

ARTICLE II. MASS TRANSIT

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CHAPTER 425. SHARED-RIDE TRANSPORTATION SERVICE
REIMBURSEMENT

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Authority

The provisions of this Chapter 425 issued under the Pennsylvania Urban Mass Transportation Law (55 P. S. §§ 600.101—600.407), unless otherwise noted.

Source

The provisions of this Chapter 425 adopted January 3, 1986, effective February 3, 1986, 16 Pa.B. 24 unless otherwise noted.

§ 425.1. Purpose.

This chapter establishes regulations governing shared-ride transportation service reimbursement authorized by section 203(5)(ii) and (iii) of the act (55 P. S. § 600.203(5)(ii) and (iii)).

Source

The provisions of this § 425.1 adopted January 3, 1986, effective February 3, 1986, 16 Pa.B. 24; corrected January 17, 1986, 16 Pa.B. 194; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial page (122902).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of PennDOT. *Brocal Corporation v. Department of Transportation*, 528 A.2d 114, 116 (Pa. 1987).

§ 425.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Pennsylvania Urban Mass Transportation Law (55 P. S. §§ 600.101—600.407).

Area agency on aging—The local agency designated within a planning and service area to administer the delivery of a comprehensive and coordinated plan of social and other services and activities.

Contractor—The eligible applicant under § 425.3 (relating to eligible applicants) or a coordinator responsible for shared-ride services.

County transportation system—Buses, vans or other vehicles purchased, maintained and operated by a county and used to provide free or reduced rate transportation within the county to persons 65 years of age or older.

Demand-responsive—Services which are available only upon advance reservation by the passenger.

Department—The Department of Transportation of the Commonwealth.

Health care facility—A general or special hospital including tuberculosis and psychiatric hospitals, rehabilitation facilities, skilled nursing facilities, kidney disease treatment centers, intermediate care facilities, drug or alcohol abuse or dependence centers, county health departments, community mental health centers, mental retardation centers and ambulatory surgical facilities. These facilities are both profit and nonprofit and include those operated by State or local governments. The term does not include offices used exclusively for private or group practice by health care practitioners and facilities providing health care services exclusively to a religious organization or for persons in the religious profession.

Live vehicle hours—The number of clock hours vehicles are used in providing shared-ride transportation services and passengers are on board the vehicle.

Local transportation organization—A political subdivision or mass transportation, port, redevelopment or airport authority organized under the statutes of the Commonwealth or under an interstate compact or otherwise empowered to render, contract for the rendering or assist in the rendering of transportation service in a limited area of this Commonwealth, even though it may render or assist in rendering transportation service in adjacent states.

Nonambulatory persons—Persons 65 years of age or older who are confined to wheelchairs, require the use of a lift or ramp in order to board and exit a van or small bus, or who, because of mental disability, are unable to travel alone and require the assistance of an escort, who cannot also serve as the driver, employed by the contractor.

Nonambulatory service—Service to persons who, because of a physical disability, require the use of vehicles specially equipped with wheelchair lifts or ramps.

Nonprofit social service organization—A nonprofit corporation organized exclusively for the purpose of promoting social welfare or for charitable purposes, excluding organizations primarily concerned with providing religious or spiritual services.

PACE—The Pharmaceutical Assistance Contract for the Elderly program (62 P. S. §§ 2901—2908).

Program—Grants authorized by section 203(5)(ii) and (iii) of the act (55 P. S. § 600.203(5)(ii) and (iii)).

Senior citizen—A person 65 years of age or older.

Shared-ride—Public transportation services which include demand-responsive transportation that is available to the general public, operates on a nonfixed-route basis and charges a fare to riders. The term does not include exclusive ride taxi or call or demand service, charter, special excursion and sightseeing service, nonpublic transportation, and school bus or limousine service. The first farepaying passenger to enter the public transportation vehicle may not refuse to share the vehicle with other passengers during a given trip.

