

CR 88-123

CERTIFICATE

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

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8:50 am
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TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

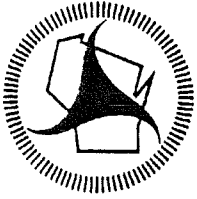
I, RONALD R. FIEDLER, Secretary of the Wisconsin Department of Transportation and custodian of the official records do hereby certify that the rule relating to the elderly and handicapped transportation assistance program for private nonprofit organizations was duly approved and adopted by this department on November 30, 1988.

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 30 day of November, 1988.

RONALD R. FIEDLER, P.E.
Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Ronald R. Fiedler, PE
Secretary

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

November 29, 1988
OGC 88-139

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The Honorable Douglas LaFollette
Wisconsin Secretary of State
201 East Washington Avenue
GEF 1, Room 271
Madison, Wisconsin 53702

RE: Clearinghouse Rule 88-123
In the Matter of Rulemaking Affecting Trans 2, Wisconsin
Administrative Code, Relating to the Elderly and Handicapped
Transportation Assistance Program for Private Nonprofit Organizations.

Dear Secretary of State LaFollette:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of CR 88-123, an administrative rule relating to the elderly and handicapped transportation assistance program for private nonprofit organizations. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

A handwritten signature in black ink, appearing to read "Frederick G. Wisner".

Frederick G. Wisner
Assistant General Counsel

Enclosures

cc: Tom Walker
Maynard Schneider
John Evans
John Hartz
Frank Potts
Beth Trautsch

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RONALD R. FIEDLER, P.E.
Secretary
Wisconsin Department of Transportation

STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

IN THE MATTER OF RENUMBERING	*	
TRANS 2.015(5), AMENDING TRANS	*	
2.045(1) AND (4), REPEALING	*	
AND RECREATING TRANS 2.06(2)	*	
(c)1. AND 2. AND CREATING	*	ORDER
TRANS 2.015(5) AND (7), 2.06	*	ADOPTING
(2)(c)3. AND 4. AND 2.07,	*	RULE
WISCONSIN ADMINISTRATIVE CODE,	*	
RELATING TO THE ELDERLY AND	*	
HANDICAPPED TRANSPORTATION	*	
ASSISTANCE PROGRAM FOR PRIVATE	*	
NONPROFIT ORGANIZATIONS	*	

Analysis Prepared by the Wisconsin Department of Transportation.

General Summary of Rule. The Wisconsin Department of Transportation has authority under s. 85.22(3), Stats., to administer a program providing assistance to private, nonprofit organizations providing transportation services to elderly and handicapped persons. Chapter Trans 2, Wis. Admin. Code, sets forth the administrative policies and procedures for this program. The Wisconsin Department of Transportation has authority under s. 85.16(1), Stats., to promulgate rules for this program.

To verify applicant compliance with the opportunity for competition requirement under the program, the Department requires each applicant to notify and correspond with other transportation providers in its service area about its proposed service by certified return-receipt mail. To implement this requirement, this rulemaking amends s. Trans 2.045(1), Wis. Admin. Code.

To broaden and improve applicant evaluation criteria and scoring under the program, the department requires each applicant to furnish additional information relating to the need for its proposed service. To implement this requirement, this rulemaking repeals and recreates s. Trans 2.06(2)(c)1. and 2. and creates s. Trans 2.06(2)(c)3. and 4., Wis. Admin. Code.

To ensure the safe transportation of elderly and handicapped persons, the Department requires each applicant to consider vehicle type when evaluating service proposals of other transportation providers. In addition, the Department requires each 16(b)(2) grantee to maintain at all times human service vehicle or school bus registration, as appropriate, on every vehicle purchased in part with aids under the program whether the vehicles are operated by the grantee or by other transportation providers. To implement these requirements, this rulemaking renumbers s. Trans 2.015(5), amends s. Trans 2.045(4) and creates ss. Trans 2.015(5) and (7) and 2.07, Wis. Admin. Code.

