

## Chapter Trans 1

### SPECIALIZED TRANSPORTATION ASSISTANCE PROGRAM FOR COUNTIES

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**Trans 1.01 Purpose and scope.** The purposes of this chapter are to establish the department of transportation's administrative interpretation of s. 85.21, Stats., and to prescribe administrative policies and procedures for implementing the specialized transportation assistance program for counties authorized under s. 85.21, Stats.

**History:** Cr. Register, January, 1978, No. 265, eff. 2-1-78; am. Register, July, 1982, No. 319, eff. 8-1-82.

**Trans 1.015 Definitions. (1)** "Allocated aid" means a county's proportionate share of state financial aid as defined in s. 85.21 (2) (b), Stats.

**(2)** "Department" means the state department of transportation.

**(3)** "Medical activities" means the procurement of medical or medically prescribed services or products or participation in medical or medically prescribed activities.

**(4)** "Nutritional activities" means the consumption, purchase or receipt of food.

**(4m)** "Priority trips" means trips for elderly and disabled persons to medical, nutritional and work-related activities as required in s. 85.21 (4) (a), Stats.

**(5)** "Space available" means passenger carrying capacity which is in excess of the capacity necessary to meet the transportation needs of elderly or disabled persons.

**(6)** "Work-related activities" means the performance of work, voluntarily or for compensation, in order to produce goods or services.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. (1), Register, May, 1986, No. 365, eff. 6-1-86; am. (5), Register, December, 1993, No. 456, eff. 1-1-94; CR 04-034: am (1), cr. (4m) Register September 2004 No. 585, eff. 10-1-04.

**Trans 1.02 County proportionate share; allocation method. (1)** In accordance with the statutory direction in s. 85.21 (2) (b), Stats., the department shall determine the amount of each county's proportionate share of aid appropriated in each year for the operation of this program. The amount of aid 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 disabled persons who reside within that county.

**(c)** Disabled 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% 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 disabled

persons in the county to the total number of elderly and disabled persons in Wisconsin.

**Note:** 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; am. (1), Register, July, 1982, No. 319, eff. 8-1-82; am. (1), Register, May, 1986, No. 365, eff. 6-1-86; am. (2) (b), (c) and (3), Register, December, 1993, No. 456, eff. 1-1-94; CR 04-034: am (1), (2) (b) and (3) Register September 2004 No. 585, eff. 10-1-04.

**Trans 1.03 Use of allocated aid. (1)** A county shall use its allocated aid to provide or assist transportation services designed for use by elderly or disabled persons. A county may, at its discretion, make these services also available to any other person on a space available basis.

**(2)** Subject to the limitations specified in subs. (1) and (3), a county may use its allocated aid and matching contribution required under s. Trans 1.05 (1) to:

(a) Directly provide transportation service;

(b) Purchase transportation service from any public or private organization;

(c) Directly subsidize elderly or disabled passengers for their use of transportation service;

(d) Reimburse elderly or disabled persons for use of their personal means of transportation, when prior approval of such transportation has been given by the county based on qualification standards which the county establishes;

(e) Perform or purchase planning or management studies on transportation;

(f) Coordinate transportation services;

(g) Perform or purchase in-service training relating to transportation service; or

(h) Purchase capital equipment for transportation service.

**(3)** A county may not use its allocated aid and matching contribution to:

(a) Transport goods or freight except as an incidental part of passenger carrying service; or

(b) Pay expenses for general administration, not specifically related to approved transportation projects, or pay expenses of advisory committees to transportation projects, except where such committees are required by approved planning or management studies.

**(4)** Allocated aid shall be used by a county to pay only for eligible expenses. Any aid which is not expended or held in trust shall be refunded to the department by June 30 following the end of the calendar year in which the aid was allocated.