Transportation company—A person, firm or corporation rendering public passenger or public passenger and mail transportation service, with or without the rendering of other service, in this Commonwealth under common carrier authorization from the Pennsylvania Public Utility Commission or the Interstate Commerce Commission. The term includes a person, firm or corporation arranging for public passenger or public passenger and mail service and includes service offered under broker authorization from the Pennsylvania Public Utility Commission or the Interstate Commerce Commission.

Urbanized area—An area so designated by the United States Bureau of Census and considered as such under the Urban Mass Transportation Act of 1964 (49 U.S.C.A. §§ 1601—1618).

Source

The provisions of this § 425.2 adopted January 3, 1986, effective February 3, 1986, 16 Pa.B. 24; corrected January 17, 1986, 16 Pa.B. 194; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial pages (122902) to (122904).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of PennDOT. *Brocal Corporation v. Department of Transportation*, 528 A.2d 114, 116 (Pa. 1987).

§ 425.3. Eligible applicants.

The following entities may apply to the Department for reimbursement under the program:

- (1) Transportation companies.
- (2) Local transportation organizations.
- (3) County transportation systems.

Source

The provisions of this § 425.3 adopted January 3, 1986, effective February 3, 1986, 16 Pa.B. 24; corrected January 17, 1986, 16 Pa.B. 194; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial page (122904).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of PennDOT. *Brocal Corporation v. Department of Transportation*, 528 A.2d 114 (Pa. 1987).

Cross References

This section cited in 67 Pa. Code § 425.2 (relating to definitions).

§ 425.4. Eligible services.

- (a) In order to be reimbursable under the program, services shall be shared-ride.
- (b) In order to be reimbursable under the program, the trip shall be scheduled at least 1 working day prior to the trip.
- (c) In order to be reimbursable under the program, services shall be open to the general public, except county transportation systems may offer restricted services. Advertising for program services shall state that the services are available to the general public.
- (d) Advertising by an eligible applicant which is not a county transportation system offering restricted services, may not use a term or phrase which would suggest that the service is only for senior citizens.

(e) Interstate trips are not reimbursable under the program, unless the following apply:

- (1) The trip is for medical purposes.
- (2) The trip to a comparable in-State medical facility would be a greater distance than traveling out-of-State.
- (3) There is an established shared-ride fare to the out-of-State facility.
- (4) The trip is part of a specific Department-approved operating plan.

(f) An eligible applicant shall undertake reasonable efforts to encourage senior citizens to utilize free fixed route transportation when these services are available and represent an appropriate alternative to shared-ride services. An annual plan to encourage the use of free fixed route transportation shall be developed by an eligible applicant in consultation with local senior citizens' organizations. The plan shall be approved by the designated coordinator for eligible applicants subject to coordination requirements under § 425.13a (relating to coordination), or by the Department for an eligible applicant not subject to coordination requirements.

(g) A contractor had until February 3, 1986 to comply with this section, except for subsection (f) which became effective July 1, 1986. A contractor who is a designated coordinator after November 1, 1986 shall be in compliance with subsection (f) when the contractor enters into agreements with carriers.

Authority

The provisions of this § 425.4 amended under section 205 (5)(v) of the Pennsylvania Urban Mass Transportation Law (55 P. S. § 600.205 (5)(v)).

Source

The provisions of this § 425.4 adopted January 3, 1986, effective February 3, 1986, 16 Pa.B. 24; corrected January 17, 1986, 16 Pa.B. 194; amended November 7, 1986, effective November 8, 1986, 16 Pa.B. 4414; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial pages (122904) to (122905).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of PennDOT. *Brocal Corporation v. Department of Transportation*, 528 A.2d 114 (Pa. 1987).

§ 425.5. Applications.

