

## Chapter Trans 8

### ALLOCATION OF FEDERAL PUBLIC TRANSIT ASSISTANCE PROGRAM FUNDS TO URBANIZED AREAS UNDER 200,000 POPULATION

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**Trans 8.01 Purpose and scope.** The purpose of this chapter is to prescribe the policies and procedures which the department, acting on behalf of the governor, will use for the distribution of federal funds apportioned to the state of Wisconsin for mass transit assistance to urbanized areas of under 200,000 population. This program is authorized by 49 USC 5307.

**History:** Cr. Register, January, 1987, No. 373, eff. 2-1-87; am., Register, November, 2000, No. 539, eff. 12-1-00; **CR 18-065: am. Register October 2020 No. 778 eff. 11-1-20; correction made under s. 35.17, Stats., Register October 2020 No. 778.**

**Trans 8.02 Definitions.** (1) "Capital assistance" means provision of funds to pay part of the cost of a capital project.

(1m) "Capital project" means any of the following for an eligible mass transit system:

(a) The acquisition, construction, reconstruction or improvement of facilities.

(b) The acquisition of vehicles or equipment.

(c) Capitalized maintenance costs.

(2) "Capitalized maintenance project" means vehicle and facility related maintenance which a mass transit system has classified as a capital project as allowed under 49 USC chapter 53.

(2m) "Department" means the Wisconsin department of transportation.

(2r) "Eligible recipient" means a local public body in an urbanized area under 200,000 population that has been designated as a recipient of federal section 5307 funds by the secretary of the department of transportation acting on behalf of the governor.

(3) "Eligible urban mass transit system" means a mass transit system operating or designated to operate in urbanized areas of less than 200,000 population.

(4) "Federal section 5307 funds" means all federal funds apportioned to the state for distribution by the governor for urban mass transit operating assistance and capital assistance in urbanized areas under 200,000 population.

(5) "Local public body" has the meaning given in s. Trans 4.02 (2).

(6) "Mass transit system" has the meaning given in s. Trans 4.02 (3).

(7) "Operating assistance" means a subsidy to pay part of the operating deficit of an eligible urban mass transit system.

(8) "Operating deficit" has the meaning given in s. Trans 4.02 (3g).

(10) "Project" means a capital project or operation of a mass transit system or subsystem thereof during a project year.

(11) "Project year" means a calendar year.

(12) "Urbanized area" means an area of the state so defined by the U.S. bureau of the census.

(13) "Useful life" means a minimum time period, specified by the department, during which an asset is expected to remain in suitable operating condition for continued use in its intended capacity.

**History:** Cr. Register, January, 1987, No. 373, eff. 2-1-87; renum. and am. (2) to be (2r), cr. (2), (2m) and (11m) and am. (4), (7) and (10), Register, November, 2000, No. 539, eff. 12-1-00; reprinted to correct printing error in sub. (7), Register, March, 2001, No. 543; **CR 18-065: r. and recr. (1), cr. (1m), am. (2), (2r), (4) to (6), (8), r. (9), r. and recr. (10), r. (11m), am. (12), cr. (13) Register October 2020 No. 778, eff. 11-1-20; correction in (2) made under s. 35.17, Stats., Register October 2020 No. 778.**

**Trans 8.03 Distribution of federal assistance.** The governor's annual apportionment of federal section 5307 funds shall be distributed as follows:

(1) (a) Funds apportioned to the governor and made available by the department for operating assistance shall be allocated annually among eligible recipients in proportion to each recipient's share of the projected operating expenses of all eligible recipients for the project year. No recipient may receive an allocation that exceeds 50% of its operating deficit for any project year in accordance with 49 USC 5307 (d) (2); and no recipient shall receive an allocation that when combined with the state s. 85.20, Stats., operating assistance funds exceeds 60% of its projected operating expenses.

(b) The department shall provide to each eligible recipient projections of state and federal fund amounts for operating assistance which will be allocated to each recipient for the next project year as soon as possible after October 1, based on the best information available at the time regarding state and federal budgeted amounts and the operating assistance needs of the recipients.

(2) Funds apportioned to the governor and not allocated for operating assistance under sub. (1) shall be made available on an annual basis to eligible recipients to cover up to 80% of the cost of capital projects, or at the department's discretion up to 90% of the costs of projects required to comply with the Americans with Disabilities Act or Clean Air Act. In any project year in which requests for capital assistance exceed available funds, the department shall rank the requests in consultation with eligible recipients. The ranking shall consider the age and condition of capital items requiring replacement or rehabilitation, and transit system needs. The department shall consider the following hierarchy, along with emergent capital needs among eligible recipients, when selecting projects for funding:

(a) Projects to replace or rehabilitate existing vehicles and maintenance equipment.

(b) Projects to improve or rehabilitate existing maintenance and storage facilities.

(c) Projects to purchase and install passenger amenities such as shelters and bus stop signs.

(d) Projects to purchase vehicles necessary to expand transit service.

(e) Projects to construct new maintenance and storage facilities and major passenger transfer facilities.

(f) Capitalized maintenance projects for existing transit systems.

(g) Other capital projects for which the use of section 5307 funds is permitted under 49 USC chapter 53.

(3) Any uncommitted balances of the governor's apportionment after capital assistance needs are met under sub. (2) and any unexpended balances from previous years under this section shall be carried forward to the following year.

**History:** Cr. Register, January, 1987, No. 373, eff. 2-1-87; emerg. am. (1) (a) and (3), eff. 2-20-92; am. (1) (a) and (3), Register, June, 1992, No. 438, eff. 7-1-92; am. (intro.), (1) (b) and (3), r. (2) (b), renum. and am. (2) (a) (intro.) to be (2) (intro.), and (2) (a) 3. to be (2) (c), renum. (2) (a) 1., 2., 4. and 5. to be (2) (a), (b), (d) and (e), Register, November, 2000, No. 539, eff. 12-1-00; **CR 18-065: am. (title), (1), (2) (intro.), (a), cr. (2) (f), (g), am. (3) Register October 2020 No. 778, eff. 11-1-20.**

**Trans 8.04 Reporting requirements.** All eligible recipients receiving a grant of federal section 5307 funds shall maintain

books and records in the manner required by the department and shall submit periodic and special reports as required by the department or by applicable federal regulations.

**History:** Cr. Register, January, 1987, No. 373, eff. 2-1-87; am., Register, November, 2000, No. 539, eff. 12-1-00; **CR 18-065: am. Register October 2020 No. 778, eff. 11-1-20.**