6.05 Operating grants to areas other than urbanized.** Subject to the limitations set forth in s. Trans 6.03 (1), the operating assistance funds available in s. Trans 6.04 (1) (b) and (d) shall be allocated among eligible applicants in proportion to each applicant's share of the projected operating project costs of all applications.

History: Cr. Register, April, 1984, No. 340, eff. 5-1-84; emerg. am. eff. 2-20-92; am. Register, June, 1992, No. 438, eff. 7-1-92.

**Trans 6.06 Capital grants.** (1) Capital assistance funds under s. Trans 6.04 (1) (c) shall be made available according to the following rank order of priority until all of the funds available are committed:

- (a) Projects to replace vehicles operated by existing systems;
  - (b) Projects to initiate a public transportation service;
  - (c) Projects to replace maintenance and storage facilities of existing systems;
  - (d) Projects to expand the number of vehicles operated by existing systems;
  - (e) Projects to expand and rehabilitate maintenance and storage facilities of existing systems; and
  - (f) Projects to purchase and install passenger amenities for existing systems such as shelters and bus stop signs.
- (2) If available funds are not sufficient to fund all applications within a given category, then the department shall, after consultation with the applicants, reduce the scope or timing of proposed projects within that category to fit available funding.

History: Cr. Register, April, 1984, No. 340, eff. 5-1-84; r. (1) (a), renum. (1) (b) to (g) to be (1) (a) to (f) and am. (1) (b), Register, November, 1985, No. 359, eff. 12-1-85; emerg. am. (1) (intro.), eff. 2-20-92; am. (1) (intro.), Register, June, 1992, No. 438, eff. 7-1-92.

**Trans 6.07 Application for federal aids.** (1) Eligible applicants may apply to the department for federal section 18 funds. If more than one local public body will financially participate in the project, one body should submit a single application on behalf of all. In those cases, the federal aids received shall be allocated among all local public bodies in proportion to each one's share of eligible project costs.

(2) Applications shall be submitted to the department no later than November 15 of the year immediately preceding the project year. Prior to November 15, an applicant may request up to a 45-day extension of this date, and the department may grant that request. No application for operating assistance or capital assistance received after January 1 of the project year may be funded unless the secretary of transportation determines that a later date is appropriate in order to properly respond to an emergency.

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(3) The assisted transit services may be operated for less than a calendar year.

(4) Applications shall be made in a manner and form prescribed by the department in accordance with governing federal regulations.

(5) The applicant shall submit the original of its application to the appropriate transportation district office of the department.

(6) An applicant shall submit a copy of its application for review and comment purposes to the appropriate regional planning commission, to the appropriate area agency on aging, and to the appropriate department of health and social services' division of community services' regional office. In order to be considered by the department, comments by the agencies shall be submitted to the department's appropriate transportation district office within 45 days following the submission of the application to the department. The department shall give appropriate consideration to the review comments of the agencies.

(7) The department reserves the right to reject applications for any of the following reasons:

(a) The proposed project is not consistent with the intent of the federal section 18 program;

(b) The lack of federal funds;

(c) The application is incomplete;

(d) The proposed project is not effective and efficient when compared to projects of a similar type. Such measures as the ratio of operating revenues to operating expenses, passengers per mile of service, operating expenses per passenger, and passengers per population served may be used to determine effectiveness and efficiency.

History: Cr. Register, April, 1984, No. 340, eff. 5-1-84; emerg. am. (2) eff. 6-5-85; am. (2), Register, November, 1985, No. 359, eff. 12-1-85; am. (2), Register, December, 1987, No. 384, eff. 1-1-88.

**Trans 6.08 Reporting requirements.** All grant recipients shall maintain books and records in the manner required by the department and shall make periodic and special reports as required by the department or by governing federal regulations.

History: Cr. Register, April, 1984, No. 340, eff. 5-1-84.

**Trans 6.09 Labor protection requirements.** Each eligible applicant, through formal resolution by its governing body, shall assume all responsibility and liability for all labor protection requirements imposed by the federal government to implement section 13 (c) of the urban mass transportation act of 1964, as amended. The department shall not fund any applicant that fails to comply with this section.

History: Cr. Register, April, 1984, No. 340, eff. 5-1-84.

**Trans 6.10 Property management and disposition.** (1) In this section, "useful life" means:

(a) Vans, autos, station wagons, and body on chassis buses - 100,000 miles;

(b) Small heavy duty single unit transit buses (up to 35 feet) - 10 years;

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(c) Heavy duty single unit transit buses (35-40 feet) - 12 years.

(2) Prior to requesting disposal of vehicles which have not reached their useful life, the grant recipient shall seek to transfer the vehicles to other eligible applicants under this chapter. The transfer of equipment requires department approval. If a transfer cannot be accomplished, the grant recipient shall request disposition instructions from the department.

(3) The grant recipient shall request disposal instructions from the department when it desires to dispose of any equipment or facilities purchased with federal section 18 funds. The department shall instruct the grant recipient to dispose of the equipment or facilities in the most efficient and practical manner.

(4) Proceeds received from the disposition of equipment and facilities may be retained by the grant recipient but shall be used for mass transit purposes, such as the following:

- (a) To purchase additional capital equipment.
- (b) To pay expenses of the operating assistance project.
- (c) To pay the local share of capital assistance projects.
- (d) To pay the local share of operating assistance projects.

(5) Any use by the grant recipient of proceeds from the disposal of equipment or facilities requires prior approval of the department. Records shall be maintained by the grant recipient to permit tracing of the use made of the disposal proceeds.

(6) The grant recipient shall ensure that preventive maintenance is performed on the equipment and facilities purchased with federal section 18 funds at a level no less than the manufacturer's recommended specifications.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88; r. and recr. Register, October, 1989, No. 406, eff. 11-1-89.

**Trans 6.11 Transferring federal funds to another program.** In the exercise of its reasonable discretion under federal and state law, the department may transfer part of Wisconsin's federal section 18 fund apportionment and use it to supplement Wisconsin's federal section 9 funds received for use in urban areas having populations between 50,000 and 200,000.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.