

POLICY STATEMENT:

**PROPOSALS FOR NEW OR RESTRUCTURED
PUBLIC TRANSIT FACILITIES OR SERVICE**

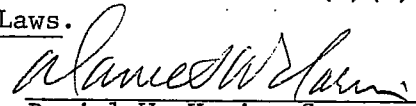
STATE GUIDE PLAN ELEMENT 621

ADOPTED: April 10, 1986

AMENDED: January 16, 1987

CERTIFICATION

I certify that these amendments to State Guide Plan Element 621 were adopted by the State Planning Council on January 16, 1987, in accordance with Section 42-11-10(e)(1) of the General Laws.


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**THE RHODE ISLAND
STATEWIDE PLANNING PROGRAM
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The Rhode Island Statewide Planning Program is established by Chapter 42-11 of the General Laws as the central planning agency for state government. The work of the Program is guided by the State Planning Council, comprised of state, local, and public representatives and federal and other advisors. The Division of Planning in the Rhode Island Department of Administration is the staff component of the Program.

The objectives of the Program are to plan for the physical, economic, and social development of the state; to coordinate the activities of governmental agencies and private individuals and groups within this framework of plans and programs; and to provide planning assistance to the Governor, the General Assembly, the agencies of state government, and smaller communities. The Program prepares and maintains strategic plans and the State Guide Plan as the principal means of accomplishing these objectives. Strategic planning emphasizes the identification of critical objectives and the concentration of available resources in ways that most effectively achieve these objectives, typically in a one- to five-year period. The State Guide Plan is comprised of a series of functional elements which deal with physical development and environmental concerns, the economy, and human services, usually with a twenty-year time frame.

Program activities are supported by state appropriations and federal grants. Preparation of this policy statement has been financed in part with federal funds from the Urban Mass Transportation Administration under UMTA Grant Number RI-08-0016. The contents of this report reflect the views of the Statewide Planning Program, which is responsible for the accuracy of the facts and data presented herein. The contents do not necessarily reflect the official views or policies of other sponsoring agencies. This publication is based upon publicly-supported research and may not be copyrighted. It may be reprinted, in part or in full, with the customary crediting of the source.

621-01 INTRODUCTION

Public transit is an established activity of government. The Rhode Island General Assembly has determined that public transit is one of the "essential governmental functions" that is to be conducted:

...for the benefit of the people of the state and for the increase of their commerce, maintenance and increase of their transportation and general prosperity and for the improvement of their health, welfare, and living conditions...(Section 39-18-12 of the General Laws).

The geographic scale of the state and its relatively simple government structure have led to the assumption by state government of primary responsibility for public transit facilities and services, with participation in some key aspects by cities and towns. In other parts of the country, a greater share of responsibility has been assumed by municipalities, councils of government, special districts, or other regional entities.

The present situation is the latest phase in the dynamic history of transit over more than a century. The origins of mass transit in Rhode Island may be traced back to around the Civil War. For the next hundred years, mass transit was conducted as a private-sector enterprise, with limited regulation by the public. The first routes established in the state were serviced by horse-drawn "omnibuses" resembling stage coaches. Next came horse-railroad operations, which carried more than two million riders annually by the end of 1865 ((1:3-9)). In the next decade, transit service was expanded into the suburbs of Providence.

By 1889, the state had its first electric car service. The 1890s saw a bold expansion of electric trolley service in Rhode Island, mostly in the suburban areas. The system carried twenty-four million passengers in 1892 and thirty-four million in 1897. The Union Railroad, which had been formed in 1865 to run the private transit system, was reorganized in 1902 to link local utility companies with railway operations. It became known as the Rhode Island Company and was acquired in 1906 by the New Haven Railroad. The new owners extended existing lines, instituted service to new areas, purchased new equipment, and acquired other small area lines. Ridership was on the increase.

By 1913, due to poor financial management, the New Haven Railroad was ordered by the U. S. Justice Department to relinquish control of streetcar operations in the state. The federal court appointed trustees to manage the affairs of the Rhode Island Company. Streetcars remained popular in the early part of the twentieth century; but by 1918 the first curtailment in transit service occurred, due to inflation, competition for materials, tax increases, and the beginning of competition from the automobile. The cutbacks in service led to a loss of revenue, which in turn led to further service reductions — a vicious circle that is still applicable to the transit industry. The transit company was in bankruptcy court by the end of 1918.