**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; r. and recr. Register, July, 1982, No. 319, eff. 8-1-82; am. (2) (g) and (h), r. (2) (i), cr. (4), Register, January, 1984, No. 337, eff. 2-1-84; am. (1), (2) (c) and (d), Register, December, 1993, No. 456, eff. 1-1-94; CR 04-034: am (3) (intro.), (b) and (4) Register September 2004 No. 585, eff. 10-1-04.

**Trans 1.035 Service priorities. (1)** (a) Counties may establish the transportation of elderly and disabled persons to

medical, nutritional and work-related activities as the priority for the specialized transportation services receiving program aid, as allowed under s. 85.21 (4) (a), Stats. A county may limit the use of its allocated aid to subsidize only those trips which are made for one or more of the purposes specified under s. 85.21 (4) (a), Stats.

(b) If other than priority trips are to be subsidized with the allocated aid and the amount of trip requests exceed the capacity of subsidized services, then a county may establish service priority according to trip purposes. Priority trips shall have the highest priority in whatever order the county determines.

(c) A county need not employ techniques to impose service prioritization according to trip purpose if the transportation projects receiving allocated aid have enough capacity to satisfy all of the demand placed on them.

**(3)** A county may not discriminate on the basis of age against passengers requesting priority trips. This requirement may be met by each individual project receiving allocated aid or by the combined services of 2 or more projects receiving allocated aid.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. (1), (2) (intro.) and (b), Register, June, 1988, No. 390, eff. 7-1-88; am. (1), Register, December, 1993, No. 456, eff. 1-1-94; CR 04-034; renum. (1), (2) (b) (intro.) and (c) to be (1) (a), (b) and (c) and am., r. (2) (intro.), (a), and (b) 1. to 5., am. (3) Register September 2004 No. 585, eff. 10-1-04.

**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 disabled population of that county. A county shall describe its efforts to make accessible transportation available to all elderly and disabled individuals or prove that accessible transportation services are currently available.

**History:** Cr. Register, January, 1978, No. 265, eff. 2-1-78; am. Register, November, 1978, No. 275, eff. 12-1-78; am. Register, December, 1993, No. 456, eff. 1-1-94; CR 04-034; am Register September 2004 No. 585, eff. 10-1-04.

**Trans 1.05 Financial standards. (1)** A county applying for its allocated aid shall make a matching cash contribution equal to 20% of the aid for which it applies. No in-kind services, no federal or state categorical financial aids and no passenger revenue shall be allowed as part of the matching contribution. The matching contribution shall be an auditable item in the county's system of accounts. The matching contribution shall be expended in an amount equal to 20% multiplied by the sum of the county's annual aid.

**(2)** A county may retain and hold in trust all or part of the allocated aid which it receives in 1983 and subsequent years for the purchase or maintenance of transportation equipment according to the following rules:

(a) The county board of supervisors shall by resolution authorize the establishment of an account in which aids retained in trust shall be deposited and accounted for separately from current aids and receipts from other sources. A county may not delegate its authority to hold unexpended aids in trust to any other organization or person. A copy of the resolution shall be provided to the department.

(b) All of the assets in a county's trust fund shall be expended; a county may not establish a permanent minimum balance. The balance of aid held in trust shall be consistent with the plan established under par. (f), but may not exceed an average daily balance on a quarterly basis of \$80,000. Any balance exceeding this allowance shall be refunded to the department 30 days after the end of the quarter.

(c) A county need not physically segregate the cash in its trust fund from other county funds and may pool aids held in trust with other county funds for investment in such manner as the county is authorized to invest its funds. Any interest earned by aid held in trust shall be added at least annually to the trust fund. Interest shall be determined from the average annual rate of return for all funds with which the aid is invested and the average monthly balance of aid held in trust during the year.

(d) Counties shall maintain records showing the dates and amounts of deposits to the trust fund; the dates, amounts and purposes of expenditures from the fund; and interest earned by the fund.

(e) Aid may be held in trust only for the purpose of acquiring or maintaining transportation equipment used in services covered by this chapter.

