

**CERTIFICATE**

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to the **Elderly and Disabled Transportation Assistance Program for Private Nonprofit Organizations**, was duly approved and adopted by this Department on February 24<sup>th</sup>, 1993.

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 24<sup>th</sup> day of February, 1993.

*Charles H. Thompson*  
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CHARLES H. THOMPSON  
Secretary

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IN THE MATTER OF an Order Adopting Rule RENUMBERING Trans 2.075; AMENDING Chapter Trans 2(title), 2.01, 2.015(5) and (7), 2.04(intro.) and (4), 2.045(4), 2.06(2)(b), (c)(intro.), (c)1, 3 and 4, and CREATING Trans 2.015(1m) and 2.08, Wisconsin Administrative Code, relating to the Elderly and Disabled Transportation Assistance Program for Private Non-profit Organizations.

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**ORDER ADOPTING RULE****Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 85.16(1) and 85.22, Stats.

**STATUTES INTERPRETED:** ss. 85.22, 340.01(23g), and 340.01(56)(am), Stats.

**General Summary of Rule.** This rule changes the "vehicle only" award to include a cash grant option whereby approved nonprofit applicants may purchase their own vehicles in an effort to alleviate the lengthy state acquisition process. The cash grant option will continue the local share requirement and will also include such responsibilities as "Buy America," competitive bidding, and vehicle construction, inspection and registration mandates.

The rule also changes the definitions of "human service vehicle" and "school bus" to clarify the standards applicable to each type of vehicle when used for the purpose of transporting elderly and disabled persons in connection with this program. In addition, other references to "school bus" in the rule have been changed to be consistent with this amendment.

Finally, the rule changes the word "handicapped" to "disabled" to be consistent with Wisconsin Statutes.

**Fiscal Impact.** No fiscal impact is anticipated from the promulgation of this rule change.

**Final Regulatory Flexibility Analysis.** This rule change will have no adverse effect on small businesses.

**Copies of Rule.** Copies of this rule may be obtained upon request, free of charge, from the Wisconsin Department of Transportation, Division of Transportation Assistance, Bureau of Transit, P. O. Box 7914, Room 701, Madison, Wisconsin 53707-7914, or by calling (608) 266-1650.

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## TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1) and 85.22, Stats., and interpreting ss. 85.22, 340.01(23g) and 340.01(56)(am), Stats., the department of transportation hereby amends ch. Trans 2, Wis. Admin. Code, relating to the capital grant program for elderly and disabled transportation.

**SECTION 1.** Chapter Trans 2(title) is amended to read:

### CHAPTER TRANS 2

#### ELDERLY AND ~~HANDICAPPED~~ DISABLED TRANSPORTATION

#### ASSISTANCE PROGRAM FOR PRIVATE NONPROFIT ORGANIZATIONS

**SECTION 2.** Trans 2.01 is amended to read:

**Trans 2.01 PURPOSE AND SCOPE.** The purposes of this chapter are to establish the department of transportation's administrative interpretation of s. 85.22, Stats., and to prescribe administrative policies and procedures for implementing the elderly and ~~handicapped~~ disabled transportation assistance program for private nonprofit organizations authorized under s. 85.22, Stats.

**SECTION 3.** Trans 2.015(1m) is created to read:

Trans 2.015(1m) "Cash grant" means a cash grant made by the department to an applicant of up to 80% of eligible capital costs for the purchase of a human service vehicle or yellow school bus by the applicant as provided for under this chapter.

**SECTION 4.** Trans 2.015(5) and (7) are amended to read:

Trans 2.015(5) "Human service vehicle" means a motor vehicle as defined ~~under~~ in s. 340.01(23g), Stats., that meets the standards in ch. Trans 301.

(7) "~~School~~ Yellow school bus" means a motor vehicle as defined ~~under~~ in s. 340.01(56)(am), Stats., that meets the standards in ch. Trans 300.

**SECTION 5.** Trans 2.04(intro.) and (4) are amended to read:

**Trans 2.04 COORDINATION.** It is the department's policy to encourage the coordination of elderly and ~~handicapped~~ disabled transportation among providers of such services. To that end, each eligible applicant receiving aids under this chapter shall:

(4) Include in its application evidence that the transportation service proposed for the general elderly and ~~handicapped~~ disabled public was designed with the cooperation of the appropriate county agencies, such as committees or commissions on aging and boards created under ss. 51.42 and 51.437, Stats.

