

**MARATHON COUNTY METROPOLITAN PLANNING COMMISSION
AGENDA**

**April 13, 2021
2:00 P.M.**

**Large Conference Room
210 RIVER DR., WAUSAU, WI**

Members: John Robinson – Chair, George Peterson – Vice Chair, Allan Opall, Betty Hoenisch, Steve Hagman, Katie Rosenberg, Tim Buttke, John Prah, Milton Olson, Chris Voll, Mark Maloney, Brent Jacobson, Kregg Hoehn, Ken Wickham

The meeting site identified above will be open to the public. However, due to the COVID-19 pandemic and associated public health directives, Marathon County encourages Metropolitan Planning Commission members and the public to attend this meeting remotely. To this end, instead of attendance in person, Metropolitan Planning Commission members and the public may attend this meeting by **telephone conference**. If Metropolitan Planning Commission members or members of the public cannot attend remotely, Marathon County requests that appropriate safety measures, including adequate social distancing, be utilized by all in-person attendees.

Persons wishing to attend the meeting by phone may call into the telephone conference beginning **five (5) minutes prior to the start time indicated above using the following number:**

**PHONE NUMBER: 1-408-418-9388
ACCESS CODE: 187 568 1600**

Please Note: If you are prompted to provide an “Attendee Identification Number” enter the # sign. No other number is required to participate in the telephone conference.

When you enter the telephone conference, PLEASE PUT YOUR PHONE ON MUTE!

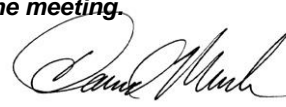
AGENDA ITEMS:

- 1) CALL TO ORDER;
- 2) WELCOME AND INTRODUCTIONS;
- 3) PUBLIC COMMENT

POLICY DISCUSSION AND POSSIBLE ACTION:

- 4) APPROVE MINUTES OF THE MARCH 9, 2021 MEETING;
- 5) TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AMENDMENT – RESOLUTION #3-21
- 6) POTENTIAL CHANGES TO METROPOLITAN STATISTICAL AREA (MSA) DELINEATION;
- 7) URBAN AREA DETERMINATION –US CENSUS BUREAU;
- 8) OVERVIEW OF FEDERAL INFRASTRUCTURE BILL AND AMERICAN RESCUE PLAN ACT;
- 9) DRAFT REQUEST FOR PROPOSALS (RFP) FOR THE 2022 TRANSIT DEVELOPMENT PROGRAM (TDP);
- 10) FOLLOW UP DISCUSSION REGARDING CHAMBER OF COMMERCE AND MCDEVCO CONVERSATION ABOUT TRANSPORTATION NEEDS IN THE AREA.
- 11) NEXT MEETING DATE – MAY 11, 2021;
- 12) ADJOURN.

Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk’s Office at 715-261-1500 one business day before the meeting.



SIGNED _____
PRESIDING OFFICER OR DESIGNEE

FAXED TO: Daily Herald (848-9361) TPP Printing (223-3505)
Midwest Radio Group (848-3158)

FAXED BY: BI _____
FAX DATE/TIME: 04/07/2021 2:30pm

NOTICE POSTED AT COURTHOUSE:
By: _____
Date: _____



MARATHON COUNTY METROPOLITAN PLANNING COMMISSION
Minutes
March 9, 2021

Commissioners: John Robinson – Chair, George Peterson – Vice-chair, Wehner (for Opall), Katie Rosenberg, Randy Fifrick (for Voll), Jeff Gates (for Jacobson), Dave Meurett (for Wickham), Mark Maloney, Tim Buttke,

TAC Members: Dave Mack, Andrew Lynch, James Kuehn, Darryl Landeau, Keith Rusch, Michael Wodalski

Others Present: Brenda Iczkowski, Jared Wehner, John Happli, Mike Wendt, William Harris

1. Call to Order

In the presence of a quorum, with the agenda being properly signed and posted, the meeting was called to order by Chair Robinson at 2:00 p.m. at 210 River Drive, Wausau and virtually via WebEx.

2. Welcome and Introductions

All were welcomed and introductions were made.

3. Public Comment – NONE.

4. Approve Minutes February 8, 2021 meeting

Action: MOTION / SECOND BY ROSENBERG / BUTTKE TO APPROVE THE FEBRUARY 8, 2021 MINUTES. MOTION CARRIED BY VOICE VOTE, NO DISSENT.

5. Transportation Improvement Program (TIP) Amendment

Discussion: Mack indicated the packet included a TIP Amendment regarding some ADA compliant components for Business 51 and State Highway 52 in Wausau/Schofield area that would add-in ADA compliant curb cuts and crosswalks. The plans will start in 2021 with a construction start year of 2027. Meurett informed the commission that this is one of three stand-alone projects in the area with the other two being in Stevens Point and Wisconsin Rapids areas. WisDOT is addressing noncompliant curb ramps state wide.

Action: MOTION / SECOND BY WEHNER / RUSCH TO APPROVE RESOLUTION #2-21 ADOPTING THE AMENDMENT TO THE 2021-2024 TRANSPORTATION IMPROVEMENT PROGRAM. MOTION CARRIED BY VOICE VOTE, NO DISSENT.

Follow Through: Staff will send the resolution to WisDOT and FHWA.

6. Wisconsin Governor's 2021-2023 Budget Initiatives

Discussion: Included in the packet was the summary reports from the Wisconsin Counties Association and the League of Municipalities on the 2021-2023 budget proposals from Wisconsin's Governor Evers. Staff highlighted some of the items that may influence local communities:

- Increase in state aid
- Shared revenue
- General transportation aids
- Levy limits increase
- Increase in broadband
- Requirements for Comprehensive Plans
- Restoration of Collective Bargaining
- Prevailing wages requiring municipalities to pay
- Restore ability of municipalities to use eminent domain for bicycle pedestrian
- Introduction of the multi-modal supplement plan

Action: NONE AT THIS TIME.

MARATHON COUNTY METROPOLITAN PLANNING COMMISSION

March 9, 2021

Follow Through: FOR INFORMATIONAL PURPOSES ONLY.

7. How do we have a dialog to discuss business needs associated with transportation services in the Metro Area

Discussion: Robinson briefly refreshed the commission on the last meetings discussion with the Waukesha County Board Chair, Paul Decker and David Steele, on their approach for transportation needs and services in the Waukesha area. Chair Robinson asked for a direction the commission should take regarding transportation services in the area and what that would look like. The discussion was mainly about trying to identify the needs of the community and look for options in providing transportation services. The creation of a set of goals was also discussed. Chair Robinson mentioned the use of the Chamber of Commerce and MCDEVCO to help formulate the community discussion.

Action: NONE AT THIS TIME.

Follow Through: Chair Robinson will meet with the Chamber of Commerce and MCDEVCO to discuss this issue further at the commission's direction.

8. Next Meeting – April 13, 2021

9. Adjourn

Action: There being no further business to come before the members, **MOTION/SECOND BY WEHNER/ROSENBERG TO ADJOURN THE MEETING OF THE MARATHON COUNTY METROPOLITAN PLANNING COMMISSION AT 2:50PM.**

Submitted by:
Dave Mack, MPO Director
Marathon County Conservation, Planning and Zoning
DM: BI
April 7, 2021

**AMENDMENT
TO THE
2021-2024
TRANSPORTATION IMPROVEMENT
PROGRAM (TIP)
FOR THE
MARATHON COUNTY METROPOLITAN PLANNING
COMMISSION/WAUSAU AREA METROPOLITAN
PLANNING ORGANIZATION (MPO)**

April 13, 2021

MARATHON COUNTY METROPOLITAN PLANNING COMMISSION

RESOLUTION # 3-21

**RESOLUTION ADOPTING THE AMENDMENT TO THE
2021-2024 TRANSPORTATION IMPROVEMENT PROGRAM
FOR THE WAUSAU METROPOLITAN AREA**

WHEREAS, the Marathon County Metropolitan Planning Commission was designated the Metropolitan Planning Organization for the Wausau Urbanized Area; and

WHEREAS, in compliance with Metropolitan Transportation Planning Regulations by the U.S. Department of Transportation, the Marathon County Metropolitan Planning Commission has developed a four-year transportation improvement program (TIP) for the Wausau Metropolitan Area; and

WHEREAS, the Transportation Improvement Program identifies transit, pedestrian/bicycle, and highway improvement projects and programs consistent with current transportation plans;

NOW, THEREFORE, BE IT RESOLVED, that the Marathon County Metropolitan Planning Commission endorses the *Long Range Transportation Plan for the Wausau Metropolitan Area* and the *Transit Development Program for the Wausau Area Transit System*, which will be continually updated and maintained as part of the urban transportation planning process;

BE IT FURTHER RESOLVED, that the Marathon County Metropolitan Planning Commission adopts *the vehicle purchases for Metro Ride Transit as part of the amendment to the 2021-2024 Transportation Improvement Program for the Wausau Metropolitan Area*; and

BE IT FURTHER RESOLVED, in accordance with 23 CFR 450.336, the Wausau Metropolitan Planning Organization for the Wausau, WI urbanized area hereby certifies that the metropolitan transportation planning process is addressing the major issues facing the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

1. 23 U.S.C. 134 and 49 U.S.C. 5303, and this subpart;
2. Sections 174 and 176 (c) and (d) of the Clean Air Act as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
3. Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d-1) and 49 CFR part 21;
4. 49 USC 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;

5. Section 1101(b) of the Fixing America's Surface Transportation (FAST Act) (Pub. L. 114-357) and 49 CFR Part 26 regarding the involvement of disadvantaged business enterprises in the US DOT funded projects;
6. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
7. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) and 49 CFR Parts 27, 37, and 38;
8. The Older Americans Act, as amended (42 U.S.C. 6101, prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
9. Section 324 of title 23, U.S.C. regarding the prohibition of discrimination based on gender; and
10. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR 27 regarding discrimination against individuals with disabilities.

BE IT FURTHER RESOLVED, that the Marathon County Metropolitan Planning Commission certifies that the Transportation Improvement Program contains only projects that are consistent with the transportation plan for the urban area and recommends that this document be submitted to the appropriate federal and state agencies for approval.

Dated this 13th day of April 2021

John Robinson, Commission Chairman

David Mack, MPO Director, Commission Secretary,
and Program Manager, Marathon County
Conservation, Planning and Zoning Department

2021 - 2024 TABLE 1 AMENDMENT
TIP PROJECT LISTING (\$)
 April 13, 2021

Red text Indicates Changes

PRIMARY JURISDICTION/ PROJECT LOCATION	PROJECT DESCRIPTION	TYPE OF COST	2021				2022				2023				2024				COMMENTS FOS# & Let Date P=preservation E=expansion
			FED	STATE	LOCAL	TOTAL	FED	STATE	LOCAL	TOTAL	FED	STATE	LOCAL	TOTAL	FED	STATE	LOCAL	TOTAL	

Transit Section

70	Metro Ride Transit City of Wausau	Service Truck 373-21-026	PE ROW CONST TOTAL	\$80,000	\$20,000	\$100,000													5307
71	Metro Ride Transit City of Wausau	Supervisor Van 373-21-027	PE ROW CONST TOTAL	\$25,785	\$6,446	\$32,231													5307

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TABLE 2
Assessment of Available Funding for the 2021-2024 Transportation Improvement Program
Amended April 13, 2021

Funding Source		Programmed Expenditures				Estimated Available Funding			
Agency	Program	2021	2022	2023	2024	2021	2022	2023	2024
Federal Highway	NHPP	\$2,364,553	\$962,480	\$1,791,768	\$0	\$2,364,553	\$962,480	\$1,791,768	\$0
Administration	STBG	\$864,800	\$797,657	\$1,093,261	\$0	\$864,800	\$797,657	\$1,093,261	\$0
	HSIP	\$1,162,523	\$3,366,865	\$180,000	\$180,000	\$1,162,523	\$3,366,865	\$180,000	\$180,000
	OCR	\$0	\$0	\$144,430	\$0	\$0	\$0	\$144,430	\$0
Totals		\$4,391,876	\$5,127,002	\$3,209,459	\$180,000	\$4,391,876	\$5,127,002	\$3,209,459	\$180,000
Totals	Inflated by 1.56% Annually	\$4,391,876	\$5,206,983	\$3,309,594	\$188,424	\$4,391,876	\$5,206,983	\$3,309,594	\$188,424

Federal Transit Administration	Section 5307 -- Wausau Urbanized Area	\$1,189,588	\$1,223,082	\$1,258,719	\$1,295,406	\$1,189,588	\$1,223,082	\$1,258,719	\$1,295,406
	Section 5339	\$0	\$0	\$0	\$3,561,447	\$0	\$0	\$0	\$3,561,447
	Section 5310	\$589,590	\$0	\$0	\$0	\$589,590	\$0	\$0	\$0
	Section 5307 - Other	\$296,893	\$1,676,908	\$180,451	\$109,681	\$296,893	\$1,676,908	\$180,451	\$109,681
Totals		\$2,076,071	\$2,899,990	\$1,439,170	\$4,966,534	\$2,076,071	\$2,899,990	\$1,439,170	\$4,966,534
Totals	Inflated by 1.56% Annually	\$2,076,071	\$2,945,230	\$1,461,621	\$5,044,012	\$2,076,071	\$2,945,230	\$1,484,072	\$5,198,968

Association of Metropolitan Planning Organizations

March 12, 2021

The AMPO information on MSA delineations is as follows:

The Metropolitan and Micropolitan Statistical Area Standards Review Committee recently made recommendations to the Office of Management and Budget (OMB) regarding metropolitan and micropolitan statistical area standards. These recommendations were noticed in the [Federal Register on January 19, 2021](#) and comments have been requested.

AMPO members are asking for a better understanding of how the recommendations, specifically the recommendation that the minimum urban area population to qualify as a metropolitan statistical area be increased from 50,000 to 100,000, may impact MPOs. As we know, the Census Bureau defines an Urbanized Area (UA), commonly referred to by the USDOT as UZA, as one of 50,000 or more people. During our conversation with the member of the Metropolitan and Micropolitan Statistical Area Standards Review Committee, we were informed that the recommendation regarding the change in MSA population threshold would not automatically change the population threshold of the UA, and should not impact MPO designation. The Census Bureau is responsible for any recommended changes to the UA population threshold and a proposed change would be required to be published in the Federal Register for notice and comment.

To date, we have not seen any recommendations from the Census Bureau to change the population threshold for UAs and they are still evaluating the information collected from the most recent census. The MSA notice indicates the standards determine the procedures for delineating and updating the statistical areas that agencies like the Bureau of Labor Statistics use to report to OMB. Further, the purpose of the statistical area's classification provides a nationally consistent set of delineations for collecting, tabulating, and publishing Federal statistics for geographic areas.

RESOLUTION # R-26-21
OPPOSITION TO THE RECOMMENDED CHANGES RELATIVE
TO THE FEDERAL METROPOLITAN AND MICROPOLITAN STATISTICAL AREA STANDARDS

WHEREAS, on January 19, 2021, the Office of Management and Budget posted a recommendation, received from the Metropolitan and Micropolitan Statistical Area Standards Review Committee to increase the minimum population threshold from 50,000 to 100,000; and

WHEREAS, the Wausau-Weston region currently is considered a metropolitan area under existing federal population thresholds; and

WHEREAS, the proposed population threshold change would result in 144 areas across the country losing their metropolitan statistical area (MSA) status, including the Wausau-Weston area; and

WHEREAS, the change could have significant implications for federal programs related to housing, transportation, and Medicare, while also potentially impacting the classification practices relative to hospitals and the specificity of data gathering efforts; and

WHEREAS, Marathon County is comprised of a mixture of metropolitan and rural areas and the success of each is integral to Marathon County's goal of being the healthiest, safest, and most prosperous county in the State of Wisconsin; and

WHEREAS, without greater explanation of the potential impacts of this administrative change, Marathon County cannot support the proposal.

NOW THEREFORE BE IT RESOLVED that the Marathon County Board of Supervisors urges the Office of Management and Budget to reject the proposal from the Metropolitan and Micropolitan Statistical Area Standards Review Committee to increase the minimum population threshold from 50,000 to 100,000.

BE IT FURTHER RESOLVED, that the Marathon County Board authorizes the appropriate officers and officials to disseminate this resolution to our Congressional Representatives.

Dated this 18th day of March, 2020 in Wausau, Wisconsin.