In 1921, following reorganization, a new company, the United Electric Railways (U.E.R.), began operating Rhode Island's major mass transit system. State involvement began at this point, when the new system was placed under the regulatory authority of the Public Utilities Commission and was also exempted from certain taxes. System ridership reached its all-time peak (154 million passengers) in 1923. The U.E.R., through service cuts and replacement of the two-man-per-car system with a one-man operation, managed to operate profitably. However, these service cutbacks resulted in plummeting ridership. There was a drop of seventeen million riders in 1924 alone.

The U.E.R. was purchased by the New England Power Company in 1926. A holding company, the Rhode Island Service Company, ran the transit system and accelerated an improvement program that had been initiated by the previous owners. The Great Depression not only brought this program to a halt, but it resulted in further service cutbacks and falling revenues and ridership.

Transit patronage then rose very high during the war years, nearly reaching its all-time high in 1944 (151.4 million passengers) as a result of gas rationing and high employment levels in the defense industry. It fell off again as gasoline became available for the private automobile after World War II. At this time, a major effort to expand and modernize operations was made. Despite some accomplishments, transit ridership continued to decrease as the public turned toward the automobile for its transportation needs.

The transit system became known as the United Transit Company (UTC) in 1951, the last year in which over one hundred million passengers were carried. As they became available, diesel and gasoline buses gradually replaced the trackless trolleys, the last of which made its exit in 1955. Newer trackless trolleys were sold to other companies, while many older ones were converted to diesel operation. These conversions resulted in highly unsatisfactory conditions for both riders and operators. The UTC operated a deplorable fleet of vehicles over the following decade. A series of service curtailments marked UTC operation of the transit system in the 1950s and early 1960s. Patronage declined drastically, surpassing even the national decrease in transit ridership at that time.

The transit system's problems were now mounting fast. Annual transit ridership in Rhode Island had dropped from one hundred million in 1951 to twenty million in 1966, in only fifteen years. The state was receiving calls to take over the system's management. Finally, a shutdown of the entire system by bus drivers in 1964, combined with rising concern about the ability and interest of the UTC to continue operation, created widespread understanding of the serious possibility that virtually all transit service in the Providence metropolitan area could end with little or no advance notice. Some resolution of this situation was demanded, and the Rhode Island Public Transit Authority (RIPTA) was created by the General Assembly in 1964. The privately run transit system came to an end on July 1, 1966, when RIPTA assumed its operation.

The advent of publicly supported transit, combined with the advent of federal operating assistance in 1974, gave less emphasis to the profit-making motive in favor of meeting mass transportation needs. RIPTA continually expanded its service area, taking over routes from private operators and adding to the route system. The number of bus miles operated increased by more than half over the first fifteen years of RIPTA management. Service was being provided to 70 percent of the state's residents by 1979. RIPTA also assumed an important function in providing mobility for elderly and handicapped persons. Free service for these users during off-peak periods was legislated by the state starting in 1976.

Severe fluctuations over the past hundred years in the quantity and type of transit service available and in the level of use of this service must not obscure the vital role of mass transit in the total transportation system of the state. In SFY 1985 RIPTA carried more than 17 million passengers. More than half of all trips made on weekdays occur during the morning and afternoon peaks: 7 to 9 a.m. and 4 to 6 p.m. This concentration demonstrates the importance of fixed route transit for work trips and school trips, with an estimated 25,000 trips per day being made for these two purposes. About 30 percent of total trips were free or reduced-fare service for elderly and handicapped persons and students. Paratransit serves different but no less essential purposes, providing door-to-

door access to medical aid and meals for elderly and handicapped persons. For a high percentage of the persons using transit for all of these reasons, no alternative means of transportation is available. Viewed in another way, the transit system is crucial to the economic development of the state and particularly to the revitalization of Providence.

The public interest demands that a wide variety of public transit services be provided, but that these form an integrated system in order to meet the needs of users in an effective manner. The federal Urban Mass Transportation Act states that an "efficient and coordinated mass transportation system is essential" to "the welfare and vitality of urban areas" (49 U.S.C. 1601). The transportation planning process in Rhode Island is the principal mechanism for combining diverse physical and financial resources and mass transit operations into a single system. All transportation plans and programs must contribute to accomplishment of this goal, as well as meeting other requirements.

Although public transit is a function of government, the diverse facilities and services required are obtained from many sources, including state, local, and federal governments and quasi-governmental agencies, private-for-profit firms, and private non-profit organizations. This is, of course, also true of many other governmental functions, including education, health, recreation, social services, and others. The role of private enterprise in providing facilities and services for public transit is noted in Sections 3(e), 8(e), and 9(f) of the Urban Mass Transportation Act of 1964, as amended. These provisions are amplified in the Urban Mass Transportation Administration's policy issuance "Private Enterprise Participation in the Urban Mass Transportation Program," which was published in the Federal Register on October 22, 1984 ((2:41309-41312)) and in the subsequent "Guidance on Documentation of Private Enterprise Participation in Urban Mass Transportation Programs," which was published in the Federal Register on January 24, 1986 (4:3301-3303).

