

July 2002

JITNEY SERVICE PILOT PROGRAM

Project Notebook Volume I

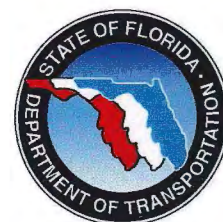
LETTER OF AUTHORIZATION No.: 18

FM No.: 25207411201

CONTRACT No.: C-6803

Prepared for

Florida Department
of Transportation
District VI



in association with



Prepared by

MillerConsulting, Inc.
project development, engineering, traffic, economics and finance.

Transit Systems Group



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Scope of Services

Scope of Services
For Work Order # 18 GPC Contract No. C-6803
Expansion of Public Transit: A Jitney Approach
prepared by
Miami-Dade County
Metropolitan Planning Organization (MPO)

I.OBJECTIVE:

To develop operations scenarios to promote increased participation of the private sector in the provision of public transportation services within Miami-Dade County. These services would be aimed to supplement existing services provided by Miami-Dade Transit (MDT). Demonstration projects may be identified for implementation.

II.PREVIOUS WORK:

Several policy-oriented studies have been conducted in the past. However, this study is directed towards evaluating the feasibility of implementing an operational plan and promoting the implementation of additional services.

III.HIGHLIGHTS OF PROJECT ELEMENTS:

It is understood that this scope of services is also defined by the person-hours that are budgeted to execute the services, herein. In no case is this scope of services intended to be interpreted in a manner that would exceed the allocated person hours for the tasks herein. Highlights of the study shall include:

- Participation of the private sector
- Cost feasibility of proposals
- Focus on poorly served areas with potential for cost effective service
- Maximization of resources to serve a given area
- Compliance with federal requirements, such as ADA and Environmental Justice
- Provision of additional non-subsidized transportation services
- Improving accessibility to Metrorail and to major activity centers

IV.TIME SCHEDULE:

This study should be tentatively completed by within 90 days of notice to proceed. The consultant shall not be held responsible for schedule delays beyond his control. The Consultant shall prepare and submit a tentative milestone schedule for the project within 10 days of notice-to-proceed.

V.METHODOLOGY:

It is understood that the focus of this phase of the study will be to identify up to 4 candidate MDTA routes or corridors, which could be operated profitably by Jitneys, and to recommend possible reallocation of displaced MDTA buses to more congested MDTA routes. This analysis will rely primarily on MDTA ridership data, and on private jitney operator breakdown cost information, as well as socioeconomic and environmental justice consideration.

A.Study Coordination

A Study Advisory Committee (SAC) will be composed of representatives from:

- Metropolitan Planning Organization (The MPO will provide the Project Manager)
- Miami-Dade Transit (MDT)
- Florida Department of Transportation (FDOT)
- Miami-Dade County Consumer Services Department (CSD)
- Citizens' Transportation Advisory Committee (CTAC)
- Representatives of transit labor unions
- Private transportation industry representatives will be also invited to participate as well

It is understood that the MPO staff will, as requested by the Consultant, take the leadership role in arranging all meetings required for the project, subject to the availability of all key participants, and the Consultant.

B.Develop Conceptual Plan

The purpose of this task is to define a conceptual plan for expanding transit services using jitneys or minibuses in areas that require improving existing public transportation services. These improvements will be considered in terms of transit level of service improvements: increasing frequencies by decreasing headways, and increasing service spans will be the primary factors evaluated.

Specific factors including but not limited to accessibility to Metrorail stations and major activity centers, productivity (probable costs incurred vs. prospective patronage), feasibility of implementation, integration with other transportation providers (Metrobus, Tri-Rail, jitneys, shuttles/circulators, etc...) and implementation costs will be considered.

For the purpose of facilitating the implementation of a demonstration/pilot project at the end of the study, several scenarios will be evaluated, among them:

- a. Contracting services
- b. Providing temporary passenger motor carriers permits to individuals interested

During the study, other strategies may also be proposed and evaluated.

To obtain input, planning sessions will be conducted at different levels of participation:

TECHNICAL LEVEL

- CSD
- MDT
- FDOT
- Planning Department

SERVICE LEVEL

- CTAC
- Jitney Representatives and Operators
- Other Authorized Providers
- Labor Unions Representatives

Other groups and departments will be contacted as appropriate.

It is understood that the MPO staff will, as requested by the Consultant, take the leadership role in arranging all meetings required for the project, subject to the availability of all key participants, and the Consultant.

Additionally, public hearings could be conducted, as necessary, to obtain comments from the general public. If public hearings are conducted, the MPO staff will make all provisions for such hearings. The Consultant shall be responsible for attendance and presentations. With the input of these groups, the consultant will develop a transit service integration proposal that includes consideration of concerns and recommendations obtained during this process. The total number of meetings shall not exceed 6 meetings. If more meetings are needed, they will be considered additional services.