**SECTION 6.** Trans 2.045(4) is amended to read:

Trans 2.045(4) If an applicant receives a service proposal from another transportation provider, the applicant shall determine whether that proposal specifies available, sufficient and appropriate service to meet the applicant's service needs. The applicant shall develop criteria for considering service proposals from other transportation providers. The applicant's criteria shall include a cost comparison and shall include other appropriate considerations, including whether the service will be provided with human service vehicles or yellow school buses, service quality and continuity, financial and management ability and relevant experience. Based upon those criteria, the applicant shall determine whether to accept or reject the proposal. If an applicant rejects a proposal, its rejection letter to the other transportation provider shall include the signature of the chairperson of applicant's board of directors and the signature of at least one other member of its board of directors.

**SECTION 7.** Trans 2.06(2)(b), (c)(intro.), (c)1, 3 and 4 are amended to read:

Trans 2.06(2)(b) The extent that service can be provided to the general elderly and ~~handicapped~~ disabled public through:

(c)(intro.) The extent to which transportation needs of elderly and ~~handicapped~~ disabled persons are identified through:

(c)1. Estimate of elderly and ~~handicapped~~ disabled population (0-15 points);

(c)3. Percentage of the elderly and ~~handicapped~~ disabled population in need of service and the proportion which the applicant proposes to serve (0-30 points); and

(c)4. Evidence that existing service is not adequate to meet the needs of the elderly and ~~handicapped~~ disabled population (0-15 points).

**SECTION 8.** Trans 2.075 is renumbered Trans 2.09.

**SECTION 9.** Trans 2.08 is created to read:

**TRANS 2.08 CASH GRANT OPTION.** (1) An applicant eligible for funding under this chapter may, upon request, receive a cash grant in lieu of receiving a vehicle from the department. The applicant shall, under the cash grant option, be responsible for purchasing its own vehicles and for handling all vehicle acquisition functions. No review or approval services shall be provided by the department for the various acquisition activities undertaken by the applicant after being approved for a cash grant. All applicants regardless of grant approval date are eligible for cash grant consideration provided the department has not already entered into purchase agreements on behalf of such applicants.

(2) Cash grants awarded under this section shall only be used toward the purchase of vehicles as set forth in sub. (3), and such grant amounts shall be supplemented by recipient funds in amounts sufficient to make payment in full at the time of approved vehicle inspection and

acceptance by the grantee. Grant recipients shall be responsible for all vehicle costs in excess of the cash grant. A cash grant may not be assigned to a third party by a grantee.

(3) Applicants choosing the cash grant option shall purchase the vehicles specified in s. Trans 2.07, but the size limitations for school bus type vehicles of small, medium and large shall not be applicable. The vehicle specifications in s. Trans 2.07 will be the basis of the determination of the cash grant amount, but applicants may exceed the specifications in s. Trans 2.07 at their own expense.

(4) Vehicles purchased through the cash grant option shall either be full-sized passenger vans (standard 15-passenger production models or modified versions of the same) or school bus type vehicles designed with a capacity of 16 or more passengers. In addition, each vehicle is required to be equipped with heavy-duty components such as alternator, battery, tires, suspension, cooling or heating system, and such other components as may be required by the department.

(5) Grantees shall follow all purchasing requirements specified by the department in its program application booklet. Such purchasing requirements shall include adherence to all applicable state and federal laws, competitive bidding requirements as specified by the department, and adherence to applicable human service vehicle or yellow school bus construction and inspection requirements, including chs. Trans 300 and 301. In its contract with each grantee, the department shall describe all such requirements and shall provide in appropriate form such additional information as deemed necessary for grantee compliance purposes. No grant expenditures shall be deemed eligible unless all department requirements have been satisfactorily met. A grantee shall be required to reimburse the department for the full amount of a cash grant if the vehicle purchased by the grantee fails to initially pass the applicable inspection requirements.

(6) All vehicles purchased through the cash grant option shall be subject to the registration provisions in s. Trans 2.09.

(7) The department shall retain the right to audit all expenditures undertaken by the recipients with cash grants issued by the department. This may include the records of all parties to such transactions. Audits shall be conducted in accordance with generally accepted governmental auditing standards.

(END OF RULE TEXT)

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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 24<sup>th</sup> day of February, 1993.

*Charles H. Thompson*

CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation

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## Wisconsin Department of Transportation

Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

February 25, 1993

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Mr. Gary Poulson  
Deputy Revisor of Statutes  
131 West Wilson Street, Suite 800  
Madison, Wisconsin 53703


**RE: CLEARINGHOUSE RULE 92-133**

In the Matter of the Adoption of **TRANS 2**, Wisconsin Administrative Code, relating to the **Elderly and Disabled Transportation Assistance Program for Private Nonprofit Organizations**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 92-133**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

  
Julie A. Johnson  
Paralegal

Enclosures

cc: Tom Walker  
Dorothy Kapke  
Jim McDonnell  
John Evans  
Toya Nelson  
Frank Potts  
Beth Trautsch