This statement establishes policies and procedures for transportation planning that guide all parties in the continued development and operation of a fully integrated public transit system that meets the needs of the people of Rhode Island.

621-02 PARTICIPANTS

Five agencies of state government have primary responsibility for planning for, operating or supporting, and regulating an integrated system of public transit facilities and services in Rhode Island. Many other governmental bodies and private sector organizations perform essential functions within this system. The functions of each of the five state agencies are summarized in the following sections, with emphasis on those most relevant to this policy statement.

02-01 Statewide Planning Program

The Statewide Planning Program (SPP) is established by Section 42-11-10 of the General Laws "to prepare, adopt, and amend strategic plans for the physical, economic, and social development of the state." All strategic planning as defined in this section that is undertaken by the executive branch (with specific exceptions) is to "be conducted by or under the supervision of" the Program. Two components of the Program are established: the State Planning Council as the policy body and the Office of State Planning as the staff arm.

Transportation plans and programs are prepared in accordance with this statute. Many of these are adopted as elements of the State Guide Plan, including long- and short-range plans for major modes: highways, public transit, and airports. Special studies of important transportation issues (service to special populations, air quality, etc.) are also undertaken.

The Statewide Planning Program is designated as the Metropolitan Planning Organization (MPO) for Rhode Island, including all urbanized areas within the state, as provided by 23 U.S.C. 104 and 23 CFR 450.106. The MPO is responsible for conduct of the continuing, comprehensive, cooperative urban transportation planning process required by 23 U.S.C. 134 and further described in 23 CFR 450 and 49 CFR 613. The Program, acting as the MPO, prepares the Transportation Improvement Program, a six-year schedule of capital investments, including a biennial element of projects to be programmed during the first two years. Interested parties assist in preparing the TIP, but projects appearing in the TIP are drawn from or consistent with applicable elements of the State Guide Plan.

02-02 Rhode Island Department of Transportation

The Department of Transportation (RIDOT) was created in 1970 (Chapter 42-13 of the General Laws) to bring together all of the state's activities in designing, constructing, maintaining, and operating transportation facilities and services: motor vehicles, including highways and public transit; rail; air; and marine. Planning responsibilities include preparation of short-range plans, project plans, and implementation programs and assisting the Statewide Planning Program to prepare transportation elements of the State Guide Plan.

RIDOT performs several functions critical to public transit in the state. These include administration of funds or technical assistance under the following sections of the Urban Mass Transportation Act:

- Section 3: discretionary capital funding to public agencies
- Section 8: transit planning

- Section 9/9A:** formula block grants for capital improvements and equipment, planning, and a limited amount of operating assistance
- Section 16(b)(2):** support to capital improvements by private non-profit organizations that meet the special needs of elderly and handicapped persons
- Section 18:** formula grants to support capital or operating expenses of public transit outside of urbanized areas
- Section 23:** Interstate substitution funding for capital development projects listed in the state's Concept Program

RIDOT plans and carries out certain programs that complement mass transit but are supported by the Federal Highway Administration. These include carpool matching, vanpool, and commuter parking programs.

RIDOT also undertakes special studies such as of the use of a "transit broker" to make more efficient use of available transit and paratransit services. These studies may be supported by Research and Demonstration grants under Section 6.

One of the most important transit-related functions of RIDOT is the budgeting and administration of state capital and operating funds for RIPTA.

02-03 Public Utilities Commission and Division of Public Utilities and Carriers

The Public Utilities Commission (PUC) is established by Chapter 42-14.3 of the General Laws, which also directs the Commission Chairman to carry out the functions of the Division of Public Utilities and Carriers, which are set forth in Title 39.

The Commission is responsible for "supervising and reasonable regulation" of businesses engaged in "public transportation of persons and property." Consequently, private firms that operate transit services within the state are regulated by the PUC. Firms providing supporting services (parts, insurance, fuel, maintenance, etc.) are not covered by this provision. Many of the policies and purposes of regulation as established by statute are particularly relevant to private sector transit operators:

- 1) Protection and promotion of the "convenience, health, comfort, safety, accommodation and welfare of the people."
- 2) Preservation of the state's resources, commerce and industry.
- 3) Reliable service supplied at an economical cost.
- 4) Preservation and enhancement of natural resources, including scenic, historic, and recreational assets.
- 5) Strengthening of long-range land use planning.
- 6) Establishing just and reasonable rates and charges.

