

Report From Agency
STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
REPORT FROM AGENCY
CLEARINGHOUSE RULE 19-073

In the matter of rulemaking proceedings before the Department of Transportation Wisconsin Administrative Code Ch. Trans 2 relating to: Elderly & Disabled Transportation Capital Assist Program.

The Wisconsin Department of Transportation proposes an order to: Repeal ss. Trans 2.015 (1), (7), 2.05 (1) (a), (b), (c), (d), (3), 2.07, 2.10 (1) (b) 5.; Amend ss. Trans 2 (title), 2.01, 2.015 (3), (6), 2.02 (title), (1), 2.03, 2.04 (intro.), (4), 2.045, 2.05 (1) (intro.), 2.055 (1), (2), (3), (7), (8), (9), 2.06 (3), 2.09, 2.10 (1) (b) (intro.), 1., 2., 4., (2) (a), (b), 2.11; Repeal and recreate ss. Trans 2.02 (2), 2.05 (title), (2), 2.06 (1), (2); and Create ss. Trans 2.015 (8), (9).

I. THE PROPOSED RULE:

The proposed rule revisions and the analysis are attached.

II. REFERENCE TO APPLICABLE FORMS:

No forms are newly required by these rule revisions.

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

This rulemaking updates s. Trans 2, Wis. Adm. Code, which addresses the Department's administration of state and federal specialized transit competitive grant programs. Chapter Trans 2 currently only allows capital vehicle projects to be awarded under it. This rulemaking removes or replaces obsolete language and provides a broader definition of allowable transit projects to serve seniors and individuals with disabilities which will allow for funding of

operating assistance and mobility management projects in addition to vehicles. This change will bring the state program into conformity with the federal program which it provides supplemental funding.

Chapter Trans 2 establishes the Department's process for implementing and managing federal transit operating and capital funding programs established under 49 U.S.C. § 5310 and the state capital assistance program for specialized transportation established under s. 85.22, Stats. The Department compared the language in ch. Trans 2 governing the federal program (Section 5310 circular / FTA C 9070.1) to ensure the changes to ch. Trans 2 would conform to all projects allowed under the federal program.

The federal Section 5310 program administered by the Department provides funding to providers of specialized transit (seniors and individuals with disabilities) in rural areas (municipalities with populations fewer than 50,000) and small urban areas (municipalities with populations totaling 50,000 – 199,999). Specialized transit providers can be private non-profit organizations or local public bodies and must predominantly provide rides and other transportation services to residents aged 65 or older and/or to residents with temporary or permanent physical or intellectual disabilities.

Projects typically funded under Section 5310 include accessible vehicles, operating costs, staff salaries for providers, and mobility manager positions. Specialized transit operating projects are reimbursed at 50 percent of deficit. Capital projects (vehicles and mobility management projects) are reimbursed at 80 percent net deficit. This program is administered as a discretionary program. Annually an application is released for organizations to apply for funding for the following calendar year. Awards are typically announced in December each year.

The state Capital Assistance Program for Specialized Transportation, s. 85.22, Stats., mirrors the federal Section 5310 program and allows state funds to be used on transit projects geared towards seniors and individuals with disabilities. The reimbursement rules, and program administration are the same as the Section 5310 program. Grant recipients are generally unaware whether their award is made with federal Section 5310 or s. 85.22, Stats. funds.

V. SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT'S RESPONSES, AND EXPLANATION OF ANY RESULTING MODIFICATIONS TO THE PROPOSED RULES:

A Public Hearing was conducted by the Department on July 12, 2019. No one testified or appeared at the hearing, and no written comments were received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF COMMENTS:

The Department received the Clearinghouse Report on September 28, 2018, which reported 17 distinct comments related to: statutory authority; form, style and placement in the administrative code; adequacy of references to related statutes, rules and forms; and clarity, grammar, punctuation and use of plain language. The Department made all recommended changes.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

The Department did not receive a statement, suggested changes, or other material from the Small Business Regulatory Review Board.