EXECUTIVE COMMITTEE

/s/ Kurt Gibbs, Chair /s/ Craig McEwen, Vice Chair /s/ Sara Guild /s/ Jacob Langenhahn
/s/ Matt Bootz /s/ John Robinson /s/ Tim Buttke /s/ Randy Fifrick /s/ EJ Stark /s/ Alyson Leahy

Fiscal Impact to the County: None

Urban Areas for the 2020 Census- Proposed Criteria

This document does not list all proposed changes

A full listing and details on the proposed changes can be found at:

<https://www.federalregister.gov/documents/2021/02/19/2021-03412/urban-areas-for-the-2020-census-proposed-criteria>

Written comments may be submitted to geo.urban@census.gov until May 20, 2021.

Adoption of a Housing Unit Density Threshold for Qualification of Census Blocks

The Census Bureau proposes adopting a housing unit density threshold of 385 housing units per square mile as the primary criterion for determining whether a census block qualifies for inclusion in an urban area, replacing the use of population density. The 385 housing units (occupied or vacant) per square mile density threshold utilized in the delineation of urban areas is consistent with the 1,000 persons per square mile density used in the past, based on the 2019 American Community Survey (ACS) 1-year data average of an estimated 2.6 persons per household for the United States. Housing unit density provides a more direct measure of the densely developed landscape than population density. The use of housing unit density will allow the Census Bureau to more accurately account for areas with substantial concentrations of housing that are considered part of the urban landscape, but have smaller than average persons per housing unit or seasonal populations or both.

Qualify Urban Areas Based on a Minimum Threshold of 4,000 Housing Units or 10,000 Persons Instead of a Minimum Threshold of 2,500 Persons

The Census Bureau proposes that an area will qualify as urban if it contains at least 4,000 housing units or has a population of at least 10,000. The proposed increase in the minimum population responds to calls for the Census Bureau to increase its minimum threshold for defining urban areas from the 2,500-person minimum established in 1910. The proposed 10,000-person minimum threshold aligns with thresholds used by other federal agencies to distinguish between urban and rural areas as well as with the Office of Management and Budget's minimum threshold for urban areas that form the cores of micropolitan statistical areas.

Cease Distinguishing Different Types of Urban Areas

The Census Bureau proposes to cease distinguishing different types of urban areas. In adopting this proposal, the Census Bureau would identify urban areas of 4,000 or more housing units or 10,000 or more persons without distinguishing types of urban areas. The 50,000-person threshold that has been used to distinguish between urbanized areas and smaller urban areas (whether urban places outside urbanized areas or urban clusters) no longer has the same meaning as when it was adopted in 1950 and, therefore, should no longer be used to distinguish types of urban areas.

Maximum Distances of Jumps

Jumps (and the shorter distance hops) recognize that urban development is not always a continuous and contiguous process across the landscape, and facilitate inclusion of noncontiguous densely developed territory that is considered part of the nearby urban area. The Census Bureau proposes reducing the maximum jump distance to 1.5 miles

Proposed Federal Infrastructure Plan – American Jobs Plan

See USAToday for full article: <https://www.usatoday.com/in-depth/news/politics/2021/04/01/2-trillion-infrastructure-bill-charts-detail-bidens-plan/4820227001/>

More detail here: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/>

1. Transportation infrastructure: \$621 billion

The plan would make a massive investment in America's roadways, railways and bridges with a focus on clean energy.

It would spend \$174 billion, or about 28% of the transportation portion, on electric vehicles. That includes a network of 500,000 electric vehicle stations, using electric vehicles in bus fleets, and replacing the federal government's fleet of diesel transit vehicles with electric vehicles. It would also offer tax incentives and rebates for electric cars.

About \$115 billion would pay for fixing roads and bridges, chosen by those in most need of repair. That includes 20,000 miles of highways and roads, the 10 most "economically significant" bridges in the U.S. as well as 10,000 smaller bridges.

Another \$85 billion is set aside for modernizing transit systems and \$80 billion for a growing backlog of Amtrak repairs as well as improvements and route expansion. Airports, ports and waterways would also receive improvements.

2. Quality of life at home: \$650 billion

The largest part of the plan focuses on American homes, school buildings, underground water infrastructure and broadband expansion.

The plan would spend \$213 billion to build, preserve and retrofit more than 2 million affordable homes and commercial buildings. This includes the construction or rehabilitation of 500,000 homes for low- and middle-income owners. An additional \$111 billion would go toward clean drinking water, including replacement of all lead pipes and service lines.

The plan sets aside \$100 billion for constructing or modernizing public schools, while another \$100 billion would be used to build high-speed broadband networks throughout the country. The goal would be for broadband to become universal for all Americans and to drive down the costs for internet.

The plan also calls for \$40 billion to improve public housing, \$18 million for Veterans Affairs hospitals and clinics, \$12 billion for community college infrastructure and \$16 million to plug oil and gas wells and reclaim abandoned mines.

3. Caregivers for elderly and people with disabilities

Biden wants to pump \$400 billion to improve access to quality, affordable home or community-based care for the elderly and people with disabilities. It would expand a Medicaid program to make more services available and eliminate a backlog that prevents thousands from getting care.

It would also boost pay for care workers, who are disproportionately women of color and typically earn about \$12 an hour.

4. Research, development and manufacturing

About \$300 billion in the plan would be invested in manufacturing, including support for domestic production of technologies and critical goods. Around \$50 billion would go toward semiconductor manufacturing and research.

The plan would spend \$180 billion on new research and development with an emphasis on clean energy, fewer emissions and climate change research. That total includes \$100 billion for worker training and an increase of worker protection systems.



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873
Email: fiscal.bureau@legis.wisconsin.gov • Website: <http://legis.wisconsin.gov/lfb>

March 23, 2021

TO: Members
Wisconsin Legislature

FROM: Bob Lang, Director

SUBJECT: American Rescue Plan Act of 2021

On March 11, the President signed into law the American Rescue Plan Act (ARPA) of 2021. The ARPA follows three other federal acts in response to the coronavirus pandemic: (a) the Families First Coronavirus Response Act (FFCRA); (b) the Coronavirus Aid, Relief, and Economic Security Act (CARES); and (c) the Consolidated Appropriations Act (CAA) of 2021.

This memorandum describes the major provisions of the ARPA and the potential amount of funding that Wisconsin is eligible to receive under that federal legislation. Although the Act appropriates funds to individuals, businesses, and governments, the memorandum focuses on the fiscal effects of the legislation and the potential impact that they may have on Wisconsin government and in some instances, local governments and educational institutions. In addition, a description of the Act's provisions regarding unemployment insurance (UI) is included in the memorandum.

In some instances, it has not yet been determined what the state's share of the funding will be. If an estimated fiscal effect is available, it will be indicated in the summary of the provision. Also, some of the funding will be provided on a competitive basis. It is not known if Wisconsin will apply for any of these grants, but these items, if applicable, are included in the summaries of the Act's provisions. Estimates are generally based on briefs issued by Federal Funds Information for States (FFIS). Finally, if changes to state law or other requirements are necessary to secure federal funding under ARPA, such changes are identified.

It is important to note that the focus of the memorandum is not a comprehensive discussion of all items that potentially impact Wisconsin, but rather a description of the major items based on our review of the federal Act and materials that are available to us. Although this memorandum describes provisions of the federal legislation based upon materials currently available, the administration and funding of the Act will be known once guidelines from the federal government have been promulgated.

Table of Contents

Coronavirus State and Local Recovery Fund	3
Unemployment Insurance.....	7
Health and Family Services (including Medical Assistance).....	10
Children and Families (including Childcare).....	17
K-12 and Higher Education Funding	20
Other Education Related Funding	23
Transportation	23
Arts Funding	27
Business Assistance	27
Emergency Management	28
Environmental Grants	28
Housing Assistance.....	28
Utility Assistance.....	29
Attachment -- County and Municipal Funding	

American Rescue Plan Act (ARPA) of 2021

CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUND

The American Recovery Plan Act appropriates a total of \$362.0 billion for the Coronavirus State and Local Fiscal Recovery funding, to provide direct payments to state, local, territorial, and tribal governments. The Secretary of Treasury is authorized to issue such regulations that may be necessary to carry out the distribution and administration of this funding. The funding is divided into four separate funds: the State Fiscal Recovery Fund, the Local Fiscal Recovery Fund, the Capital Projects Fund, and the Local Assistance and Tribal Consistency Fund. A description of each of these funds and the requirements related to these funds is provided.

State Fiscal Recovery Fund. The state of Wisconsin is expected to receive up to \$3,206.3 million in direct payments from the State Fiscal Recovery Fund (SFRF). The Act allocates a total of \$219.8 billion to the SFRF, to be divided among states, territories, and tribal governments. Of this amount, \$195.3 billion is divided among the 50 states and the District of Columbia, in the following manner: (a) \$25.5 billion will be equally divided among the 50 states and the District of Columbia; (b) \$754.8 million will be allocated as an additional payment to the District of Columbia; and (c) the remaining \$169.5 billion will be divided among the 50 states and the District of Columbia, according to each state's share of seasonally adjusted unemployed persons for the three-month period ending December, 2020.

A portion of the remaining funds are divided among territorial governments (defined as Puerto Rico, the U.S. Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa), which will receive a combined total of \$4.5 billion, to be divided among the territories according to population. In addition, tribal governments will receive a combined total of \$20.0 billion, to be divided in a manner determined by the Secretary of the Treasury. SFRF monies are available through December 31, 2024.

The Act further specifies that no state will receive less from the SFRF than it received from the Coronavirus Relief Fund (CRF), and allows the Treasury Secretary to make pro rata adjustments to the allocations in order to comply with this requirement. Wisconsin received nearly \$2.0 billion in CRF funding under the federal CARES Act.

Allowable Use of Funds. SFRF payments may be used to cover costs incurred prior to December 31, 2024, for the following purposes:

- a. to respond to the coronavirus pandemic or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- b. to replace revenues lost as a result of the public health emergency caused by the coronavirus pandemic, for the purposes of providing government services;
- c. to make investments in water, sewer, or broadband infrastructure;

d. to provide premium pay of up to \$13 per hour per worker, in addition to a worker's usual wage or remuneration (up to \$25,000 in total for any single worker) for workers employed by the state who perform essential work during the pandemic, or to provide grants to eligible employers that have eligible workers who perform essential work. The term "eligible workers" is defined as those workers needed to maintain continuity of operations of essential critical infrastructure sectors, as well as additional sectors designated by the Governor of a state or territory as critical to protect the health and well-being of residents of the state or territory.

e. to transfer funds to private nonprofit organizations, tribal organizations, public benefit corporations involved in the transportation of passengers or cargo, or special-purpose units of state or local governments.

Restrictions on the Use of Funds. SFRF monies may not be used for the following:

a. to either directly or indirectly offset a reduction in net tax revenues resulting from a change in law, regulation, or administrative interpretation during the covered period that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase. The covered period begins on March 3, 2021, and ends on the last day of the fiscal year in which all funds have been either expended, or returned to or recovered by, the Department of Treasury.

b. for deposit into any pension funds.

Certification and Reporting Requirements. In order to receive their SFRF allocation, state, territorial, or tribal governments must certify that they need the funds and will use them in accordance with the provision of the Act, and the Department of Treasury must make payments within 60 days of receiving this certification. A similar certification is required for any entity receiving any transferred funds. Further, the Treasury Department may withhold up to 50% of a state or territory's allocation for up to 12 months, based on the unemployment rate in that state or territory at the time of certification. A second certification will be required, prior to receiving the remaining 50% of the state or territory's allocation. If the state or territory is required to repay funds for failing to comply with any requirements on the allowable uses of these funds, the second payment may be reduced by the amount that would otherwise have been recouped.

Further, any government that receives a payment from the SFRF is required to submit periodic reports to the U.S. Department of Treasury. These reports must include the uses of the funds, as well as any changes to the state's tax revenue sources during the covered period, and any other information requested by the Department. Funds that are deemed to have been used improperly are subject to recoupment. If the funds are used to offset a reduction in net tax revenues, the amount recouped will be the lesser of the amount of the reduction in net tax revenue or the total amount of funds received. The Treasury Secretary is empowered to make any regulations that may be necessary to distribute the funds or monitor the use thereof.

Local Fiscal Recovery Fund. A total of \$130.2 billion is allocated for the Local Fiscal Recovery Fund (LFRF) to make payments to units of local government. Monies from this Fund will be available through December 31, 2024. The allocation of these funds varies according to the type of local government receiving the funds. Every county in Wisconsin will receive a payment from

the LFRF, as will municipalities in the state. In total, local governments in Wisconsin will receive an estimated \$2,316.4 million from the LFRF. The amount that each unit of local government is expected to receive, as determined by the Federal Fund Information for States (FFIS), can be found in the attachment to this document.

Counties. \$65.1 billion is to be paid directly to counties across all states according to the proportion of each county's population to the total population of all such counties. Each of Wisconsin's 72 counties will receive a payment from the LFRF, with total funding to Wisconsin counties estimated at \$1,129.2 million. For the purposes of this distribution, the District of Columbia is considered a single county that is a local unit of government.

Metropolitan Cities. \$45.6 billion is to be distributed to metropolitan cities, as defined by the US Department of Housing and Urban Development (HUD) for the purposes of administering the Community Development Block Grant (CDBG) program. HUD has determined that Wisconsin has 18 such metropolitan cities. LFRF monies are to be allocated by applying the CDBG entitlement formula, after substituting "metropolitan areas" with "metropolitan cities" under that formula. The formula takes into account factors such as population growth, poverty, housing overcrowding, and the age of housing. Wisconsin's 18 metropolitan cities combined will receive estimated total funding of \$787.9 million in LFRF monies.

Non-entitlement Units of Local Government. The Act sets aside \$19.5 billion for non-entitlement units of local government, as defined by HUD for the purposes of administering the CDBG program. Payments to these units of local government are capped at 75% of the government's most recently enacted budget, as of January 27, 2020, and any amount in excess of this cap must be returned to the Department of Treasury. Wisconsin non-entitlement units of local government are expected to receive an estimated total of \$399.2 million from the LFRF.

These LFRF payments for non-entitlement units of local government are to be made to states, based on each state's share of the total non-entitlement population of all states. Within 30 days of receiving these funds, states are responsible for distributing these funds to non-entitlement units of local government, based on each government's share of the state's non-entitlement population. If the 30-day requirement poses an administrative burden, the state may request a 30-day extension. A second 30-day extension may also be granted, if the state submits a written plan that: (a) specifies for each distribution for which the extension applies, when the state expects to distribute the funds, as well as what actions the state has taken and will take to distribute funds; and (b) the Treasury Secretary determines that the plan is designed to distribute the funds by the extended deadline. Any payments made to a state that are not distributed that state within 120 days of the receipt of the funds, or the last day of the extended distribution deadline, are to become a debt of that state owed to the federal government, is to be repaid by reducing the amount of the state's SFRF allocation that is based on seasonally adjusted unemployment.

Uses of LFRF Funds. LFRF funds are allowed to be used for same allowable costs and uses for which the SFRF funds may be used. In addition, eligible recipients may transfer LFRF to the state in which the entity is located.

Similar to SFRF funding, any government receiving LFRF monies may not deposit funds received into pension funds. Any county, metropolitan city, or non-entitlement unit of local

government that fails to comply with the allowed uses of the LFRF funds will be required to repay to the Treasury an amount equal to the amount of funds that were spent on an ineligible use. Unlike the SFRF, there is no restriction on using LFRF monies to either directly or indirectly offset a reduction in net tax revenues that result from a change in law, regulation, or administrative interpretation.

Other LFRF Requirements. In addition, the Secretary of the Treasury may make any pro rata adjustments to the allocations from the LFRF in order to comply with any relevant requirements. For the purposes of LFRF aid distribution, population figures are to be determined based on the most recent U.S. Census Bureau data, or if such data is not available, based on other data the state determines appropriate. LFRF payments are to be provided in two tranches with the initial payment of 50% of the total allocation to be made within 60 days of enactment (March 11, 2021) and the remaining 50% of the allocation to be paid at least 12 months after the first payment.

Capital Projects Fund. The Act provides \$10.0 billion to the Capital Projects Fund to make payments to state, territorial, and tribal governments to fund critical capital projects meant to directly enable work, education, and health monitoring, including remote options, in response to the coronavirus pandemic. The state of Wisconsin could receive an estimated \$188.7 million from the Capital Projects Fund. Funds must be used by December 31, 2024, and no state match is required.