C. Develop Criteria

Based on the conceptual plan, the consultant will utilize criteria provided in this scope to identify potential areas and/or routes suitable for expanding public transit services using jitneys or minibuses. This task shall take into consideration the data required and analytical tools needed to implement the proposed plan.

D. Data Development

It is understood that the MPO staff will assume a leadership role in collecting all available data for this study.

1. *Institutional Information*

There are some areas that need to be researched to provide an additional element in the development of an eventual service plan. Compliance with federal, state and county regulations provided by the MPO will be evaluated. Based on the findings in this task, some scenarios may be discarded for fast-track implementation, as appropriate. This

research will include, but not be limited to: Federal requirements regarding ADA, Section 15 and Section 13(c); County procedures for permitting and licensing transportation services, including ordinances and resolutions; and State statutes that may apply for transportation carriers.

2. *Operations and Performance Data*

The consultant will compile and the MPO will collect the necessary data to proceed with the required analyses. The MPO, MDT and CSD will play a major role in this task by providing available data to the MPO to conduct the technical analyses.

This data should include, but not be limited to:

- a. Jitneys: authorized providers, description of routes, number of vehicles/route, fare, ridership, trip length, hours of operation, number of trips, etc..., whenever available
- b. MDT: description of routes, number of vehicles/route, fare, ridership, trip length, hours of operation, number of trips, headways, etc...

3. *Other Area Experiences*

Finally, the consultant will also obtain brief readily-available information from two or three other cities where jitneys currently operate or have been operated in the past to compare and implement similar measures in Miami-Dade County. Special attention will be considered in how those areas comply with federal requirements (ADA, Section 15 and Section 13(c)), to the extent such information is readily-available.

E. Analysis

1. *Institutional*

In this subtask, the consultant will analyze and evaluate existing procedures for authorizing transportation services and will prepare a summary matrix/table of the benefits and limitations, including but not limited to: technical process, legal considerations, compliance with county, state and federal requirements, contracting labor, third party contracting, etc... Additionally, the consultant will take into consideration any requirement included in the transportation element of the and any issue or implications that may be included in the Comprehensive Development Master Plan (CDMP). The consultant shall not be required to render any legal opinions. However, the Consultant shall offer an opinion for review by the County's attorney.

The consultant will prepare a set of recommendations to improve and/or facilitate the expeditious processing of permits for providing these services and/or develop another set of recommendations to enter into a contract with an authorized provider. This approach does not prohibit the consultant to recommend other options that may arise during analysis. The Consultant may offer suggestions on additional research or more in-depth studies of this and/or other subjects in this study that cannot be

studied in-depth within the resources of this study.

2. Operations and Performance Analysis

Using the criteria previously established in this scope of services, the consultant will analyze socioeconomic, travel, and transit data to determine and identify the potential areas and/or routes for introducing supplementary jitney services. Consideration will also be given to compliance with ADA requirements, as well as Environmental Justice.

3. Other Area Experience Analysis

While information and data will have been collected from other areas that may provide appropriate guidance and useful lessons learned, they will only be summarized here. The most applicable information will be incorporated into analyses conducted in the two preceding tasks.

F. Develop Implementation Plan

Based on the previous tasks, the consultant will develop three scenarios to test different possibilities. These scenarios may include enhancing established routes, implementing new routes and/or services within a specific area, or various combinations of both, using jitneys. For each scenario, the plan shall include:

1. Operational requirements
2. Advantages and Disadvantages (Opportunities and Constraints)
3. Implementation Costs

G. Develop an Evaluation Program

To measure the effectiveness of any proposed demonstration program, the consultant will prepare brief, suggested guidelines and principles for an evaluation program to be conducted before and after implementing the proposed plan for each scenario. These evaluation guidelines will focus on service characteristics and public acceptance.

VI. END PRODUCTS

1. Executive Summary Report (50 copies)
2. Project Notebook (1 copy)

Copies of the Executive Summary, shall be made available in electronic format on CDs. The Executive Summary will be provided in a popularly used word processing format. Graphics used in the report shall be made separately available on disk as well. One separate "Project Notebook" will be provided in a 4-inch, 3-ring binder containing all relevant backup and file material necessary to justify the conclusions in the executive summary.

VII.FUNDING:

Limited to up to \$90,000 by Florida DOT, District VI

VIII.PROJECT MANAGEMENT:

The MPO will take the lead, and will keep a close coordination with representatives of the FDOT, MDT, CSD and CTAC, as well as with private sector providers and labor unions representatives. The Consultant shall provide monthly status reports and weekly telephone briefings to the MPO project manager.

