

CR 85-212

CERTIFICATE

RECEIVED

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

APR 16 1986
3:00 pm
Revisor of Statutes
Bureau GJP

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Lowell B. Jackson, 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 14th, 1986.

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, this 14th day of April, 1986.



Lowell B. Jackson

LOWELL B. JACKSON, P.E.
Secretary

6-1-86

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IN THE MATTER OF THE ADOPTION :
 OF A RULE TO RENUMBER TRANS :
 1.05(5), TO AMEND TRANS 1.02(1) :
 AND 1.05(1), TO REPEAL AND RE- :
 CREATE TRANS 1.05(4); AND TO :
 CREATE TRANS 1.05(5) AND (6), :
 WISCONSIN ADMINISTRATIVE CODE, :
 RELATING TO THE SPECIALIZED :
 TRANSPORTATION ASSISTANCE :
 PROGRAM FOR COUNTIES :

APR 16 1986

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ADOPTING
RULEAnalysis Prepared by the Wisconsin Department of Transportation

General summary of rule. This rule establishes voluntary contribution policies and makes technical amendments in Chapter Trans 1 to conform this rule to changes in sec. 85.21, Stats., enacted by 1985 Wisconsin Act 29. The following is a summary of the changes by section:

1. Subsection Trans 1.015(1) defines allocated aid. It refers incorrectly to sec. 85.21(2)(a), Stats. It is, therefore, amended to refer correctly to sec. 85.21(2)(b), Stats.

2. Subsection Trans 1.02(1) sets forth the method for allocating state money to each county under the program. It refers incorrectly to sec. 85.21(2)(a), Stats. It is, therefore, amended to refer correctly to sec. 85.21(2)(b), Stats.

3. Subsection Trans 1.05(4) specifies copayment policies; it is amended to conform to 1985 Wisconsin Act 29.

4. Subsection Trans 1.05(5) is renumbered Trans 1.05(7).

5. Subsection Trans 1.05(5) is created to establish voluntary contribution policies. This is done in conformity with 1985 Wisconsin Act 29.

6. Subsection Trans 1.05(6) is created to clarify the options available in establishing passenger revenue policies under s. 85.21(4)(c), Stats.

Initial regulatory flexibility analysis. Section 227.016, Stats., concerning rulemaking considerations for small businesses, is expressly inapplicable to small businesses affected only indirectly by rules "relating to county or municipal administration of state and federal programs." Sec. 227.016(8)(b), Stats. That is the circumstance concerning this rule.

Fiscal estimate. Section 85.21, Stats., as amended by 1985 Wisconsin Act 29, has no financial impact on potential recipients of state aids under the specialized transportation assistance program for counties. Likewise, this rule change will have no

financial impact on either the State of Wisconsin or local governments.

Pursuant to authority vested in the state of Wisconsin, department of transportation by ss. 85.02, 85.21(3) (intro.), and 227.014, Stats., the department of transportation hereby renumbers, amends, repeals and recreates, and creates rules interpreting s. 85.21, Stats., as follows:

TEXT OF RULE

SECTION 1. Trans 1.015(1) is amended to read:

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

SECTION 2. Trans 1.02(1) is amended to read:

TRANS 1.02 (1) In accordance with the statutory direction in s. 85.21(2) ~~(a)~~ (b), Stats., the department shall determine the amount of each county's proportionate shares of moneys appropriated in each year for the operation of this program. The amount of money available for allocation in any calendar year shall be the amount appropriated for the fiscal year in which that calendar year begins.

SECTION 3. Trans 1.05(4) is repealed and recreated to read:

TRANS 1.05(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 requirement for copayment has 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 s. Trans 1.05(5).

SECTION 4. Trans 1.05(5) is renumbered Trans 1.05(7).

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

TRANS 1.05(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.

SECTION 6. Trans 1.05(6) is created to read:

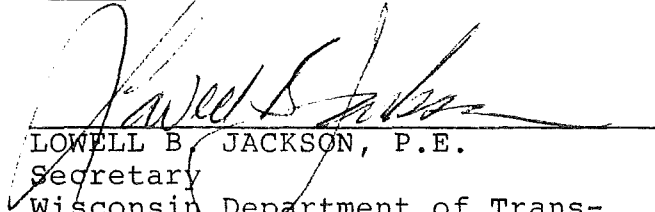
Trans 1.05(6) A county may establish a combination of copayment and voluntary contribution policies under this chapter that are applicable either among its different transportation systems or within one transportation system.

[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.]

(END)

This rule shall take effect on the first day of the month following its publication as provided in s. 227.026(1)(intro.), Stats.

Signed at Madison, Wisconsin this
14th day of April, 1986.



LOWELL B. JACKSON, P.E.
Secretary
Wisconsin Department of Transportation



State of Wisconsin \ DEPARTMENT OF TRANSPORTATION



PLEASE REPLY TO:

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APR 16 1986

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OFFICE OF GENERAL COUNSEL

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April 14, 1986

Mr. Gary Poulson
Assistant Revisor of Statutes
30 West Mifflin Street, Suite 904
Madison, Wisconsin 53703

RE: Clearinghouse Rule 85-212
In the Matter of the Adoption of TRANS 1
Wisconsin Administrative Code, Relating to the Specialized
Transportation Assistance Program For Counties

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.023, Wis. Stats., is a certified copy of CR 85-212, an administrative rule relating to the specialized transportation assistance program for counties. An additional, uncertified copy of CR 85-212 is enclosed to be used as a printer's copy. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

Philip Peterson
Deputy General Counsel

PP:lkz

Enclosures

cc: K. Sue Gallagher
Maynard Schneider
Douglas Haist
John Hartz
Frank Potts
Larry Kieck