

## Chapter Trans 2

### ELDERLY AND HANDICAPPED TRANSPORTATION ASSISTANCE PROGRAM FOR PRIVATE NONPROFIT ORGANIZATIONS

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Note: Chapter Trans 2 was created by emergency rule effective March 21, 1978.

**Trans 2.01 Purpose and scope.** The purposes of this chapter are to establish the department of transportation's administrative interpretation of s. 85.22, Stats., and to prescribe administrative policies and procedures for implementing the elderly and handicapped transportation assistance program for private nonprofit organizations authorized under s. 85.22, Stats.

**History:** Cr. Register, August, 1978, No. 272, eff. 9-1-78; am. Register, July, 1982, No. 319, eff. 8-1-82.

**Trans 2.015 Definitions.** (1) "Application deadline" is the first Monday in December.

(2) "Department" means the state department of transportation.

(3) "Federal 16 (b) (2) program" means the federal assistance program under 49 U.S.C. s. 1612 (b) (2).

(4) "Other transportation providers" include public, private nonprofit and private for-profit businesses or organizations, other than a given applicant, which operate passenger transportation services using the same mode of transportation as an applicant.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82.

**Trans 2.02 Eligible applicants.** (1) Private nonprofit organizations that are eligible for federal assistance under the federal 16 (b) (2) program are eligible for state assistance under s. 85.22, Stats. The eligible organization's application for federal 16 (b) (2) program aids shall be used as the basis for determining state aid eligibility under this chapter. All applicants must comply with federal regulations governing the 16 (b) (2) program. At the time it applies to the 16 (b) (2) program, an organization shall have legal authority to contract or subcontract with any other transportation provider in its proposed service area, unless it is prohibited from subcontracting by its contracts with agencies of county government. An organization which is prohibited in this way from subcontracting shall be eligible to apply only if the contracts which prohibit it from subcontracting were publicly bid and open to all transportation providers.

(2) State aids administered under this chapter are available only for projects for which applicants received notice of eligibility under 49 U.S.C. 1612 (b) (2) after July 1, 1977. Projects that are eligible for such

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assistance but do not receive federal moneys due to insufficient federal funds are eligible for state aids under Trans 2.03 (2) [2.03].

**History:** Cr. Register, August, 1978, No. 272, eff. 9-1-78; am. (1), Register, July, 1982, No. 319, eff. 8-1-82.

**Trans 2.03 Capital costs.** Commencing with the highest ranking application as determined under s. Trans 2.06 and to the extent that federal and state moneys are available, the department shall offer to each eligible applicant an amount of state aid such that the sum of federal and state aid received by an applicant does not exceed 80% of estimated capital costs.

**History:** Cr. Register, August, 1978, No. 272, eff. 9-1-78; am. Register, March, 1980, No. 291, eff. 4-1-80; r. and recr. Register, July, 1982, No. 319, eff. 8-1-82.

**Trans 2.04 Coordination.** It is the department's policy to encourage the coordination of elderly and handicapped transportation among providers of such services. To that end, each eligible applicant receiving aids under this chapter shall:

(1) Make affirmative efforts to coordinate its activities with other service providers in its service area;

(2) Include in its application evidence that the proposed project will not duplicate other services provided under s. 85.21, Stats.;

(3) Demonstrate how the proposed project will be integrated with specialized transportation services provided by public transit systems and previous 16(b) (2) grantees located within the applicant's service area; and,

(4) Include in its application evidence that the transportation service proposed for the general elderly and handicapped public was designed with the cooperation of the appropriate county agencies, such as committees or commissions on aging and boards created under ss. 51.42 and 51.437, Stats.

**History:** Cr. Register, August, 1978, No. 272, eff. 9-1-78, am. (1), Register, March, 1980, No. 291, eff. 4-1-80; r. (2), renum. (1) (intro.) to (d) to be (intro.) to (4) and am. (2), Register, July, 1982, No. 319, eff. 8-1-82.

**Trans 2.045 Opportunity for competition.** (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 proposals received by the applicant from other transportation providers. The department may reject an application for failure to comply with this requirement.

