

Chapter Trans 2

ENHANCED MOBILITY FOR SENIORS AND INDIVIDUALS WITH DISABILITIES GRANT PROGRAM

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Note: Chapter Trans 2 was created by emergency rule effective March 21, 1978.

Trans 2.01 Purpose and scope. The purposes of this chapter are to establish the department's administrative interpretation of s. 85.22, Stats., including the administration of assistance under the federal sec. 5310 program, and to prescribe administrative policies and procedures for implementing the specialized transportation program authorized under s. 85.22, Stats.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78; am. Register, July, 1982, No. 319, eff. 8-1-82; reprinted to correct error, Register, October, 1982, No. 322; am. Register, April, 1993, No. 448, eff. 5-1-93; am. Register, December, 1994, No. 468, eff. 1-1-95; am. Register, October, 1999, No. 526, eff. 11-1-99; **CR 19-073: am. Register October 2020 No. 778, eff. 11-1-20.**

Trans 2.015 Definitions. (2) "Department" means the state department of transportation.

(2m) "Eligible applicant" means any applicant that meets eligibility requirements for assistance under the federal sec. 5310 program and is one of the following:

(a) A private, nonprofit organization.

(b) A local public body that satisfies one of the conditions in s. Trans 2.10 (2).

Note: Federally recognized tribal governing bodies are also eligible applicants as local public bodies under par. (b), based on s. 20.002 (13), Stats.

(3) "Federal sec. 5310 program" means the federal assistance program under 49 USC 5310.

(5) "Human service vehicle" means a motor vehicle as defined in s. 340.01 (23g), Stats., that meets the standards in ch. Trans 301.

(5m) "Local public body" has the meaning given in s. 85.20 (1) (d), Stats., except as limited by this chapter.

(6) "Other transportation provider" means a public, private nonprofit, or private for-profit business or organization, other than an eligible applicant, which operates passenger transportation services using the same mode of transportation as an applicant.

(8) "Program cycle" means a one or two year period, whose start and end dates are specified by the department, for which the department accepts applications and issues awards for projects authorized under s. 85.22, Stats.

(9) "Project" means operation of a transportation service for seniors or individuals with disabilities, or purchase of capital equipment for use in a service.

History: Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. Register, September, 1985, No. 357, eff. 10-1-85; renum. (4) to be (5), cr. (4), Register, February, 1988, No. 386, eff. 3-1-88; renum. (5) to be (6), cr. (5) and (7), Register, January, 1989, No. 397, eff. 2-1-89; cr. (1m), am. (5) and (7), Register, April, 1993, No. 448, eff. 5-1-93; cr. (2m), (5m), am. (3), (4), Register, December, 1994, No. 468, eff. 1-1-95; am. (1), Register, October, 1995, No. 478, eff. 11-1-95; r. (1m) and (4), am. (3), Register, October, 1999, No. 526, eff. 11-1-99; **CR 03-007: am. (1) and (2m) (intro.) Register August 2003 No. 572, eff. 9-1-03; CR 19-073: r. (1), am. (6), r. (7), cr. (8), (9) Register October 2020 No. 778, eff. 11-1-20.**

Trans 2.02 Program eligibility. (1) An eligible applicant may apply for project assistance under s. 85.22, Stats. All

applicants shall comply with federal regulations governing the federal sec. 5310 program.

(2) Applicants may request assistance for any operating projects or capital acquisitions that are consistent with the specialized transportation program purpose specified in s. 85.22 (1), Stats.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78; am. (1), Register, July, 1982, No. 319, eff. 8-1-82; correction under s. 13.93 (2m) (b) 7., Stats., Register, August, 1984, No. 343; am. (1), Register, December, 1994, No. 468, eff. 1-1-95; am. Register, October, 1999, No. 526, eff. 11-1-99; **CR 19-073: am. (Title), (1), r. and recr. (2) Register October 2020 No. 778, eff. 11-1-20.**

Trans 2.03 Aid allocation. Commencing with the highest ranking application as determined under s. Trans 2.06 and to the extent that federal and state moneys are available, the department shall offer to each eligible applicant an amount of aid such that the sum of federal and state aid received by an applicant does not exceed the proportion of project costs permitted under the federal sec. 5310 program.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78; am. Register, March, 1980, No. 291, eff. 4-1-80; r. and recr. Register, July, 1982, No. 319, eff. 8-1-82; **CR 19-073: am. Register October 2020 No. 778, eff. 11-1-20.**