IX.ADDITIONAL SERVICES

It is anticipated that the Consultant may make several recommendations that may require further research and studies, that could be executed by the Consultant or by other contractors. Such services may be executed by the Consultant through additional work orders at the discretion of the Florida Department of Transportation.

Memorandum

To: Jose-Luis Mesa, Jesus Guerra
& Raphael DeArazoza

Date: April 15, 2002

From: Craig Miller

Re: Paratransit Pilot Program

I tried calling Jose and Jesus last week, but I failed to reach you. I spoke briefly with Ron Krongold to get his input on an approach to the subject project. The following is a set of policies, that I heard him articulate:

1. He liked the fast-track quick-start idea to get an early start on data collection and consensus-building with the principals.
2. He does not want an intensive study effort on finding pilot projects; he would rather focus analysis efforts on evaluating pilot projects post-implementation, and then study ways to expand them.
3. He wants us to find 2, 3 or 4 possible pilot projects in collaboration with MDTA and the Jitney people and others, in a very fast participative manner, with minimum, but sufficient analysis to make sure we have selected some good candidates. He wants his committee and the MPO to make the final selection of one or more pilot projects.
4. He wants the pilot project operating in 90 days.

I believe the way to achieve these objectives is 1) to try to reach a fast-track consensus on 3 or 4 pilot projects, 2) then identify the analytical requirements necessary to pre-evaluate the pilot projects and 3) then present the project options to Mr. Krongold's committee, along with the advantages/disadvantages of each.

We would then, *after* the pilot projects are operating, and when we have more time, propose to execute a 2-part study, simultaneously:

- ☐ Evaluate the success and shortcomings of the pilot projects; make recommendations to improve them, as appropriate.
- ☐ Study additional pilot project possibilities and evaluate them; identify institutional problems and solutions. Develop countywide expansion plan alternatives and/or program options, as appropriate. (Basically, execute the remainder of Jesus' scope.)

"creating value for our clients with ingenuity, creativity and excellence"



Florida Department of Transportation

JEB BUSH
GOVERNOR

OFFICE OF PLANNING - DISTRICT SIX
602 SOUTH MIAMI AVENUE, MIAMI, FLORIDA 33130
PHONE: (305) 377-5910 (SC) 452-5910
FAX: (305) 377-5684 (SC) 452-5684

THOMAS F. BARRY, JR.
SECRETARY

May 21, 2002

Mr. Craig Miller, P.E.
Project Manager
Miller Consulting, Inc.
3610 Park Central Boulevard North
Pompano Beach, FL 33064

SUBJECT: Letter of Authorization for Task Work Order No. 18
Contract #: C-6803
FM No. 25207411201
WPI No. 6590025
Description of assignment: **Expansion of Public Transit: A Jitney Approach**

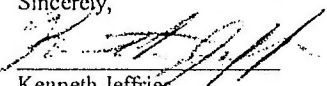
Dear Mr. Miller:

Reference is made to the Standard Professional Services Agreement of May 14, 1998 and Supplemental Agreements No. 1 of November 13, 1998, No. 2 of April 3, 2000 and Administrative Amendment of September 13, 2001 between your firm and Department, for professional consultant services pertaining to Corridor Access/General Planning. As required in the agreement, this letter authorizes your firm to perform services outlined in the attached scope of work for the following assignment.

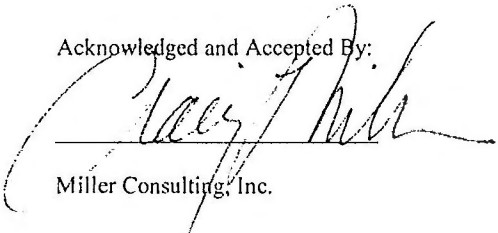
For the required services, compensation shall be a lump sum amount of \$89,861.98 based on the negotiated labor and direct expenses included in the task work order estimate enclosed. Payment for approved services shall be made in accordance with Exhibit "B," Method of Compensation to the Standard Professional Services Agreement, and invoices will be charged to Financial Management No. 25207411201. Services are to be completed on or before August 21, 2002. The contract ending date remains December 31, 2002.

Please acknowledge receipt and agreement to this authorization letter by signature below. Retain a signed copy for your file and forward this original letter to the return address above. If you have any questions, please contact our office at (305) 377-5683.

Sincerely,


Kenneth Jeffries
Project Manager

Acknowledged and Accepted By:


Miller Consulting, Inc.

