

Wyoming Administrative Rules

Lands and Investments, Office of

Loan and Investment Board

Chapter 17: Transportation Enterprise Fund Grants & Loans

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**RULES AND REGULATIONS
STATE LOAN AND INVESTMENT BOARD**

Chapter 17

Transportation Enterprise Fund Grants and Loans

Section 1. Authority.

This chapter is adopted pursuant to W.S. 11-34-131(a)(i).

Section 2. Definitions.

(a) As used in this chapter:

(i) “Board” means the State Loan and Investment Board.

(ii) “Director” means the Director of the Office of State Lands and Investments.

(iii) “Office” means the Office of State Lands and Investments.

(iv) “Management Council” means the legislative committee created by W.S. 28-8-102.

Section 3. Purpose.

The Board shall award grants and loans under the provisions of this chapter to public entities to foster investment in transportation projects of benefit to the general public within Wyoming.

Section 4. Eligibility.

(a) The Board interprets the term, “public entities” as it is used in W.S. 11-34-131(c) to include, but not be limited to:

(i) Wyoming counties;

(ii) Wyoming municipal corporations;

(iii) Senior citizen centers created pursuant to W.S. 18-2-105;

(iv) Airport boards created pursuant to W.S. 10-5-202;

(v) Regional transportation authorities created pursuant to W.S. 18-14-101;

(vi) Community boards created pursuant to W.S. 35-1-615; and

(vii) Entities under contract with a county, municipality, or school district pursuant to W.S. 35-1-614, or under contract with the Wyoming Department of Health pursuant to W.S. 35-1-620.

(b) Grants or loans may be awarded for the purpose of enhancing transportation in Wyoming.

Section 5. **Application Procedure.**

(a) Applicants shall prepare separate applications for each project on a form provided by the Office. Applicants shall submit three (3) copies of their completed application to the Office.

(b) The Board shall meet each year in November to consider applications for grants and loans under this chapter. Applications must be received by the Office no later than September 15th to be considered at the November meeting.

(c) The Board may consider applications on an emergency basis at any time. Applications for emergency consideration must be received by the Office no later than thirty (30) days prior to the meeting at which the application is considered by the Board.

(d) The application shall contain, at a minimum, the following information:

(i) The amount requested as a grant or loan;

(ii) A full description of the proposed project;

(iii) A detailed project cost estimate delineating all costs of the proposed project and the method by which the project costs were estimated;

(iv) The geographic scope of the proposed project;

(v) A description of other project funding sources, committed or pending, and the portion of the project cost expected to be funded from each source, including any future grant or loan applications under this chapter. The applicant must submit a funding commitment from all project funding sources, including the applicant, to demonstrate commitment to the project;

(vi) A standard resolution on a form provided by the Office;

(vii) If the applicant is a joint powers board, a copy of the certificate of organization filed with the Secretary of State, and a copy of an executed joint powers agreement approved by the Attorney General; and

(viii) If an applicant submits multiple applications under this chapter for consideration at one meeting, a priority ranking of the multiple applications must be submitted by the applicant.

(e) Applications for grants or loans to purchase public transportation vehicles shall contain the following additional information:

- (i) A report showing the annual ridership numbers for the last three (3) years;
- (ii) The age, mileage, condition, and history of major repairs for the unit to be replaced; and
- (iii) Signed assurances by the officers of the applicant that the project is in compliance with all applicable federal requirements.

(f) Within ten (10) working days of receipt of an application, the Office shall notify the applicant, in writing, if the application lacks any of the items required in subsections (c) and (d) of this section. The applicant shall have ten (10) working days to submit the required information to the Office.

(g) Incomplete applications shall not be presented to the Board for consideration.

Section 6. Review by Department of Transportation.

The Director shall request the Wyoming Department of Transportation to review and evaluate all applications received by the Office.

Section 7. Recommendation by Legislative Committee.

The Office shall forward completed applications to the Management Council or legislative committee designated by the Management Council, for recommendation before consideration by the Board.

Section 8. Evaluation and Prioritization.