The Rhode Island Public Transit Authority is specifically exempted from PUC regulation.

Regulation of transit fares charged by private operators is discussed in greater detail in Chapter 39-2. These must be "reasonable and just" and must be charged in accordance with published schedules or tariffs. Fares must be uniform for all users, except that reduced rates or free service may be given to elderly persons. Special fares or free service may also be made available to others for "public purposes" if approved by the Division of Public Utilities and Carriers.

A certificate of public convenience and necessity must be issued for operation of transit service by motor vehicles either on a regular route or between fixed termini. Certificates may only be issued to residents of this state or to corporations if all stockholders are residents of this state (unless the corporation is chartered by a special act of the General Assembly). This certificate is a principal means of regulating transit operators, since PUC is authorized to adopt rules and regulations concerning routes, fares, speed, schedules, continuity of service, and safety.

Taxicabs and similar motor vehicles may also be used to provide some forms of mass transportation. These vehicles are also certificated and regulated by PUC. The major topics of regulation are similar to those for conventional fixed-route transit operators, and some additional requirements are imposed on owners, operators, and vehicles.

02-04 Rhode Island Department of Elderly Affairs

The Department of Elderly Affairs (DEA) has primary responsibility for insuring that the state's obligations for the health, safety, and welfare of its elderly citizens are met. This mission is accomplished through delivery of services, technical assistance, coordination of programs operated by others, and advocacy. Chapter 42-66 of the General Laws establishes DEA's purpose and functions.

DEA supports specialized transportation services for the elderly (and some other groups) through administration of state contracts for operations. (Capital needs are usually met through one or more programs administered by RIDOT). Contracts are entered into with transportation providers in each of six regions, for an annual or biennial period. Trips are provided only for medical purposes, elderly day care, and group meals. "Contributions" may be collected for medical trips, of up to \$0.50 for a trip of seven miles or less and up to \$1.00 for a longer trip.

02-05 Rhode Island Public Transit Authority

The Rhode Island Public Transit Authority (RIPTA) was created in 1964 to insure the continued existence of conventional or fixed-route transit service. Although the threat of discontinuance of service in the Providence metropolitan area prompted this action, RIPTA is authorized to operate throughout the state.

RIPTA's purpose as set forth in Chapter 39-18 of the General Laws is to "own and operate a mass motor bus passenger transportation system." Whenever a (private) transit operator petitions PUC to discontinue service, the Authority must determine whether discontinuance would be in the public interest. If not, RIPTA is "authorized and empowered to acquire all or any part of the transit property, or any interest therein, of said system" so as to continue or replace the service in question. The Authority has broad powers (including eminent domain) to carry out this purpose and operate a public transit system. RIPTA is "deemed to be an instrumentality and a political subdivision of the state."

Part of the proceeds of the gasoline tax (currently \$0.02 per gallon) are reserved to support public transit service by Section 31-36-20, and "shall be" appropriated by the

General Assembly to support RIPTA operating expenses. The Director of Administration may make advances from the general fund to support RIPTA operations, in anticipation of this appropriation from the reserve fund.

RIPTA may not compete with a private transit operator on any route for which PUC has issued a certificate of public convenience and necessity. However, RIPTA is not subject to direct regulation by PUC (or by any municipality or other governmental agency as to schedules and fares). RIPTA is also exempt from all taxes or assessments upon property, income, or bonds.

In order to carry out this statutory mandate, RIPTA has acquired or assumed responsibility for some or all of the transit operations of five private firms. One by one, these firms proposed to abandon service. RIPTA is now at the point where it operates all fixed-route scheduled intrastate service, except airport limousines.

RIPTA has operated its service directly rather than subcontracting. The Authority (a seven-member board), the management, and the staff carry out most public transit functions themselves: policymaking, administration, and operations. Some specialized services are contracted for or purchased, such as legal services, advertising, and the bus shelter program. Under its act RIPTA has the authority to enter into contracts. Under its labor agreement, however, RIPTA buses may only be driven by members of the union local.

As of 1985, RIPTA carried about 17.3 million passengers a year, operating about 7.7 million vehicle miles over 75 routes or alternate routes. The Authority owned 265 busses, and required over 200 for peak-hour service. With the recent order of 55 new busses, 67 percent of the fleet consists of busses made in 1978 or newer, and 44 percent are wheelchair lift-equipped. More than 500 employees operate or maintain busses or manage and administer the system. Types of service include local, express, park-and-ride, and "intercity" service to outlying population centers, including Woonsocket, Newport, and Westerly. RIPTA operates in 36 of the 39 cities and towns, all except Charlestown, Exeter, and New Shoreham (Block Island).

