

## 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 1987 and subsequent years for mass transit assistance to urbanized areas of under 200,000 population. This program is authorized by section 9 of the Urban Mass Transportation Act of 1964, as amended.

**History:** Cr. Register, January, 1987, No. 373, eff. 2-1-87.

**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) "Eligible recipient" means local public bodies in urbanized areas under 200,000 population who have been designated as recipients of federal section 9 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 9 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 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 4.05 (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 (3).

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

(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.

**Trans 8.03 Distribution of federal aids.** The governor's annual apportionment of federal section 9 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 no later than October 1. The projections will be based on the best information available at the time. Revised projections shall be provided to each eligible recipient within 10 days following publication of the urban mass transportation administration's official section 9 apportionments in the federal register.

(2) (a) 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 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 following rank order of priority shall be used for distribution until all funds available are committed:

1. Projects to replace or rehabilitate existing vehicles and maintenance and shop equipment.

2. Projects to improve or rehabilitate existing maintenance and storage facilities.

3. Projects to purchase and install passenger amenities such as shelters and bus stops.

4. Projects to purchase vehicles necessary to expand transit service.

5. Projects to construct new maintenance and storage facilities and major passenger transfer facilities.

(b) If funds are not sufficient to fund all applications within a given category, then the department shall, after consultation with the eligible recipients, reduce the scope or timing of proposed projects within that category to fit available funding.

(3) Any uncommitted balances of the governor's apportionment after capital assistance needs are met under sub. (2) (a) shall be available to all eligible applicants for operating assistance beyond the 70% limitation initially imposed in sub. (1) (a), not to exceed 50% of the operating deficit or the federally-imposed operating assistance cap. Any uncommitted balances available after this additional operating assistance distribution 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.

**Trans 8.04 Report requirements.** All eligible recipients receiving a grant of federal section 9 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.

**Trans 8.05 Annual review.** The department of transportation shall review the policies and procedures established in this rule annually.

**History:** Cr. Register, January, 1987, No. 373, eff. 2-1-87.