Trans 2.04 Coordination. It is the department's policy to encourage the coordination of transportation for seniors and individuals with disabilities among providers of such services. To that end, each eligible applicant receiving aids under this chapter shall:

(1) Make affirmative efforts to coordinate its activities with other service providers in its service area;

(2) Include in its application evidence that the proposed project will not duplicate other services;

(3) Demonstrate how the proposed project will be integrated with specialized transportation services provided by public transit systems, other federal sec. 5310 program grantees and other transit agencies located within the applicant's service area; and

(4) Include in its application evidence that the transportation service proposed for seniors and individuals with disabilities was designed with the cooperation of the appropriate county committees or commissions on aging and boards created under ss. 51.42 and 51.437, Stats.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78, am. (1), Register, March, 1980, No. 291, eff. 4-1-80; r. (2), renum. (1) (intro.) to (d) to be (intro.) to (4) and am. (2), Register, July, 1982, No. 319, eff. 8-1-82; am. (intro.) and (4), Register, April, 1993, No. 448, eff. 5-1-93; am. (3), Register, December, 1994, No. 468, eff. 1-1-95; am. (3), Register, October, 1999, No. 526, eff. 11-1-99; **CR 03-007: am. (2) to (4) Register August 2003 No. 572, eff. 9-1-03; CR 19-073: am. (intro.), (4) Register October 2020 No. 778, eff. 11-1-20.**

Trans 2.045 Provider notification. Every application shall include evidence that all other transportation providers in the applicant's service area have been afforded an opportunity to comment on the service for which an applicant requests assistance under this chapter. This evidence shall include copies of all correspondence between the applicant and other transportation providers, except that the evidence shall include one copy of the notice required under s. Trans 2.05 (1) (d) and a certified list of all other transportation providers to which the notice was mailed

rather than copies of all the notices actually mailed and any additional evidence the department specifies in its application instructions. The department may reject an application for failure to comply with this requirement.

History: Cr. Register, July, 1982, No. 319, eff. 8-1-82; r. and recr. (2), renum. (3) to be (6), cr. (3) to (5), Register, February, 1988, No. 386, eff. 3-1-88; am. (1) and (4), Register, January, 1989, No. 397, eff. 2-1-89; am. (4), Register, April, 1993, No. 448, eff. 5-1-93; am. (2) (a), (3), (5), Register, December, 1994, No. 468, eff. 1-1-95; am. (1), r. (2) to (6), Register, October, 1999, No. 526, eff. 11-1-99; CR 03-007: am. Register August 2003 No. 572, eff. 9-1-03; **CR 19-073: am. Register October 2020 No. 778, eff. 11-1-20.**

Trans 2.05 Application schedule. (1) Each application for assistance under this chapter shall be considered valid only for the program cycle for which it is submitted.

(2) The department shall specify the duration of the upcoming program cycle in the corresponding application guidelines. The department shall notify all known potential applicants when the application period begins. The application period shall last not less than 45 days.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78, am., Register, March, 1980, No. 291, eff. 4-1-80; r. and recr. Register, July, 1982, No. 319, eff. 8-1-82; am. (1) (a), Register, September, 1985, No. 357, eff. 10-1-85; am. (1) (a) and (b), r. (1) (c) and (d), cr. (1) (c) to (i), Register, February, 1988, No. 386, eff. 3-1-88; correction in (3) made under s. 13.93 (2m) (b) 6., Stats., Register, January, 1989, No. 397; am. (1) (intro.), (d), (g), Register, December, 1994, No. 468, eff. 1-1-95; am. (1) (a), Register, October, 1995, No. 478, eff. 11-1-95; am. (1) (a) to (d) and (3), r. (1) (e) to (i), Register, October, 1999, No. 526, eff. 11-1-99; CR 03-007: am. (1) (intro) to (c), (2) and (3) Register August 2003 No. 572, eff. 9-1-03; correction in (3) made under s. 13.92 (4) (b) 6., Stats., Register March 2012 No. 675; correction in (3) made under s. 13.92 (4) (b) 6., Stats., Register February 2013 No. 686; **CR 19-073: renum. (1) (intro.) to (1) and am., r. (1) (a) to (d), r. and recr. (2), r. (3) Register October 2020 No. 778, eff. 11-1-20.**

Trans 2.055 Request for department review. (1) An applicant whose application for assistance is not awarded funding may request that the department review the process by which it reviewed the application.

Note: Specific allegations shall be sent to Director, Bureau of Transit & Local Roads, P.O. Box 7913, Madison, WI 53707-7913, with a copy sent to the affected applicant.