(a) Applications and forms will be sent by the Department to contractors on or before April 1 and shall be filed with the Department by May 1 prior to the Commonwealth fiscal year for which reimbursement is requested, in order to insure continued eligibility for reimbursement beyond June 30. Failure of contractors to file complete and accurate application forms with the Department on or before May 1 may result in not receiving Departmental approval prior to July

1. If Departmental approval is granted after July 1, the contractor shall be ineligible for reimbursement from July 1 to the date of Department written approval of the application. No applications will be accepted after September 1 of the Commonwealth fiscal year for which reimbursement is requested, except for applications to provide service, in areas without program services. Unless there is a request for clarification or additional information by the Department under subsection (b), which shall be made within 30 days of receipt of the applications, the Department will either approve or disapprove applications within 30 days of their receipt by the Department.

(b) A contractor shall respond in writing, within 30 days of the receipt of the Department's letter, to requests for clarification or additional information, or both. Within 30 days of the receipt of the information, the Department will either approve or disapprove the application or request additional clarification and information. Failure of an applicant to respond in writing within 30 days of a request will render the contractor and an affected eligible applicant ineligible for funding for services rendered prior to the date of Department approval of the application.

(c) A transportation company applying directly to the Department or to a designated coordinator shall have an officially filed shared-ride call or demand or paratransit tariff approved by the Pennsylvania Public Utility Commission on file with the Department and the coordinator, or shall provide shared-ride services under a contract rate, as permitted by the Pennsylvania Public Utility Commission, and approved by the Department under § 425.7 (relating to fares). An application by a transportation company shall include the Pennsylvania Public Utility Commission approved shared-ride call or demand or paratransit tariff or contract rates under which shared-ride services will be provided.

(d) In the case of first time applicants, no reimbursement will be provided under the program for services offered prior to the date of contract execution.

Authority

The provisions of this § 425.5 amended under section 205(5)(v) of the Pennsylvania Urban Mass Transportation Law (55 P. S. § 600.205(5)(v)).

Source

The provisions of this § 425.5 adopted January 3, 1986, effective February 3, 1986, 16 Pa.B. 24; corrected January 17, 1986, 16 Pa.B. 194; amended November 7, 1986, effective November 8, 1986, 16 Pa.B. 4414; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial pages (122906) to (122907).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of *PennDOT. Brocal Corporation v. Department of Transportation*, 528 A.2d 114 (Pa. 1987).

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§ 425.6. Reimbursement limits.

(a) The Department will reimburse a contractor upon the receipt of a properly prepared monthly invoice under § 425.10 (relating to invoicing) an amount equal to 90% of its Pennsylvania Public Utility Commission approved fare or contract rate for a ride up to the following per mile or trip fare limits on reimbursement:

(1) For eligible applicants providing services predominantly utilizing a rate structure based upon mileage, total monthly reimbursement may not exceed actual passenger miles of service provided multiplied by the following per mile fare reimbursement limits:

- (i) For trips originating or terminating within Philadelphia County, \$2.05.
- (ii) For trips originating or terminating within Allegheny County, \$1.50.
- (iii) For trips originating or terminating in Bucks, Chester, Delaware or Montgomery County, \$1.
- (iv) For other trips, 80¢.

(2) For eligible applicants providing services predominantly utilizing a rate structure based upon an ambulatory one-way per passenger trip fare, total monthly reimbursement may not exceed the actual number of one-way trips provided that month to senior citizens multiplied by the following maximum trip fare reimbursement limits:

- (i) For trips originating or terminating within Philadelphia County, \$11.60.
- (ii) For trips originating or terminating within Allegheny County, \$8.90.
- (iii) For trips originating or terminating in Bucks, Chester, Delaware or Montgomery County, \$6.
- (iv) For other trips, \$4.95.

(3) For services provided to nonambulatory persons, the per trip or per passenger mile reimbursement limits provided by this subsection will be increased by 33 1/3%.

(4) The maximum reimbursement per eligible senior citizen trip under this section may not exceed \$27 based upon a \$30 fare.

