

## 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; reprinted to correct error, Register, October, 1982, No. 322.

**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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