

# Clearinghouse Rule 96-179

## CERTIFICATE

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

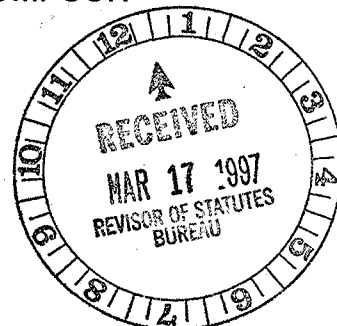
I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **general transportation aids**, was duly approved and adopted by this Department on March 17, 1997.

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 17 day of **March**, 1997.

*Charles H. Thompson*  
CHARLES H. THOMPSON  
Secretary



6-1-97

The Wisconsin Department of Transportation adopts an order to repeal and recreate ch. TRANS 76, relating to general transportation aids.

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

**STATUTORY AUTHORITY:** s. 85.16, Stats.

**STATUTES INTERPRETED:** s. 86.303(5)(f)(intro.) and (i)(intro.), Stats.

**General Summary of Rule.** The General Transportation Aids (GTA) Program is a program provided to defray a portion of the costs incurred with constructing and maintaining roads under local jurisdiction. The GTA program is a reimbursement program based on each local government's spending patterns. GTA funds are distributed to all Wisconsin counties and municipalities in amounts determined using a formula which is based on local "eligible costs." Generally, all road or street construction and maintenance expenditures within the right of way are considered eligible costs. A percentage of other expenditures are also considered eligible costs, including law enforcement, street lighting maintenance and construction, and storm sewer construction.

The share of cost rate is determined by the available funding and the six-year average costs reported by each county and municipality. Distribution of GTA payments to local governments are computed and paid on a calendar year basis. Quarterly payments are made on the first Monday of January, April, July and October. The Department obtains cost data from Financial Reports which all local units of government must file annually with the Department of Revenue. The reports are based upon calendar year expenditures and revenues and are submitted each spring and summer.

Late filing of Financial Report forms will result in a reduction of the local government's GTA. Failure to submit the Financial Report with the Department of Revenue by the deadline will result in a reduction in GTA payments the following year. The reduction will be equal to 1% for each day late, to a maximum of 10%, as provided in s. 86.303(5)(f) and (i), Stats.

As provided in s. 86.303(5)(f)(intro.) and (i)(intro.), Stats., the Department proposes this rule making to administratively interpret the phrase "each day" to exclude Saturday, Sundays and legal holidays. The Department's long-standing and consistent interpretation of the phrases "within 30 days" and "each day" has been calendar days. The Department has concluded that it would be fairer and more reasonable to continue to interpret the phrase "within 30 days" as calendar days, but to exclude Saturdays, Sundays and legal holidays from the interpretation of the phrase "each day" for the purposes of the one percent reduction for each day that the report is late. The reason for this revised interpretation is that the 10% penalty cap can still be reached within 30

calendar days. Using this interpretation, timely reports and calculations will still be available for state and local budgeting and planning purposes.

**Fiscal Effect.** Four local governments will be affected for 1997 GTA payments. These four local governments will receive a total of \$18,061.93 more based on less days of penalties. This does slightly affect the distribution of funds, but not the appropriation amounts.

**Final Regulatory Flexibility Analysis.** This rule will have no adverse impact on small businesses.

**Copies of Rule.** Copies of the rule may be obtained upon request, without cost, by writing to Julie Johnson, Paralegal, Department of Transportation, Office of General Counsel, P. O. Box 7910, Room 115-B, Madison, WI 53707-7910, or by calling (608) 267-3703. Hearing-impaired individuals may contact the Department using TDD (608) 266-0396. Alternate formats of the rule will be provided to individuals at their request.

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### **TEXT OF RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by s. 85.16, Stats., the department of transportation hereby repeals and recreates ch. Trans 76, Wisconsin Administrative Code, interpreting s. 86.303(5)(f)(intro.) and (i)(intro.), Stats., relating to uniform cost reporting procedure during calendar year 1996 for general transportation aids to be paid in calendar year 1997.

**SECTION 1.** Chapter Trans 76 is repealed.

**SECTION 2.** Chapter Trans 76 is recreated to read:

#### **GENERAL TRANSPORTATION AIDS**

**Trans 76.01 PURPOSE.** The purpose of this chapter is to establish the department's administrative interpretation of s. 86.303(5)(f)(intro.) and (i)(intro.), Stats., relating to the uniform cost reporting procedure during calendar year 1996 for general transportation aids.

**Trans 76.02 1996 DEFINITION.** In this chapter:

(1) "Department" means the department of transportation.

(2) "Work day" means any day except Saturday, Sunday and holidays designated in s. 230.35(4)(a), Stats.

NOTE: This definition has the same meaning as provided in s. 227.01(14), Stats.

**Trans 76.03 1996 PENALTIES.** In accordance with the statutory direction of s. 86.303(5)(f)(intro.) and (i)(intro.), Stats., the department shall impose penalties upon those counties and municipalities who file their financial report forms within 30 calendar days after the applicable date under s. 86.303(5)(c) or (d), and (g), Stats., respectively in calendar year 1996. The one percent penalty shall apply to each work day from the due date to the filing date in 1996.

**Trans 76.04 1996 APPLICABILITY.** This chapter is effective for financial report forms filed in calendar year 1996 only.

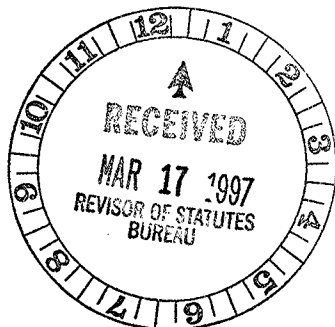
**SECTION 3.** Chapter 76, as recreated by this chapter, is repealed effective October 7, 1997.

(END OF RULE TEXT)

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**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 17 day of March, 1997.



*Charles H. Thompson*  
CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation



## Wisconsin Department of Transportation

Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

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

March 17, 1997

Mr. Gary Poulson  
Deputy Revisor of Statutes  
131 West Wilson Street, Suite 800  
Madison, Wisconsin 53703

RE: **CLEARINGHOUSE RULE 96-179**

In the Matter of the Adoption of **TRANS 76**, Wisconsin Administrative Code, relating to **general transportation aids**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 96-179**, an administrative rule relating to the above-mentioned matter.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson  
Paralegal

Enclosures

cc: Gene Kussart  
Dorothy Kapke  
Jim McDonnell  
Jim Van Sistine  
Marcia Traska