Attachments:

Cc: Gary Donn, District Director of Planning and Programs
Rafael De Arazoza, District Planning Manager
Ron Fountain, Professional Services
Anamari Martinez, Financial Services

OPERATIONAL							FINANCIAL						
WEEKDAY SERVICE 0-15 MINUTES HEADWAY	Route	Headway (Min)	Total Miles	Total Hours	Est Bdgs	Bdgs/ Rev Hr	Rev Miles	Rev Hours	Direct Op Cost	Avg. Rev.	Direct OP. Rec. Ratio	Net Cost/ Bdg	Rev/ T Mile
	11	8	2,876.8	258.9	12,371	51.3	2,555.2	241.3	\$13,774	\$9,152	66.4%	\$0.37	\$3.18
	S	12	4,177.1	302.3	13,080	45.9	3,721	285.0	\$17,179	\$11,251	65.5%	\$0.45	\$2.69
	L	10	3,033.7	251.4	10,662	44.4	2,791.6	240.0	\$13,986	\$8,801	62.9%	\$0.49	\$2.90
	77	10	2,560.5	202.5	9,437	47.8	2,461.8	197.4	\$11,899	\$7,306	61.4%	\$0.49	\$2.85
	9	10	1,639.0	130.7	5,074	41.0	1,499.6	123.7	\$7,444	\$4,070	54.7%	\$0.66	\$2.48
	8	10	2,158.6	185.7	7,419	41.4	2,037.8	179.0	\$10,458	\$5,081	48.6%	\$0.72	\$2.35
	36	10	1,283.1	106.2	3,436	34.0	1,156.8	101.0	\$5,976	\$2,681	44.9%	\$0.96	\$2.09
	24	15	1,769.3	162.5	3,991	25.1	1,698.5	159.1	\$9,010	\$2,906	32.2%	\$1.53	\$1.64
	B	12	1,132.9	64.0	1,472	25.7	985.6	57.3	\$3,940	\$1,160	29.5%	\$1.89	\$1.02
	TOTAL	----	34,012	2,748	107,995	41.3	31,124	2,614	\$154,381	\$84,622	54.8%	\$0.65	\$2.49
WEEKDAY SERVICE 16- 30 MINUTES HEADWAY	3/16	20	3,901.9	309.8	12,915	43.1	3,683.6	299.8	\$17,740	\$10,959	61.8%	\$0.53	\$2.81
	2	60	1,155.2	112.3	4,008	38.8	987.1	103.4	\$5,704	\$3,095	54.3%	\$0.65	\$2.68
	27	17	2,442.1	205.1	8,523	43.1	2,259.5	197.6	\$11,408	\$6,466	56.7%	\$0.58	\$2.65
	62	20	1,439.9	131.0	5,183	41.3	1,330.0	125.5	\$7,189	\$4,065	56.5%	\$0.60	\$2.82
	A	20	361.7	31.1	839	30.5	251.1	27.5	\$890	\$649	73.0%	\$0.29	\$1.80
	75	30	1,501.0	113.7	4,208	38.8	1,377.3	108.6	\$6,526	\$3,524	54.0%	\$0.71	\$2.35
	21	30	851.9	77.1	2,676	35.8	793.5	74.7	\$4,217	\$2,210	52.4%	\$0.75	\$2.59
	G	21	1,460.9	104.3	3,379	35.8	1,226.5	94.5	\$5,769	\$2,948	51.1%	\$0.83	\$2.02
	88	30	1,011.5	73.9	2,660	39.7	848.1	67.0	\$4,111	\$2,042	49.7%	\$0.78	\$2.02
	C	19	1,190.3	113.6	4,017	37.0	1,086.0	108.7	\$6,013	\$2,968	49.4%	\$0.76	\$2.49
	J	24	1,982.2	149.0	4,940	35.6	1,757.5	138.8	\$8,370	\$4,045	48.3%	\$0.88	\$2.04
	12	29	928.4	91.0	3,232	36.7	873.6	88.2	\$4,880	\$2,327	47.7%	\$0.79	\$2.51
	33	30	969.1	71.0	2,181	35.1	710.4	62.1	\$3,666	\$1,741	47.5%	\$0.88	\$1.80