Under state law, no agency may enter into a contract with a cost exceeding \$300,000 for construction, reconstruction, remodeling, or additions to a facility without prior approval of the State Building Commission. In addition, capital projects with a cost over \$1.0 million are required to be enumerated by the Legislature, regardless of the fund source.

Each state is to receive minimum payment of \$100.0 million, with eligible states defined as the 50 states, the District of Columbia, and Puerto Rico. Additionally, \$100.0 million of the fund is to be divided in equal shares among the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Marshall Islands, Micronesia, and Palau, and a separate \$100.0 million is to be divided between tribal governments and the State of Hawaii (in addition to the amount provide the State of Hawaii, as an eligible state recipient).

After the minimum payments are made to state territorial and tribal governments, as indicated above, the remaining funds are to be allocated among the states as follows: (a) 50% to be allocated based on the proportion that each state's population bears to the population of all states; (b) 25% to be allocated based on the proportion that the number of individuals living in rural areas in each state bears to the number of individuals living in rural areas in all states; and (c) 25% to be allocated based on the proportion that the number of individual with household incomes below 150% of the poverty line for the applicable family size involved in each state bears to the number of such individuals living in all states. The Department of Treasury is required to use the most recent Census data available in determining the allocations to each state.

The Secretary of the Treasury is required to establish an application process for these grants within 60 days of enactment of the Act. Enactment occurred on March 11, 2021.

Local Assistance and Tribal Consistency Fund. The Act provides \$2.0 billion for the Local Assistance and Tribal Consistency Fund, to remain available until September 23, 2023, for the

purpose of making \$1.5 billion (\$750 million per year, in federal fiscal years 2022 and 2023) in payments to eligible revenue sharing counties and \$500 million (\$250 million per year, in federal fiscal years 2022 and 2023) to eligible tribal governments. The Secretary of the Treasury is directed to allocate the funding to eligible revenue sharing counties, based on economic conditions of those counties, as measured by poverty rates, household incomes, land values, and unemployment rates, as well as other economic indicators, over the 20-year period ending on September 30, 2021. The Secretary is also required to allocate the funding to tribal governments based on economic conditions of eligible tribes. No estimate of the payments amounts that a Wisconsin eligible revenue sharing county or eligible tribal government could receive from this fund is known at this time.

An eligible revenue sharing county is defined as any county, parish or borough that is: (a) independent of other local governments; (b) determined by the Secretary of Treasury to be the principal provider of government services within its jurisdiction; and (c) determined to have experienced a negative revenue impact due to the implementation of federal programs or changes to such programs. For the purposes of this Fund, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands are also considered eligible revenue sharing counties. Eligible tribal governments are defined as the recognized governing body of a tribe. Eligible tribe means any Indian, or Alaska native tribe, band, nation, pueblo, village, community, component band or component band that is individually identified in the most recently published list as of the date of enactment pursuant to the Federally Recognized Indian Tribe List Act of 1994.

Payments from this fund may be used for any governmental purpose, other than lobbying activities. Eligible revenue sharing counties that receive payments are required to submit periodic reports to the Secretary of Treasury, providing an accounting of the uses of funds received, as well as any other information requested by the Secretary. Recipients that do not submit this report will be required to return up to 5% of the funds received to the Treasury, as determined by the Secretary. Further any revenue sharing counties are found to have used these monies on lobbying activities, would be required to repay the amount spent on such activities to the Department of Treasury.

UNEMPLOYMENT INSURANCE

The Act extends a number of provisions related to unemployment insurance (UI) originally created in the Families First Coronavirus Response Act (FFCRA) and the CARES Act, and extended under the Continued Assistance for Unemployed Workers Act as part of the CAA.

Federal Pandemic Unemployment Compensation (FPUC) Payments. The FPUC program initially provided \$600 weekly payments to eligible UI claimants for the week ending April 4, 2020, through the week ending July 25, 2020. FPUC was reauthorized and modified under the Continued Assistance Act to provide \$300 per week in supplemental benefits for weeks of unemployment beginning the week ending January 2, 2021, through the week ending March 13, 2021. The Act extends the FPUC program at \$300 per week through the week ending September 4, 2021. FPUC supplemental payments are provided to individuals who are collecting regular UI benefit payments as well as those individuals that receive payments under the PUA, PEUC, extended benefits, work-share, and other federal UI programs.

Pandemic Unemployment Assistance (PUA) Benefits. The PUA program is extended

through the week ending September 4, 2021. Under the extension, PUA provides 79 weeks of 100% federally funded UI benefits to individuals who are not eligible for regular UI and who are able and available to work, but unemployed or otherwise unable or unavailable to work because of a COVID-19-related reason specified in the CARES Act. These reasons generally include: (a) a person needing to isolate as a result of a COVID-19 diagnosis or COVID-19 symptoms, or for reasons of a household member or family member receiving a COVID-19 diagnosis; (b) being the primary caregiver for a child whose school or daycare provider has closed due to COVID-19; and (c) being unable to reach their place of employment due to an imposed quarantine or other direct result of COVID-19.

Pandemic Emergency Unemployment Compensation (PEUC) Benefits. The PEUC program is extended through the week ending September 4, 2021. Under the extension, PEUC provides 53 weeks of 100% federally funded UI benefits to individuals that have exhausted regular state UI benefits. The PEUC extends UI benefits to a total of 79 weeks.

Mixed Earner Unemployment Compensation (MEUC) Program. The MEUC program is extended through the week ending September 4, 2021. The Continued Assistance Act authorized a \$100-per-week MEUC payment for individuals who received at least \$5,000 in self-employment income in the most recent taxable year ending prior to the individual's application for UI. MEUC payments are not available for those individuals receiving PUA benefit payments.

Extension of Full Federal Funding of First-Week Benefits. The Act provides 100% federal funding for states without a one-week waiting period for claimants to receive regular UI benefits ("first-week benefits") through the week ending September 4, 2021. The Continued Assistance Act had previously reduced the federal reimbursement rate for states that paid first-week benefits from 100%, as provided under the CARES Act, to 50% for the week ending January 2, 2021, through the week ending March 13, 2021.

ARPA retroactively increases the reimbursement rate to 100% for all weeks that had previously been set at 50% under the Continued Assistance Act and allows a state to retroactively issue first-week benefit payments that are consistent with state law (or a waiver of state law), and receive full reimbursement for weeks of unemployment that end after December 31, 2020. 2019 Wisconsin Act 185 waived the waiting week requirement from March 12, 2020, through the week ending February 6, 2021. Subsequently, 2021 Wisconsin Act 4 extended the waiver of the UI waiting week requirement through the week ending March 13, 2021. Although the effective date of Act 4 was February 27, 2021, the ARPA provision allowing for states to retroactively issue first-week benefit payments consistent with a waiver of state law would appear to qualify Wisconsin for full federal reimbursement for weeks of unemployment that ended after December 31, 2020.

The waiver of Wisconsin's one-week waiting period, as provided under Act 4, expired the week ending March 13, 2021. Under ARPA, for the state to receive full federal reimbursement, Wisconsin would need to extend the waiver of the one-week waiting period for any period of time through the week ending September 4, 2021. Should the Legislature waive the one-week waiting period retroactively, current federal guidance suggests full federal reimbursement would likely be approved for all weeks of unemployment from the week ending January 2, 2021, through the week ending September 4, 2021.

Extension of Federal Funding of Reimbursable Employer Benefits. The Act provides

federal funding to states to reimburse certain nonprofits, government agencies, and Native American tribes for 75% of the costs they incur to pay regular UI benefits from the week ending April 10, 2021, through the week ending September 4, 2021. The CARES Act, as extended by the Continued Assistance Act, provides a reimbursement rate of 50% from the week ending March 21, 2020, through the week ending April 3, 2021.

Extension of Full Federal Funding of Work-Share Benefits. For states with a federally approved work-share program, like Wisconsin, the Act provides 100% federally funded UI benefits through the week ending September 4, 2021. Under standard program provisions, Wisconsin's work-share program is funded entirely through the employer's reserve account.

Extension of Temporary Assistance for States with Advances. The Act extends, to September 6, 2021, the waiver of interest payments and the accrual of interest on federal loans to state UI trust funds. Wisconsin's UI trust fund currently had an estimated balance of \$960 million on March 15, 2021, and is not borrowing from the federal government.

Extension of Full Federal Funding of Extended Benefits (EB). For states that meet certain requirements under the FFCRA, and meet the required unemployment thresholds to trigger on the EB program, the Act extends 100% funding of EB payments through the week ending September 11, 2021, thus eliminating the requirement that the state cover 50% of EB costs as is normally required. Wisconsin triggered onto the EB program, effective May 17, 2020, due to an increase in the state's unemployment rate. Wisconsin met the criteria for turning off the EB program effective November 7, 2020.

Funding for Fraud Prevention, Equitable Access, and Timely Payment to Eligible Workers. The Act provides \$2 billion for fraud detection and prevention, and to promote equitable access and ensure timely payment of benefits to eligible workers. Under the Act, such funds may be used for: (a) federal administrative costs; (b) system-wide infrastructure investment and development; and (c) to make grants to states or territories administering UI programs for such purposes, including the establishment of procedures or the building of infrastructure to verify or validate identity, implement federal guidance regarding fraud detection and prevention, and accelerate claims processing or process claims backlogs due to the pandemic. Guidance from the U.S. Department of Labor (USDOL) is not currently available for these funds and any amount allocated as grants to states.

Additional Administrative Funding. As specified in USDOL guidance, DWD will be provided with \$275,000 in administrative funding to assist the state with costs in implementing provisions under the Act. According to USDOL, permissible implementation costs include: (a) computer programming and other technology costs; (b) implementation of necessary business processes required for program implementation; (c) training and travel; (d) notices to beneficiaries; and (e) overhead related only to the specified items.

Tax Year 2020 Federal Individual Income Tax Exclusion for Unemployment Compensation. Unemployment compensation payments are generally taxable under federal law. However, for tax year 2020, the Act provides that the first \$10,200 of unemployment payments received in calendar year 2020 are excluded from gross income, provided the taxpayer's modified federal adjusted gross income (AGI) is less than \$150,000. Eligible married-joint filers are able to

exclude up to \$10,200 of unemployment compensation received by each spouse (up to \$20,400 total). The federal exclusion does not apply after tax year 2020.

State individual income tax laws regarding the amount of income subject to taxation are generally referenced to definitions under federal law. With limited exceptions, changes to federal law take effect for state tax purposes only after action by the Legislature. Wisconsin has not adopted the exclusion for unemployment compensation payments created under the Act, as state tax references generally refer to the Internal Revenue Code in effect on December 31, 2020.

Under separate provisions of state law, if the taxpayer's federal AGI is less than or equal to a base amount, then the entire unemployment benefit amount is excluded from income. The base amount is \$12,000 for single taxpayers, \$18,000 for married couples filing joint returns, and zero for married couples filing separate returns when the couple lived together at some point during the year. The base amount for single taxpayers applies in the case of married-separate filers who lived separately for the entire year. If federal AGI exceeds the base amount, then the amount of unemployment compensation benefits includible in gross income is the lesser of: (a) one-half of the excess of the taxpayer's AGI, including benefits, over the base amount; or (b) the amount of the unemployment compensation benefits.

If the state were to adopt the federal unemployment compensation exclusion under section 9042 of P.L. 117-2 for tax year 2020, affected taxpayers could calculate the excludable amount under the current state exclusion and the Act exclusion separately, and could claim the higher of the two amounts. If such a provision were adopted in state law, individual income tax revenues would be estimated to decline by \$121 million in 2020-21. However, some of this fiscal effect could be realized in 2021-22, to the extent affected taxpayers have already filed state and federal income tax returns for tax year 2020 and choose not to file amended returns until after June 30, 2021 (such individuals would need to file amended returns to receive the exclusion). Alternatively, the overall fiscal effect could be lower, to the extent affected taxpayers who have already filed do not opt to amend their tax year 2020 returns.

Under separate provisions of the Act, \$350 billion in federal funding is provided to state and local governments, of which an estimated \$3.2 billion is allocated to Wisconsin. States and territories are prohibited from using these funds to, either directly or indirectly, offset a reduction in the net tax revenue resulting from a change in law, regulation, or administrative interpretation occurring after March 3, 2021. The Act requires the state or territory to repay to the Secretary of the U.S. Treasury an amount equal to the amount of funds used to directly or indirectly offset a reduction in net tax revenue. Additional guidance from the U.S. Treasury is needed to determine whether state adoption of section 9042 of the Act would trigger this federal recoupment provision.

HEALTH AND FAMILY SERVICES

Medical Assistance

Federal Medicaid Matching Rate Incentive for Adoption of Full Medicaid Expansion. ARPA provides a financial incentive for states that have not adopted the full Medicaid expansion to do so. Under the Act, any non-expansion state that adopts full Medicaid expansion would be

eligible for a temporary 5.0 percentage point increase to the state's FMAP, applicable for the two years following implementation. The FMAP increase would apply to most Medicaid expenditures that would otherwise be subject to the standard FMAP. The increase would not apply to the FMAP for the newly-eligible expansion population, which would remain at 90%. It also would not apply to the FMAP applicable for children covered under the Children's Health Insurance Plan (CHIP) or to disproportionate share hospital payments.

Based on current estimates for enrollment and expenditures for the medical assistance program for the 2021-23 biennium, this incentive would result in additional federal matching funds, and equivalent GPR savings, of approximately \$1.0 billion over the two-year period. Since Wisconsin statutes establish the income eligibility thresholds for BadgerCare Plus adults at 100% of the federal poverty level (FPL), which is below the level needed to meet the standards for full Medicaid expansion (138% of the FPL), a change to the state law would be necessary to qualify for this incentive payment.

Post-Partum Optional Benefit Extension. ARPA authorizes states to extend full benefit Medicaid coverage to post-partum women to one year following delivery, instead of under current law, 60 days following delivery. States that select this option would be required to provide this extension to both women whose coverage eligibility is under Medicaid and to women who are eligible for pregnancy coverage under the Children's Health Insurance Plan (CHIP). The state option would take effect on April 1, 2022, and last for five years.

In order to adopt this option, Wisconsin would need a change to state law, since currently state statutes specify that eligibility for pregnant women extends for two months following the end of the pregnancy.

Enhanced Federal Matching Funds to Supplement Mobile Mental Health Crisis Services. ARPA provides an enhanced matching rate of 85% for mobile mental health crisis intervention services, meeting specified criteria. The enhanced rate would apply for three years, beginning April 1, 2022. Additional federal funding received under this provision must be used to supplement, rather than supplant level of state spending for mobile crisis services prior to the application of the enhanced matching rate.

Since Wisconsin already provides coverage of community-based mobile crisis services, it does not appear that any change to state law or the state Medicaid plan would be needed to take advantage of the enhanced federal funds.

Enhanced FMAP for Home and Community Based Services. Under the Act, states that meet certain requirements will be eligible for an enhanced FMAP on certain home and community based services (HCBS) provided through the Medicaid program. The enhanced FMAP is increased by 10 percentage points above the FMAP in place for a state, including any enhanced FMAP applied under the Families First Coronavirus Response Act (FFCRA).

Eligible HCBS include: home healthcare services; personal care services; PACE (programs of all-inclusive care for the elderly) services; certain home and community-based services; certain case management services; certain rehabilitative services, including those related to behavioral health; and other services as specified by the Secretary of the Department of Health and Human

Services.

As conditions for receipt of the increase to the federal medical assistance percentage under this provision, the state must: (a) use the federal funds attributable to the increase under this provision to supplement, and not supplant, the level of state funds expended for home and community-based services for eligible individuals through programs in effect as of April 1, 2021; and (b) implement, or supplement the implementation of, one or more activities to enhance, expand, or strengthen HCBS under the state Medicaid program.

This provision applies during the "HCBS improvement period," which begins on April 1, 2021, and ends on March 30, 2022. The enhanced FMAP rate may not exceed 95% for eligible HCBS costs.

The Act does not define what activities a state would need to conduct to "enhance, expand, or strengthen HBCSs under the state's Medicaid program to qualify for the enhanced funding. Further, the Act allows the Secretary to specify additional home and community based services that would qualify for enhanced federal financial participation. Until the U.S. DHHS provides additional guidance to states on how they may qualify for the enhanced FMAP, the effect of this provision is unknown.