(a) The Board shall use the following criteria to evaluate all applications for grants or loans under this chapter:

- (i) The extent of funding committed to the project from all sources;
- (ii) The commitment of the applicant of significant local resources;
- (iii) The appropriateness of the size of the project for the population to be served by the project;
- (iv) The urgency of the project;
- (v) The repayment status of the applicant's current obligations to the Board;

(vi) The extent to which the applicant is utilizing, or plans to utilize, available and qualified Wyoming-based professional firms and contractors on the project; and

(vii) The percentage of the applicant's population directly served by the project.

(b) The Board shall use the Wyoming Department of Transportation, Aeronautics Division's Priority Rating Model to prioritize applications for grants or loans to improve or maintain airline service facilities.

(c) The Board shall use the following criteria to prioritize applications for grants or loans to acquire public transportation vehicles:

(i) Applications for grants or loans to provide public transportation service to areas previously without service will have priority over applications to provide public transportation service to areas currently served.

(ii) For applications for grants or loans to acquire replacement vehicles, priority shall be given to applications:

(A) To replace vehicles that are older, with higher mileage, in poorer condition, and with a history of major repairs;

(B) To replace vehicles in communities where annual ridership trends for the last three (3) years are increasing; and

(C) To replace vehicles in communities where the percentage of the general population, and the percentage of the elderly, low income, minority, socially disadvantaged elderly, and disabled populations utilizing the applicant's transportation system are higher.

Section 9. **Board Consideration.**

The Board shall consider each completed application, and in its sole discretion, establish the maximum amount of the grant or loan to be awarded.

Section 10. **Loan Interest Rate.**

The interest rate for loans extended under this chapter shall be established by the Board on a case-by-case basis.

Section 11. **Loan Security.**

(a) The Board may require a first-position security interest in any facility or equipment financed by a loan extended under this chapter. The Board may also require a first-position security interest in any user fees or assessments derived through the operation of the facility or equipment.

(b) If the Board obtains a lien on facilities, the borrower shall:

- (i) Maintain adequate insurance on the facility;
- (ii) Pay all applicable taxes and assessments when due; and
- (iii) Maintain the facility in good condition.

Section 12. Disbursement and Administration.

(a) Grant or loan funds shall be disbursed to the grantee or borrower only as needed to discharge obligations incurred. Requests for disbursements shall be made on a form supplied by the Office and supported by adequate proof that such obligations have been incurred for project purposes and are due and owing.

(b) The minimum grant or loan disbursement shall be five hundred dollars (\$500.00) unless it is the final disbursement of funds for the project.

(c) As a condition of the grant or loan, the grantee or borrower shall provide written assurance that title to public transportation vehicles funded under this chapter will not be conveyed for a term of five years or until the vehicle has one hundred thousand (100,000) miles, whichever comes first, without written permission from the Office.

(d) As a condition of the grant or loan, the grantee or borrower shall maintain collision and comprehensive insurance for each public transportation vehicle funded under this chapter for a period of five years or until the vehicle has one hundred thousand (100,000) miles, whichever comes first. In the event of a loss, the proceeds of the insurance shall be used to repair or replace the damaged vehicle.

Section 13. Reversion of Funds.

(a) If the Director determines that the project has not been commenced within one (1) year from the date the grant or loan is awarded, the grant or loan will automatically expire. Based upon information supplied by the grantee or borrower, the Director may grant an extension of time in which to commence the project.

(b) If the Director determines that the project has not been completed within a reasonable time, he shall notify the grantee or borrower in writing at least thirty (30) days prior to presenting the matter for Board review. The Board, upon review of the project circumstances, may terminate or modify the grant or loan.

(c) If, the Director determines that the project is complete, but the full amount of the grant or loan has not been expended, the Office shall notify the grantee or borrower of this determination. Thirty (30) days following the notification, the unused portion of the grant or loan shall revert to uncommitted status.

Section 14. **Audits and Inspections.**

The Board may, at its expense, conduct an audit of the records of the grantee or borrower and inspect the construction and operation of the project.

Section 15. **Rule Amendments.**

Amendments to these rules do not apply to applications filed after the effective date for phased construction projects which have already received partial funding under this chapter.