(2) In each case where an applicant receives a proposal from another transportation provider, the department shall determine whether the proposal represents available, sufficient and appropriate service to meet the applicant's needs. Based on this determination, the department may reject an application.

(3) An applicant which is denied authority to subcontract by its contracts with county agencies shall include in its application certifications

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by those agencies that the contracts were publicly bid and open to all other transportation providers. The department may reject an application for failure to include these certifications.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82.

**Trans 2.05 Schedule for preparing applications; filing of original application and copies.** (1) Each application for assistance under this chapter shall be considered valid only during the annual program cycle in which it is submitted. Except as provided in Trans 2.06 (3), an applicant for assistance shall prepare an application within 120 days prior to the application deadline according to the following schedule:

(a) On or before the first Monday in December, submit its completed application to the department's appropriate district office;

(b) Not less than 70 days before the application deadline, publish a "Notice to Transportation Providers" in newspapers likely to give notice in the planned service area of the applicant. The notice shall include the applicant's name; the address and phone number of a contact person; a short description of the equipment for which the applicant is applying for a capital grant; and the applicant's proposed service area;

(c) Not less than 7 days after publication of the "Notice to Transportation Providers" but not less than 60 days before the application deadline, provide written details of the applicant's proposed transportation service to all other transportation providers within the applicant's proposed service area. The details shall describe the projected type, amount and cost of the service in which the applicant will use the equipment for which it is applying and shall allow other transportation providers 30 days in which to respond; and

(d) Not less than 14 days before the application deadline, respond in writing to all proposals by other application providers. The response to an unacceptable proposal shall explain the reasons for rejecting the proposal.

(2) The department shall not grant to any applicant except those permitted under Trans 2.06 (3) an extension or waiver of any deadline specified above in sub. (1).

(3) At the same time that an applicant submits the original manuscript of its application to the department's appropriate district office, it shall also submit copies for review and comment to the appropriate A-95 review agency, 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 from these agencies must be submitted to the department's appropriate district office within 45 days following submission of the application to the department. The department shall give appropriate consideration to review comments.

**History:** Cr. Register, August, 1978, No. 272, eff. 9-1-78, am., Register, March, 1980, No. 291, eff. 4-1-80; r. and recr. Register, July, 1982, No. 319, eff. 8-1-82.

**Trans 2.06 Application evaluation.** (1) (a) The department shall use the criteria in sub. (2) to evaluate all applications for aids administered under this chapter and shall place each application in a statewide rank order of priority for distribution of available moneys.

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(b) Using the evaluation criteria, point scores will be assigned to each application. A minimum score of 100 points (of a possible 270) is required for funding consideration.

(2) The evaluation criteria and their relative weighting factors are:

(a) The extent of service coordination through:

1. Evidence of written agreements with other agencies to supply or receive transportation (0-30 points); and

2. Evidence that the applicant agency is willing to structure its activities in order to effect coordinated transportation (0-45 points).

(b) The extent that service can be provided to the general elderly and handicapped public through:

1. A capability to provide such service within the project area (0-15 points);

2. The development of a reasonable schedule of service to these non-client individuals (0-30 points); and

3. Evidence of a financial plan by which to provide this service (0-30 points).

(c) The extent to which transportation needs of elderly and handicapped persons are identified through:

1. Evidence that presents a measurement of need (0-30 points); and

2. Evidence of the capability of the applicant to address those needs (0-45 points).

(d) Evidence of financial and managerial capabilities of the applicant in assuring that adequate operating funds and practices will be available to support the proposed project objectives. Applicant experience with previous 16 (b) (2) capital assistance grants may be considered (0-45 points).

(3) If available state and federal aids exceed the amount requested by applications receiving scores at or above the minimum specified in sub. (1) of this section, the department may accept for evaluation and funding consideration additional applications or revised applications for the remaining aids. The department may waive the schedule specified in Trans 2.05 (1) and establish alternative deadlines as it determines to be appropriate for applications submitted under this paragraph.

**History:** Cr. Register, August, 1978, No. 272, eff. 9-1-78; am. (1) (b) and (2) (d), r. and recr. (1) (a) and (2) (c), cr. (3), Register, July, 1982, No. 319, eff. 8-1-82.