

## Chapter Trans 6

### FEDERAL RURAL AND SMALL URBAN AREA PUBLIC TRANSPORTATION ASSISTANCE PROGRAM

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**Note:** Chapter Trans 6 was created by emergency rule effective April 17, 1979.

**Trans 6.01 Purpose and scope of rule.** The purpose of this chapter is to prescribe the department of transportation's administrative interpretation of s. 85.08 (7), Stats., and to prescribe the administrative policies and procedures for implementing the federal program for public transportation projects in areas other than urbanized. This program is authorized by Section 18 of the Urban Mass Transportation Act of 1964, as amended. The goals of this program are to enhance access of people in non-urbanized areas for purposes such as health care, shopping, education, recreation, public services, and employment by encouraging the maintenance, development, improvement, and use of public transportation services. By federal definition, "areas other than urbanized" include small urban and rural areas.

**History:** Cr. Register, May, 1980, No. 293, eff. 6-1-80.

**Trans 6.02 Definitions.** (1) "Eligible applicants" are local public bodies and private transportation providers and Indian reservations.

(2) "Local public bodies" are counties, cities, villages, and towns or agencies thereof.

(3) "Private transportation providers" are privately owned (for-profit or nonprofit) organizations that operate an eligible public transportation service.

(4) "Eligible public transportation service" means a public transportation service operating or designed to operate in non-urbanized areas.

(5) "Public transportation service" means a passenger transportation service provided to the general public on a regular and continuing basis by a public agency or private firm. Passenger fares must be collected for the service in accordance with established tariff schedules. The transportation service may be provided by bus, rail, shared-ride taxicab, or other conveyance. The service may constitute an entire public transit system or may be an individual route or a segment of a route provided by a common carrier of passengers. The service must be regulated by the state transportation commission under ch. 194, Stats. unless exempt from such regulation under s. 85.05 (5), Stats., or under ch. 194, Stats. A transportation service provided exclusively for a subgroup of the general public is not considered to be a "public transportation service" for purposes of this chapter.

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(6) "Urbanized area" means those areas of the state so defined by the U.S. bureau of the census.

(7) "Operating project cost" means the difference between the costs of operating an eligible public transportation service and the revenues derived therefrom. User subsidies, such as transportation stamps and the like, are not considered to be "operating costs" for purposes of this chapter.

(8) "Capital project cost" means the cost of acquisition, construction, reconstruction, and improvement of facilities, vehicles, and equipment for use in the provision of an eligible public transportation service.

**History:** Cr. Register, May, 1980, No. 293, eff. 6-1-80.

**Trans 6.03 Federal share of project costs.** (1) The federal share of operating project costs shall not exceed 50% of such costs, subject to the "maintenance of effort" provisions of s. Trans 6.04. The department shall determine the types of costs that are eligible for federal reimbursement in accordance with generally accepted accounting principles and practices and with applicable federal guidelines. The department shall also establish the official projections of eligible operating costs for purposes of allocating federal aids.

(2) The federal share of capital project costs shall not exceed 80% of such costs. The department shall determine the types of costs that are eligible for federal reimbursement in accordance with applicable federal guidelines. The department shall also establish the appropriateness of each capital expenditure in accordance with generally accepted planning practices. The department shall also establish the official projections of eligible capital costs for purposes of allocating federal aids.

**History:** Cr. Register, May, 1980, No. 293, eff. 6-1-80.

**Trans 6.04 Maintenance of effort.** If an eligible applicant also receives state aids under s. 85.05, Stats., for an operating project, the nonfederal share of the project shall at least equal the average of the state and local operating aids paid for the 2 preceding calendar years.

**History:** Cr. Register, May, 1980, No. 293, eff. 6-1-80.

**Trans 6.05 Distribution of federal aids.** (1) The state's annual apportionment of Section 18 funds will be distributed as follows:

(a) Ten percent 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 such research as the department may deem appropriate to promote effective means of delivering public transportation services in areas other than urbanized areas.

(b) Forty-five percent will be reserved for grants to eligible applicants that also qualify for state aids under s. 85.05, Stats. Funds reserved under this subsection will be expended in accordance with the criteria set forth under s. Trans 6.06.

(c) Forty-five percent will be reserved for grants to eligible applicants that do not qualify for state aids under s. 85.05, Stats. Funds reserved

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under this subsection will be expended in accordance with criteria set forth under s. Trans 6.07.