Final Regulatory Flexibility Analysis. This rule change may minimally increase postal costs of private, nonprofit organizations providing transportation services; at the same time, this rule change may benefit small businesses that

wish to provide transportation service otherwise provided by private, nonprofit organizations.

Fiscal Estimate. This rule change will have no fiscal impact on local public bodies or on the state. No added expenditures or administrative costs will result for either local or state government.

Preparation. This analysis was prepared by Frederick G. Wisner of the Department of Transportation Office of General Counsel (608)266-8810.

Pursuant to the authority vested in the Wisconsin department of transportation under ss. 85.16(1) and 85.22(3), Stats., the department of transportation hereby orders the renumbering of s. Trans 2.015(5); the amending of s. Trans 2.045(1) and (4); the repealing and recreating of s. Trans 2.06(2)(c)1. and 2.; and the creating of ss. Trans 2.015(5) and (7), 2.06(2)(c)3. and 4., and 2.07, Wis. Admin. Code, relating to the elderly and handicapped transportation assistance program for private, nonprofit organizations, as follows:

SECTION 1. Trans 2.015(5) is renumbered Trans 2.015(6).

SECTION 2. Trans 2.015(5) is created to read:

Trans 2.015(5) "Human service vehicle" means a vehicle as defined under s. 340.01(23g), Stats.

SECTION 3. Trans 2.015(7) is created to read:

Trans 2.015(7) "School bus" means a vehicle as defined under s. 340.01(56)(am), Stats.

SECTION 4. Trans 2.045(1) is amended to read:

Trans 2.045(1) Every application shall include evidence that all other transportation providers in the applicant's service area have been afforded a competitive opportunity to furnish the service which an applicant proposes to furnish with the vehicles to be purchased with aid under this chapter. In each case, where an applicant provides this opportunity to other transportation

providers, the evidence shall include copies of all correspondence between the applicant and other transportation providers ~~as well as~~ , except that the evidence shall include one copy of the notice required under s. Trans 2.05(1)(d) and a certified list of all other transportation providers to which the notice was mailed rather than copies of all the notices actually mailed. The evidence shall also include copies of all proposals received by the applicant from other transportation providers. All notifications and correspondence from an applicant to other transportation providers shall be conducted by certified return-receipt mail. The department may reject an application for failure to comply with this requirement.

SECTION 5. 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 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 6. Trans 2.06(2)(c)1. and 2. are repealed and recreated to read:

Trans 2.06(2)(c)1. Estimate of elderly and handicapped population (0-15 points);

2. Sources of population estimate in subd. 1 or methodology used to derive the estimate (0-15 points);

SECTION 7. Trans 2.06(2)(c)3. and 4. are created to read:

Trans 2.06(2)(c)3. Percentage of the elderly and handicapped population in need of service and the proportion which the applicant proposes to serve (0-30 points); and

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

SECTION 8. Trans 2.07 is created to read:

Trans 2.07 VEHICLE REGISTRATION. A grantee under the federal 16(b)(2) program shall at all times maintain human service vehicle or school bus registration, as appropriate, on every vehicle purchased in part with aids under s. 85.22, Stats., and this chapter whether the vehicles are operated by the grantee or by other transportation providers. If a grantee fails to comply with this registration requirement, the department may reassign the vehicles not properly registered by the grantee to other private, nonprofit transportation providers and may reject pending or future applications of the grantee for aids under s. 85.22, Stats., and this chapter.

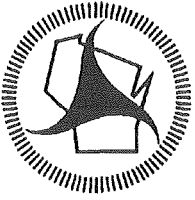
(END OF RULE TEXT)

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)(intro.), Stats.

Signed at Madison, Wisconsin this 30
day of November, 1988.



Ronald R. Fiedler, P.E.
Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

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Mr. Gary Poulson
Assistant Revisor
Revisor of Statutes Bureau
Suite 702, 30 West Mifflin Street
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