(5) The per trip or per passenger mile reimbursement limits provided by paragraphs (1)—(3) will be reviewed annually by the Department. Not later than November 1 of each year, the Department will notify contractors, eligible applicants and the transportation committees of the Senate and House of Representatives of Pennsylvania, and will submit a notice to the Legislative Reference Bureau for recommended publication in the *Pennsylvania Bulletin* concerning the initiation of a review. The Department will conduct a public hearing prior to revising the limits. Revised limits will be adopted by a rulemaking modifying the provisions of this section which will establish revised per trip or

per passenger mile reimbursement limits adequate to provide fair and reasonable reimbursement to efficiently and economically operating eligible applicants.

(6) An eligible applicant providing the sole source of shared-ride trips within a county and local transportation organization or county transportation system may request that the Department establish alternative per mile or per trip limits, if unusual local conditions significantly increase the cost of shared-ride service above the limits established under this section.

(b) County transportation systems and local organizations will be reimbursed based upon amounts approved by contract with the Department, but not to exceed the limitations provided by subsection (a).

(c) Services are eligible for reimbursement under the program only if they are rendered by the eligible applicants or by contractors disclosed in the grant application and approved by the Department.

(d) Surcharges, penalties and no-show fees are ineligible for reimbursement.

Authority

The provisions of this § 425.6 amended under section 203(5)(v) of the Pennsylvania Urban Mass Transportation Law (55 P. S. § 600.203(5)(v)).

Source

The provisions of this § 425.6 adopted January 3, 1986, effective February 1, 1986, 16 Pa.B. 24; corrected January 17, 1986, 16 Pa.B. 194; amended December 4, 1987, effective December 5, 1987, 17 Pa.B. 5054; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial pages (122907) to (122909).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of PennDOT. *Brocal Corporation v. Department of Transportation*, 528 A.2d 114 (Pa. 1987).

Cross References

This section cited in 67 Pa. Code § 425.11 (relating to data collection).

§ 425.7. Fares.

(a) In the determination of contract rates for shared ride services, the cost of the service shall be distributed based upon multiple passengers in the vehicle, and the distribution shall be reflected in the fare structure. The shared-ride fare structure shall be lower than an equivalent exclusive ride fare. Per person fares on a shared-ride system may not be set to cover the total cost of the trip, and fares established on that basis are not eligible for reimbursement under the program.

(b) Reimbursement under the program is based upon the lower of one of the following:

- (1) Tariffs approved by the Pennsylvania Public Utility Commission for shared ride services offered by transportation companies and incorporated in the contractor's application or an amendment thereto.
- (2) A contract rate, approved by the Department. Amendment to contracts and contract rates shall be similarly approved by the Department.
- (c) Transportation companies utilizing Pennsylvania Public Utility Commission fares shall provide the Department and a coordinator designated under § 425.13a (relating to coordination) with prior notice and a copy of applications filed with the Pennsylvania Public Utility Commission for the modification of the fares, and no Pennsylvania Public Utility Commission approved fares may be utilized for purposes of this program unless the Department and the coordinator were provided the notice.
- (d) Amendments to fares established by contract with the Department shall be approved in writing before they may form the basis for reimbursement under the program.
- (e) A contractor is eligible for program reimbursement only if senior citizen passengers pay to the contractors 25¢ or 10% of the individual shared-ride fare, whichever is greater, except as otherwise provided in § 425.13 (relating to third party sponsorship).
- (f) For reimbursement purposes, the senior citizen 10% share shall be rounded upward to the nearest nickel. The difference between the shared-ride fare and the rounded up senior citizen fare shall be used in calculating reimbursement under this section.
- (g) Fares may not be based upon expenses which include nontransportation related inducements, commercial coventures or rebates.
- (h) Except as provided in § 425.13, contractors may not directly or indirectly pay the senior citizen share.
- (i) In order to be eligible under the program, county transportation systems and local transportation organizations may not design their fare structure to generate a profit from program services. Profits generated by county transportation systems and local transportation organizations are subject to refund to the Department.
- (j) A contractor receiving operating assistance through other public transportation grants or subsidies may not use program reimbursement to subsidize another portion of the contractor's transit operation.
- (k) A contractor had until February 3, 1986 to comply with this section. Compliance with subsection (c) for a contractor who is designated a coordinator after November 1, 1986 is required when the contractor enters into agreements with Pennsylvania Public Utility Commission regulated carriers.

