

Chapter Trans 4

URBAN MASS TRANSIT OPERATING ASSISTANCE PROGRAM

Trans 4.01	Purpose and scope of rule	Trans 4.05	State share of eligible project costs
Trans 4.02	Eligible applicants	Trans 4.06	Distribution of state aids
Trans 4.03	Appropriate urban mass transit systems for urban areas; criteria	Trans 4.07	Applications for state aids
Trans 4.04	Eligible project costs	Trans 4.08	State aid contracts

**Trans 4.01 Purpose and scope of rule.** The purposes of this chapter are to establish the department of transportation's administrative interpretation of s. 85.05, Stats., and to prescribe administrative policies and procedures for implementing the urban mass transit operating assistance program.

**History:** Cr. Register, November, 1978, No. 275, eff. 12-1-78.

**Trans 4.02 Eligible applicants.** (1) In accordance with the statutory definitions in s. 85.05 (1), Stats., eligible applicants are local public bodies in urban areas which are served by an urban mass transit system incurring an operating deficit.

(2) "Local public bodies" are defined to be:

(a) Counties, municipalities or towns, or agencies thereof;

(b) Transit or transportation commissions or authorities and public corporations established by law or by interstate compact to provide mass transportation services and facilities; or,

(c) Two or more of any such bodies acting jointly under s. 66.30, Stats.

(3) "Urban mass transit system" means a mass transit system operating within an urban area.

(4) "Mass transit system" means a public agency or private firm which provides the general public with passenger transportation services on a regular and continuing basis. The transportation services for the general public may be provided by buses, rail, shared-ride taxicabs or other conveyance. A mass transit system may provide specialized transportation services for the elderly and the handicapped by operating a subsystem, or by contracting for such services with another agency. An agency which provides transportation services exclusively for a subgroup of the general public is not a "mass transit system" for purposes of this chapter.

(5) "Urban area" means any area that includes a city or village having a population of 5,000 or more that is appropriate, in the department's judgment, for an urban mass transit system. The department will determine the population of a city or village within an urban area using the most recent estimates prepared by the department of administration.

(6) "Subsystem" means that part of a transit system which provides special services to the elderly or the handicapped that is not open to the general public.

**History:** Cr. Register, November, 1978, No. 275, eff. 12-1-78.

**Trans 4.03 Appropriate urban mass transit systems for urban areas; criteria.** In determining whether an urban mass transit system is appropriate for an urban area for purposes of granting state aid the department shall use the following criteria:

(1) For "nonurbanized" areas (urban areas not defined as "urbanized" by the U.S. bureau of the census), the urban mass transit system must provide at least two-thirds of its services within the boundaries of the urban area.

(2) For "urbanized" areas (urban areas defined as "urbanized" by the U.S. bureau of the census), the urban mass transit system must provide service within the urbanized area and may not extend such service to any point further than 15 miles from the boundaries of the "urbanized area."

**History:** Cr. Register, November, 1978, No. 275, eff. 12-1-78.

**Trans 4.04 Eligible project costs.** (1) In accordance with the statutory definitions in s. 85.05 (1), Stats., eligible project costs are limited to the operating deficits of urban mass transit systems, except that if the mass transit system's deficit per passenger exceeds \$1.00, the project costs eligible for state reimbursement shall be computed as the revenue passengers carried multiplied by \$1.00.

(2) "Operating deficit" means the amount by which the total operating expenses incurred in the operation of an urban mass transit system exceeds the amount of operating revenue derived therefrom.

(3) "Operating revenues" means income accruing to an urban mass transit system by virtue of its operations.

(4) "Operating expenses" means costs accruing to an urban mass transit system by virtue of its operations, but does not include profit, return on investment or depreciation.

(5) User subsidies, such as transportation stamps and the like, are not eligible project costs for purposes of this chapter.

(6) For publicly owned mass transit systems, only the wages and fringe benefits of those employees whose activities are directly related to the day-to-day operation of the system shall be considered eligible project costs. If such employees do not work full-time on transit, only that portion of their time spent on transit shall be considered.

(7) For privately owned mass transit systems, the wages and fringe benefits of any public employees are not eligible project costs.

(8) The costs of conducting transit planning studies are not eligible project costs.

**History:** Cr. Register, November, 1978, No. 275, eff. 12-1-78.

**Trans 4.05 State share of eligible project costs.** In accordance with the statutory intent of s. 85.05, Stats., the state's share of eligible project costs shall be computed as the revenue passengers carried multiplied by \$1.00.

**History:** Cr. Register, November, 1978, No. 275

costs may not exceed 72% of the nonfederal share of the operating deficit of a mass transit system.

**History:** Cr. Register, November, 1978, No. 275, eff. 12-1-78.

**Trans 4.06 Distribution of state aids.** (1) The department shall distribute the state appropriations for this program among eligible applicants in accordance with the procedures set forth in s. 85.05 (4), Stats.

