

CERTIFICATE

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **Rural and Small Urban Area Public Transportation Assistance Program**, was duly approved and adopted by this Department on December 8, 1992.

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 8 day of December, 1992.

Charles H. Thompson

CHARLES H. THOMPSON
Secretary

RECEIVED

DEC 9 1992
3:20 pm
Revisor of Statutes
Bureau

IN THE MATTER OF a rule RENUMBERING Trans 6.02(5) to (14); AMENDING Trans 6.03(1)(b)12 and 17, (1)(c), (2), 6.07(2) and (5), and 6.08; and CREATING Trans 6.02(5), 6.04(1)(e) and 6.12, Wisconsin Administrative Code, relating to Rural and Small Urban Area Public Transportation Assistance Program.

ORDER ADOPTING RULE**Analysis Prepared by the Wisconsin Department of Transportation**

STATUTORY AUTHORITY: ss. 85.16(1), 227.11(2) and 227.18, Stats.

STATUTE INTERPRETED: ss. 85.20 and 85.23, Stats., 49 USCS Appx. § 1608 and 49 USCS Appx. § 1614(i).

General Summary of Rule. This rule change:

1. Increases the non-expendable personal property limit which can be recognized as operating expense from \$300 to \$1,000.
2. Allows vehicle-related equipment required by the Clean Air Act and the Americans with Disabilities Act to be funded at 90% as allowed by federal law.
3. Establishes guidelines for that portion of the Section 18 funding which must be allocated yearly to "intercity bus service" as required by federal law.
4. Allows the Department to withhold payments from recipients until overdue reports are filed.
5. Changes the application deadline from November 15 with a 45 day extension provision to October 15 with no extensions available. This is the result of a change in the federal application approval and release cycle from a bi-monthly to a quarterly basis.
6. Requires that all recipients of program funds comply with the Americans with Disabilities Act and all federal regulations relating to it.
7. Implements minor clarifying administrative changes to existing provisions.

Fiscal Impact. No significant fiscal effect is expected upon the enactment of the amendments to Trans 6.

Final Regulatory Flexibility Analysis. These rule changes will not have any significant effect upon any small businesses.

Copies of Rule. Copies of this rule may be obtained, free of charge, upon request to the Division of Transportation Assistance, P. O. Box 7914, Room 701, Madison, WI 53707-7914, or by calling Ronald Morse at (608) 266-9637.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1), 227.11(2) and 227.18, Stats., the department of transportation hereby amends a rule interpreting ss. 85.20 and 85.23, Stats., 49 USCS Appx. § 1608 and 49 USCS Appx. §1614(i), relating to the rural and small urban area public transportation assistance program.

SECTION 1. Trans 6.02(5) to (14) are renumbered (6) to (15), respectively.

SECTION 2. Trans 6.02(5) is created to read:

Trans 6.02(5) "Intercity bus service" means regularly scheduled bus service over routes connecting 2 or more urban areas of at least 2,500 population serving rural and small urban areas.

SECTION 3. Trans 6.03(1)(b)12 and 17, (1)(c) and (2) are amended to read:

Trans 6.03(1)(b)12. User-side subsidies except those specifically funded under an intercity bus project;

(b)17. Expenses for contingencies or capital acquisitions, including contributions to a capital reserve account or fund. For the purposes of determining eligible operating expenses, capital acquisitions are defined as the purchase of non-expendable personal property with a useful life of more than one year and an acquisition cost of ~~\$300~~ \$1,000 or more per unit. A unit is defined as one or more like items. The cost of materials and supplies utilized in facility or vehicle repairs, regardless of cost, shall be considered as eligible operating costs so long as the repairs involve replacement of existing items.

demonstration projects, and coordination of rural connections between small transit operations and intercity bus carriers.

SECTION 5. Trans 6.07(2) and (5) are amended to read:

Trans 6.07(2). Applications shall be submitted to the department no later than ~~November~~ October 15 of the year immediately preceding the project year. The department may accept revisions to a submitted application during the application review period. ~~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~~ October 15 of the year immediately preceding 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.

(5) The applicant shall submit the original of its application to the bureau of transit and local transportation aids with a copy to the appropriate district office of the department.

SECTION 6. Trans 6.08 is amended to read:

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. If the reports are not filed as required, the department may withhold grant payments due the recipient until the recipient's reports are filed as required.

SECTION 7. Trans 6.12 is created to read:

TRANS 6.12 AMERICANS WITH DISABILITIES REQUIREMENTS. All grant recipients shall comply with the Americans with Disabilities Act and all federal regulations relating thereto.

(END OF RULE TEXT)

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

Signed at Madison, Wisconsin, this 9 day of December, 1992.



CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation

RECEIVED

DEC 9 1992

Revisor of Statutes
Bureau



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

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

December 9, 1992

RECEIVED

DEC 9 1992

Revisor of Statutes
Bureau

Mr. Gary Poulson
Deputy Revisor of Statutes
119 Martin Luther King, Jr. Blvd.
2nd Floor
Madison, Wisconsin 53703


RE: CLEARINGHOUSE RULE 92-161

In the Matter of the Adoption of **TRANS 6**, Wisconsin Administrative Code, relating to
Rural and Small Urban Area Public Transportation Assistance Program.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 92-161**, 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
Dorothy Kapke
Jim McDonnell
John Evans
Ron Morse