Nursing Facility Strike Teams. The Act provides \$250.0 million, which will remain available until fully expended, for DHHS to allocate among the states (including the District of Columbia and five U.S. territories) to establish and implement strike teams that will be deployed to nursing facilities in the state with diagnosed or suspected cases of COVID-19 among residents or staff to assist with clinical care, infection control, or staffing during the national public health emergency and the one-year period immediately following the end of the emergency period. This provision is intended to benefit nursing homes participating in the Medicaid program.

Premium Tax Credits

Premium Tax Credits for Purchase of Health Insurance Exchange Plans -- Amount and Eligibility. ARPA temporarily increases the value of premium tax credits disbursed to individuals who purchase health insurance plans through the federal exchange or a state-based insurance exchange. Premium tax credits are calculated to equal the difference between the total premium charged for the second-lowest silver plan available on the exchange for the individual (which varies by the person's age and region), and a specified percentage of the person's household income. Therefore, the specified percentage is the share of monthly income that a person is expected to pay for the second-lowest silver plan, net of the credit. This percentage is lower for lower income levels, (resulting in a higher credit) and higher for higher income levels (resulting in a lower credit). Normally, credits are only available for individuals with household income between 100% of the federal poverty level (FPL) and 400% of the FPL.

Under ARPA, the percentages used for calculating the premium tax credits are reduced, and the maximum household income eligibility cap is removed. These changes apply only to plan years 2021 and 2022. The following table compares the previous percentages used for calculating the credits with the new percentages. The actual percentage used for the calculation of the credit increases within each of these ranges as income increases.

Previous and New Percentages Used for the Calculation of Premium Tax Credits

<u>Percentage of FPL</u>	<u>Percentage of Income Expected to Pay</u>	
	<u>Previous Percentages</u>	<u>New Percentages*</u>
100 to 133%	2.07%	0.00%
133 to 150	3.10 to 4.14	0.00
150 to 200	4.14 to 6.52	0 to 2.2
200 to 250	6.52 to 8.33	2.0 to 4.0
250 to 300	8.33 to 9.83	4.0 to 6.0
300 to 400	9.83	6.0 to 8.5
Over 400	No Credit	8.50

* Used for plan years 2021 and 2022 only.

As shown in the table, the percentage used for the calculation of the credit for individuals at 150% of the federal poverty level and below will be 0%, meaning that a person in this income range will be able to enroll in the second-lowest silver plan with no premium. In addition, an individual who has a household income above 400% of the FPL will now be eligible to receive a credit, although if the amount equal to 8.5% of monthly income exceeds the cost of the second-lowest cost silver plan, then no credit will be paid.

In addition to these changes, ARPA specifies that, for plan year 2021 only, any individual who received unemployment insurance benefits during the year is eligible for a premium tax credits and cost sharing reductions as if he or she had a household income of 133% of the federal poverty level, regardless of actual annual income.

Mental Health and Substance Abuse Treatment and Prevention Initiatives

Substance Abuse and Mental Health Services Administration -- Block Grant Supplements. ARPA provides a supplement to two existing state block grant funding programs to support behavioral health initiatives. The Act provides a supplement of \$1.5 billion each for the Community Mental Health Services Block Grant (MHBG) and the Substance Abuse Prevention and Treatment Block Grant (SABG) programs. Funds in both programs are distributed to states by formulas that consider population and various measures of need related to mental health and substance abuse disorders. The Federal Funds Information for States (FFIS) estimates that Wisconsin will receive a supplement of \$24.6 million under the MHBG and \$22.0 million under the SABG. These funds remain available for expenditure until September 30, 2025.

The amounts provided under ARPA are in addition to regular allocation of block grant funds for federal fiscal year 2020-21 (\$11.8 million under the MHBG and \$27.2 million under the SABG), and a previous supplement provided under the Consolidated Appropriation Act of 2021 (\$14.3 million under the MHBG and \$25.5 million under the SABG). The CAA provided additional funding under the MHBG program for allocation directly to community mental health clinics, but these awards have not yet been made.

In general, block grant funds in both programs must be distributed to programs and activities in accordance with plans developed by the states. States are required to establish and consult with

mental health and substance abuse advisory boards in the development of these plans.

Discretionary Grants for Behavioral Health Initiatives. ARPA includes several smaller grant programs for behavioral health initiatives, with total allocations generally ranging between \$10 million and \$100 million. These programs will provide grants for various purposes, including for promotion of mental health wellness for health care providers, drug overdose prevention and harm reduction strategies, mental health initiatives to address the impacts of COVID-19, addressing child traumatic stress, promoting wellness and resiliency in educational settings, youth suicide prevention, increasing pediatric mental health access, and building capacity for community behavioral health clinics. Since these are generally competitive grant programs, it is not known how much Wisconsin state or local governments, or non-governmental entities in Wisconsin will receive. Criteria for receiving a grants will be developed by the U.S. Department of Health and Human Services.

Supplemental Nutrition Assistance Program

Value of Benefits. The Consolidated Appropriations Act increased maximum monthly SNAP allotments by 15% between January 1, 2021, and June 30, 2021. ARPA extends that period for three months, to September 30, 2021.

Program Administration. ARPA provides \$1,150.0 million for the costs of state administrative expenses relating to SNAP. Of this amount, \$1,135.0 million is budgeted for the Secretary of the U.S. Department of Agriculture (USDA) to provide as grants to state agencies to fund SNAP administrative costs in federal fiscal years 2020-21 through 2022-23. The Act directs USDA to allocate: (a) 75 percent of the amount based on the share of each state of households that participate in SNAP as reported to USDA for the most recent 12-month period for which data are available, adjusted by the Secretary for participation in disaster programs; and (b) 25 percent of the amount based on the increase in the number of households that participate in SNAP as reported to USDA over the most recent 12-month period for which data are available, adjusted by the Secretary for participation in disaster programs. The remaining \$15.0 million is budgeted to fund USDA's program management and oversight costs.

USDA has indicate that it will allocate \$445 million of the \$1.135 billion total provided for state administrative expenses to state agencies in each of fiscal years 2021 and 2022. USDA will allocate \$245 million in fiscal year 2023. FFIS estimates that over the three years, Wisconsin will receive a combined total of \$18,706,000.

SNAP Technology and Technical Assistance. ARPA provides \$25.0 million which will remain available through September 30, 2026, for: (a) technology to improve online SNAP purchasing; (b) costs to modernize electronic benefit transfer technology; (c) support mobile technologies demonstration projects and the use of mobile technologies; and (d) technical assistance to educate retailers on the process and technical requirements for the online acceptance of SNAP benefits, for mobile payments, and for electronic benefit transfer modernization initiatives.

Pandemic Electronic Benefit Transfer (P-EBT). The Families First Coronavirus Response Act (FFCRA) provided the USDA Secretary the authority to approve state agency plans

to administer the pandemic electronic benefit program (P-EBT) to provide food benefits to children that would have received free or reduced price school meals, if not for COVID-related school closures, reductions in school hours, or attendance, for at least five consecutive days.

ARPA extends the P-EBT program through any school year in which a school is closed for at least five consecutive days during a public health emergency or summer period following such a school year. Further, ARPA expands the time during which Secretary of Agriculture may purchase commodities for emergency distribution in areas of the United States during a public health emergency designation from federal fiscal year 2020 to any time there is a public health emergency designation. Finally, the Act expands eligibility for the program to the Commonwealth of the Northern Mariana Islands, Puerto Rico, and American Samoa.

Services for the Elderly and Individuals with Disabilities

Older Americans Act Programs. The Act provides \$1,434.0 million to carry out services and programs under the Older Americans Act. The act specifies the following allocations: (a) \$750.0 million for nutrition services; (b) \$25.0 million for grants for Native Americans, including the Native American caregiver support program; (c) \$460.0 million for supportive services and senior centers, including for supportive services of the types made available for fiscal year 2020; efforts related to COVID-19 vaccination outreach, including education, communication, transportation, and other activities to facilitate vaccination of older individuals; and prevention and mitigation activities related to COVID-19 focused on addressing extended social isolation among older individuals, including activities for investments in technological equipment and solutions or other strategies aimed at alleviating negative health effects of social isolation due to long-term stay-at-home recommendations for older individuals for the duration of the COVID-19 public health emergency; (d) \$44.0 million for evidence-based disease prevention and health promotion services; (e) \$145.0 million for the national family caregiver support program; and (f) \$10.0 million for the long-term care ombudsman program. This one-time funding increase will be available until the amounts are fully expended.

FFIS estimates that of the total funding amounts, Wisconsin will receive \$13,625,000 for congregate and home delivered meals, \$8,290,000 for supportive services, \$802,000 for preventative services, \$2,573,000 for family caregiver services and programs, and \$182,000 for the state long-term care ombudsman program.

Birth to 3. The Act provides \$250.0 million for programs for infants and toddlers with disabilities under part C of the Individuals with Disabilities Education Act. The Act does not specify the time period for states to use this funding. FFIS estimates that of the total funding, Wisconsin's Birth to 3 program will receive \$3,984,000.

Aging and Disability Services -- Elder Justice. ARPA provides \$276.0 million, which will remain available until expended, for elder justice programs. Of that amount: (a) \$88.0 million must be provided for elder justice programs in FFY 2021, of which at least \$100.0 minus the amount previously provided in FFY 2021 for grants to enhance the provision of adult protective services must be provided for these grants; and (b) \$188.0 million must be provided for elder justice programs in FFY 2022, of which not less than \$100.0 million must be used to fund grants to enhance the provision of adult protective services.

Skilled Nursing Facilities

Skilled Nursing Facility Strike Teams. The Act provides \$250.0 million, which will remain available until fully expended, for DHHS to allocate among the states (including the District of Columbia and five U.S. territories) to establish and implement strike teams that will be deployed to skilled nursing facilities in the state with diagnosed or suspected cases of COVID-19 among residents or staff to assist with clinical care, infection control, or staffing during the national public health emergency and the one-year period immediately following the end of the emergency period. This provision is intended to benefit nursing homes participating in the Medicare program.

Infection Control and Vaccination Uptake. The Act provides \$200.0 million, which will remain available until fully expended, for purposes of requiring quality improvement organizations to provide skilled nursing facilities infection control and vaccination uptake support relating to the prevention or mitigation of COVID-19, as determined appropriate by the U.S. DHHS Secretary.

It is not currently known how much of this funding will be allocated to Wisconsin.

Public Health

Centers for Disease Control and Prevention -- Public Health Response. The Act provides \$64.71 billion to the Centers for Disease Control and Prevention (CDC) and other HHS agencies for COVID-19 testing, tracing, and vaccination and to support the public health workforce. This funding will remain available until it is fully expended. The Act does not specify what portion of this funding will be provided to state and local public health departments.

The Act allocates this funding for the following purposes: (a) \$47.80 billion for testing, contact tracing, and related mitigation strategies, including for expanding laboratory capacity and public health workforce; (b) \$7.66 billion to establish, expand, and sustain the public health workforce, including funding for wages, benefits, recruitment, training, supplies, and administrative costs for public health workers; (c) \$7.50 billion for planning, preparation, promotion, distribution, administration, monitoring, and tracking COVID-19 vaccines; (d) \$1.75 billion to expand and improve genomic sequencing of the virus that causes COVID-19 and of other infectious organisms, to identify and track mutations, and to build response capabilities based on genomic sequencing and surveillance data.

To date, the CDC has announced allocations to state and local public health departments from the allocation described under (a) totaling \$10.0 billion, including \$175.4 million to Wisconsin.

Title X Family Planning Funds. The Act provides one-time funding of \$50 million for the U.S. Department of Health and Human Services, Office of Population Affairs, to increase grants and contracts for family planning services under Title X of the Public Health Service Act. Since federal fiscal year 2013-14, \$286.5 million has been budgeted annually to fund family planning and preventive health services, of which Wisconsin has been allocated approximately \$5.6 million. Under state law, DHS is authorized to provide this funding to public health departments, clinics, the well-woman program, and hospitals and federally qualified health centers that provide comprehensive primary and preventive care.

Women, Infants and Children (WIC) Supplemental Food Program. The Act makes two appropriations for the WIC program, which provides low-income pregnant and post-partum women, and children under age five, with certain nutritional and health services and benefits to purchase food. The act provides \$490.0 million to authorize the Secretary of Agriculture to increase food benefits by up to \$35 per person. This increase only applies at the request of a state WIC agency, and is limited to at most four months of benefits, ending by September 30, 2021. The act also appropriates \$390.0 million for outreach, innovation, and program modernization efforts, to increase uptake of benefits. This may include waivers that require a state application to receive funds.

Grants to Health Centers. The act provides \$7.6 billion in supplementary funding to federally qualified health centers (FQHCs) for a variety of COVID-19–related activities and to modify, enhance, and expand health care services and infrastructure. These non-profit organizations provide comprehensive primary health care services to underserved areas and populations, including migrant agricultural workers and people experiencing homelessness. They serve individuals regardless of ability to pay, and charge patients based on sliding fee scales.

ARPA also provides \$330.0 million to make grants to teaching health centers to support, expand, or establish graduate medical residency training programs. This is a competitive grant program, so it is not known how much Wisconsin hospitals may receive.

Health Service Loan Repayment

National Health Service Corps Loan Repayment. The Act provides \$100.0 million to states to support student loan repayment programs for health professionals who agree to provide primary health care services in underserved areas. These funds are exempted from an existing program requirement that the state match any federal grant received one-to-one with non-federal funds. This \$100 million supplement to states is part of \$1.00 billion in total provided under ARPA to the National Health Service Corps and Nurse Corps, programs administered at the federal level that provide similar student loan repayment for health professionals.

CHILDREN AND FAMILIES

Child Care. Wisconsin's child care subsidy program, known as "Wisconsin Shares," provides child care assistance to enable parents with low income to work or prepare for employment. Under the program, the state subsidizes the cost of child care charged by providers chosen by the parent. The program is funded primarily through the federal temporary assistance for needy families (TANF) block grant and the federal child care development fund (CCDF), which includes funding under the child care development block grant (CCDBG) and Title IV-A of the Social Security Act. CCDF provides a combination of discretionary and entitlement funds for child care services to provide financial assistance to low-income families and to improve the quality and supply of child care for all families.

Under 2019 Act 9, it was estimated that the state's award of CCDF funds would total \$128.2 million in 2019-20 and 2020-21. However, in response to the COVID-19 pandemic, the CARES Act increased CCDBG funding for Wisconsin by \$51.6 million through September 30, 2021, to prevent,

prepare for, and respond to the coronavirus (including for reimbursement of such costs and obligations made prior to the enactment of CARES). In addition to supplemental CCDF, CARES also provided the coronavirus relief fund (CRF) to provide assistance to state and local governments responding to the COVID-19 pandemic. DCF used \$79.7 million of CRF monies to provide two rounds of supplementary Child Care Counts programs. The first program, supported with \$46.5 million in CRF monies, supported the costs of child care providers maintaining or enhancing compliance status, YoungStar rating, and improving health and safety practices. The second program, supported with \$33.2 million of CRF monies, supported the staff recruitment and retention efforts (such as incentive pay or signing bonuses). The Consolidated Appropriations Act of 2021 (CAA) provided additional supplemental CCDBG funding in FFY 2020-21 to prevent, prepare for, and respond to the COVID-19 pandemic. It is estimated that Wisconsin's allotment of supplemental CCDBG funding under the CAA will be \$148.8 million.

ARPA increases funding available to states to support child care services as follows.

CCDBG. ARPA provides \$14,990.0 million in FFY 2020-21 to increase funding for the CCDBG and specifies that payments to states, territories and tribes must be obligated in 2020-21 or the subsequent two fiscal years. States, territories and tribes may not use this funding to supplant state expenditures for current programs. States may use the ARPA emergency funds for any purpose authorized under the CCDBG and to provide child care assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to coronavirus by public officials, without regard to the income eligibility requirements under the CCDBG.

It is estimated that Wisconsin would be eligible to receive up to \$223.2 million in supplemental CCDBG funds under this provision.

Stabilization Grants. ARPA provides \$23,975.0 million in FFY 2020-21 to fund grants to states to provide grants to child care providers that are either open or temporarily closed to support operations during the COVID-19 pandemic. ARPA requires the stabilization grant awards to supplement general revenue. Consequently, this funding cannot be used to supplant state funding for current programs.