(2) Any uncommitted balance of the state's annual apportionment of Section 18 funds from a preceding project year shall be divided equally between the 2 grant categories defined in ss. Trans 6.06 and 6.07.

**History:** Cr. Register, May, 1980, No. 293, eff. 6-1-80.

**Trans 6.06 Operating grants to small urban areas.** (1) Subject to the limitations defined in s. Trans 6.03 (1), the funds available under s. Trans 6.05 (1) (b) shall be allocated among eligible applicants that also qualify for state aids under s. 85.05, Stats., in accordance with the following:

(a) Eighty percent of the funds shall be allocated among all applicants in proportion to each applicant's share of the projected operating project costs of all applicants.

(b) Ten percent of the funds shall be allocated among those applicants that have projected operating revenues to cover 20%, or more, of projected operating expenses. The allocation will be in proportion to each such applicant's share of the projected operating project costs of all such applicants.

(c) Ten percent of the funds shall be allocated among those applicants that have projected operating revenues to cover 30%, or more, of projected operating expenses. The allocation will be in proportion to each such applicant's share of the projected operating project costs of all such applicants.

(2) If the funds reserved for grants under this section exceed the amounts applied for, such balances shall be made available to small urban areas for capital grants under s. Trans 6.08.

**History:** Cr. Register, May, 1980, No. 293, eff. 6-1-80.

**Trans 6.07 Grants to rural areas.** (1) The department shall categorize all applications received from eligible applicants that do not also qualify for state aids under s. 85.05, Stats., according to the following rank order of priority until the funds available under s. Trans 6.05 (1) (c) are committed:

(a) Operating, or capital, or both operating and capital projects for services to Indian reservations;

(b) Operating projects for services that existed as of July 1, 1979;

(c) Operating projects for the second and subsequent years of operation for services initiated under par. (f);

(d) Capital projects for services that existed as of July 1, 1979;

(e) Capital projects for the second and subsequent years of operation for services initiated under par. (f);

(f) Operating projects, capital projects, or both, to initiate services that did not exist as of July 1, 1979, and that do not serve an Indian reservation.

(2) If available funds are not sufficient to fund all applications within a given category, then the department shall, after consultation with the

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applicants, reduce the scope or timing of proposed projects within that category to fit available funding.

(3) If the funds reserved for grants under this section exceed the amounts applied for, such balances shall be made available to small urban areas for capital grants under s. Trans 6.08.

**History:** Cr. Register, May, 1980, No. 293, eff. 6-1-80.

**Trans 6.08 Capital grants to small urban areas.** (1) Any uncommitted balance of funds under ss. Trans 6.06 and 6.07 shall be made available for capital grants to eligible applicants that also qualify for state aids under s. 85.05, Stats.

(2) The department shall award capital grants to small urban areas according to the following rank order of priority until all available funds are committed:

(a) Projects to initiate a public transportation service within an urban area not having such services;

(b) Projects to replace vehicles operated by existing systems;

(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, bus stop signs and the like.

(3) 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.

(4) If the funds available for grants under this section exceed the amounts applied for, such balances shall be distributed in accordance with s. Trans 6.05 (2).

**History:** Cr. Register, May, 1980, No. 293, eff. 6-1-80.

**Trans 6.09 Application for federal aids.** (1) Eligible applicants may apply to the department for Section 18 funds. If more than one local public body will financially participate in the project, one such body should submit a single application on behalf of all. In such 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 December 1 of the year immediately preceding the project year. Applicants may request up to a 30-day extension of this 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.

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(3) For the purposes of this chapter, a "project year" is defined to be a calendar year. 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 such agencies must 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 such agencies.

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

(a) The proposed project is not consistent with the intent of the 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 using 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.

*History:* Cr. Register, May, 1980, No. 293, eff. 6-1-80; r. and recr. (4) and (5), Register, July, 1981, No. 307, eff. 8-1-81.

**Trans 6.10 Reporting requirements.** All grant recipients are required to maintain books and records as required by the department and to make periodic and special reports to the department as required by the department or by governing federal regulations.

*History:* Cr. Register, May, 1980, No. 293, eff. 6-1-80.

**Trans 6.11 Labor protection requirements.** Each eligible applicant, through formal resolution by its governing body, must 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, May, 1980, No. 293, eff. 6-1-80.