

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) (a).

(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.

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

Trans 1.02 County proportionate share; allocation method. (1) In accordance with the statutory direction in s. 85.21 (2) (a), Stats., the department shall determine the amount of each county's proportionate share 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.

(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 handicapped persons who reside in institutions within that county.

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(c) Handicapped 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% (rounded to the nearest thousand dollars) 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 handicapped persons in the county to the total number of elderly and handicapped persons in Wisconsin. (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.

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 handicapped 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 handicapped passengers for their use of transportation service;
- (d) Reimburse elderly or handicapped 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;
- (h) Purchase capital equipment for transportation service; and
- (i) Encumber funds for future maintenance or purchase of capital equipment to be used for transportation service;

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

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

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(b) Pay expenses of advisory committees to transportation projects, except where such committees are required by planning or management studies.

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.

Trans 1.035 Service priorities. (1) Beginning on January 1, 1983 counties shall establish the transportation of elderly and handicapped persons to medical, nutritional and work-related activities as the priority for the specialized transportation services receiving program aid, as required under s. 85.21 (4) (a), Stats. These priorities need not be established on a project-by-project basis, if the combined services of 2 or more projects give priority to the specified trip purposes.

(2) A county shall adopt any of the following approaches to prioritizing services for the activities under s. 85.21 (4) (a), Stats.

(a) 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 trips for purposes other than those specified in s. 85.21 (4) (a), Stats., are to be subsidized with the allocated aid and the amount of trip requests exceed the capacity of subsidized services, then a county must establish service priority according to trip purposes. The trip purposes specified in s. 85.21 (4), Stats., shall have the highest priority in whatever order the county determines. Priority according to trip purpose may be established by the following means:

1. Dispatching or advance reservation procedures which defer or deny requests for non-prioritized trips when the total requests for trips exceed available transportation capacity.

2. Preferential rates of copayment which favor the prioritized trip purposes.

3. Reserved capacity which insures service for the prioritized trip purposes. A county may operate part of its transportation capacity under this paragraph without trip purpose prioritization, if it reserves sufficient other capacity to satisfy requests for prioritized trips which cannot be met by the non-prioritized service.

4. Service planning. Transportation service which is operated according to regular routes and schedules shall be designed primarily to serve persons and activities which generate and attract trips for the prioritized trip purposes.

5. Any other technique such that if demand for service exceeds its capacity, then service is discouraged, deferred or denied for those trips not having priority.

(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 shall not discriminate on the basis of age against passengers requesting service for the purposes specified in s. 85.21 (4) (a), Stats. This requirement may be met by each individual project receiving

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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.

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 handicapped population of that county. A county shall either make efforts to make accessible transportation available to the elderly and handicapped or demonstrate that accessible transportation services are currently available. A county shall also propose specific steps to improve accessible transportation services for a 3-5 year period following the project year.

History: Cr. Register, January, 1978, No. 265, eff. 2-1-78; am. Register, November, 1978, No. 275, eff. 12-1-78.

Trans 1.05 Financial standards. (1) A county applying for its allocated aid shall make a matching cash contribution equal to 10% 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 a auditable item in the county's system of accounts.

(2) A county may retain its allocated aid for expenditure following the end of the calendar year for which it was received only if the aid is encumbered for future maintenance or purchase of capital equipment. The aid shall be encumbered only when it is deposited into a special fund established by resolution of a county's board of supervisors for the exclusive purpose of purchasing or maintaining equipment to be used for transportation services authorized under s. 85.21, Stats.

(3) All revenue received from passengers for transportation service in a given year shall be applied to transportation expenses incurred in that same year. Counties may solicit revenue from passengers for non-transportation purposes if the solicitation indicates the intended use of the revenue.

(4) Copayment policies, as required under s. 85.21 (4) (c), Stats., shall conform with the following rules:

(a) A donation policy which gives the user the option of making or not making a copayment or the option of establishing the amount of copayment shall not be permitted.

(b) Copayments shall be based on a specific schedule of user fees which shall be made known to users.

(c) Fixed or variable rates of copayment shall be permitted. Variation may be based on, among others, trip length, period of time, trip purposes, 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 complete a copayment, unless the requirement for copayment has been waived.

(e) Exemptions or waivers from the requirement for copayment may be granted on an individualized basis for personal emergencies; for ex-

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treme disabilities which impair or prevent an individual from competently making a copayment transaction; or for economic inability to pay.

(f) Allocated aid shall not be used to subsidize the users of a service and also directly subsidize that service at the same time.

(g) When allocated aid subsidizes a user, the aid shall not pay the entire fee charged to the user unless the fee has been waived.

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

Trans 1.06 Annual application. (1) Any county may apply to the department for distribution of its allocated aids. Two or more counties may jointly prepare a single project proposal, but each participating county is required to submit its own application. The department shall distribute the funds upon approval of the application and the execution of a contract by the department and the county. The contract shall provide for a schedule of disbursement of the allocated aids.

(2) Applications for grants of allocated aids shall be submitted to the department no later than December 1 of the year immediately preceding the project year. Counties may request up to a 30-day extension of this due date and the department may grant such requests. No application received after January 1 of the project year shall be funded unless the secretary of transportation determines that a later date is appropriate in order to properly respond to an emergency situation.

(3) Applications shall be made in a form and manner prescribed by the department. Applications shall include, but not be limited to, a project description, a project budget, 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.

(4) Each county application shall also include a resolution of the county board authorizing the preparation of the application by a specified individual, appropriating the county's matching share required under s. Trans 1.05, and authorizing a specific individual to sign the state aid contract on behalf of the county.

(5) A county shall submit the original of its application to the department's appropriate transportation district office.

(6) A county applicant shall submit a copy of its application for review and comment purposes to the appropriate regional planning commission, to the appropriate area agency on aging and to the appropriate department of health and social services' division of community services' regional office. In order to be considered by the department, comments by such agencies must be submitted to the department's appropriate transportation district office within 30 days of submission of the county's application to the department.

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.

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

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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 (where, when, number attending, etc.), and a summary of the views expressed at the hearing. Any written statements presented at the public hearing shall be submitted to the department along with other documentation from the hearing.

(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.

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

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

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

(c) A status report describing changes or problems in the services provided.

(2) The following information shall be furnished annually by the aid recipient to the department on forms provided by the department:

(a) A financial report indicating the total annual cost of transportation by budget line-item 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.

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