	7	20	1,552.5	126.0	3,769	33.1	1,288.7	113.7	\$6,568	\$2,885	43.9%	\$0.98	\$1.86
	54	20	1,194.8	107.9	3,305	33.1	1,035.8	99.9	\$5,698	\$2,466	43.3%	\$0.98	\$2.06
	K	20	2,256.8	159.1	4,762	32.1	1,955.4	148.4	\$9,084	\$3,910	43.0%	\$1.09	\$1.73
	22	19	1,738.7	132.4	4,201	33.0	1,617.5	127.2	\$7,720	\$3,291	42.6%	\$1.05	\$1.89
	H	20	2,224.7	166.9	4,692	28.9	2,123.7	162.4	\$9,825	\$3,917	39.9%	\$1.26	\$1.76
	T	21	1,271.4	90.4	2,367	28.1	1,119.9	84.4	\$5,185	\$1,991	38.4%	\$1.35	\$1.57
	32	25	2,081.6	145.3	3,832	28.2	1,811.7	136.0	\$8,357	\$3,080	36.9%	\$1.38	\$1.48
	37	30	1,609.0	132.0	3,857	30.5	1,478.3	126.5	\$7,341	\$2,618	35.7%	\$1.22	\$1.63
	40	30	1,469.0	104.7	2,091	21.2	1,335.1	98.4	\$6,131	\$1,425	23.2%	\$2.25	\$0.97
	73	30	1,160.0	90.1	2,031	24.4	990.9	83.2	\$4,933	\$1,499	30.4%	\$1.69	\$1.29
	17	30	1,961.7	146.6	5,672	40.9	1,771.8	138.7	\$8,431	\$4,160	49.3%	\$0.75	\$2.12
	87	30	825.9	62.6	1,387	24.5	696.9	56.7	\$3,447	\$1,011	29.3%	\$1.76	\$1.22
	M	24	1,025.0	93.2	1,802	20.1	965.7	89.6	\$5,083	\$1,460	28.7%	\$2.01	\$1.42
	W	24	227.3	26.4	434	18.6	152.9	23.4	\$1,182	\$163	13.8%	\$2.35	\$0.71
	TOTAL	----	30,597	2,402	72,036	32.0	27,033	2,253	\$132,787	\$56,310	42.4%	\$1.06	\$1.84
WEEKDAY SERVICE 31+ MINUTES HEADWAY	83	40	1,526.5	115.3	4,550	41.4	1,397.6	110.0	\$6,654	\$3,394	51.0%	\$0.72	\$2.22
	104	60	551.4	35.3	1,506	47.0	471.2	32.1	\$2,017	\$1,326	65.8%	\$0.46	\$2.41
	28	45	432.2	28.6	726	27.2	386.4	26.7	\$1,683	\$590	35.1%	\$1.51	\$1.36
	91	45	776.0	49.4	1,208	25.6	721.9	47.2	\$3,060	\$1,003	32.8%	\$1.70	\$1.29
	E	60	854.7	59.2	1,118	19.8	784.4	56.6	\$3,502	\$884	25.2%	\$2.34	\$1.03
	48	60	517.8	47.3	400	9.1	429.8	44.1	\$1,423	\$331	23.2%	\$2.73	\$0.64
	6	60	349.4	28.6	375	14.2	306.0	26.5	\$1,027	\$318	23.2%	\$1.89	\$0.91
	42	60	851.3	61.1	1,009	17.3	774.8	58.2	\$3,545	\$820	23.1%	\$2.70	\$0.96
	29	70	415.8	30.8	435	16.3	303.2	26.7	\$914	\$419	21.5%	\$1.14	\$1.01
	R	58	474.8	27.8	405	15.5	431.9	26.1	\$1,736	\$284	16.4%	\$3.58	\$0.60
	V	60	379.5	27.7	204	7.8	348.3	26.3	\$1,649	\$168	10.2%	\$7.26	\$0.44
	57/72	43	1,030.8	70.6	1,858	28.5	905.5	65.2	\$4,097	\$1,362	33.2%	\$1.47	\$1.32
	71	40	802.9	64.3	1,262	21.8	639.1	57.9	\$3,355	\$991	29.5%	\$1.87	\$1.23
	10	40	823.4	68.5	2,457	37.1	777.8	66.2	\$3,926	\$1,859	47.3%	\$0.84	\$2.26
	TOTAL	----	5,603	396	7,385	19.9	4,958	370	\$21,934	\$6,143	28.0%	\$2.14	\$1.10