Fares range from \$0.60 for one zone to \$1.75 for four zones. Park-and-ride fares are \$1.25. "RIPTIK" booklets of ten tickets are available. Elderly and handicapped persons ride free during off-peak periods, by state law. The last general fare increase was in December 1983.

621-03 DEFINITIONS

The following terms are defined as shown for use in this policy statement and for planning for, obtaining, or providing public transit facilities or services in accordance with this statement.

03-01 Accessible transportation: transportation service that is designed so as to be usable by mobility-handicapped persons; for example, accessible busses have wheelchair lifts or ramps and other special features.

03-02 Brokerage or transportation broker: a program in which a central agency or individual coordinates transportation services provided by more than one operator; coordination can involve any number of functions such as recordkeeping, vehicle maintenance, or vehicle dispatching.

03-03 Continuing, comprehensive, cooperative transportation planning process: the planning process required by and described in 23 U.S.C. 134. Also known as the "3-C" planning process or the "continuing transportation planning process."

03-04 DEA: Rhode Island Department of Elderly Affairs.

03-05 Demand-responsive transportation: transportation service that is provided not on a regular schedule or a fixed route, but according to travelers' requests for specific trips.

03-06 DHS: Rhode Island Department of Human Services.

03-07 Elderly: persons above a certain age, usually at least 55 years. Age 60 is used in many programs for the elderly; age 65 is used for reduced fares on RIPTA busses. Age 65 is suggested for use in state transportation programs but may be varied for specific purposes.

03-08 Feeder service: the use of paratransit vehicles to bring travelers to and from a transit route so that they can make part of the trip by transit.

03-09 Frequency: time interval between transit vehicles on a route. Also known as "headway."

03-10 Handicapped: as defined in Section 504 of the federal Rehabilitation Act of 1973: persons with a physical or mental impairment that substantially limits one or more major life activities.

03-11 Integrated public transit system: a unified network of public transit facilities and services, comprised of diverse but interrelated and interdependent parts. Characteristics of the integrated public transit system serving Rhode Island include conformance to the State Guide Plan; service to the entire state or to sections thereof designated in the State Guide Plan; service to the entire population including the handicapped; a unified fare structure of substantially equivalent zones, fares, eligibility for special fares, and methods of prepayment of fares; transferability of persons between components of the system on a standardized basis, and use of common transfer or interchange points whenever appropriate.

03-12 Kneeling feature: equipment on a transit vehicle that allows the entrance area to be lowered when passengers are boarding, so that they do not have to climb so great a height.

03-13 Lift equipment (or wheelchair lift): machinery on a bus, van, or other vehicle that can raise a person in a wheelchair into the vehicle.

03-14 Metropolitan Planning Organization (MPO): the organization designated by the Governor as responsible for carrying out the provisions of 23 U.S.C. 134, 23 U.S.C. 104(f)(3) and 49 U.S.C. 1602(a)(2) and (e)(1), 1603(a), and 1604(g)(1) and (1). The Statewide Planning Program is designated as the MPO for the State of Rhode Island.

03-15 MHRH: Rhode Island Department of Mental Health, Retardation and Hospitals.

03-16 Mobility-handicapped: handicapped in a way that involves one's ability to move about or travel.

03-17 New service: a public transit operation not previously existing in the same location. A new service is provided only in accordance with the State Guide Plan and the continuing, comprehensive, cooperative transportation process.

03-18 Paratransit: group transportation that does not operate on fixed routes; most commonly, refers to "dial-a-ride" type of service, but also includes carpools, vanpools, taxis, and other forms of transportation; sometimes called "specialized" transportation.

03-19 Private transit company: a person, partnership, corporation, or other non-governmental entity that operates or proposes to operate any form of mass transit and that has received or is eligible to receive a certificate of public convenience and necessity from PUC, or that is exempt from this requirement.

03-20 Public transit: transportation by bus, van, or other conveyance, either publicly or privately owned or operated, that provides general or special service to the public on a regular and continuing basis and that uses state or state-administered funding (and possibly other funding) in carrying out State Guide Plan policies and recommendations. It does not include school buses, charter or sightseeing service, or service to a limited clientele.

Limited clientele refers to transportation sponsored by an agency or organization solely for its members or transportation of certain individuals solely to the location of a social service program or activity in which they are participants or recipients of service. For example, transporting persons only to a meal site or day care center for the elderly or only to a sheltered workshop for the retarded would be considered limited-clientele. Transportation that is open to any elderly or handicapped person for a medical, shopping, or other trip would not be considered limited-clientele.