(f) Expenditures of aid from a county's trust fund shall be made according to a plan approved by the department. A county's plan for the use of its trust fund shall indicate for what purpose the fund is being accumulated. A plan may be amended with the department's approval at any time.

**(3)** All revenue received from passengers for transportation service shall be applied to approved elderly and disabled transportation projects. Counties may solicit revenue from passengers for non-transportation purposes if the solicitation indicates the intended use of the revenue.

**(4)** Copayment policies, as provided under s. 85.21 (4) (c), Stats., shall conform to the following:

(a) If it requires copayments by users, a county shall establish the copayment amount based on a specific schedule of user fees that shall be made known to users.

(b) Counties shall establish the method by which the copayment is collected from the user.

(c) Fixed or variable rates of copayment may be permitted. Rate variation may be based on, among others, trip length, time required for a trip, trip purpose, ability to pay or the cost of individual versus group travel.

(d) Non-cash forms of exchange such as tickets, coupons, vouchers, passes, or billing accounts are permitted. A non-cash form of exchange shall represent an obligation to pay or to complete the payment of a copayment, unless the requirements for copayment have been waived.

(e) When allocated aid subsidizes a user's fee, the allocated aid may not pay the entire user's fee charged the user, unless the user's fee has been waived or unless the county provides the user with an opportunity to make voluntary contributions in accordance with sub. (5).

**(5)** Voluntary contribution policies as provided under s. 85.21 (4) (c), Stats., shall conform to the following:

(a) A voluntary contribution policy making user contributions optional and allowing each user to establish the amount of the voluntary contribution shall be permitted.

(b) If a county provides users an opportunity to make a voluntary contribution, the county shall:

1. Recommend a contribution amount;
2. Appropriately notify all users of the recommended contribution amount; and
3. Establish a method for collecting voluntary contributions from users.

**(6)** A county may establish a combination of copayment and voluntary contribution policies under this chapter that are applicable either among its different transportation systems or within one transportation system.

**Note:** A county shall use appropriate methods to notify all users about the user fees established under sub. (4) (a) and to notify all users about the recommended contribution established under sub. (5) (b) 1. Appropriate notice methods may be posting written notices within vehicles, printing notices upon collection instruments or providing all individual users a written notice prior to each trip.

**(7)** A county shall reimburse the department for its share of the value of equipment purchased under this chapter which is sold or removed from specialized transportation service unless the sales proceeds are spent for specialized transportation projects approved by the department.

**(8)** A county shall have in place a competitive, public procurement process for the purchase of specialized transportation services or equipment with aids allocated under this chapter. All requests for bids or proposals from transportation providers inter-

ested in providing the specialized transportation services to be purchased shall be by published, public notice. Request for bids or proposals shall be made for all procurement of specialized transportation goods or services subject to competitive, public procurement under this chapter. A county's procurement process shall include a procedure for resolving complaints and conflicts. A county's decision to reject a proposal may be appealed to the department, but the appeal shall be limited to procedural complaints and the department may not review the substance of a county's decision.

**History:** Cr. Register, January, 1978, No. 265, eff. 2-1-78; r. and recr. Register, July, 1982, No. 319, eff. 8-1-82; am. (1), r. and recr. (2), cr. (5), Register, January, 1984, No. 337, eff. 2-1-84; r. and recr. (4), renum. (5) to be (7), cr. (5) and (6), Register, May, 1986, No. 365, eff. 6-1-86; am. (7), cr. (8), Register, June, 1988, No. 390, eff. 7-1-88; correction in (4) (d) made under s. 13.93 (2m) (b) 12., Stats., Register, December, 1993, No. 456; CR 04-034: am (2) (b), (c) and (f), (3), (7) and (8), r. (2) (g) Register September 2004 No. 585, eff. 10-1-04.

**Trans 1.06 Annual application. (1)** Any county may apply to the department for its allocation of the aids appropriated for the program. Two or more counties may jointly prepare a single project proposal, but each county is required to submit its own application. Except as otherwise provided in this chapter, the department shall encumber the funds allocated to a county upon approval of the county's application by the department and the execution of a contract between the department and the county. The contract shall provide for a schedule of disbursement of state aids so encumbered.