SUPPORTING DATA APPENDIX

This appendix provides the source of background data and technical support for each of the issues addressed in the executive summary.

1.1 Do Jitneys really make a difference?

The short answer is "yes." Significantly, the Miami jitneys carry about 43,000 to 49,000 riders per weekday, or about 23% to 27% of Metrobus ridership. This represents about 18 to 20% of total transit system ridership. The cost to the taxpayer for carrying this significant portion of the transit market is zero. On Route 29 in Hialeah, jitneys carry over 100,000 trips per month while MDT carries less than 20,000 trips.

Supporting data: Please refer to Miami Jitney Study in tab B of Project Notebook.

2.1 What is the purpose of this study?

This study was produced in order to analyze a number of possible ways to expand jitney services, within a short timetable, and on a "demonstration project" basis. The desired objective of the study was to identify one or more "pilot" projects that could be implemented quickly, and then evaluated during actual operations of the expanded jitney service. Since jitneys are profitable and require no government subsidy, the basic concept was to "test" different ways of implementing expanded jitney operations.

Supporting Data: Please refer to scope of services in tab A of Project Notebook.

2.2 Why should we try to increase Jitney services?

Jitneys require, at present, no government subsidy. Jitneys operate at a profit. All Metrobus routes require government subsidies. There are no profitable Metrobus routes.

Support: Please refer to tab Y of the Project Notebook which contains the MDT financial data.

2.3 What are the benefits of introducing Jitneys where Metrobuses currently operate?

More frequent headways and reduction of government subsidies in the area served. Jitneys also deviate from their fixed routes to get closer to possible patrons' origins and destinations.

Support: Miami Jitney study. See tabs B and X of Project Notebook.

2.4 What are the downsides of Jitneys?

Jitneys are not as roomy and comfortable as Metrobuses. The vehicles are generally older and are often not air-conditioned. Jitneys are not typically wheelchair-accessible.

Support: Miami Jitney Study (tab B) and field observations.

2.5 Where do the Jitneys currently operate in Miami-Dade County?

Detailed jitney route data was provided by Consumer Services and is contained, in detail, in the "Project Notebook."

Support: Please refer to tab X of the Project Notebook.

2.6 Where else are Jitneys currently operating successfully in the U.S.? Are they subsidized?

The most successful jitney operation is in Atlantic City where no subsidy is required, and there is no publicly-owned bus service.

Support: Telephone interviews with ACJA and NTIS search.

2.7 How does the Atlantic City Jitney system work?

The Atlantic City Jitney Association (ACJA) is an individually-owned and operated service, running 24 hours a day, 365 days a year with a fleet of 190 minibuses. They received Federal capital funds once, when they purchased new vehicles. All vehicles comply with ADA requirements. The system requires no operating subsidy.

The Association owns their own vehicles. The Association puts all the paperwork together required for licensing and takes it to the City for approval. The City's fees are routinely \$300. They have a uniform fare of \$1.50. Whatever the drivers make they keep. They have a down payment of \$20,000 paid by each driver to pay for brochures, bus stop system and license. The Association owns their own bus stops. The Association also has fleet policy for insurance of vehicles. They pay \$150/month and also have their own shop for repair to save on parts and labor costs.

Support: See previous.

3.1 How were the Pilot Projects be evaluated? What guidelines were used?

The evaluation process included 3 critical steps:

1. Identification of reasonable alternatives.
2. "Threshold screening" of options that do not meet the schedule and institutional constraints required of a quick implementation pilot program.

3. Evaluation of the surviving alternatives based on their financial feasibility, private sector preferences, MDT preferences, institutional/legal acceptability and ease of implementation.

Support: "Reasonable" alternatives were determined by employing several criteria, including:

- private sector preferences/interests
- MDT preferences
- Headway data
- Operating recovery ratio
- Geographic location of route
- Number of overlapping/branching routes

Detailed information used to select, screen and evaluate the alternatives is contained in tabs A, C, F, G, H, K, N, T, W, X and Y of the Project Notebook.

3.2 What options were considered for this study?

The matrix shown below describes a variety of concepts that were studied. Fixed routes, flexible routes, and area-wide dial-a-ride services were considered. Different degrees and forms of regulation were considered, ranging from rigid fixed route options, to no regulation at all. Different ways to inject more jitneys into the public transportation fabric of Miami-Dade County were considered, as well as variable forms of public or private financing. Fleet mix options and different ways to address ADA concerns were also studied.

Support: Data for the matrix was extrapolated from several studies which are included in tabs B, C, E, F, G, J, K, Q, R, T and Y of the Project Notebook.