Authority

The provisions of this § 425.7 amended under section 205(5)(v) of the Pennsylvania Urban Mass Transportation Law (55 P. S. § 600.205(5)(v)).

Source

The provisions of this § 425.7 adopted January 3, 1986, effective February 1, 1986, 16 Pa.B. 24; corrected January 17, 1986, 16 Pa.B. 194; amended November 7, 1986, effective November 8, 1986, 16 Pa.B. 4414; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial pages (122909) to (122911).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of PennDOT. *Brocal Corporation v. Department of Transportation*, 528 A.2d 114 (Pa. 1987).

Cross References

This section cited in 67 Pa. Code § 425.5 (relating to applications).

§ 425.8. Age verification.

- (a) Program reimbursement is for senior citizens only.
- (b) Age verification for senior citizens is the responsibility of the contractor. The following documents are acceptable proofs of age:
 - (1) Birth certificate.
 - (2) Baptismal certificate.
 - (3) Driver's license.
 - (4) Armed forces discharge papers.
 - (5) Statement of age from the United States Social Security Administration, issued for Medicare recipients.
 - (6) Passport and naturalization papers.
 - (7) PACE I. D. Card.
- (c) Medicare cards are not an acceptable form of age verification. Onboard age verification by the driver is not permitted if the driver is working on commission. Age verification may initially be done by mail if through a follow-up procedure appropriate documentation of age is supplied by the senior citizen and recorded by the contractor at the time the first program eligible trip is made.
- (d) In order to be eligible for reimbursement under the program, trips shall be verified by drivers as being made by senior citizens through the presentation of personal identification—not limited to the documents in subsection (b)—under procedures established by the contractor and approved by the Department.
- (e) Contractors may receive assistance from area agencies on aging for the purpose of verifying age and issuing documentation of age verification; however, the ultimate responsibility for proper age verification rests with the contractor.
- (f) Contractors have until February 3, 1986 to comply with this section.

Source

The provisions of this § 425.8 adopted January 3, 1986, effective February 3, 1986, 16 Pa.B. 24; corrected January 17, 1986, 16 Pa.B. 194; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial page (122911).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of PennDOT. *Brocal Corporation v. Department of Transportation*, 528 A.2d 114 (Pa. 1987).

§ 425.9. Escorts.

(a) If senior citizen escorts are permitted to ride at fares different from the regular shared-ride adult fare, the contractor shall receive prior Department approval of the criteria for documenting the necessity for the escorts.

(b) On county transportation systems, escorts who are not senior citizens may not be included by contractors in calculating program reimbursement.

(c) Contractors have until February 3, 1986 to comply with this section.

Source

The provisions of this § 425.9 adopted January 3, 1986, effective February 3, 1986, 16 Pa.B. 24; corrected January 17, 1986, 16 Pa.B. 194; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial page (122912).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of PennDOT. *Brocal Corporation v. Department of Transportation*, 528 A.2d 114 (Pa. 1987).

§ 425.10. Invoicing.

(a) Contractors shall file a monthly invoice with the Department, on Department approved forms, by the 20th day of the month following the month for which reimbursement is sought. Failure to meet this deadline may result in delayed payment.

(b) Monthly invoices shall be signed by an individual authorized to enter into agreements on behalf of the organization—preferably the chief financial officer—or the invoice will not be processed.

Source

The provisions of this § 425.10 adopted January 3, 1986, effective February 3, 1986, 16 Pa.B. 24; corrected January 17, 1986, 16 Pa.B. 194; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial page (122912).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of PennDOT. *Brocal Corporation v. Department of Transportation*, 528 A.2d 114 (Pa. 1987).

Cross References

This section cited in 67 Pa. Code § 425.6 (relating to reimbursement limits).

§ 425.11. Data collection.