**(2)** Applications for grants of allocated aids shall be submitted to the department no later than December 31 of the year immediately preceding the project year. No application received after January 1 of the project year shall be funded unless the secretary of the department determines that a later date is appropriate.

**(3)** Applications shall be made in a form and manner prescribed by the department and signed by the county board chair, county executive or county administrator, or the county position authorized in writing each year by this person. Applications shall include, but not be limited to, a project description, a project budget, a plan for allocated aid held in trust, 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.

**(5)** A county shall submit the original of its application to the department.

**(6)** A county applicant shall submit a copy of its application for review and comment to the appropriate regional planning commission, area agency on aging and department of health services' regional office. In order to be considered by the department, comments by such agencies must be submitted to the department by February 1 of the grant year.

**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; am. (3) and (4), Register, January, 1984, No. 337, eff. 2-1-84; am. (1), Register, June, 1988, No. 390, eff. 7-1-88; CR 04-034: am (2) (3), (5) and (6), r. (4) Register September 2004 No. 585, eff. 10-1-04; **correction in (6) made under s. 13.92 (4) (b) 6., Stats., Register March 2012 No. 675.**

**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 and a summary of the views expressed at the hearing. Any written statements presented for the public hearing record shall be submitted to the department along with other documentation concerning the hearing. The public hearing shall be held not less than 14 days prior to the date on which a county submits its application.

**(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; am. (1), Register, January, 1984, No. 337, eff. 2-1-84.

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

(a) Total number of one-way passenger trips per reporting period by passenger type for each project;

(b) Total number of one-way passenger trips per reporting period by trip purpose for each project;

(c) Total number of service hours per reporting period for each project;

(d) Total number of service miles per reporting period for each project.

**(2)** The following information shall be furnished annually by each county to the department on forms provided by the department:

(a) A financial report indicating the total annual cost of transportation for each project and the sources and amounts of revenue which offset the annual cost of transportation for each project.

(b) A statement of the amount of allocated aid expended or encumbered and the amount of allocated aid to be returned to the department and a certification that all allocated aid together with the county's matching share have been used in accordance with the terms of this chapter and s. 85.21, Stats.

(c) A report on a trust fund permitted under s. Trans 1.05 (2) which shows the opening balance, additions, deductions and end of year balance.

**(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 department by August 15 of the project year and by March 1 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 department by March 31 of the calendar year following the end of the project year. If a due date for submitting information to the department under sub. (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.

**History:** Cr. Register, January, 1978, No. 265, eff. 2-1-78; r. and recr. Register, July, 1982, No. 319, eff. 8-1-82; cr. (2) (c), Register, January, 1984, No. 337, eff. 2-1-84; am. (1) (intro.) and (2) (intro.), renum. (1) (c) to be (1) (e), cr. (1) (c) and (d) and (3), Register, June, 1988, No. 390, eff. 7-1-88; CR 04-034: am (1) (a) to (d), (2) (a) and (3), r. (1) (e) Register September 2004 No. 585, eff. 10-1-04.

**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.

**(2)** 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 pro-

curement process established in full accordance with s. Trans 1.05 (8) or the total amount of the contract is \$500 or less.

**(3)** A third party contract for transportation services purchased by a county with allocated aids shall, at least once every 5 years, be subject to and awarded through a competitive, public procurement process established in full accordance with s. Trans 1.05 (8) when the total amount of the contract is \$10,000 or more.

**History:** Cr. Register, January, 1984, No. 337, eff. 2-1-84; am. (1), cr. (2) and (3), Register, June, 1988, No. 390, eff. 7-1-88; am. (3), Register, December, 1993, No. 456, eff. 1-1-94; CR 04-034: am (2) and (3) Register September 2004 No. 585, eff. 10-1-04.