

## 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 of transportation 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 section 5307 of the Transportation Equity Act for the 21<sup>st</sup> Century, Public Law 105-178.

**History:** Cr. Register, January, 1987, No. 373, eff. 2-1-87; am., Register, November, 2000, No. 539, eff. 12-1-00.

**Trans 8.02 Definitions. (1)** "Capital project" means the acquisition, construction, reconstruction and improvement of facilities, vehicles and equipment for use in the provision of an eligible urban mass transit system.

**(2)** "Capitalized maintenance costs" are costs associated with vehicle and facility related maintenance which a mass transit system has classified as capital costs as allowed by TEA 21. A mass transit system shall classify capitalized maintenance costs identically under both the federal section 5307 program and the state operating assistance program authorized under s. 85.20, Stats.

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

**(2r)** "Eligible recipient" means local public bodies in urbanized areas under 200,000 population who have been designated as recipients 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 projects in urbanized areas under 200,000 population.

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

**(6)** "Mass transit system" has the meaning given in s. Trans 4.02 (4).

**(7)** "Operating deficit" has the meaning given in s. Trans 4.05(3).

**(8)** "Operating deficit" has the meaning given in s. Trans 4.05 (2).

**(9)** "Operating expenses" means all eligible project costs under s. Trans 4.04.

**(10)** "Operating revenues" has the meaning given in s. Trans 4.05(4).

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

**(11m)** "TEA 21" means the federal transportation equity act for the 21st century of 1998.

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

**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.

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

**(1) (a)** Funds apportioned to the governor and available 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 1607a (k) (1); and no recipient shall receive an allocation that when combined with the state s. 85.20, Stats., operating assistance funds exceeds 70% of its projected operating expenses.

**(b)** The department of transportation shall provide to each eligible recipient projections of the amount of state and federal funds for operating assistance which will be allocated to each recipient for the next project year as soon as possible after October 1 and once state and federal budgeted amounts are known along with reasonable estimates of the operating assistance needs of affected mass transit systems. The projections shall be based on the best information available at the time.

**(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 90% of the costs if the project is required to comply with the Americans with Disabilities Act, included in the final program of projects submitted by each recipient to the secretary of the United States department of transportation as required by 49 USC 1607a(e)(2). In any project year in which requests for capital assistance exceed available funds, the rank order of priorities shall be established by the department in consultation with the eligible recipient. Annually, the rank order shall consider age, condition, transit service needs and urgency among other factors. The rank order shown below may be used, or it may be modified, until all funds available are distributed:

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

**(3)** Any uncommitted balances of the governor's apportionment after capital assistance needs are met under sub. (2) or 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.

**Trans 8.04 Report 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 make 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.

**Trans 8.05 Annual review.** **History:** Cr. Register, January, 1987, No. 373, eff. 2-1-87; r., Register, November, 2000, No. 539, eff. 12-1-00.