(a) An eligible applicant shall collect complete, legible and accurate monthly data requested by the Department on forms supplied by or approved by the Department, to include, at a minimum, the following:

- (1) Paid driver hours.
- (2) Vehicle miles.
- (3) Live hours.
- (4) For carriers subject to per passenger mile reimbursement limitations as provided by § 425.6(a)(1) (relating to reimbursement limits), passenger miles.
- (5) The number of ambulatory passenger trips.
- (6) The number of nonambulatory passenger trips.

(b) Forms shall be dated, using the date prepared, and submitted to the coordinator for counties subject to coordination requirements under § 425.13a (relating to coordination) or to the Department for other eligible applicants. The coordinator shall file reports with the Department as provided by the Coordination Contract adopted under § 425.13a(b).

(c) Forms shall include the following certification statement signed by the person preparing them:

“I certify that the information contained herein is true, accurate to the best of my information, knowledge and belief.”

(d) Records maintained by the eligible applicant shall permit the tracing of a trip from reservation to dispatch to completion of service to billing.

(e) The driver’s log shall contain the names of senior citizens receiving services.

(f) Data backup material shall be maintained for a period of 5 years or until Department audit, if sooner.

(g) Data required under subsection (a)(2)—(4) may, with prior approval of the Department, be collected based upon a reasonable representative sample of trips provided by an eligible applicant.

Authority

The provisions of this § 425.11 amended under section 205(5)(v) of the Pennsylvania Urban Mass Transportation Law (55 P. S. § 600.205(5)(v)).

Source

The provisions of this § 425.11 adopted January 3, 1986, effective February 3, 1986, 16 Pa.B. 24; corrected January 17, 1986, 16 Pa.B. 194; amended November 7, 1986, effective November 8, 1986, 16 Pa.B. 4414; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial pages (122913) to (122914).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of PennDOT. *Brocal Corporation v. Department of Transportation*, 528 A.2d 114 (Pa. 1987).

§ 425.12. Capital equipment replacement funds.

Effective July 1, 1986, capital equipment replacement funds are not permitted to be maintained by local transportation organizations or county transportation systems in a fashion that allows for reimbursement for expenses under the program. The portion of the balance of a fund contributed by the program shall be refunded to the Commonwealth by July 1, 1986.

Source

The provisions of this § 425.12 adopted January 3, 1986, effective July 1, 1986, 16 Pa.B. 24; corrected January 17, 1986, 16 Pa.B. 194; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial page (122914).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of PennDOT. *Brocal Corporation v. Department of Transportation*, 528 A.2d 114 (Pa. 1987).

§ 425.13. Third party sponsorship.

(a) Medicaid eligible senior citizens may not have medical purpose trips reimbursed by the program. The Department of Public Welfare or its affiliated agencies will reimburse the contractors for the trips.

(b) Area agencies on aging and, with the prior approval, nonprofit social service organizations and health care facilities may do one of the following:

(1) Reimburse senior citizens directly.

(2) Enter into cooperative arrangements with contractors under which area agencies on aging and, with prior approval, nonprofit social service organizations and health care facilities may reimburse contractors directly for senior citizens for the passenger share—25¢ or 10%, whichever is greater.

(c) In cases other than those listed in subsections (a) and (b), the senior citizens shall directly pay the driver the appropriate share of the fare in cash or produce evidence of the senior citizen's prepayment.

(d) Contractors may not sell tokens or other evidence of prepayment of the senior citizens share of the cost of a ride to another agency or organization other than area agencies on aging and, with prior approval, nonprofit social service organizations and health care facilities, but may sell tokens or other evidence of prepayment to senior citizens.

(e) Third party sponsorship by nonprofit social service organizations and health care facilities is subject to prior approval by the Department, and for counties for which a coordinator has been designed under § 425.13a (relating to coordination), by the coordinator.

Authority

The provisions of this § 425.13 amended under section 205(5)(v) of the Pennsylvania Urban Mass Transportation Law (55 P. S. § 600.205 (5)(v)).