Providers may use stabilization grants for: (a) personnel costs, including payroll and salaries or similar compensation for an employee (including any sole proprietor or independent contractor), employee benefits, premium pay, or costs for employee recruitment and retention; (b) rent or payment on any mortgage obligation, utilities, facility maintenance or improvements, or insurance; (c) personal protective equipment, cleaning and sanitization supplies and services, or training and professional development related to health and safety practices; (d) purchases of or updates to equipment and supplies to respond to the COVID-19 public health emergency; (e) goods and services necessary to maintain or resume child care services; and (f) mental health supports for children and employees. Providers may use grant funds to reimburse costs obligated or expended before March 11, 2021.

Eligible providers include center-based child care provider, a group home child care provider, a family child care provider, or other provider of child care services for compensation that are licensed, regulated, or registered that satisfy all applicable health and safety regulations

under state law. Eligible providers need not have previously received funding under the CCDBG to qualify for the grants. Eligible providers must either be open and available to provide child care services or closed due to public health, financial hardship, or other reasons due to the COVID-19 public health emergency.

Stabilization grants must be based on the provider's stated current operating expenses, including costs associated with providing or preparing to provide child care services during the COVID-19 public health emergency. To the extent practicable, grants must cover sufficient operating expenses to ensure continuous operations. DCF must provide and accept grant applications on its website. Providers must certify that they will: (a) implement policies in line with guidance from state and local governments and the Centers for Disease Control and Prevention; (b) pay each employee full compensation, including benefits, and will not reduce that compensation or furlough employees; and (c) provide relief from copayments and tuition payments for the families enrolled in the provider's program, to the extent possible, and prioritize relief for families struggling to make either type of payment.

It is estimated that Wisconsin will receive up to \$357.9 million to support stabilization grants to child care providers. DCF must notify the U.S. Department of Health and Human Services if it is unable to obligate at least 50% of stabilization grants within nine months of March 11, 2021.

Title IV-A. ARPA permanently increases the total funding available to states under Title IV-A of the Social Security Act so that beginning in FFY 2020-21, \$3,550.0 million will be provided annually, of which \$3,375.0 million annually will be available for grants to states. In addition, ARPA temporarily waives the state's matching requirement through FFY 2021-22.

It is estimated that ARPA will provide an additional \$8.9 million in Title IV-A matching child care funds to Wisconsin. DHHS will allocate this funding to states based on each state's share of children under the age of 13. Matching funds must be spent within the year they are received or obligated in the year received and spent within the next fiscal year.

Pandemic Emergency Assistance. ARPA provides \$1.0 billion in FFY 2020-21 to create a pandemic emergency assistance program as part of the TANF program. The funding is available until it is fully expended.

Funding may be used by states, tribes, and territories for non-recurrent short term benefits to families, whether in the form of cash, vouchers, subsidies, or in other forms. No more than 15% of funding received may be used for administrative purposes. Funding must supplement and not supplant other federal, state, or tribal funds for services and activities that promote the purposes of the assistance program. States will have until the end of FFY 2022 to spend the funding (except for re-allotments of funding, which would need to be expended within 12 months of receipt).

Under federal law, non-recurrent, short-term benefits are designed to deal with a specific crisis situation or episode of need. They are not intended to meet recurrent or ongoing needs and do not extend beyond four months. This includes benefits such as emergency assistance and emergency housing assistance, but not tax credits, child care, transportation, or short-term education and training. Such benefits are not considered "assistance" for purposes of TANF regulations and requirements (such as time limits on participation in TANF-funded programs and

work-requirements). States are permitted to set a higher income standard for non-recurrent, short-term benefits than for regular TANF cash assistance.

Funds are allotted to states according to the sum of: (a) 50% multiplied by the state's share of the population of children in Wisconsin compared to all 50 states [as determined by the most recent population estimates determined by the Census Bureau]; and (b) 50% multiplied by the state's total amount expended for basic assistance, non-recurrent short term benefits, and emergency assistance in fiscal year 2019 compared to all 50 states. To receive the full allotment, states must report within 45 days after enactment of ARPA whether the state intends to use all of its funding. Any used funds would be re-allotted amongst the states using the same formula.

It is estimated that Wisconsin will receive \$14.5 million under the program.

Child Welfare

Child Abuse Prevention and Treatment. ARPA provides \$100.0 million for formula grants to states and under the Child Abuse Prevention and Treatment Act (CAPTA), which supports systems states use to receive and respond to reports of child abuse and neglect. For FFY 2019, the state received CAPTA funding of \$1.4 million. It is estimated that the state could receive additional formula grant funding of \$1.7 million. States are not required to match these funds.

Community-Based Child Abuse Prevention Grants. ARPA provides \$250.0 million in FFY 2020-21 to fund community-based efforts to develop, operate, and expand initiatives that prevent child abuse and neglect. Wisconsin received \$0.7 million of such funding in FFY 2019. It is estimated that Wisconsin will receive \$4.2 million of the additional funding provided in ARPA.

Assistance to Families through Home Visitation Programs. The Act provides \$150.0 million to supplement the existing Maternal, Infant, and Child Home Visiting Program administered as grants to states to provide services and supplies to pregnant women and families with young children at risk of adverse health outcomes. The funds may be used for a variety of COVID-19–related purposes, including providing emergency assistance and supplies to enrolled families, acquiring technology to enable virtual home visits, and supporting training, hazard pay, and other added staff costs. In recent years, Wisconsin has received approximately \$8.3 million annually under the program, supporting the Wisconsin Family Foundations Home Visiting Program administered jointly by the Department of Children and Families and the Department of Health Services.

K-12 AND HIGHER EDUCATION FUNDING -- EDUCATION STABILIZATION FUND

The Act provides additional funding totaling \$165,109.4 million for the education stabilization fund created under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The table below shows the amount of funding in each of the three parts of the fund under the CARES Act, the Consolidated Appropriations Act (CAA) of 2021, and ARPA.

TABLE 1

**Funding in Education Stabilization Fund
Under CARES Act, CAA and ARPA
(\$ in Millions)**

	<u>CARES Act</u>		<u>CAA</u>		<u>ARPA</u>	
	<u>Total</u>	<u>Wisconsin</u>	<u>Total</u>	<u>Wisconsin</u>	<u>Total</u>	<u>Wisconsin</u>
Elementary and Secondary School Emergency Relief	\$13,200.0	\$174.8	\$54,300.0	\$686.1	\$122,774.8	\$1,540.8
Governors Emergency Education Relief	3,000.0	46.6	4,100.0	98.3	2,750.0	67.1
Higher Education Emergency Relief	13,950.0	176.7	22,700.0	318.0	39,584.6	560.2
Other	<u>600.0</u>	<u>N.A.</u>	<u>900.0</u>	<u>N.A.</u>	<u>0.0</u>	<u>0.0</u>
Total	\$30,750.0	\$398.1	\$82,000.0	\$1,102.4	\$165,109.4	\$2,168.1

K-12 Public Schools. Under ARPA, an additional \$122,774.8 million is allocated to the Elementary and Secondary School Emergency Relief (ESSER) fund. As under the CARES Act and the CAA, each state will be required to distribute at least 90% of its total ESSER allocation to local education agencies. In addition, the Act requires: (a) at least 5% must be allocated to carry out activities to address learning loss through the implementation of evidence-based interventions, such as summer learning or enrichment, extended day, comprehensive afterschool programs, or extended school year programs; (b) at least 1% must be allocated to implement evidence-based summer enrichment programs; and (c) at least 1% must be allocated to implement evidence-based comprehensive afterschool programs. No more than 0.5% can be retained by the state educational agency for administrative costs. Federal Funds Information for States (FFIS) estimates that Wisconsin's portion of this fund could total \$1,540.8 million.

Under s. 115.295 of the statutes governing federal appropriation adjustments for the Department of Public Instruction (DPI), DPI is required to submit a plan to the Joint Finance Committee if additional federal funding is received. The law specifies that after receiving the plan, the Co-Chairs of the Committee jointly shall determine whether the plan is complete. Once that determination is made, the Committee has 14 calendar days to: (a) meet and either approve or modify and approve the plan, which the State Superintendent would then implement; or (b) not meet, in which case the State Superintendent can implement the plan as submitted. It is anticipated that such a plan will be required for the additional federal funds under ARPA for K-12 public schools.

K-12 Private Schools. The Act allocates an additional \$2,750.0 million to the Emergency Assistance to Non-Public Schools fund under the Governors Emergency Education Relief (GEER) fund. This funding is designated for services or assistance to private K-12 schools. As under other federal laws related to federal education funding for private schools, the funds are required to remain under public control, and therefore cannot be distributed directly to private schools. FFIS estimates that Wisconsin could receive \$67.1 million for emergency assistance to non-public schools.

Higher Education. The Act provides an additional \$39,584.6 million for the Higher

Education Emergency Relief Fund. Of that amount, \$36,021.99 million is allocated to public and non-profit institutions. The ARPA allocates these funds using the same formula as the CAA, as follows: (a) 37.5% based on FTE enrollment of Federal Pell Grant recipients; (b) 37.5% based on headcount enrollment of Pell Grant recipients; (c) 11.5% based on FTE enrollment of non-Pell grant recipients; (d) 11.5% based on headcount enrollment of non-Pell recipients; (e) 1% based on the relative share of FTE enrollment of students who were Federal Pell Grant recipients and who were exclusively enrolled in distance education courses prior to the qualifying emergency; and (f) 1% based on the relative share of the total number of students who were Federal Pell Grant recipients and who were exclusively enrolled in distance education courses prior to the qualifying emergency. FFIS estimates that Wisconsin's portion of the fund could total \$560.17 million.

The American Council on Education has prepared estimates of the amounts each of the sectors in higher education could receive, including: (a) UW System institutions -- approximately \$275 million; (b) Wisconsin Technical Colleges -- approximately \$170 million; and (c) private nonprofit colleges -- approximately \$115 million.

Similar to the CAA, higher education institutions may use funds received under the ARPA to: defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings and payroll or to provide financial aid grants to students (including students exclusively enrolled in distance education) which may be used for any component of the student's cost of attendance or for emergency costs that arise due to coronavirus, such as tuition, food, housing, health care (including mental health care) or child care. However, with the exception of the two percent of funds allocated based on the relative shares of FTE and headcount students exclusively enrolled in distance learning, the ARPA requires institutions of higher education to use at least 50 percent of allocated funds to provide emergency financial aid grants to students. In making financial aid grants to students, an institution of higher education is required to prioritize grants to students with exceptional need such as students who receive Pell grants. As under the CAA, higher education institutions may not use the funds for recruitment activities, athletics facilities, endowments, religious instruction, or senior administrator salaries, bonuses, or stock options.

Maintenance of Effort. States are required to fulfill a maintenance of effort requirement to access the ESSER moneys. Under the ARPA, the proportion of state spending allocated to K-12 and higher education in 2021-22 and 2022-23 must be maintained at the same level as the state's average allocation in the 2016-17, 2017-18, and 2018-19 fiscal years. Additionally, the Act includes two provisions requiring the state to maintain its current level of support for high poverty school districts: (a) per-pupil state funding cannot be reduced for any high-need district by an amount that exceeds the overall per-pupil reduction in state funds across all districts in 2021-22 or 2022-23; and (b) per-pupil state funding cannot be reduced for any highest poverty district in 2021-22 or 2022-23 below the level of funding provided to that district in 2018-19. High-need districts are defined as those that meet the following criteria: (a) in rank order, have the highest percentages of economically disadvantaged pupils in the state; and (b) collectively serve not less than 50 percent of the state's total enrollment of pupils. Highest poverty districts are defined as those that meet the following criteria: (a) in rank order, have the highest percentages of economically disadvantaged pupils in the state, and (b) collectively serve not less than 20 percent of the state's total enrollment of pupils. The school district maintenance of effort requirements do not apply to a district that meets any of the

following criteria: (a) total enrollment of less than 1,000 pupils; (b) operates a single school; (c) serves all pupils within each grade span with a single school; (d) demonstrates an exceptional or uncontrollable circumstance, such as unpredictable changes in pupil enrollment or a precipitous decline in financial resources, as determined by the federal Secretary of Education.

OTHER EDUCATION RELATED FUNDING

IDEA Funding. The Act appropriates an additional \$3.0 billion for the Individuals with Disabilities Education Act (IDEA), which provides funding for programs and services to children with disabilities. It is estimated that Wisconsin will receive \$54.6 million of additional IDEA funding. (In 2019-20, Wisconsin's total IDEA funding was equal to approximately \$243.4 million.)

Historically Black Colleges and Tribal Colleges. The Act provides \$2,968.8 million to Historically Black Colleges and Universities (HBCUs), tribal colleges, and minority serving institutions; \$395.9 million for financial aid grants to students at proprietary colleges (such as schools of cosmetology), and \$197.9 million for institutions that the Secretary of Education determines have, after allocating other funds available, the greatest unmet need related to coronavirus, including institutions of higher education with large populations of graduate students. Additionally, the Act provides \$850 million to the Bureau of Indian Education for programs or activities, for Bureau-funded schools, and for tribal colleges.

National Endowment for the Humanities. The Act provides \$54 million for the National Endowment for the Humanities to prevent, prepare for, and respond to coronavirus. Of this, 40% would be distributed to state humanities councils and 60% used for direct grants. No matching funds are required under the Act. Federal Funds Information for States estimates that the Wisconsin Humanities Council would be expected to receive \$972,000 under this provision.

TRANSPORTATION

Public Transit. The Act provides a total of \$30.5 billion in emergency public transit funding, to remain available until September 30, 2024, for grants to eligible federal transit aid recipients to prevent, prepare for, and respond to the coronavirus public health emergency. The grants are not subject to any prior restriction on the total amount of funds available for implementation or execution of federal transit grant programs. Funding provided under the Act is in addition to \$25.0 billion provided to transit under the CARES Act and \$14.0 billion made available for transit under the Continuing Assistance Act.

Federal Transit Formula Grants. The Act provides grants to transit providers for under existing federal transit grant programs without requiring a state match. Notwithstanding existing regulations for these programs, funds are available for reimbursement of payroll costs, operating costs to maintain service due to lost revenue as a result of the coronavirus public health emergency, and paying the administrative leave of personnel due to service reductions. Funds are available for immediate obligation and must be directed to a transit system's payroll and operations, unless the recipient certifies to the Federal Transit Administration (FTA) that the recipient has not furloughed any employees. Funding amounts shown in Table 2 and Table 3 are derived from initial estimates

provided to Congress from the FTA on March 8, 2021.

Formula Grants for Operating Assistance - Urban Areas. The Act makes \$26.1 billion available for grants to urbanized areas. Urban allocations under the Act are capped, based on how much each urbanized area reported to the National Transit Database (NTD) in 2018 operating costs. The Act would limit the initial apportionment of funds so that no urbanized area receives more than 132% of its reported 2018 operating expenses in combined funding received from the Act, the CARES Act, and the CAA of 2021. For funds remaining after the initial apportionment, a second apportionment is to be made to any urbanized area that did not receive funding under the 132% apportionment, in an amount equal to 25% of the urbanized area’s 2018 operating costs. Table 2 shows the estimated distribution to urbanized areas in Wisconsin under the Act.

TABLE 2

Urbanized Area Transit Funding

<u>Urban Area</u>	
Milwaukee	\$93,202,863
Madison	30,006,405
Appleton	3,370,750
Beloit	883,025
Eau Claire	2,142,744
Fond du Lac	451,332
Green Bay	3,770,849
Janesville	1,391,289
Kenosha	2,988,592
La Crosse	2,449,921
Oshkosh	1,128,184
Racine	3,128,816
Sheboygan	1,702,136
Wausau	1,135,676
West Bend	<u>720,256</u>
Total	\$148,472,838

Formula Grants for Operating Assistance - Rural Areas. The Act makes \$317 million available for grants to states for rural transit systems using NTD costs. Rural allocations under the Act are made so that any state receiving a combined amount of funding under the Cares Act and the Continuing Appropriations Act: (a) equal to or greater than 150% of the state's combined rural operating costs, would receive an amount equal to 5% of the state's 2018 rural operating costs; (b) equal to or greater than 140% but less than 150% of the state's combined rural operating costs, would receive an amount equal to 10% of the state's 2018 rural operating costs; (c) less than 140% of the state's combined rural operating costs, would receive an amount equal to 20% of the state's 2018 rural operating costs. Wisconsin's estimated distribution under the Act is \$1,663,050. These funds would be received by DOT and distributed to rural transit systems in the state serving populations of less than 50,000 (Tier C Systems).

