

CR 87-146

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CERTIFICATE

STATE OF WISCONSIN)
) s.s.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, RONALD R. FIEDLER, Secretary of the Wisconsin Department of Transportation and custodian of the official records do hereby certify that the rule relating to the specialized transportation assistance program for counties was duly approved and adopted by this department on April 18, 1988.

I further certify that this copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 18th day of April, 1988.



RONALD R. FIEDLER, P.E.
Secretary

2-1-88

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APR 20 1988

STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

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IN THE MATTER OF THE RENUMBERING OF TRANS)	
1.08(1)(c), THE RENUMBERING AND AMENDMENT OF)	
TRANS 1.09, THE AMENDMENT OF TRANS 1.035(1),)	ORDER
1.035(2)(intro.), 1.035(2)(b), 1.05(7), 1.06(1),)	
1.08(1)(intro.) AND 1.08(2)(intro.) AND THE)	ADOPTING
CREATION OF TRANS 1.05(8), 1.08(1)(c) AND (d),)	
1.08(3) AND 1.09(2) AND (3), WISCONSIN)	RULE
ADMINISTRATIVE CODE, RELATING TO THE SPECIALIZED)	
TRANSPORTATION ASSISTANCE PROGRAM FOR COUNTIES)	

Analysis Prepared by the Wisconsin Department of Transportation

General summary of rule. Pursuant to s. 85.21, Stats., the Wisconsin Department of Transportation administers the specialized transportation assistance program for counties. 1987 Wisconsin Act 27 repeals s. 85.21(3)(d), Stats., and amends s. 85.21(4)(a), Stats., to remove the mandatory prioritization of trips. These changes necessitate the amending of ss. Trans 1.035(1), 1.035(2)(intro.) and 1.035(2)(b), Wis. Admin. Code, to bring them into agreement with the authorizing statute.

For a comprehensive and effective monitoring of the program, the department requires each participating county to furnish additional statistical information, to submit all statistical information in a timely and satisfactory manner and to recognize the state's continuing interest in capital equipment purchased with allocated aids. These requirements necessitate the renumbering of s. Trans 1.08(1)(c), the amending of ss. Trans 1.05(7), 1.06(1), 1.08(1)(intro.) and 1.08(2)(intro.) and the creating of ss. Trans 1.08(1)(c) and (d) and 1.08(3), Wis. Admin. Code.

To foster the most productive expenditure of the aids provided to counties under the program, the department requires each county to pursue competitive procurement of purchased transportation service and to eliminate prohibitions against further subcontracting for the provision of the transportation service. These requirements necessitate the renumbering and amending of s. Trans 1.09 and the creating of ss. Trans 1.05(8), 1.09(2) and (3), Wis. Admin. Code, to be effective January 1, 1989.

Because it would not be practical to require counties to execute very small contracts, the department requires that all procurements of specialized transportation services of less than \$100 in value be exempt. This requirement necessitates the renumbering and amending of s. Trans 1.09, Wis. Admin. Code.

Initial regulatory flexibility analysis. Interpreting s. 227.114(8)(b), Stats., this rule will not have an effect on any small businesses.

Fiscal effect. This rule will not have a fiscal effect upon the state or any local governments and will likely have a favorable effect on the private sector.

Preparation. This analysis was prepared by Frederick G. Wisner, Assistant General Counsel, Office of General Counsel, Wisconsin Department of Transportation, (608) 266-8810.

Pursuant to the authority vested in the Wisconsin department of transportation under ss. 85.21(3) and 85.16(1), Stats., the department of transportation hereby orders the renumbering of s. Trans 1.08(1)(c), the renumbering and amendment of s. Trans 1.09, the amendment of ss. Trans 1.035(1), 1.035(2)(intro.), 1.035(2)(b), 1.05(7), 1.06(1), 1.08(1)(intro.) and 1.08(2)(intro.) and the creation of ss. Trans 1.05(8), 1.08(1)(c) and (d), 1.08(3) and 1.09(2) and (3), Wis. Admin. Code, relating to the specialized transportation assistance program for counties, as follows:

SECTION 1. Trans 1.035(1) is amended to read:

Trans 1.035(1) ~~Beginning on January 1, 1983~~ Effective July 31, 1987, counties ~~shall~~ may establish the transportation of elderly and handicapped persons to medical, nutritional and work-related activities as the priority for the specialized transportation services receiving program aid, as ~~required~~ allowed under s. 85.21(4)(a), Stats. These priorities need not be established on a project-by-project basis; if the combined services of two or more projects give priority to the specified trip purposes.

SECTION 2. Trans 1.035(2)(intro.) is amended to read:

Trans 1.035(2) A county ~~shall~~ may adopt any of the following approaches to prioritizing services for the activities under s. 85.21(4)(a), Stats.:

SECTION 3. Trans 1.035(2)(b) is amended to read:

Trans 1.035(2)(b) If trips for purposes other than those specified in s. 85.21(4)(a), Stats., are to be subsidized with the allocated aid and the amount of trip requests exceed the capacity of subsidized services, then a county ~~must~~ may establish service priority according to trip purposes. The trip purposes

specified in s. 85.21(4), Stats., shall have the highest priority in whatever order the county determines. Priority according to trip purpose may be established by the following means:

SECTION 4. Trans 1.05(7) is amended to read:

Trans 1.05(7) A county shall reimburse the department for its share of the value of equipment which is sold or removed from specialized transportation service ~~prior-to-the-end-of-its-useful-life~~ unless the sales proceeds are spent for specialized transportation projects approved by the department.