(2) In computing the base year entitlement of a publicly owned transit system, the department shall not consider sums paid to an eligible applicant by the former private owner of the transit system to be operating revenues.

**History:** Cr. Register, November, 1978, No. 275, eff. 12-1-78.

**Trans 4.07 Applications for state aids.** (1) Eligible applicants may apply to the department for aids under s. 85.05, Stats. If more than one body in a given urban area contributes assistance to a mass transit system, one local public body should submit a single application on behalf of all participating local governments. The applicant public body, as well as all other participating local governments, shall assure that the required local shares of eligible project costs will be available.

(2) Applications for aids shall be submitted to the department no later than December 1 of the year immediately preceding the proposed project year. Applicants may request up to a 30-day extension of this due 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.

(3) Applications shall be made in a manner and form prescribed by the department and the department shall furnish application instructions to applicants by September 1 of the calendar year preceding the proposed project year.

(4) Eligible applicants in "urbanized" areas shall submit a copy of their application to the appropriate metropolitan planning organization.

(5) For 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.

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

**History:** Cr. Register, November, 1978, No. 275, eff. 12-1-78; am. (2), cr. (5) and (6), Register, July, 1981, No. 307, eff. 8-1-81.

**Trans 4.08 State aid contracts.** (1) For each even-numbered calendar year, the department shall execute an annual aid contract with each eligible applicant. No amendments relating to state aid allocations may be made except upon the department's initiative.

(2) For each odd-numbered calendar year, the department shall initially execute a 6-month contract with each eligible applicant for the January through June period. Upon enactment of the biennial state budget act appropriating money for the program, the 6-month aid contract shall be amended to include the second 6 months of the contract year. No other amendments relating to state aid allocations may be made except upon the department's initiative.

(3) Notwithstanding the provisions of subs. (1) and (2), state aid contracts may be terminated by either the department or the applicant under the following conditions:

(a) By the department, if the department determines that the purpose of the aid program as expressed in s. 85.05, Stats., is not being fulfilled, or if the recipient fails to comply with the terms and conditions of the state aid contract.

(b) By the recipient, if the recipient makes a formal application to the department to do so.

(4) A state aid contract may be terminated as provided in sub. (3) by giving written notice of intent to terminate, sent by certified mail, at least 30 calendar days prior to the proposed termination date.

(5) Using the allocation procedures specified in Trans 4.06 and the official projections of annual operating deficits as determined by the department, the department shall commit a specified amount of state aids to each eligible recipient in each state aid contract. The state is only obligated to pay up to 72% of the nonfederal share of a mass transit system's operating deficit actually incurred during the contract year. The "actual" operating deficit, and nonfederal share thereof, shall be determined by the department in accordance with generally accepted accounting principles and practices.

(6) State aid contracts shall require that recipients do the following:

(a) Pay the operating deficit of the mass transit system;

(b) Provide reduced fare programs for elderly and handicapped persons during nonpeak hours (reduced fares may not exceed one-half of the adult cash fare);

(c) Establish and maintain accounting procedures and documents as prescribed or approved by the department;

(d) Assure that the mass transit system will count "revenue passenger trips" in accordance with ch. Trans 3;

(e) Assure that the mass transit system will file any reports required by the department at a time and in a manner prescribed by the department; and

(f) Assure that, if other local public bodies contribute assistance to the operation of the mass transit system, the state aids received are allocated among the contributors in proportion to their contributions.

(7) State aids shall be paid to recipients on a quarterly basis. If the department's audit establishes that 72% of the nonfederal share of a system's actual eligible operating deficit is less than the state aid commitment, then the recipients shall refund to the department an amount equal to the difference.

(8) Each state aid contract shall include an appendix entitled "Transit Management Plan." The "Transit Management Plan" shall describe for the contract year, how the transit system will be operated, the amount of service which will be provided, the fares to be charged, and the procedures to be used for establishing revenue passenger trips for the system. "Transit Management Plans" may be amended during the course of a contract year. The amendments may not change the allo-

cation of state aids to or among recipients for the contract year. The department may require the applicant to hold a public hearing on the proposed change prior to the department's determination on the proposal.

(9) If the recipient contracts for mass transit service with a privately-owned system, the recipient shall execute a formal contract with the system. The contract shall be submitted to the department for review and approval prior to execution.

(10) If a recipient applies for and receives federal aids to offset all or a portion of the operating deficit incurred during the contract period, the recipient shall notify the department in writing when such application is made, when the application is approved, when federal aids are requisitioned and when federal aids are received.

(11) If other local public bodies contribute assistance to the operation of the mass transit system, the recipient shall execute with each such local public body a written agreement specifying the obligations of each party and file a copy of the agreement with the department.

**History:** Cr. Register, November, 1978, No. 275, eff. 12-1-78.

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