Formula Grants for Operating Assistance - Seniors and Individuals with Disabilities. The Act makes \$50 million available under the federal seniors and individuals with disabilities formula grant program, allocated in the same ratio as federal funding for the program was provided for fiscal year 2020. Table 3 shows an initial estimate of the apportionment state recipients would receive under this provision of the Act.

TABLE 3

Seniors and Individuals with Disabilities Transit Funding

Milwaukee	\$217,149
Madison	54,368
Appleton	32,146
Green Bay	32,537
Wisconsin (50,000-199,999)	287,759
Wisconsin (Less than 50,000)	<u>260,933</u>
Total	\$884,892

Formula Grants for Operating Assistance - Intercity Bus Service. The Act makes \$100 million available for grants to states for bus operators that partner with states under the rural intercity bus program. The Act requires FTA to allocate funding in the same ratio as funds were provided under the rural areas formula grant program for fiscal year 2020. The state's current long distance intercity bus service program is required by the federal government and is aimed at connecting isolated rural areas to larger communities in the state. No estimate is currently available for amounts that would be received by Wisconsin to support intercity bus service.

Planning Grants for Urbanized Areas. The Act makes \$25 million available for grants to recipients eligible for funding under the urbanized area formula for planning associated with the restoration of public transportation services as the coronavirus public health emergency concludes. The amounts provided are available for route planning designed to: (a) increase ridership and reduce travel times while maintaining or expanding the total level of vehicle revenue miles of service provided in the planning period; or (b) make service adjustments to increase the quality or frequency of service provided to low-income riders and disadvantaged neighborhoods or communities. No estimate is currently available for amounts that would be received by urbanized areas for public transportation planning.

Additional Assistance Grants. The Act makes \$2.2 billion available for urban or rural transit systems that, as a result of COVID-19, require additional assistance for costs related to operations, personnel, cleaning and sanitization to combat the spread of pathogens, and debt service payments incurred to maintain operations and to avoid layoffs and furloughs. To receive funding under this provision, an applicant must provide: (a) estimates of financial need; (b) data on reductions in farebox or other local revenues; (c) a spending plan for such funds; and (d) proof of expenditures exceeding 90% of the federal funding made available to the applicant in fiscal year 2020. The FTA is required to issue a notice of funding opportunity for additional assistance grants and application deadline within 180 days of the date of enactment of the Act and is required to award the grants

within 120 days of noticed application deadline.

Capital Investment Grants. The Act makes \$1.675 billion available under the existing federal Capital Investment Grants (CIG) discretionary grant program. The Act provides \$1.425 billion for certain "New Starts" and "Core Capacity" projects, of which Wisconsin does not currently have any projects that would qualify for such funding. The Act also provides \$250 million for "Small Starts" projects that are currently a recipient of a CIG allocation or an applicant in the project development phase. Funding provided to a recipient under the Act will not count toward the maximum federal financial assistance for the project. There are currently two transit systems in Wisconsin that are in the Small Starts grant approval process. Milwaukee County is planning to build a Bus Rapid Transit (BRT) dedicated lane linking downtown Milwaukee with Marquette University, Wauwatosa and the Milwaukee Regional Medical Center. Milwaukee County was allocated CIG Small Starts funding in 2019 and 2020 for development of the East-West BRT. Similar to the Milwaukee County BRT project, the City of Madison's planned East-West BRT dedicated lane would be a BRT line running through the isthmus and the UW-Madison campus between the East Town and West Town areas. In August, 2020, the City of Madison's proposed East-West BRT system was accepted into the FTA's Small Starts program. No estimate is currently available for the amount of CIG Small Starts funding provided under the Act that may be received by Milwaukee and Madison for their respective BRT projects.

National Network Grants to the National Railroad Passenger Corporation (Amtrak). The Act provides a total of \$1.7 billion of emergency funding for Amtrak. Of that amount, \$175 million is to be used by Amtrak to offset amounts required to be paid by states for all state-supported routes. The Act specifies that a state-supported route's share of funding would be: (a) 7% of the costs allocated to the route in fiscal year 2019 under the cost allocation methodology specified in the Passenger Rail Investment and Improvement Act of 2008, and (b) any remaining amounts that would be apportioned to a route in proportion to its passenger revenue and other revenue allocated to a state-supported route in fiscal year 2019 divided by the total passenger revenue and other revenue allocated to all state-supported routes in fiscal year 2019. No estimate of the funding available to supplement Wisconsin's portion of the Hiawatha service exists at this time.

The CARES Act and the CAA of 2021 provided a combined \$414 million in additional funding directly to Amtrak to support state-supported route payments and also prohibited any state from paying Amtrak more than 80% of the amount paid in federal fiscal year 2019. According to the Wisconsin Department of Transportation, Amtrak allocated \$3,996,000 to support Wisconsin's state-supported Hiawatha service route payments through January, 2021.

Grants-In-Aid for Airports. The Act provides a total of \$8.0 billion in federal fiscal year 2021 for grants to airports to prevent, prepare for, and respond to coronavirus. Of this total, the Act apportions: (a) \$6.5 billion to primary airports (commercial service airports with more than 10,000 annual passenger boardings) for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens, and debt service payments, according to existing federal airport aid formula based on their 2019 passenger boardings; (b) \$800.0 million to provide relief from rent and minimum annual guarantees, including \$640.0 million to small airport concessions and \$160.0 million to large airport concessions (defined as exceeding \$56,420,000 in average gross receipts over the previous three fiscal years) at primary airports, allocated to airports

based on the airport's proportion of total national 2019 passenger boardings, and allocated within airports to concessions based on the concession's proportional share of total amount of rent and minimum annual guarantees; (c) \$608.0 million to pay for a federal share of 100% of the costs for airport improvement grants; and (d) \$100.0 million for nonprimary airports (commercial service airports with 10,000 or fewer annual passenger boardings) and general aviation airports to fund the same allowable costs as primary airports, with funding based on the percentage of aggregate eligible development costs by existing federal airport categories, and then evenly dividing aid among eligible airports in those categories.

The Federal Aviation Administration may retain up to \$8.0 million for the administration of these funds. Any remaining amounts after distributing funds under each of these methods shall be distributed to primary airports based on their proportion of annual passenger boardings of total national 2019 passenger boardings in all primary airports.

Funds may not be used for any purpose not directly related to the airports, and no airport can receive funds if they have been allocated in excess of four years of operating funds to prevent, prepare for, and respond to coronavirus in federal fiscal year 2020. Funds remain available until September 30, 2024.

Hub and primary airports (only General Mitchell International Airport and Dane County Regional Airport in Wisconsin) receiving funds must continue to employ through September 30, 2021, at least 90 percent of the number of individuals employed by the airport as of March 27, 2020. Funds are subject to clawback if an applicable airport fails to comply with the workforce retention requirement. However, the workforce retention requirement may be waived if the U.S. Department of Transportation Secretary determines that the airport is experiencing economic hardship as a direct result of the requirement or the requirement reduces aviation safety or security.

Under the March, 2020, Coronavirus Aid, Relief, and Economic Security Act (CARES Act), funds dedicated to primary airports went directly to those airports (\$83.2 million), whereas other funds were provided directly to the Department of Transportation for nonprimary and general aviation airports (\$2.9 million) and the amounts to increase the federal share for airport improvement grants to 100% (\$7.0 million).

ARTS FUNDING

National Endowment for the Arts (NEA). The ARPA appropriates \$135 million for the NEA, of which 40% (\$54 million) is for grants and relevant administrative expenses for state arts agencies and regional arts entities that support local organizations' programming. FFIS estimates Wisconsin's state allocation at \$839,000, and NEA indicates state fund matching requirements will be waived. Additional guidance for states and arts organizations will be available in April, 2021. The remaining 60% of funding is provided for direct grants to arts organizations for programming and general operating expenses, and NEA may waive matching requirements for these grants.

BUSINESS ASSISTANCE

State Small Business Credit Initiative. The Act provides \$10 billion to recreate the State

Small Business Credit Initiative (SSBCI), which was a federal program that initially operated from 2010 to 2017 to provide small businesses with financing through lending, equity investment, or other credit support programs. Eligible small businesses generally are those with fewer than 500 employees.

Program allocations are based on the change in state employment from December, 2019, to December, 2020, and the proportion of each state's decrease to the total decrease for all states, but each state must receive at least 0.9% of available funding. ARPA also requires the following set-asides: (a) \$500 million for tribal governments; (b) \$2.5 billion for businesses owned by socially and economically disadvantaged individuals, of which \$1 billion is for incentive-based payments for state programs that reach those businesses; (c) \$500 million for very small businesses of fewer than 10 employees; and (d) \$500 million for state-administered programs to provide technical assistance to businesses in applying for SSBCI or other state and federal programs supporting small businesses.

Funding allocations by state are not yet determined, and final awards will be contingent in part on actions states may take to earn incentive-based funding. Of the program's original \$1.46 billion allocation, WHEDA was provided \$22.4 million, or 1.54% of the total allocation. Estimated allocations for Wisconsin, not including certain set-asides, could be from \$75 million to \$130 million. SSBCI funding remains available to states until September 30, 2030.

EMERGENCY MANAGEMENT

The Act increases funding for emergency management performance grants by \$100.0 million, of which an estimated \$1.8 million is allocated to Wisconsin to implement the national preparedness system. Grant funds must be used by September 30, 2025, and a 50% state funding match is required. Under the CARES Act, an additional \$100.0 million was provided to the grant program, of which \$1.8 million was allocated to Wisconsin.

ENVIRONMENTAL GRANTS

Environmental and Air Pollution Categorical Grants. The ARPA appropriates \$50 million to the Environmental Protection Agency for grants, contracts, and other activities that identify and address disproportionate environmental or public health harms and risks in minority populations or low-income populations, including those risks related to air pollution, contaminated drinking water, and contaminated waste sites. An additional \$50 million is appropriated for research, monitoring, and surveying activities by states agencies and other entities under the Clean Air Act. No estimates are currently available regarding amounts for which Wisconsin may be eligible.

HOUSING ASSISTANCE

Emergency Rental Assistance. The Act provides \$21.55 billion for emergency rental assistance. It is unknown how much will be allocated to Wisconsin. Eligible households may receive up to 18 months of assistance with rental payments, rental arrears, utilities and home energy costs, or utilities and home energy costs arrears. Up to 15 percent of funds may be used for administrative costs and up to 10 percent may be used for case management services. Funds must be used by

September 30, 2027. Under the CAA, \$25.0 billion was allocated for emergency rental assistance, of which \$386.8 million was allocated to Wisconsin.

Tenant-Based Rental Assistance. The Act provides the federal Department of Housing and Urban Development (HUD) \$5.0 billion for tenant-based rental assistance to low-income households under the Housing Choice Voucher program. An estimated allocation to Wisconsin recipients is not currently available. However, under the previous allocation of funding for tenant-based assistance under the CARES Act, Wisconsin is estimated to have received 0.74% of all funding. Assuming a similar allocation, it is estimated that \$37 million in tenant-based funding would be directed by HUD towards low-income tenants in Wisconsin.

The Wisconsin Housing and Economic Development Authority (WHEDA), in conjunction with local public housing authorities, administers federal vouchers in Wisconsin. Vouchers provide rent subsidies to individuals who have flexibility in selecting their residence. In federal fiscal year 2020, Wisconsin was allocated \$189 million in federal funding, supporting 31,900 vouchers.

Homeowner Assistance Fund. The Act provides \$9.96 billion to create a homeowner assistance fund, which will provide funding to states and federally-recognized tribes to support payment of mortgages, utilities including internet service, homeowners insurance, and condominium association fees to homeowners experiencing financial hardship. The Act requires at least 60% of funding be provided to households at or below area median income, or U.S. median income, whichever is greater. Funding is to be allocated to states based on the proportion of mortgage holders in each state that are delinquent or in foreclosure, and the unemployment rate of that state. No immediate estimate is available for Wisconsin's share of this funding.

UTILITY ASSISTANCE

Home Energy Assistance. The Act increases funding for the Low Income Home Energy Assistance Program (LIHEAP) by \$4.5 billion, of which an estimated \$104.7 million is allocated to Wisconsin to assist with home energy bills and weatherization. Funds must be used by September 30, 2022, and no state match is required. Under the CARES Act, LIHEAP was provided an additional \$900.0 million, of which \$8.1 million was allocated to Wisconsin.

Water and Sewer Utility Assistance. The Act provides \$500 million to the federal Department of Health and Human Services (HHS) to assist low-income households in reducing arrearages in water and sewer utility bills. Funding would be provided to states and federally-recognized tribes for allocation to water and sewer utilities. The Act directs HHS to allocate funding based on the proportion of households: (a) with income less than 150% of the federal poverty line (\$39,800 in 2021 for a family of four); and (b) spending more than 30% of monthly income on housing, which are known as cost-burdened households.

Estimates of Wisconsin's share of these populations are not immediately available. However, according to U.S. Census Bureau data, an estimated 1.34% of those at or below 100% of the federal poverty line in the U.S. reside in Wisconsin. Census Bureau data also suggest Wisconsin's percentage of cost-burdened households (approximately 42% of renter households and 18% of owner-occupied households) is lower than the percentage of such households in the U.S. as a whole (48% and 21%,

respectively). If Wisconsin were to receive 1.2% to 1.4% of allocations, the state would receive perhaps \$6 million to \$7 million for water and sewer utility financial assistance to low-income households.

AMERICAN RECOVERY ACT

	Marathon	Clark	Wood	Shawano	Total
City of Abbotsford	\$63,264	\$157,469			\$220,733
City of Colby	\$50,908	\$141,752			\$192,660
City of Marshfield	\$87,087		\$1,738,781		\$1,825,868
City of Mosinee	\$402,519				\$402,519
City of Schofield	\$214,110				\$214,110
City of Wausau	\$15,747,334				\$15,747,334
County of Marathon	\$26,316,628				\$26,316,628
Town of Bergen	\$63,165				\$63,165
Town of Berlin	\$93,315				\$93,315
Town of Bern	\$59,014				\$59,014
Town of Bevent	\$109,428				\$109,428
Town of Brighton	\$63,857				\$63,857
Town of Cassel	\$91,437				\$91,437
Town of Cleveland	\$147,782				\$147,782
Town of Day	\$113,085				\$113,085
Town of Easton	\$113,184				\$113,184
Town of Eau Pleine	\$80,860				\$80,860
Town of Elderon	\$63,165				\$63,165
Town of Emmet	\$92,722				\$92,722
Town of Frankfort	\$69,986				\$69,986
Town of Franzen	\$56,542				\$56,542
Town of Green Valley	\$57,136				\$57,136
Town of Guenther	\$35,883				\$35,883
Town of Halsey	\$68,009				\$68,009
Town of Hamburg	\$93,018				\$93,018
Town of Harrison	\$36,871				\$36,871
Town of Hewitt	\$63,462				\$63,462
Town of Holton	\$92,821				\$92,821
Town of Hull	\$78,388				\$78,388
Town of Johnson	\$94,600				\$94,600
Town of Knowlton	\$200,864				\$200,864
Town of Marathon	\$109,329				\$109,329
Town of McMillan	\$207,883				\$207,883
Town of Mosinee	\$216,779				\$216,779
Town of Norrie	\$98,752				\$98,752
Town of Plover	\$67,713				\$67,713
Town of Reid	\$127,517				\$127,517
Town of Rib Falls	\$103,395				\$103,395
Town of Rib Mountain	\$681,179				\$681,179
Town of Rietbrock	\$96,038				\$96,038
Town of Ringle	\$172,099				\$172,099
Town of Spencer	\$166,662				\$166,662
Town of Stettin	\$244,556				\$244,556
Town of Texas	\$156,085				\$156,085
Town of Wausau	\$218,361				\$218,361
Town of Weston	\$68,503				\$68,503

AMERICAN RECOVERY ACT

Town of Wien	\$86,395				\$86,395
Village of Athens	\$106,462				\$106,462
Village of Birnameood	\$1,582			\$75,719	\$77,301
Village of Dorchester	\$494	\$85,011			\$85,505
Village of Edgar	\$142,542				\$142,542
Village of Elderon	\$21,154				\$21,154
Village of Fenwood	\$15,322				\$15,322
Village of Hatley	\$59,014				\$59,014
Village of Kronenwetter	\$798,613				\$798,613
Village of Maine	\$254,441				\$254,441
Village of Marathon City	\$149,067				\$149,067
Village of Rothschild	\$520,646				\$520,646
Village of Spencer	\$185,641				\$185,641
Village of Stratford	\$155,887				\$155,887
Village of Unity	\$19,177	\$13,444			\$32,621
Village of Weston	\$1,499,266				\$1,499,266
	\$51,670,998	\$397,676	\$1,738,781	\$75,719	\$53,883,174

DRAFT

REQUEST FOR PROPOSALS

FOR A

TRANSIT DEVELOPMENT PROGRAM (TDP)

FOR THE

**WAUSAU AREA TRANSIT SYSTEM
WAUSAU, WISCONSIN**

**PROPOSALS MUST BE RECEIVED
NO LATER THAN 2:00 P.M. CST, May 14, 2021**

FOR FURTHER INFORMATION PLEASE CONTACT:

**GREG SEUBERT, TRANSIT DIRECTOR
CITY OF WAUSAU**

INTRODUCTION

The Wausau Area Transit System (WATS), d.b.a. Metro Ride, is requesting proposals for the preparation of a Transit Development Program (TDP) for the Wausau, WI Urbanized Area. The purpose of the study is to evaluate Metro Ride transit services and obtain recommendations to improve efficiency and effectiveness and address unmet transit needs in the community.