03-21 PUC: Rhode Island Public Utilities Commission, including those functions of the Division of Public Utilities and Carriers authorized by law to be carried out by the Chairman.

03-22 Reserve ratio (or spare ratio): the percentage of a transit operator's fleet that is held out of service at a given time; for example, to allow for replacing vehicles that break down. Vehicles designated as part of the reserve ratio shall be licensed and fully operational.

03-23 Restructured service: a public transit operation for which a substantial change is under consideration. A substantial change is one that modifies a route by more than 25 percent of the total route distance; changes the daily hours of operation or number of runs by more than 25 percent; changes the mode or type of service; changes or may change the operator of any service; or involves any other change that is of significant interest to the general public, persons serviced, or state or municipal governments.

03-24 RIDOT: Rhode Island Department of Transportation.

03-25 RIPTA: Rhode Island Public Transit Authority.

03-26 Section 3: the section of the federal Urban Mass Transportation Act of 1964, as amended, that provides discretionary capital funding to public agencies for mass transportation facilities.

03-27 Section 6: the section of the federal Urban Mass Transportation Act of 1964, as amended, that authorizes the Secretary of Transportation to undertake or assist research, development, and demonstration projects.

03-28 Section 8: the section of the federal Urban Mass Transportation Act of 1964, as amended, that provides grants to MPOs for development of transportation plans and programs as part of the continuing, comprehensive, cooperative transportation planning process; and for engineering, design, evaluation, and other technical studies.

03-29 Section 9: the section of the federal Urban Mass Transportation Act of 1964, as amended, that provides formula block grants to public agencies for planning, capital improvements, and a limited level of operating assistance for mass transportation.

03-30 Section 9A: the section of the federal Urban Mass Transportation Act of 1964, as amended, that provided grants for capital purposes on a formula basis, during a six-month period in 1983.

03-31 Section 16(b)(1): the section of the federal Urban Mass Transportation Act of 1964, as amended, that provides discretionary capital funding to public agencies for mass transportation services to meet the special needs of elderly and handicapped persons (this is treated as Section 3 funding).

03-32 Section 16(b)(2): the section of the federal Urban Mass Transportation Act of 1964, as amended, under which capital funding is allocated to states to be awarded to private non-profit organizations for transportation services meeting the special needs of elderly and handicapped persons.

03-33 Section 18: the section of the federal Urban Mass Transportation Act of 1964, as amended, that provides formula funding to states for capital or operating expenses of mass transportation projects in areas other than urbanized areas.

03-34 Section 504: the section of the federal Rehabilitation Act of 1973 that prohibits discrimination against the handicapped.

03-35 Semi-ambulatory: handicapped in such a way that one is not a wheelchair user but still has difficulty walking or climbing steps unaided.

03-36 Special medical trips: as used in Rhode Island, trips for the purpose of kidney dialysis and cancer treatment.

03-37 State Guide Plan: a series of plans or functional elements prepared and maintained by the Statewide Planning Program under Section 42-11-10(c) of the General Laws. Plan elements deal with the physical, economic, and social development of the state.

03-38 SPP: the Statewide Planning Program, including the State Planning Council (SPC) and the Office of State Planning (OSP).

03-39 Subscription service: transportation service that is provided to an individual or group on a prearranged basis; for example, it might mean that a person could obtain a pass to use a transportation system during a given period, or it might specify trips to be provided on a regular basis to a person or group.

03-40 Transportation Improvement Program (TIP): a six-year program of projects for improvement of the highway, public transit, and airport systems. The first two-year period of the TIP is designated as the biennial element; projects appearing in this section may be carried out using federal funds. The TIP is prepared by the Statewide Planning Program in cooperation with other interested parties, in accordance with 23 CFR 450 Subpart B and 49 CFR 613 Subpart B.

03-41 UMTA: Urban Mass Transportation Administration (part of the United States Department of Transportation).

03-42 USDOT: United States Department of Transportation.

03-43 Wheelchair bay: a space in a transit vehicle for placing a person who is in a wheelchair.