SECTION 5. Trans 1.05(8) is created to read:

Trans 1.05(8) A county shall have in place a competitive, public bidding process for the procurement of specialized transportation services with aids allocated under this chapter. All requests for bids from transportation providers interested in providing the specialized transportation service to be purchased shall be by published, public notice. Request for bids shall be made for all procurement of specialized transportation services subject to competitive, public bidding under this chapter. A county's bidding process shall include a procedure for resolving bid proposal complaints and conflicts. A county's decision to reject a proposal may be appealed to the department's bureau of transit, but the appeal shall be limited to procedural complaints and the bureau may not review the substance of a county's decision.

SECTION 6. Trans 1.06(1) is amended to read:

Trans 1.06(1) Any county may apply to the department for ~~distribution-of its-allocated-aids~~ its allocation of the aids appropriated for the program. Two or more counties may jointly prepare a single project proposal, but each ~~participating~~ county is required to submit its own application. Except as otherwise provided in this chapter, ~~The the~~ department shall ~~distribute~~ encumber the funds allocated to a county upon approval of the county's

application by the department and the execution of a contract by between the department and the county. The contract shall provide for a schedule of disbursement of ~~the-allocated~~ state aids so encumbered.

SECTION 7. Trans 1.08(1)(intro.) is amended to read:

Trans 1.08(1) All ~~grant-recipients~~ counties shall maintain records as required by the department. The following information shall be furnished semi-annually by ~~the-recipient~~ each county to the department on forms provided by the department:

SECTION 8. Trans 1.08(1)(c) and (d) are created to read:

Trans 1.08(1)(c) Total number of service hours per quarter for each project;

(d) Total number of service miles per quarter for each project; and

SECTION 9. Trans 1.08(1)(c) is renumbered 1.08(1)(e).

SECTION 10. Trans 1.08(2)(intro.) is amended to read:

Trans 1.08(2) The following information shall be furnished annually by ~~the aid-recipient~~ each county to the department on forms provided by the department:

SECTION 11. Trans 1.08(3) is created to read:

Trans 1.08(3) The department may withhold the distribution of all or part of a county's allocation under this chapter if the county fails to furnish timely and satisfactorily the information required under this section. The information to be furnished by counties under sub. (1) shall be submitted to the appropriate department district office by August 1 of the project year and by February 3 of the calendar year following the end of the project year. The information to be furnished by counties under sub. (2) shall be submitted to the appropriate department district office by March 15 of the calendar year following the end of the project year. If a due date for submitting information

to the department under subs. (1) or (2) falls on a Saturday, Sunday or holiday, that due date shall be the first business day following the Saturday, Sunday or holiday.

SECTION 12. Trans 1.09 is renumbered 1.09(1) and amended to read:

Trans 1.09 THIRD-PARTY CONTRACTS. (1) A county may not use aids allocated under this chapter to purchase service from, nor make grants to third parties without a contract, agreement, purchase of service order or other legal equivalent. Grants or purchases of services costing \$100 or less per occurrence and expense reimbursement arrangements for volunteers are exempt from this requirement. Third-party contracts shall be available for inspection by the department upon request.

SECTION 13. Trans 1.09(2) and (3) are created to read:

Trans 1.09(2) Effective January 1, 1989, no third-party contract for transportation services purchased by a county with allocated aids may include a prohibition against further subcontracting for the provision of the services unless the contract is awarded through a competitive, public bidding process established in full accordance with s. Trans 1.05(8) or the total amount of the contract is \$500 or less.

(3) Effective January 1, 1989, a third party contract for transportation services purchased by a county with allocated aids shall, at least once every five years, be subject to and awarded through a competitive, public bidding process established in full accordance with s. Trans 1.05(8) when the total amount of the contract is \$5,000 or more.

(END OF RULE TEXT)

This proposed rule shall take effect on the first day of the month commencing after the date of publication in accordance with s. 227.22(2), Stats.

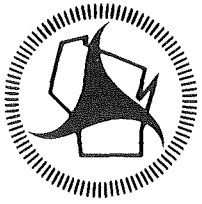
Signed at Madison, Wisconsin this
18th day of April, 1988.

A handwritten signature in black ink, appearing to read "Ronald R. Fiedler". The signature is written in a cursive style with a large, looping initial "R".

RONALD R. FIEDLER, P.E.

Secretary

Wisconsin Department of
Transportation



Wisconsin Department of Transportation

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OFFICE OF GENERAL COUNSEL

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April 18, 1988
OGC 87-1

Mr. Gary Poulson
Assistant Revisor
Revisor of Statutes Bureau
Suite 904, 30 on the Square
Madison, Wisconsin 53702

RE: Order Adopting Clearinghouse Rule 87-146
Chapter Trans 1, Wisconsin Administrative Code

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.20, Stats., is a certified copy of the order adopting CR 87-146, an administrative rule relating to the specialized transportation assistance program for counties. This order adopting rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frederick G. Wisner".

Frederick G. Wisner
Assistant General Counsel

Enclosures

cc: Tom Walker
Maynard Schneider
John Evans
John Hartz
Frank Potts
Larry Kieck