This study occurs at a challenging time for Metro Ride. System ridership has fallen over the last decade, as transit services have been reduced or eliminated. Metro Ride no longer serves areas outside Wausau's boundaries and many important destinations in the region are not accessible by public transit.

The last program planning document, the Wausau Metro Area Transit Development Program, was completed in 2018 by the Wausau Metropolitan Planning Organization (MPO). It was predicated on previous TDPs completed in 2012, 2006, and 2001.

PROPOSALS

The proposal should describe your approach to the Scope of Services. The proposal should provide sufficient detail to enable the selection committee to thoroughly evaluate and compare it with other proposals. It should include the following information and any other information you believe is pertinent to this study.

1. Provide a description of your work approach to the tasks as identified in the Scope of Services. In addition, identify and describe potential services that may have applicability. Any concepts, techniques and tools which you intend to utilize in preparing the study should be included.
2. Identify data which will be needed to conduct the study.
3. Describe your intended relationship with staff and the level of assistance anticipated for completion of the tasks. Also, describe your intended relationship with interested groups/citizens and private transportation providers.
4. Provide a description of all additional subcontracts and associations with other firms you propose to utilize in the performance of this work. Explain fully the intended working relationships and responsibilities of each firm, as well as any examples of past experiences working together and also working with Metro Ride or Marathon County, WI (Wausau MPO).
5. Provide a cost estimate of professional fees to undertake each task outlined in the Scope of Services. The cost estimate should include direct labor costs, any mark-up for fringe benefits, overhead, profit, and other direct expenses such as transportation, housing, printing, and per diem. A breakdown of the labor costs, including position, hours, hourly rates of pay, and cost should also be provided.
6. Provide a list of references for projects similar in scope which you have conducted in other communities. The dates over which the projects were conducted should be included, as well as the status of implementation of your recommendations for these projects.

7. Provide a website link or PDF versions of 1- 3 comparable studies or projects completed or undertaken by the project manager you are proposing for this project.
8. Provide website links or PDF versions of resumes of all professionals who will be actively working on this project. Resumes should list related project experience and general project duties.

SCOPE OF SERVICES

The consultant will evaluate operating structure, financial condition and system performance; analyze current transit demand and identify transit service gaps; consider service restructuring and the incorporation of alternative service delivery modes; recommend technology solutions to improve access and ease of use for the customer; and propose a five-year operating and capital budget for proposed alternatives. Recommendations made must be achievable within existing and anticipated fiscal constraints during the plan period.

Serving both as an information source and as the oversight committee for this planning process, the City of Wausau Transit Commission will meet to discuss key points throughout the entire process. The consultant will be expected to attend some of those meetings also at key points in the planning process and will include a kick off meeting, a review of developed alternatives, and a presentation of the final proposals for public review and comment. Regular progress reports will be made to the Transit Commission and, as required, to the Wausau MPO, as well as the Wausau City Council.

The Metro Ride staff will be administering the project and will be the local point of contact for the consultant, as well as establishing all meeting times and dates needed. Consultant participation will be necessary at Transit Commission meetings, only as related to key work efforts or presentations. The Transit Commission meets regularly on the third Thursday of the month.

The consultant will also be available for public information meetings, City Council meetings, and MPO meetings, as they pertain to consultant work efforts. A description of the anticipated meetings is identified following the Tasks.

TASK #1

Existing Conditions/System Overview

An update of existing conditions affecting transit will be the basis for review of the system. Included is an examination of the demographics, land use patterns, and socioeconomic conditions in the Wausau area. The history of transit in the area will provide background for an overview of the existing system, both fixed-route and paratransit. Existing components such as system layout, ridership, fare structure, equipment and facilities, and financing will be inventoried and summarized. An inventory of other transportation services in the area will be conducted.

The compilation of this history and existing conditions section will be the responsibility of the consultant with assistance from the Metro Ride and Wausau MPO staff. There is data and information within the MPO and Metro Ride concerning the system as it has existed and as it exists today. Any additional information concerning the existing system which may be needed

in subsequent analysis will be gathered by joint agreement between the consultant, Metro Ride and MPO.

The MPO and Metro Ride Staff will assist in developing the existing conditions and system overview for subsequent analysis by the consultant. The consultant will analyze and then compile the inventory information as Technical Memorandum #1.

The information and inventory of the METRO RIDE operations should be provided to the consultant by the end of August, 2021 with Technical Memorandum #1 being completed by the end of September, 2021.

TASK #2

Survey Data and Local Input

Information will be gathered from a wide variety of sources. A boarding and alighting survey, consisting of a 100% sample on a weekday, to determine key destinations, ridership patterns, schedule adherence and average trip length will be conducted on all routes. An onboard survey will also be conducted to provide valuable information on travel patterns, rider characteristics and opinions. In addition, public informational, Transit Commission, Wausau City Council, and Wausau MPO meetings will take place to gather further local input for the study. The consultant, in conjunction with Metro Ride and the MPO, shall develop or utilize any new or creative approaches to engage the public since the COVID pandemic started. The utilization of virtual meetings and websites will be encouraged to help generate public input in the study. Also in conjunction with Metro Ride and the MPO, a list of project stakeholders will be developed and the consultant will conduct interviews with the stakeholders to obtain and gather further information for the study. Past onboard surveys will be provided to the consultant as valuable information about recent trends.

The consultant will have the responsibility of conducting all surveys and public input on the transit system. All available data will be provided to the consultant as required for system and route analysis in the information submitted in Task #1. The survey work should take place in October, 2021 to incorporate the student ridership of the area.

Presentation materials as deemed appropriate for public informational meetings will be produced by the consultant. Presentation and hand out materials for other noted meetings will be the responsibility of the consultant with the primary role in the work effort.

This task should be completed by the end of December, 2021.

TASK #3

Service Evaluation

Goals and objectives for the transit system will coincide with those of the Long-Range Transportation Plan for the Wausau Metropolitan Area. Performance measures will be updated within the framework of the updated goals and objectives and with consideration of state and national trends. Performance measures and standards will be used to critique the system and

are anticipated to quantify and rank service area coverage, ridership, revenues and expenses, and service quality, as deemed appropriate and feasible. Intermodal connectivity will be addressed in the review of service area coverage. The system will also be measured through a comparison to national trends and a peer group analysis.

The development of the goals, objectives, and performance measures, is the responsibility of the consultant through the Transit Commission which will carry the primary role in the evaluation of the system relative to the determined measures. The goals, objectives, and performance measures, and evaluation will be reviewed by the consultant as to their relevance, completeness, and integrity. The comparison to national trends and the peer group analysis will also be the primary responsibility of the consultant. The Transit Commission will retain review authority of the selected peer groups for the sake of system comparability.

The draft goals, objectives, and performance measures will be prepared for distribution by the consultant for review by the Transit Commission. Upon consensus agreement of the measures, Technical Memorandum #3 documenting the system evaluation will be written. Technical Memorandum #3 should also include the peer group and national trend analysis, and summary information regarding the surveys and public input. This task should be completed by the end of December, 2021.

TASK #4

Improvement Options

The presentation and analysis of alternatives, or improvement options, will consider fixed-route alternatives, demand responsive alternatives, combinations of fixed-route/demand responsive alternatives, service hours, vehicle needs and bus size. Travel Demand Management (TDM) strategies appropriate to transit systems of similar size to the Wausau urban area will be explored and the potential for regional service will be examined.

The definition of alternatives will be the role of the consultant, with some technical assistance from Metro Ride and MPO staff. Technical Memorandum #4 presenting the alternatives analysis will be developed by the consultant with time for review prior to presentation to the Transit Commission. This task should be completed by the end of April 2022.

TASK #5

Technology Recommendations

The presentation and analysis will consider technology solutions that will provide real-time vehicle location for customers and system management; enable contactless sale and collection of passenger fares; enable automatic ADA stop announcements; and facilitate collection and download of daily operating data. Proposed solutions may include any viable combination of hardware, software, or services available in the marketplace.

Technical Memorandum #5 presenting the alternatives analysis will be developed by the consultant with time for review prior to presentation to the Transit Commission. This task should be completed by the end of May 2022.

TASK #6

Recommendations and Implementation

A recommended plan will address the areas of route configuration and service type, vehicle needs, other equipment and facilities, organizational structure, resulting from the analysis. Such recommendations shall receive consensus agreement of Metro Ride and MPO staff before being distributed to the Transit Commission, the Wausau City Council, and the MPO. A public hearing regarding the recommendation will be held in May, 2022 prior to formal action by these entities.

An implementation plan will schedule improvements into a five-year time frame, and identify specific roles and responsibilities. The implementation section will also present a contingency service plan to assist Metro Ride and the Wausau area in the event that federal, state, and local funding should significantly decline within the five-year planning period.

The recommendations to be presented in Technical Memorandum #6 are the responsibility of the consultant. The development of the implementation and contingency plan as well as the final plan is similarly the responsibility of the consultant. This task should be completed by the end of June, 2022.

Final plan presentations will be made by the consultant.

The final document, which will include all Technical Memorandum identified in the Tasks of this document, as well as the graphics and maps, will be delivered to allow for review and reproduction prior to release to the public and presentations to the Transit Commission, Wausau City Council, and MPO. This should be completed by June, 2022. Upon approval, all document material should be delivered to the METRO RIDE. All graphic and mapping material and survey information used for the document should also be provided to METRO RIDE upon completion of the project.

**COOPERATIVE AGREEMENT FOR CONTINUING TRANSPORTATION
PLANNING FOR THE WAUSAU, WISCONSIN METROPOLITAN AREA**
between
STATE OF WISCONSIN, DEPARTMENT OF TRANSPORTATION
and the
WAUSAU METROPOLITAN PLANNING ORGANIZATION
(MARATHON COUNTY METROPOLITAN PLANNING COMMISSION)
and the
METRO RIDE TRANSIT SYSTEM (Transit Operator)

This Cooperative Agreement is made and entered into between the State of Wisconsin Department of Transportation ("WisDOT"), the Marathon County Metropolitan Planning Commission ("MPO"), and the Metro Ride Transit System, the operator of publicly owned transit services ("Transit Operator").

Recitals

WHEREAS, various federal grants and aids are available to WisDOT and/or the MPO, and various state grants and aids are available to the MPO for carrying out metropolitan transportation planning activities; and

WHEREAS, WisDOT is authorized by sec. 85.02, Wis. Stats. to direct, undertake and expend state and federal aid for planning, promotion and protection activities for all transportation modes; and

WHEREAS, the Governor of Wisconsin and local communities within the Wausau Urbanized Area, through their authorized representatives, have jointly designated the MPO to carry out metropolitan transportation planning activities for the Metropolitan Planning Area; and

WHEREAS, the Transit Operator provides mass transportation services within the Wausau Metropolitan Planning Area; and

WHEREAS, the Transit Operator is the designated recipient in the Urbanized Area for federal transit operating aids under Section 5307 of the Federal Transit Act, as amended; and

WHEREAS, metropolitan transportation planning activities come under the jurisdiction of the U.S. Department of Transportation Federal Highway Administration and Federal Transit Administration ("USDOT") and are subject to the metropolitan planning requirements of 23 U.S.C. 134, section 5303 of the Federal Transit Act and implementing regulations at 23 C.F.R. 450; and

WHEREAS, the MPO, WisDOT and USDOT in consultation with the appropriate transportation providers enter into an annual unified planning work program ("Planning Work Program") as detailed in Article III Scope of Work of this agreement; and

WHEREAS, Metropolitan Planning Area boundaries for purposes of the federal planning provisions have been determined by agreement between the MPO and the Governor;

NOW THEREFORE, in consideration of these premises, and of their mutual and dependent needs, the parties hereto contract and agree as follows:

Article I: Statement of Purpose

WisDOT and the MPO, in cooperation with the Transit Operator, shall cooperatively undertake a continuing, cooperative, and comprehensive performance-based multimodal transportation planning and programming process for the Metropolitan Planning Area in accordance with state and local goals for metropolitan planning, the provisions of 23 USC 134, 49 USC 5303, and 23 CFR 450, and in accordance with the provisions of this Agreement.

Article II: Overall Responsibilities

- A. The **MPO** shall be responsible for and shall be the lead agency in conducting the following transportation planning and programming activities pursuant to 23 CFR 450 and FTA Circular 4702.1B:
1. Formulating, adopting and periodically reviewing, updating and amending a long-range multimodal transportation plan for the Metropolitan Planning Area, which shall conform to all applicable Federal requirements;
 2. Formulating and approving a short-range Transportation Improvement Program (TIP) for the Metropolitan Planning Area which shall cover a period of not less than 4 years and must have 4 years of projects and may include projects outside the Planning Area for information only. The TIP will provide a notice to the public that the public participation process used for its development meets the public participation requirements for the program of projects prepared by transit operators under 49 U.S.C. 5307;
 3. Preparing and updating a mid-range (3-5 year) transit development plan (TDP) in cooperation with the Transit Operator. This plan shall include, but not be limited to, transit system policies and service demands, transit service reductions and extensions, transit fares, and transit system capital facility needs;
 4. Coordinating short-range (e.g, TIP), mid-range (3-5 year) and long-range transit planning and programming with other transportation planning and programming, with cooperation and assistance from the Transit Operator;
 5. Providing a forum for cooperative transportation planning and decision-making, and establishing a public participation process that ensures reasonable opportunities for early and continuing involvement of individuals, affected public agencies, representatives of public transportation employees, public ports, freight

- shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties in the review and evaluation of all transportation plans and programs, the latter to include special outreach efforts to those traditionally underserved by existing transportation systems;
6. Considering and implementing WisDOT transportation plans and planning guidance to the fullest extent consistent within local and regional goals;
 7. Making data, assumptions, criteria, methodology, and analyses available to WisDOT and other participants in a timely manner;
 8. Providing WisDOT with copies of all transportation plans and programs and all resolutions concerning their adoption, endorsement, or amendment;
 9. Providing WisDOT with an annual self-certification that the MPO's transportation planning process conforms to all applicable Federal requirements pursuant to 23 CFR 450,
 10. Complying with American Disabilities Act of 1990 plan certification procedures as required in 49 CFR 37. 139;
 11. Formulating and annually approving the Planning Work Program, which shall identify all transportation-related planning activities to be funded with state and federal financial aids and technical assistance in accordance with the provisions of this Agreement and the time schedule adopted by WisDOT;
 12. Cooperatively establishing all federally required MPO performance targets, sharing performance data and preparing system performance reports in coordination with WisDOT and Transit Operator (based on FHWA and FTA performance measure final rules publications); and the collection of data for state asset management plan per applicable federal regulations.
 13. Maintaining a current Title VI Program as required by Federal Transit Administration's Title VI Circular 4702.1B in addition to the following:
 - a. Completing an annual report denoting any Title VI Investigations, Complaints and Lawsuits or reporting there had been none within the preceding year;
 - b. Reporting Title VI activities annually within the Unified Planning Work Program;