Source

The provisions of this § 425.13 adopted January 3, 1986, effective February 3, 1986, 16 Pa.B. 24; corrected January 17, 1986, 16 Pa.B. 194; amended November 7, 1986, effective November 8, 1986, 16 Pa.B. 4414; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial pages (122914) to (122915).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of PennDOT. *Brocal Corporation v. Department of Transportation*, 528 A.2d 114 (Pa. 1987).

Cross References

This section cited in 67 Pa. Code § 425.7 (relating to fares).

§ 425.13a. Coordination.

(a) *Establishment.*

(1) Coordination shall be established in counties in which two or more contractors have overlapping service.

(2) Coordination will not be provided if the Department determines on the basis of plans submitted or other reviews and studies or operations that coordination is not necessary to meet the objectives of this section.

(b) *Counties.* In cases where coordination is required, county governments shall be given the first opportunity to perform coordination activities, except Philadelphia and Allegheny Counties where the established transit authorities shall be given the first option and the county shall be given the second option. Except in Philadelphia or Allegheny County, if a county refuses to serve or designate a coordinator, the Department will offer the coordination activities to the area transit authority if it exists. If the process does not produce a coordinator by March 1 of a year, the Department may select a coordinator and enter into a con-

tract for coordination of shared ride service in the county. In areas described in paragraph (1), the Department is authorized to contract directly and solely with the coordinating agency. If coordination is required but not yet in place, contracts between the Department and carriers will clearly indicate the temporary nature of the contracts and provide carriers with 60 days' notice prior to termination.

(c) *Private carriers.* Private carriers shall be given the fullest opportunity to offer services in a coordinated system through a competitive bid process. If the coordinating agency provides some of its own services, the Department will reimburse the coordinating agency no more than the lowest responsible bid prices for comparable services.

(d) *Objectives.* The coordinating agencies' objectives in providing the service shall be to:

- (1) Determine the level of service required in the area.
- (2) Maximize operating efficiency within the shared ride system.

(e) *Responsibility of coordinating body.* The coordinating body shall:

- (1) Apply for program funds and enter into agreements with the Department.
- (2) Develop and administer subcontracts with shared ride providers in the coordinated area.
- (3) Select carriers based on the lowest responsible cost possible.
- (4) Provide for the maintenance of client eligibility information.
- (5) Be responsible for adherence to program requirements in this chapter.
- (6) Develop and submit for Departmental approval an annual operating plan for the coordinated systems. Shared ride carriers shall be given the opportunity to participate in the development of the plan. Written objections to the final plan shall be attached to the final plan and submitted to the Department.
- (7) Monitor the performance of subcontractors.
- (8) Advertise the shared ride system under this chapter and provide marketing and promotional efforts to encourage group rides and coordination with other agencies.
- (9) Comply with brokerage and other statutes, 52 Pa. Code Part I (relating to Public Utility Commission), except for transportation authorities and county governments acting as coordinators.
- (10) Develop and implement a plan whereby senior citizens are encouraged to utilize free fixed route transportation when such services are available and represent an appropriate alternative to shared ride services.

(f) *Centralized control.* If cost effective and efficient to do so, the coordinator shall consider developing and implementing a plan for greater centralized control of certain shared ride activities, such as reservations, scheduling and dispatching of vehicles.

(g) *Coordination plan.* As part of its application to the Department for participation in the shared-ride program, the coordinator shall prepare and submit,

for Department approval, a coordination plan describing its objectives, responsibilities as presented in subsection (e) and if applicable, subsection (f).

(h) *Reimbursement.* The coordinators shall be reimbursed for services by the Department in accordance with the terms and conditions of a contract agreed upon by the coordinator and the Department. The amount of reimbursement provided shall reflect the level and type of services provided by the coordinator. The coordinator shall make every effort to offset any additional cost of coordination through improved operating efficiencies and achieving the lowest responsible cost possible for shared ride services.

