

**Report From Agency**  
**STATE OF WISCONSIN**  
**DEPARTMENT OF TRANSPORTATION**  
**REPORT FROM AGENCY**  
**CLEARINGHOUSE RULE 19-074**

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In the matter of rulemaking proceedings before the Department of Transportation Wisconsin Administrative Code Ch. Trans 309 relating to: Ambulance Inspection.

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**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:**

The Department is authorized to inspect ambulances pursuant to s. 341.085, Stats. This rulemaking updates s. Trans 309, Wis. Adm. Code to reflect advances in industry standards since the rule's last revision in 1999. This rulemaking allows the Department to continue to lead in ambulance safety as well as protect the consumer, general public and those travelling throughout the State. This rulemaking updates the motor vehicle safety-related standards, as well as return parts of the inspection process where they logically fit.

The rulemaking also proposes to eliminate Subchapter III of ch. Trans 309, which sets requirements for WisDOT inspections for ambulance medical equipment. The intent is to allow

inspections for ambulance medical equipment to be performed by the Department of Health Services' emergency medical services unit. This transfer was recommended by a 2012 evaluation of Wisconsin EMS services by the National Highway Transportation Safety Administration. However, in response to public comments, the Department is delaying the repeal of Subchapter III until July 15, 2023, in order to allow the Department of Health Services time to gain authority and capacity for inspections of ambulance medical equipment. This rulemaking therefore revises Subchapter III to create updated ambulance medical equipment standards that will be in effect for Department inspections until their July, 2023 repeal.

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

The Department held a public hearing on the proposed rule on July 31, 2019. Comments were made of the proposed promulgation changes to s. Trans 309, Wis. Adm. Code, relating to ambulance inspection, as the rule text filed with the Rules Clearinghouse. At the public hearing, seven persons registered, with two indicating opposition to the rule, four registering for information, and one registering without an opinion.

The following is a summary of public comments made at the public hearing.

**Marc Cohen**, the Executive Director of the Wisconsin EMS Association, indicated he spoke on behalf of 800 emergency medical services across Wisconsin, and the Association represented over 7,000 of the approximately 18,000 EMS providers in the state. He expressed appreciation for the Department's efforts to date, but stated the Wisconsin EMS Association opposed the rulemaking because the draft Trans 309 would end requirements under Subchapter III for Department inspections for ambulance medical equipment. He stated that this would leave EMS systems without any requirements, and urged the Department to work with the Department of Health Services to resolve the matter. He also opposed the requirement created in the rulemaking for service-initiated inspections every other year when the Department did not perform its inspections, which he indicated would be an additional cost.

**Dana Sechler**, the President of the Professional Ambulance Association of Wisconsin, expressed similar concerns to those stated above about the ending of Trans 309's Subchapter III without coordination for its transfer to the Department of Health Services, as well as the cost of new inspections on the years the Department did not inspect.

A written comment was received within the comment deadline in the form of a letter submitted August 7, 2019 by **Tim Bantes**, the President of the Wisconsin Fire Chief's Association.

Similar to the comments at the hearing above, Mr. Bantes' letter express concern with ending of Trans 309's Subchapter III without coordination for its transfer to the Department of Health Services, as well as the cost of new inspections on the years the Department did not inspect.

#### **VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF COMMENTS:**

The Department received the Clearinghouse Report on June 26, 2019, which reported 31 distinct comments related to: form, style and placement in the administrative code, 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.