(2) A request for department review under sub. (1) shall be made in writing and shall be filed with the department within 14 days of the department's notification of non-award.

(3) If the department receives a request for review of an application for assistance under this chapter, the chief of the transit section shall conduct the department review.

(4) In conducting its review, the department may consider only an applicant's compliance with applicable state and federal procedural requirements.

(5) All interested parties shall be given the opportunity to submit written or documentary evidence and written arguments to the department. Interested parties shall provide a copy of any written evidence, arguments, or correspondence submitted to the department to all other parties involved in the department review.

(6) The department shall limit its review to consideration of written or documentary evidence and written arguments. The formal contested case requirements in ch. 227, Stats., are not applicable to this review.

Note: A request for Department review under this section is not a contested case as defined in s. 227.01 (3), Stats., and not subject to the contested case hearing requirement in s. 227.42, Stats.

(7) In conducting its review, the department may ask interested parties to provide additional written information. The failure of any interested party to provide information requested by the department, or to cooperate with the department in its review, may result in dismissal of a request for review or denial of an application for assistance.

(8) The chief of the transit section shall submit a written recommendation to the director of the bureau of transit, local roads, railroads and harbors, who shall issue a written decision. A copy of the director's decision shall be provided to the applicant and to the person requesting the department review.

(9) The decision of the director of the bureau of transit, local roads, railroads and harbors, shall be the final decision of the department and is not subject to further appeals or judicial review.

Note: The Department's decision under this section does not affect a person's substantial interests and is not subject to judicial review under s. 227.52, Stats.

History: Cr. Register, October, 1999, No. 526, eff. 11-1-99; CR 03-007: am. (7) and (9) Register August 2003 No. 572, eff. 9-1-03; **CR 19-073: am. (1) to (3), (7) to (9) Register October 2020 No. 778, eff. 11-1-20.**

Trans 2.06 Application evaluation. (1) The department shall assess whether all applications are consistent with the program purpose set forth in s. 85.22 (1), Stats. Any application determined to be inconsistent with the program purpose shall be excluded from further consideration for award of aids administered under this chapter.

(2) The following evaluation criteria, derived from the federal sec. 5310 program, shall be used:

(a) The extent of service coordination.

(b) The extent that service can be provided to seniors and individuals with disabilities.

(c) The extent to which transportation needs of seniors and individuals with disabilities are identified.

(d) The extent to which financial and technical capabilities are identified.

(3) If available state and federal aids exceed the amount requested by applications receiving scores at or above the minimum, the department may accept for evaluation and funding consideration additional applications or revised applications for the remaining aids. The department may establish alternative deadlines as it determines to be appropriate for applications submitted under this subsection.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78; am. (1) (b) and (2) (d), r. and recr. (1) (a) and (2) (c), cr. (3), Register, July, 1982, No. 319, eff. 8-1-82; correction in (3) made under s. 13.93 (2m) (b) 4., Stats., Register, February, 1988, No. 386, eff. 3-1-88; r. and recr. (2) (c) 1. and 2., cr. (2) (c) 3. and 4., Register, January, 1989, No. 397, eff. 2-1-89; am. (2) (b) (intro.), (c) (intro.), 1., 3. and 4., Register, April, 1993, No. 448, eff. 5-1-93; am. (2) (d), (3), Register, December, 1994, No. 468, eff. 1-1-95; am. (2) (c) 1. and 4., r. (2) (c) 2., renum. (2) (c) 3. to be (2) (c) 2. and (2) (d) to be (2) (d) 1. and am., cr. (2) (c) 3. and (d) 2., Register, October, 1999, No. 526, eff. 11-1-99; CR 03-007: am. (1) (b), (2) (a) 1. and 2., (b) 1. to 3., (c) 1. to 4., (d) and (3) Register August 2003 No. 572, eff. 9-1-03; **CR 19-073: r. and recr. (1), (2), am. (3) Register October 2020 No. 778, eff. 11-1-20.**

Trans 2.09 Vehicle registration. A recipient of federal sec. 5310 funds or s. 85.22, Stats. funds shall at all times maintain human service vehicle, bus, or municipal registration, as appropriate, on every vehicle purchased in part with assistance under this chapter whether the vehicle is operated by the recipient or by other transportation providers. If a recipient fails to comply with this requirement, the department may reassign any vehicle not properly registered to other eligible applicants and may reject pending or future applications of the recipient for assistance under this chapter.

