

Chapter Trans 1

**ELDERLY AND HANDICAPPED TRANSPORTATION
ASSISTANCE PROGRAM FOR COUNTIES**

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Note: Emerg. cr. Trans 1, eff. 9-17-77.

Trans 1.01 Purpose and scope of rule. The purposes of this chapter are to establish the department of transportation's administrative interpretation of s. 85.08 (5), Stats., and to prescribe administrative policies and procedures for implementing the elderly and handicapped transportation assistance program for counties authorized under s. 85.08 (5), Stats.

History: Cr. Register, January, 1978, No. 265, eff. 2-1-78.

Trans 1.02 County proportionate share; allocation method. (1) In accordance with the statutory direction in s. 85.08 (5) (b) 1, Stats., the department shall determine the amount of each county's proportionate share of moneys appropriated in each year for the operation of this program. The amount of money available for allocation in any calendar year shall be the amount appropriated for the fiscal year in which that calendar year begins.

(2) (a) The department shall base its determination of county proportionate shares on the most recent relevant census and statistical data and projections from the U.S. department of commerce, bureau of the census and the Wisconsin department of administration.

(b) For the purposes of determining a county's proportionate share, the department shall include all elderly and handicapped persons who reside in institutions within that county.

(c) Handicapped persons who are age 65 or older shall be counted only once for aid allocation purposes.

(3) Subject to adjustments that ensure that each county receives not less than 0.5% (rounded to the nearest thousand dollars) of the total annual appropriation for the program, the amount of aids allocated to each county shall equal the total amount available for allocation for the calendar year multiplied by the ratio of the number of elderly and handicapped persons in the county to the total number of elderly and handicapped persons in Wisconsin. (The final aids allocation figures for each county and the data and statistics used in making the aid allocations are available for inspection at the department upon request.)

History: Cr. Register, January, 1978, No. 265, eff. 2-1-78; emerg. am. (3), eff. 8-17-79; am. (3), Register, December, 1979, No. 288, eff. 1-1-80; am. (3), Register, July, 1981, No. 307, eff. 8-1-81.

Trans 1.03 Use of allocated aids. (1) Subject to the conditions and limitations specified in sub. (2), a county may use the aids allocated under s. Trans 1.02 to:

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(a) Continue existing elderly and handicapped transportation projects for which existing federal and state funding sources are no longer available;

(b) Expand existing elderly and handicapped transportation projects;

(c) Create new elderly and handicapped transportation services; and

(d) Undertake planning or management studies of county-wide or multicounty coordinated systems of elderly and handicapped transportation services.

(2) A county may not use its allocated aids to reduce existing county funds devoted to transportation service to the elderly and handicapped. A county applying for aids allocated under this program shall affirm that it will use the aids for the purposes specified in sub. (1) and that it will not decrease its existing financial support of transportation services for the elderly and handicapped.

History: Cr. Register, January, 1978, No. 265, eff. 2-1-78; am. Register, November, 1978, No. 275, eff. 12-1-78; emerg. cr. (1) (d), eff. 8-17-79; cr. (1) (d), Register, December, 1979, No. 288, eff. 1-1-80.

Trans 1.04 Accessibility. A county application for aids shall address the issue of the need for transportation services that are accessible to the developmentally and physically handicapped population of that county. A county shall either make efforts to make accessible transportation available to the elderly and handicapped or demonstrate that accessible transportation services are currently available. A county shall also propose specific steps to improve accessible transportation services for a 3-5 year period following the project year.

History: Cr. Register, January, 1978, No. 265, eff. 2-1-78; am. Register, November, 1978, No. 275, eff. 12-1-78.

Trans 1.05 Required county share. A county applying for its allocated aids shall be required to make a local cash match in an amount not less than 10% of its aid allocation for that year. The local share shall be a financial contribution; no in-kind services are allowed as part of the local share. The local share shall be an auditable item in the county's system of accounts.

History: Cr. Register, January, 1978, No. 265, eff. 2-1-78.

Trans 1.06 Annual application. (1) Any county may apply to the department for distribution of its allocated aids. Two or more counties may jointly prepare a single project proposal, but each participating county is required to submit its own application. The department shall distribute the funds upon approval of the application and the execution of a contract by the department and the county. The contract shall provide for a schedule of disbursement of the allocated aids.