621-04 POLICIES

The policies to be utilized in obtaining public transit facilities or services are as follows:

- 04-01: Public transit facilities and services will be acquired and operated in accordance with the transportation element and all other applicable elements of the State Guide Plan. Scheduling and funding of public transit projects, programs, operating support, and other substantial expenditures will be accomplished in accordance with the Transportation Improvement Program.
- 04-02: Public transit services by all surface or subsurface modes, such as bus, paratransit, commuter rail, water borne, and others, shall form an integrated public transit system (see Section 621-03-11). Consequently:
- a) Fares shall be reasonably uniform for equivalent service throughout the system. Prices shall not be significantly different for different users or services as a result of the participation of more than one transit provider in the system.
 - b) Fares or policies thereon set by the General Assembly by statute shall be observed throughout the system regardless of the transit provider(s) involved.
 - c) Prepayment of fares shall be permitted throughout the system, and the method(s) of prepayment used shall be reasonably uniform.
 - d) Transfer of passengers from one route or mode of public transit service to another shall be facilitated and shall be operated under uniform policies by all transit providers involved.

Exceptions to this provision will be considered only when the type, location, or other characteristics of a facility or service (but not a characteristic of a provider) clearly justify an exception, as determined by the State Planning Council. Any exception approved shall be limited in degree or scope to that required to achieve the objectives of the State Guide Plan.

- 04-03: Public transit service shall be accessible to the handicapped. The specific means of insuring accessibility, including the vehicles or equipment to be utilized, shall be determined by the characteristics of the persons who need to be served.
- 04-04: The goals for involvement of Disadvantaged Business Enterprise — Minority Business Enterprise and Women's Business Enterprise, as established annually by the State Planning Council, shall be met or exceeded by all public transit providers.
- 04-05: Public transit service operating in Providence shall have a terminus in the Kennedy Plaza Transit Mall unless there are substantial operating reasons for not doing so, as determined by the State Planning Council in each instance. One exception is that some longer distance routes may use the intercity bus terminal on Sabin Street.

- 04-06: As part of the transit planning process and in accordance with UMTA policy, an examination will be made periodically of existing public transit services to determine if these services can be provided by private transit companies.
- 04-07: Transit providers of all types shall be involved in planning for and given an opportunity to provide any new or restructured service. When funding under the Urban Mass Transportation Act of 1964, as amended, may be involved, private transit companies shall be given particular encouragement to participate to the maximum degree feasible as required by the UMTA policy statement. ((2:41311)).
- 04-08: When transit providers subject to certification or regulation by PUC may be involved, the Commission shall be invited to participate in planning for new or restructured service and in evaluating the providers who wish to participate. The Office of State Planning shall advise PUC of any relevant provisions of the State Guide Plan, the Transportation Improvement Program, or the UMTA policy statement ((2)) whenever appropriate to any matter under consideration by PUC.
- 04-09: A transit provider desiring to operate new or restructured public transit service shall demonstrate financial and technical capability to conduct, maintain, and operate the service involved for the period stated in the project description.
- 04-10: When necessary to maintain or improve an integrated public transit system, use of a brokerage system or a transportation broker may be required in connection with any new or restructured public transit service, as determined by the State Planning Council in each instance.

621-05 PROCEDURES

New or restructured public transit service may be proposed in several ways: by adoption of a new element or amendment or updating an existing element of the State Guide Plan; through the continuing, comprehensive, cooperative transportation planning process; through identification of a problem that might be addressed through use of public transit; through RIPTA's evaluation of system performance; through initiation of a new contracting cycle for paratransit service; or by other means. Whenever this occurs, the actions described in this Part shall be taken as part of the development and evaluation of each proposal.

The procedure outlined here may not encompass the entire process required to study or to implement a proposal. A major proposal, for example, may require a draft and final environmental impact statement. Many proposals will require public notice and/or hearing. The following procedures must, however, be incorporated into the overall process at the appropriate points. The order used here is logical for many, but perhaps not all, proposals and can be modified as necessary as long as each step is accomplished.

- 05-01: A draft description of each new or restructured public transit service under consideration shall be prepared by the administering agency or sponsor. The draft description shall utilize the following format and include the following information, as required by the nature of the proposal.
- a) The objective and type(s) of public transit service proposed and an explanation of how it conforms to the State Guide Plan.
 - b) The service area and population to be served.
 - c) The vehicles to be acquired or operated, including ownership status, type, size, age, appearance, and any special equipment such as air conditioning, safety features, accessibility features, etc.
 - d) Financial arrangements, including anticipated fares and other revenues, and capital or operating assistance to be utilized by source and method.
 - e) Requirements regarding demonstration of financial and technical capability to carry out the proposal, including experience and expertise of management and staff, financial strength, start-up time, maintenance of any vehicles or equipment involved, reserve ratio to be used, safety provisions, compliance with laws and regulations, insurance, recordkeeping for reporting and audit purposes, etc. For a public transit service, this shall be done for a period sufficient to determine whether the goals of the State Guide Plan and the objectives of the proposal can be met. For facilities, vehicles, or other equipment, the period shall be the useful life of the item as determined by industry practice.
 - f) Operating characteristics of the proposal: frequency of service, hours, fares, transfers, coordination with other providers, arrangements for feeder service, etc. This item shall include arrangements for use of the Kennedy Plaza Transit Mall if required by Part 621-04.
 - g) The public information and education program to be undertaken in connection with the proposal.