History: Cr. Register January, 1989, No. 397, eff. 2-1-89; renum. from Trans 2.07, Register, September, 1990, No. 417, eff. 10-1-90; renum. from Trans 2.075, Register, April, 1993, No. 448, eff. 5-1-93; am. Register, December, 1994, No. 468, eff. 1-1-95; am. Register, October, 1999, No. 526, eff. 11-1-99; **CR 19-073: am. Register October 2020 No. 778, eff. 11-1-20.**

Trans 2.10 Local public body applicants. (1) DEFINITION. In this section, "transportation coordinating committee" means a committee appointed by the county board for coordinating the county's specialized transportation which:

(a) Includes members representing at least the following:

1. County board;
2. County aging unit;
3. County department of social services or county department of human services;
4. County boards created under s. 51.42 or 51.437, Stats.;
5. Transportation providers — public, proprietary and non-profit;
6. Elderly and disabled citizen advocates;

7. Consumer and agency advocates; and

(b) Has the following duties:

1. Monitor the expenditures of transportation funds being expended on transportation services for seniors and individuals with disabilities in the service area;

2. Review transportation plans for the service area;

3. Review and comment on county aid applications under s. 85.21, Stats.;

4. Review and comment on assistance applications under s. 85.22, Stats.;

6. Act on requests by local public bodies to be designated as coordinators of transportation services for elderly and disabled persons for the purpose of becoming eligible for assistance under the federal sec. 5310 program.

(2) ELIGIBILITY. In order to apply for capital assistance under s. 85.22, Stats., a local public body shall satisfy one of the following conditions:

(a) Is determined by the department to be eligible for assistance under the federal sec. 5310 program after first certifying to the department that no private, nonprofit organizations as specified in s. Trans 2.015 (2m) are readily available to provide transportation services to seniors and individuals with disabilities in a proposed service area and providing all of the following or similar documentation supporting such certification:

1. Copies of letters sent to all known private, nonprofit organizations specified in s. Trans 2.015 (2m), both within the county wherein such organizations are situated and in adjacent counties, soliciting interest in providing transportation services for seniors and individuals with disabilities in the proposed service area, along with copies of any resulting correspondence.

2. A certified copy of a public notice published in the appropriate official county newspaper soliciting responses from private, nonprofit organizations as specified in s. Trans 2.015 (2m), both within the county wherein such organizations are situated, interested in providing transportation services to seniors and indi-

viduals with disabilities in the proposed service area, along with copies of any resulting correspondence.

(b) Is approved by the department to be the coordinator of transportation services to seniors and individuals with disabilities in the proposed service area. A local public body shall be approved by the county board and a transportation coordinating committee which satisfies the membership requirements in sub. (1) (a). The department may waive the membership requirements in sub. (1) (a) if the county board provides satisfactory evidence that the county board made a reasonable attempt to include members of all groups identified in sub. (1) (a). The applicant shall provide all of the following or similar documentation to the department verifying such approval:

1. Copies of documentation showing that a transportation coordinating committee approved the local public body as the coordinator of transportation services for seniors and individuals with disabilities in the proposed service area.

2. A certified copy of the resolution, passed by the county board, approving the local public body as the coordinator of transportation services for seniors and individuals with disabilities in the proposed service area.

History: Cr. Register, December, 1994, No. 468, eff. 1-1-95; am. (1) (a), (b) 6., (2) (a) (intro.) and (b) (intro.), renum. (1) (a) 3. to 6. to be (1) (a) 4. to 7., cr. (1) (a) 3., Register, October, 1999, No. 526, eff. 11-1-99; CR 03-007: am. (1) (b) 1., 2. and 5. Register August 2003 No. 572, eff. 9-1-03; CR 19-073: am. (1) (b) (intro.), 1., 2., 4., r. (1) (b) 5., am. (2) (a), (b) Register October 2020 No. 778, eff. 11-1-20.

Trans 2.11 Reporting requirements. All recipients shall maintain records in the manner required by the department for all expenditures made with program funds and shall make scheduled reports on each vehicle or project as well as special reports as required by the department. If required reports are not current at the time of the application filing deadline, the department may deny that recipient's application.

Note: The report required by the Department is DOT Form Wisconsin Department of Transportation 1610, Vehicle Operation Semi-Annual Report, and can be obtained from the Bureau of Transit and Local Roads, P.O. Box 7913, Madison, WI 53707-7913.

History: Cr. Register, October, 1999, No. 526, eff. 11-1-99; CR 19-073: am. Register October 2020 No. 778, eff. 11-1-20.