- c. Updating the Title VI Program with approval by the MPO's Policy Board on a three year cycle.
 14. Ensuring opportunities for the early and continuing involvement of the MPO, Transit Operator, WisDOT, local governmental units, and general public in the review and evaluation of all state transportation plans and programs;
 15. Working with WisDOT and Transit Operators in the preparation of a financial plan for the transportation plan and transportation improvement program, including the cooperative development of estimates of transportation system costs and funding revenues to support implementation of the plan and program.
 16. Working cooperatively with WisDOT and Transit Operator in the preparation of an annual listing of obligated transportation projects funded under 23 U.S.C. or 49 U.S.C. Chapter 53.
- B. **WisDOT** shall be responsible for, and shall be the lead agency in conducting, the following transportation planning and programming activities:
1. Actively participating in MPO activities to represent the state's interests and ensure awareness and consideration of state transportation plans, programs, projects and policies in MPO decision-making.
 2. Informing the MPO relative to the availability, or anticipated availability, of State and Federal financial aids and technical assistance for metropolitan transportation planning activities; making all metropolitan planning funds authorized by 23 U.S.C. 104(f) and 49 U.S.C. 5305(d) available to the MPOs in accordance with a formula developed by WisDOT, in consultation with the MPOs, and approved by USDOT;
 3. Providing information relative to the availability, or anticipated availability, of State and Federal financial aids for metropolitan transportation improvements and services that fall under local programming jurisdiction;
 4. Providing information relative to the proposed programming of State and Federal financial aids for metropolitan transportation improvements and services, which fall under State jurisdiction;
 5. Informing the MPO relative to Federal or State statutes, policies, regulations and guidelines, which bare upon metropolitan transportation planning and programming activities and contractual arrangements;
 6. Developing statewide strategies and guidance for the preparation and scoping of the metropolitan area transportation system plan, improvement program, and

- Planning Work Program to address Federal and State planning requirements and goals;
7. Coordinating the development of the schedule and procedures for annual submittal and interagency review (including but not limited to FHWA and FTA) and approval of the Planning Work Program;
 8. Providing technical support and data and information collected or maintained by WisDOT that is pertinent to the transportation planning work to be performed by the MPO under this Agreement;
 9. Coordinate, review and comment on MPO's long-range transportation plan, in a timely manner, for use as a guide in statewide planning and programming activities;
 10. Approving the MPO TIP on behalf of the Governor;
 11. Developing the statewide long-range transportation plan and the Statewide Transportation Improvement Program (STIP) in cooperation with MPO, pursuant to the provisions of 23 U.S.C. 135;
 12. Coordinating and reconciling MPO transportation plans and programs with statewide plans and programs as necessary to ensure connectivity within transportation systems, in cooperation with the MPO;
 13. Including the metropolitan TIP without change in the STIP, directly or by reference, after approval of the TIP by the MPO and the Governor.
 14. Monitoring the MPO's transportation planning process to ensure compatibility with State and USDOT programs and objectives and to certify compliance with applicable Federal requirements;
 15. Cooperatively selecting and establishing performance targets, sharing performance data and analysis, supporting monitoring and reporting of system performance in coordination with the MPO and Transit Operators (based on FHWA and FTA performance measure final rules);
 16. Ensuring opportunities for the early and continuing involvement of the MPO, Transit Operator, WisDOT, local governmental units, and general public in the review and evaluation of all state transportation plans and programs;
 17. Working with the MPO and Transit Operators in the preparation of a financial plan for the transportation plan and transportation improvement program, including the cooperative development of estimates of transportation system costs and funding revenues to support implementation of the plan and program.

18. Working cooperatively with the MPO and Transit Operators in the preparation of an annual listing of obligated transportation projects funded under 23 U.S.C. or 49 U.S.C. Chapter 53.

C. Each **Transit Operator** shall be responsible for and shall be the lead agency in conducting the following transportation planning and programming activities:

1. Actively participating in MPO activities to represent the public transit interests and ensure awareness and consideration of public transit plans, programs, projects and policies in MPO decision-making.
2. Coordination of short-range (e.g, TIP), mid-range (3-5 year) and long-range transit planning and programming (e.g., Transit Development Plan) with other transportation planning and programming, with cooperation and technical assistance from the MPO;
3. Providing information relative to the proposed programming of Federal, State and local funds for metropolitan transit system improvements and services that fall under the Transit Operator's jurisdiction;
4. Preparing and submitting applications for State and Federal mass transportation capital and operating assistance grants and administering approved grants;
5. Conducting preliminary engineering and final design studies relating to mass transportation capital facilities, including, but not limited to, transit stations, shelters, bus stop signs, garages, maintenance buildings, operator buildings, and rolling stock;
6. Conducting detailed operational planning necessary to establish or modify transit routes, schedules, fares, stop locations, transfer points, vehicle assignments, and other operating procedures in accord with the proposals contained in the TDP;
7. Preparing and updating paratransit service plans in conformance with the Americans with Disabilities Act of 1990;
8. Endorsing the MPO metropolitan area transportation plan in a timely manner, for use as a guide in local transit planning and programming activities;
9. Conducting transit marketing planning, including, but not limited to, the conduct of market surveys, the design of user information materials, and the development of transit promotion programs;
10. Conducting transit management planning, including but not limited to, activities related to personnel procedures and training programs, maintenance policies, fare collection and handling procedures, and accounting practices;

11. Collecting data to meet the requirements of 49 U.S.C. 5335;
12. Collecting data to meet the requirements of Wisconsin Administrative Code Trans 3, 4, and 8;
13. Cooperatively selecting and establishing performance targets, sharing performance data and analysis, supporting monitoring and reporting of system performance in coordination with WisDOT and the MPO (based on FHWA and FTA performance measure final rules); and
14. Ensuring opportunities for the early and continuing involvement of the MPO, Transit Operator, WisDOT, local governmental units, and general public in the review and evaluation of all state transportation plans and programs.
15. Working with the MPO and WisDOT in the preparation of a financial plan for the transportation plan and transportation improvement program, including the cooperative development of estimates of transportation system costs and funding revenues to support implementation of the plan and program.
16. Working cooperatively with the MPO and WisDOT in the preparation of an annual listing of obligated transportation projects funded under 23 U.S.C. or 49 U.S.C. Chapter 53.

Article III: Scope of Work

- A. The cooperative metropolitan transportation planning process shall be carried out in accordance with a Planning Work Program approved by the MPO, WisDOT and USDOT, in consultation with appropriate transportation providers have entered into the Planning Work Program, including budget and cost allocation. The Planning Work Program will be reviewed, approved and replaced annually. The original and all approved subsequent Planning Work Programs during the terms of this agreement shall be made part of this agreement, and made a part of this Agreement which shall constitute the scope of work to be performed under this Agreement.
- B. The Planning Work Program shall set forth a description of the specific metropolitan transportation planning activities and products to be completed each calendar year, the corresponding staff and budgetary requirements, and the allocation of the total costs between the participating agencies. Responsibility for the following planning activities shall be identified in the Planning Work Program, where applicable:
 1. Preparing technical and other reports to assure documentation of the development, refinement and reappraisal of the transportation plan; and

2. Conducting detailed corridor or subarea studies to evaluate major transportation investment alternatives and their social, economic and environmental impacts pursuant to 23 CFR 450.
- C. Upon adoption of the Planning Work Program by the MPO and approval by WisDOT and by USDOT funding agencies, WisDOT shall authorize the MPO to proceed with the Planning Work Program in writing, and in accordance with the terms and conditions of such approval.

The Planning Work Program may be amended during the course of the year upon written request of the MPO subject to (1) the written concurrence of WisDOT and USDOT funding agencies and (2) the availability of funding, if applicable.

- D. The cooperative metropolitan transportation planning process to be conducted under this agreement and governed by the provisions of 23 CFR 450 shall encompass the Metropolitan Planning Area, as determined by agreement between the Governor and MPO.

Article IV: Organization and Administration

- A. The governing body of the MPO shall appoint and maintain such policy, citizen and/or technical advisory committees as deemed appropriate to effectively carry out the comprehensive metropolitan transportation planning process under this Agreement. WisDOT and the Transit Operator shall be represented on such policy and technical advisory committees.
- B. MPO may enter into such institutional arrangements, service contracts or agency agreements as it deems necessary to carry out the scope of work under this Agreement with the understanding that the MPO shall remain accountable for completion of planning products in accordance with the Planning Work Program. All such contracts, subcontracts, agreements or other written understandings for services shall conform to the appropriate provisions of 2 CFR 200 as supplemented by 23 CFR 420.119 issued by the Federal Highway Administration (FHWA); Federal Transit Administration (FTA) Circular 42201.E and any changes or revisions thereto; and other applicable guidance the FTA, FHWA or USDOT may issue.
- C. When consultants are to be employed in accomplishing work under this Agreement, all parties providing funding or technical support for such work shall have the right to review and advise on basic study methods and procedures and to review and approve subcontracts.
- D. Nothing in this Contract shall be deemed as a waiver of WisDOT's nor the State's sovereign immunity consistent with Wisconsin State law.

Article V: Inspection of Work

WisDOT and USDOT shall, at all times during the effective period of this Agreement, be accorded proper facilities for inspection of the metropolitan transportation planning work activities and shall, in accordance with Article XI, have access to all data, information, records and documents pertaining to the work under this Agreement.

Article VI: Work Product

- A. WisDOT, the MPO and the Transit Operator shall give each other and applicable USDOT agencies reasonable opportunity to review and comment on their respective reports produced under this Agreement prior to publication of the final report.
- B. All reports and documents published by all parties under this Agreement shall give credit to all other parties and to participating USDOT agencies and include appropriate disclaimer statements regarding representation of USDOT views or policies.
- C. WisDOT and USDOT shall each have the royalty-free nonexclusive and irrevocable right to reproduce, publish, distribute, or otherwise use, and to authorize others to use, the work produced under this Agreement for government purposes.

Article VII: Prohibited Interest

- A. No member, officer or employee of the MPO or any state or local public body during his or her tenure or for one year thereafter may have or acquire any interest whatsoever, direct or indirect, in this Agreement or proceeds thereof or any benefit arising therefrom.
- B. No member of or delegate to the Congress of the United States of America may have or acquire any interest whatsoever, direct or indirect, in this Agreement or proceeds thereof or any benefit arising therefrom.

Article VIII: Funding and Payment

- A. Funding levels and financial responsibilities for the continuing metropolitan transportation planning process shall be negotiated annually in conjunction with the preparation, review and approval of the Planning Work Program, and shall consider such factors as the availability of federal planning monies and state and local matching funds, statewide allocation formulas developed in cooperation with MPOs, and the relative benefits to participating agencies.
- B. Upon adoption of the Planning Work Program by the MPO and approval by WisDOT and by USDOT funding agencies, the Planning Work Program shall be deemed to constitute a part of this Agreement with respect to the scope of work and funding

arrangements. Specific terms or conditions governing the financial aspects of the Planning Work Program will be set forth in WisDOT's annual authorization letter.

- C. All costs incurred during the progress of the metropolitan transportation planning work activities under this Agreement shall be shared by the MPO and the other participating agencies on the basis of the cost allocation schedule set forth in the approved Planning Work Program.
- D. WisDOT's share of program costs, together with any USDOT share, which is administered by WisDOT, will be paid to the MPO following the receipt of a properly executed invoice, and a detailed status of expenditures report per WisDOT Unified Planning Work Program Handbook.
- E. Progress reports containing a narrative and financial account of the work accomplished to date shall be furnished by MPO to WisDOT at no greater than a quarterly interval. These reports shall be due 30 days after the end of the first, second and third quarters, and 60 days after the final quarter.
- F. WisDOT may withhold or delay approval of invoices if the MPO fails to submit progress reports or scheduled products in a timely and satisfactory manner. WisDOT shall provide reimbursement to the MPO within 15 business days so as to comply with federal planning requirements for the timely payment for all submitted and approved progress reports, finished products, and invoices.

Article IX: Cost Principles

- A. Allowable Costs. Actual costs incurred by MPO under this Agreement shall be eligible for reimbursement provided the costs are:
 - 1. Verifiable from the MPO's records;
 - 2. Not included as match funds as prescribed by federal law or regulation for any other federally assisted program;
 - 3. Necessary and reasonable for proper and efficient accomplishment of the approved Planning Work Program;
 - 4. In conformance with the standards for allowable costs set forth in 2 CFR 225 (Office of Management and Budget (OMB) Circular A-87, revised) and with applicable guidelines, regulations, or federal Agreement provisions issued by FHWA or FTA.
 - 5. Not paid by the federal government under another assistance agreement unless authorized to be used as match funds under the other federal agreement and the laws and regulations governing such agreement; and

6. Provided for in the approved Planning Work Program.
 7. No contributions where costs are not incurred, such as volunteer services or donated property, may be accepted as the non-federal share.
- B. Indirect Costs. MPO costs charged on an indirect basis shall be supported by an indirect cost allocation plan and indirect cost rate proposal. Such plans shall be submitted with certification to WisDOT and the host agency's cognizant federal agency for approval prior to recovering any indirect costs included under this Agreement.

Article X: Property Utilization and Management

The MPO shall comply with the property management standards as set forth in 2 CFR 200, Subpart D, Property Standards.

Article XI: Records and Audits

- A. The MPO shall, for the program of continuing, comprehensive transportation planning and programming activities maintain an accounting system that adequately accounts for all funds provided for, accruing to, or otherwise received from the federal, state and local units of government, or any other quasi-public or private source under this Agreement.
- B. All eligible costs, including paid services and expenses contributed by the MPO, shall be charged to the approved Planning Work Program by the MPO and shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in proper detail the nature and propriety of the charges. All accounting records and other evidence pertaining to the costs incurred by the MPO under this Agreement shall be maintained by the MPO and shall be clearly identified and readily accessible. WisDOT and USDOT shall have authority to audit, review, examine copy and transcribe any pertinent data, information, records or documents relating to this Agreement at any reasonable time. The MPO shall retain all records and documents applicable to this Agreement for a period of not less than three (3) years after final payment is made to WisDOT by the federal funding agencies.
- C. The MPO shall have a single, organization-wide financial and compliance audit performed by a qualified, independent auditor if required to do so under federal laws and regulations. (See 2 CFR 200 Subpart F Audit Requirements.). This audit shall be performed in accordance with 2 CFR 200, and state single, organization-wide audit guidelines issued by the Wisconsin Department of Administration (DOA). A copy of the audit shall be furnished to WisDOT.

Article XII: Certification Regarding Lobbying

- A. The MPO certifies, by signing this Agreement, to the best of his or her knowledge and belief, that:
1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- B. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 USC 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- C. The MPO also agrees by signing this Agreement that it shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

Article XIII: Effective Date and Duration of Agreement

- A. This Agreement shall become effective upon execution by WisDOT, the MPO, and the Transit Operator and shall remain in force until terminated under provisions of Article XIV, or until superseded by a new agreement.
- B. This Agreement may be amended from time-to-time as facts or circumstances warrant or as may be required by OMB and/or state laws, administrative regulations, departmental orders, or guidelines having the full force and effect of law.
- C. This Agreement supersedes any previous cooperative agreement for metropolitan transportation planning.

Article XIV: General Provisions

- A. Choice of Law. This Agreement shall be interpreted in accordance with the statutes and laws of the United States of America and the State of Wisconsin.
- B. Entire Agreement. This Agreement together with those documents referred to herein contain the entire agreement of the parties and supersedes any and all prior COOPERATIVE AGREEMENT FOR CONTINUING TRANSPORTATION PLANNING agreements and draft agreements, or oral understandings between the parties.
- C. The State of Wisconsin may cancel this and any related contract in whole or in part, and without penalty due to nonappropriation of funds or for failure of the MPO and Transit Operators to comply with terms, conditions, and specifications of this contract by notice required in Article XV.
- D. Severability. If any provision of this Agreement or the application of this agreement is held invalid, the enforceability of all other provisions shall not be impaired.

Article XV: Termination Of Agreement

WisDOT, the MPO or the Transit Operator may terminate this Agreement by giving sixty (60) days written notice of such termination to the other parties. In the event of termination, the MPO will be entitled to receive just and equitable compensation for any satisfactory work completed under this Agreement to the effective date of such termination.

IN WITNESS WHEREOF, the parties have hereto caused this Agreement to be executed by their proper officers and representatives.

WAUSAU METROPOLITAN PLANNING ORGANIZATION

By George J. Petersons Date 2/14/17
Marathon County Metropolitan Planning Commission, Chair

STATE OF WISCONSIN, DEPARTMENT OF TRANSPORTATION

By  Date 2/6/17
Dave Ross, Secretary

TRANSIT OPERATOR (METRO RIDE TRANSIT SYSTEM)

By Greg Seubert Date 2/16/17
Greg Seubert, Transit Director