JITNEY SERVICES PILOT PROGRAM

JITNEY SERVICE, REGULATORY & IMPLEMENTATION OPTIONS				
CATEGORIES	OPTIONS	PROSPECTS	IMPLEMENTATION PROBLEMS/OPPORTUNITIES	RECOMMENDATION
Forms of Jitney Service	Fixed Route	Excellent	Current practice. No major implementation problems.	Pilot Candidate
	Demand Responsive	Poor	Presents regulatory issues and legal issues relative to taxicabs.	Future Study
	Hybrid <ul style="list-style-type: none"> • Route Deviation Service • Point Deviation Service • Checkpoint Service 	Excellent	Current Practice.	Pilot Candidate
		Poor	User comprehension; possible infringement on MDT and taxicab services; regulatory issues.	Future Study
		Poor		
Fleet Mix Options	• All Jitneys	Fair	Economically best, but fleet quality lacking. Frequency good.	Pilot Candidate
	• Jitneys and Buses (Mini-buses)	Good	Mini-buses can be wheelchair accessible.	Pilot Candidate
	• All Buses, or Mini-buses	Fair/Good	May not be as economical as mixed fleet quality. Best fleet quality; frequency may suffer.	Pilot Candidate
Forms of Regulation	Fixed Route	Good	Current practice.	Pilot Candidate
	Hybrid Fixed Route/Subarea	Good	Current practice.	Pilot Candidate
	Subarea/Right of Entry	Poor	Presents regulatory and legal issues relative to taxicabs.	Future Study
	Unregulated Open Market	Poor	Presents regulatory and legal issues relative to taxicabs; infringement on MDT Service Areas.	Future Study
Forms of Introduction and Application	Remove MDT Route & Substitute Jitneys	Good	Simple Implementation. Possible ADA issues. Minimum public-private competition.	Pilot Candidate
	Reduce MDT Route & Augment	Fair	Easy to implement -- gives users options. Possible ADA issues. Competition problems.	Pilot Candidate
	Augment MDT Route	Fair	Easy to implement -- gives users options. Hurts MDT revenue Profile.	Pilot Candidate
	Insertion into unserved area: <ul style="list-style-type: none"> • Feeder/Interconnector Service • Area service 	Poor	Unknown probability of profitable service areas. No interest by providers.	Future Study*
		Poor		
Forms of Financing	Reverse-bid or Negotiated Subsidized Contracts	Fair	Funding source problems; regulatory, ADA and labor issues.	Future Study
	Privately Financed	Excellent	Current practice. Minimum problems.	Pilot Candidate
ADA Options	• Retrofit all Jitneys	Poor	Not economically possible.	Discarded
	• ADA same-day Dial-a-ride service	Good	Will require subsidy from public and/or private sources.	Future Study/Pilot Candidate
	• Independent Dial-a-ride Service	Good	May not be economically feasible for small private operators.	Pilot Candidate

Notes: * Another option would be to use pilot project paratransit to displace current MDT buses and put MDT buses into an unserved area to test and/or establish the market before introducing paratransit or subsidized paratransit.

3.3 What was the bottom-line conclusion regarding all these alternatives?

Because of the requirement to develop some pilot projects fairly quickly, many alternatives were screened out of consideration fairly readily. The following points represent the best options for possible pilot program candidates:

The best form of jitney service was the current practice: “route deviation” service, where jitneys operate on a fixed route, but they are allowed to deviate from this route within certain constraints and/or rules.

The best form of regulation would be the licensing arrangement that is currently in place, with some possible modifications to provide more flexibility and more expeditious licensing of qualified operators.

The best form of introduction or “insertion” was judged to be 100% privatization of one or more existing MDT routes. Hybrid public-private routes produce some negative competition between jitneys and Metrobuses, to the financial detriment of both sectors. However, “blended” public-private service arrangements were not ruled out, either.

Private financing was judged to be the best financing option.

Mixed-fleet options using jitneys and privatized minibuses were determined to be good pilot candidates along with fleets composed of all buses and/or minibuses. “All jitney” fleets were also deemed to be acceptable.

ADA 24-hour reservation dial-a-ride service, currently provided by Miami-Dade's special transportation services, was deemed to be a possible solution to ADA issues.

Support: The conclusions represent the professional analytic efforts of Miller Consulting, Inc. using all of the supporting data contained in the Project Notebooks.

3.4 How can jitney services best be expanded into areas that are currently served by MDT routes?

Several “insertion options” were studied. Options that required major institutional reorganization were eliminated because of the time-factor, for now. The “insertion” options were as follows:

1. Add or expand jitney services along an existing MDT route, without reducing MDT services.
2. Reduce MDT service on a route and expand private jitney and/or minibus services.
3. Eliminate MDT service on a route and replace it with privatized jitney and/or minibus services.

Support: The “insertion options” were developed by Miller Consulting in cooperation with MPO staff, MDT staff and the Jitney providers. Previous studies, contained in tabs B, C, F, G, I, N, W and Y were also relied upon.

3.5 Can Jitney operators operate minibuses and/or buses?

No. This can not be done under the current code.

Support: CSD provided the current code, in tab E of the Notebook

3.6 Do the jitney operators have any specific MDT routes they would like to operate?

Yes. Routes 2, 9, 10, 17, 27, 36, 77 and 79 were mentioned by the jitney operators.

Support: Jitney meeting of July 26, 2002. See minutes in tab K.

3.7 Are all of these routes currently losing money?

Yes. A table of financial data is presented in Table 1 below.

Support: Source data from MDT is contained in tab Y of the Project Notebook.

