

ELEMENT 621: POLICY STATEMENT: PROPOSALS FOR NEW OR RESTRUCTURED PUBLIC TRANSIT FACILITIES OR SERVICE

01 INTRODUCTION

State Guide Plan Element 621, Policy Statement: Proposals for New or Restructured Public Transit Facilities or Service, was approved by the State Planning Council on April 10, 1986, and amended on January 16, 1987.

The Policy Statement begins with an introduction that outlines the legal basis and historical background of public transit in Rhode Island, the present role and importance of public transit, and the public policy objectives of providing an integrated transit system. The second section of the policy statement describes the functions of the five state agencies that have primary responsibility for planning for, operating or supporting, and regulating public transit. These are the Statewide Planning Program, the Rhode Island Department of Transportation (RIDOT), the Public Utilities Commission (PUC), the Rhode Island Department of Elderly Affairs (DEA), and Rhode Island Public Transit Authority (RIPTA). The third section of the policy statement lists definitions of terms that are used in the statement. The fourth section presents policies. The fifth section sets forth the procedures for developing and evaluating new or restructured public transit services or facilities.

02 ISSUES ADDRESSED

The policy statement recognizes the role of private enterprise in providing transit facilities and services, as required by Sections 3(e), 8(e), and 9(f) of the Urban Mass Transportation Act of 1964, as amended, and UMTA's private enterprise policy issued on October 22, 1984, and guidelines issued on January 24, 1986.

03 POLICIES

Part Four of the policy statement presents the policies to be used in obtaining public transit facilities or services and 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. 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 providers 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.
- 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 Division of Planning shall advise PUG of any relevant provisions of the State Guide Plan, the Transportation Improvement Program, or the UMTA policy statement 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.

04 STRATEGY

Part Five of the policy statement establishes procedures for developing and evaluating new or restructured public transit services or facilities. This part of the policy statement indicates some ways that new or restructured public transit service may be proposed and then outlines eight actions that must be taken as part of the development and evaluation of each proposal. The eight actions are:

- 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. The Division of Planning, with the advice of the administering agency or sponsor, will determine the schedule of consultation with providers.

The Division of Planning 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 the Division of Planning 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) The Division of Planning 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 the Division of Planning 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 the 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 the Division of Planning, which is required to document the implementation of this policy and procedure and the participation of the private sector in the transportation planning process.