- h) Compliance with Disadvantaged — Minority and Women's — Business Enterprise goals.
- i) Length of time and conditions for providing the service.
- j) A method of monitoring the results achieved and evaluating these in terms of the objectives of the proposal and of the State Guide Plan.

05-02: The draft description will be reviewed with the participating agencies listed in Part 621-02 and any other agencies that may be involved in planning for or carrying out the proposal, including federal agencies, local governments, etc.

05-03: Transit providers, including private transit companies, shall be consulted at one or more points during formulation of the draft description. Appropriate times for this consultation are determined by the nature and source of the proposal. The first consultation may occur before actual drafting of the description begins, in order to obtain advice from providers on basic directions or specifications. In other situations, it may be appropriate to discuss proposals with providers after the first draft of the description is complete. OSP, with the advice of the administering agency or sponsor, will determine the schedule of consultation with providers.

OSP will maintain an inventory of provider capabilities for use in identifying potential interest in carrying out proposals and will also maintain a mailing list of providers, who will be consulted in a timely manner about service proposals as well as about transit planning and programming activities.

05-04: Draft descriptions will be revised as required throughout the review and consultation process. Interested parties, including transit providers, will be given additional opportunities to discuss and comment on significant revisions of the descriptions.

05-05: Completed proposal descriptions may require formal action by the State Planning Council, such as amendment of the State Guide Plan or the Transportation Improvement Program. In these cases the Council's Rules of Procedure will be used. In other cases, the description will be presented to the Council for information and discussion.

05-06: The administering agency or other appropriate body will then take the necessary steps to carry out the proposal. This may include submitting applications for funding, soliciting and reviewing bids or other expressions of interest received, selecting providers, drawing up and executing contracts, or similar actions. The administering agency will advise OSP of the actions taken. In the case of a local government proposing new or restructured public transit service, a commitment must be made to accept the provider who is selected through this procedure.

05-07: Resolution of disputes or complaints will take place among the state and local agencies and transit providers involved. State agencies that are responsible for administering state or federal funds or other resources used to operate public transit services or that are designated to receive such funds by law, regulation, or Governor's directive will usually be the sponsor of a proposal subject to this policy statement. The director or other appropriate official of each agency is

the person responsible for selecting providers and making other decisions concerning execution of their functions. Disputes arising through the application of this policy statement will ordinarily be appealed to and resolved by the same party.

The appeal process will include, as a minimum, requirements that complaints be submitted in writing, that they be acknowledged promptly in writing, that a meeting be held to discuss the complaint, and that after review a decision be reached and documented by the administering agency.

The following additional measures will be used when appropriate:

- a) PUC has the authority to make key decisions affecting many aspects of these policies and procedures, including the award of certificates of convenience and necessity.
- b) OSP will provide interpretations of these policies and procedures, or any other element of the State Guide Plan, in their application to any specific proposal, at the request of any party involved.
- c) SPC will make the necessary determinations specified in this statement regarding a specific proposal, at the request of OSP or any party involved.
- d) SPC will consult with the parties involved and advise on the resolution of disagreements concerning a specific proposal, upon the written request of any party directly involved. Participation by SPC in this way does not shift the authority for decision-making vested in department directors or other officials.

05-08: The results obtained will be monitored and reported to OSP, which is required to document the implementation of this policy and procedure and the participation of the private sector in the transportation planning process.

REFERENCES

1. D. Scott Molloy, Rhode Island Transit Album (Boston: Boston Street Railway Association, Inc., 1978).
2. Urban Mass Transportation Administration, U. S. Department of Transportation, "Private Enterprise Participation in the Urban Mass Transportation Program," Federal Register, Vol. 49, No. 205, pp. 41309-41312 (October 22, 1984).
3. Urban Mass Transportation Administration, U. S. Department of Transportation, "Guidance on Documentation of Private Enterprise Participation in Urban Mass Transportation Programs," Federal Register, Vol. 51, No. 16, pp. 3305-3308 (January 24, 1986).
4. Urban Mass Transportation Administration, U. S. Department of Transportation, "Guidance on Private Sector Participation for Section 18 and Section 16(b)(2) Recipients," Federal Register, Vol. 51, No. 16, pp. 3301-3303 (January 24, 1986).