(i) *Responsibility of coordinating body.* The selection of subcontractors and the determination of the need for and the provision of cost effective services shall be the responsibility of the coordinating body.

Authority

The provisions of this § 425.13a issued under section 205(5)(v) of the Pennsylvania Urban Mass Transportation Law (55 P. S. § 600.205(5)(v)).

Source

The provisions of this § 425.13a adopted November 7, 1986, effective November 8, 1986, 16 Pa.B. 4414; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial pages (122915) to (122917).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of PennDOT. *Brocal Corporation v. Department of Transportation*, 528 A.2d 114 (Pa. 1987).

Cross References

This section cited in 67 Pa. Code § 425.4 (relating to eligible services); 67 Pa. Code § 425.7 (relating to fares); 67 Pa. Code § 425.11 (relating to data collection); 67 Pa. Code § 425.13 (relating to third party sponsorship); and 61 Pa. Code § 425.16 (relating to transition provision).

§ 425.14. Compliance.

(a) The Department may, on a random, unannounced basis, visit contractors and coordinators to insure program compliance. Visits may include the following:

- (1) Inspections by the Office of Inspector General of the Department.
- (2) Audits by the Audit Division of the Comptroller's Office.
- (3) Field reviews by staff of the Bureau of Public Transit and Goods Movement Systems.

(b) Contractors and coordinators shall take corrective action directed by the Department as a result of compliance problems discovered by inspections, audits or field reviews.

Authority

The provisions of this § 425.14 amended under section 205(5)(v) of the Pennsylvania Urban Mass Transportation Law (55 P. S. § 600.205(5)(v)).

Source

The provisions of this § 425.14 adopted January 3, 1986, effective February 3, 1986, 16 Pa.B. 24; corrected January 17, 1986, 16 Pa.B. 194; amended November 7, 1986, effective November 8, 1986, 16 Pa.B. 4414; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial page (122918).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of PennDOT. *Brocal Corporation v. Department of Transportation*, 528 A.2d 114 (Pa. 1987).

§ 425.15. Appeals.

A contractor or eligible applicant aggrieved by a final action taken by the Department under this chapter may, if determined to be an “adjudication” under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to practice and procedure of Commonwealth agencies and judicial review of Commonwealth agency action) file a petition or protest with the Department under 1 Pa. Code Part II (relating to the general rules of administrative practice and procedure) and 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies).

Source

The provisions of this § 425.15 adopted January 3, 1986, effective February 3, 1986, 16 Pa.B. 24; corrected January 17, 1986, 16 Pa.B. 194; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial pages (122918) to (122919).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of PennDOT. *Brocal Corporation v. Department of Transportation*, 528 A.2d 114 (Pa. 1987).

§ 425.16. Transition provision.

(a) If coordination is in place on the effective date of § 425.13a (relating to coordination), as determined by the Department, the coordinator in place on the effective date of this subsection shall be initially designated to continue to serve in that capacity unless he otherwise advises the Department on or before December 31, 1986, that he no longer intends to perform this function.

(b) For calendar year 1986, the date of March 1 which appears in § 425.13a(b) shall read December 31, 1986.

Authority

The provisions of this § 425.16 issued under section 205(5)(v) of the Pennsylvania Urban Mass Transportation Law (55 P. S. § 600.205(5)(v)).

Source

The provisions of this § 425.16 adopted November 7, 1986, effective November 8, 1986, 16 Pa.B. 4414; readopted December 28, 1990, effective December 29, 1990, 20 Pa.B. 6391. Immediately preceding text appears at serial page (122919).

Notes of Decisions

Department of Transportation did not violate notice provisions of the Commonwealth Documents Law (45 P. S. §§ 1201—1202) where final regulations did not enlarge purpose of proposed regulations; further, regulations were promulgated according to provisions of Regulatory Review Act (71 P. S. §§ 745.1—745.4), and did not exceed authority of PennDOT. *Brocal Corporation v. Department of Transportation*, 528 A.2d 114 (Pa. 1987).

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