(2) Applications for grants of allocated aids shall be submitted to the department no later than December 1 of the year immediately preceding the project year. Counties may request up to a 30-day extension of this due date and the department may grant such requests. No application received after January 1 of the project year shall be funded unless the secretary of transportation determines that a later date is appropriate in order to properly respond to an emergency situation.

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(3) Applications shall be made in a form and manner prescribed by the department. Applications shall include, but not be limited to, a project description, a project budget, and such other relevant information as the department may require to effectively evaluate the proposal. In addition, the application shall include formal comments on the proposed project(s) by appropriate county agencies such as committees or commissions on aging and boards created under ss. 51.42 and 51.437, Stats.

(4) Each county application shall also include a resolution of the county board authorizing the preparation of the application by a specified individual, appropriating the county's matching share required under s. Trans 1.05, and authorizing a specific individual to sign the state aid contract on behalf of the county.

(5) A county shall submit the original of its application to the department's appropriate transportation district office.

(6) A county applicant shall submit a copy of its application for review and comment purposes to the appropriate regional planning commission, to the appropriate area agency on aging and to the appropriate department of health and social services' division of community services' regional office. In order to be considered by the department, comments by such agencies must be submitted to the department's appropriate transportation district office within 30 days of submission of the county's application to the department.

History: Cr. Register, January, 1978, No. 265, eff. 2-1-78; am. Register, November, 1978, No. 275, eff. 12-1-78; am. (2) and (3), Register, July, 1981, No. 307, eff. 8-1-71.

Trans 1.07 Public hearing. (1) A county applicant is required to conduct a public hearing so that interested persons in the county may be informed of the proposed project and have an opportunity to express their views before the application is submitted to the department. The applicant shall include in its application a brief description of the hearing (where, when, number attending, etc.), and a summary of the views expressed at the hearing. Any written statements presented at the public hearing shall be submitted to the department along with other documentation from the hearing.

(2) The applicant shall publish notice of the public hearing not less than 10 days prior to the hearing. A preliminary draft of the application shall be available for public inspection not less than 10 days prior to the hearing. The published notice shall indicate where the draft application is available for public inspection. At a minimum, the public hearing notice shall be published in the official county newspaper, or if there is no official county newspaper, then in a newspaper likely to give notice in the area or to the persons affected in accordance with s. 985.02(1), Stats. A county applicant shall make appropriate efforts to encourage residents to attend the public hearing.

History: Cr. Register, January, 1978, No. 265, eff. 2-1-78; am. Register, November, 1978, No. 275, eff. 12-1-78.

Trans 1.08 Reporting requirements. (1) All grant recipients are required to maintain records as required by the department. The following information shall be furnished to the department on a quarterly basis on forms provided by the department:

(a) Number of persons served by trip purpose per month;

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(b) Number of elderly people, both ambulatory and nonambulatory, and the number of handicapped people, both ambulatory and nonambulatory, served per month;

(c) A quarterly evaluation of services, including progress, problems and minor changes experienced by each service provider;

(d) Revenues received, including sources; and

(e) Any other information that may be deemed necessary by the department to aid the efficient and effective administration of the program.

(2) All grant recipients are required to submit a final report for each calendar year in which they have participated in the program. The final report shall be submitted to the department by January 15 of the next following year and shall include:

(a) A year-end summary of the quarterly information furnished in the quarterly reports; and

(b) An evaluation of the overall effectiveness of the specialized transportation services in meeting the goals, objectives and standards established by the county for those services.

(3) Each report required under this section shall bear a statement certifying that:

(a) All state aids received together with the local matching funds have been used in accordance with the terms of the contract and this chapter;

(b) The quarterly and final reports are true and accurate; and

(c) Appropriate accounts and records relating to the program have been maintained by the county and are available to the department for inspection or audit.

History: Cr. Register, January, 1978, No. 266, eff. 2-1-78.

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

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

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

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

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

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

(2) Applications for aids shall be submitted to the department no later than December 1 of the year immediately preceding the proposed project year. Applicants may request up to a 30-day extension of this due date and the department may grant such requests. No application received after January 1 of the project year shall be funded unless the secretary of transportation determines that a later date is appropriate in order to properly respond to an emergency situation.

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

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

(5) For purposes of this chapter a "project year" is defined to be a calendar year. The assisted transit services may be operated for less than a calendar year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

History: Cr. Register, November, 1978, No. 276, *eff.* 12-1-78.