Table 1 MDT Route & Financial Data Matrix									
Route No.	Location	Weekday Financial Data							
		Rev. Miles	Rev. Hrs.	Direct Op. Cost	Avg. Rev.	Direct Op. Rec. Ratio	Est Bdgs	Bdgs/Rev. Hr	Rev/T Mile
29	Hialeah	303.2	26.7	\$914	\$419	21.5%	435	16.3	\$1.01
77	Carol City to Downtown Miami	2,461.8	197.4	\$11,899	\$7,306	61.4%	9,437	47.8	\$2.85
27	Opa Locka to Coconut Grove	2,259.5	197.6	\$11,408	\$6,466	56.7%	8,532	43.1	\$2.65
17	Opa Locka to Vizcaya	1,771.8	138.7	\$8,431	\$4,160	49.3%	5,672	40.9	\$2.12
2	Downtown Miami to Biscayne Gardens	987.1	103.4	\$5,704	\$3,095	54.3%	4,008	38.8	\$2.68
9	Downtown Miami/Little Haiti/N. Miami Beach	1,499.6	123.7	\$7,444	\$4,070	54.7%	5,074	41.0	\$2.48
10	Downtown Miami/Little Haiti/N. Miami Beach	777.8	66.2	\$3,926	\$1,859	47.3%	2,457	37.1	\$2.26
36	Miami Springs to Omni Bus Terminal	1,156.8	101.0	\$5,976	\$2,681	44.9%	3,436	34.0	\$2.09

3.8 Which routes make the most sense for Jitneys to take over?

From MDT's perspective, the "best" routes for Jitneys are the poorest-performing, financially. From the jitney's perspective, the exact opposite is true. This study recommends that a range of moderate financial possibilities should be tested.

Support: Interviews and conferences with MDT and Jitney operators. Please refer to tabs K, T, and Y of the Project Notebook.

3.9 Did MDT suggest any routes?

Yes. Miami Dade Transit suggested that routes with minimum overlap with other MDT routes be given consideration. Suggested routes are listed in table 2, below. Route "A" in the table is a minibus route with only two minibuses in operation at present. From the jitney operators list, MDT staff suggested that the best route might be route 17, or possibly, route 91.

Support: Conference and telephone interview with MDT. See tabs, T and Z of Notebook for support.

3.10 Why not consider demand-responsive jitneys or hybrid route deviation systems?

The existing jitney system does, in fact, operate on a hybrid basis: route deviation service is provided. Totally flexible jitney service would run afoul of the taxicab industry and its regulations.

Support: Please refer to CSD- supplied material in tabs E and X regarding existing jitney regulations and routes.

3.11 What is the "Smart Jitney" proposal?

This is a proposal submitted by Rene A. Gil of Miami Transit Systems, Inc. (dba Conchita's Transit Express) which suggests that Route 29 be privatized. This proposal includes the leasing of five MDT mini-buses for \$1.00, coupled with expanded jitney service to provide better headways and more frequent service on Route 29 with no government subsidy. The privatization proposal calls for an improvement in bus headways from 70 minutes to 30 minutes, and an overall headway using buses and jitneys of 10 minutes, which is extremely frequent service. Hours of operation would increase by 2.5 hours per day. This proposal should be given consideration for one of the pilot projects.

Support: Interview with Rene Gil on August 12, 2002. Meeting with Jitney Providers. Proposal contained in tab G of Notebook.

3.12 Can a private company lease federally-subsidized buses without strings attached?

No. Several "strings" are attached: county asset liquidation procedures and rules must be followed. If the vehicles have not reached the end of their useful life, federal rules would also apply. This means that the private company would have to bid for the vehicles, and there would be no guarantee of a successful bid.

Support: MDT interviews and Miami Dade procurement/liquidation regulations. FTA liquidation regs.

3.13 What is a "pilot" program? Is it permanent?

A pilot program is a "test" of a new concept. It is not permanent. This test would have a duration of 6 to 12 months, depending on the results achieved. After the pilot "test" is concluded, the pilot project could be terminated, modified, and/or expanded.

Support: Miller Consulting and tab A of Project Notebook support this.

3.14 Why can't the jitneys serve the areas of the county MDT does not serve?

The unserved areas of the county are currently not served by MDT because they are not productive areas in terms of potential transit riders. The jitney providers have expressed no interest in these areas because they are believed to be unprofitable. An analysis was performed to map-out the unserved areas. Analysis of these areas showed that they were either 1) high income areas unlikely to use jitneys, and/or 2) low density areas with very little ridership potential.

Support: Please refer to tabs K and U of Project Notebook for support.

3.15 Should subsidized Metrobus service be extended into the unserved areas?

Possibly, but not necessarily. It should be less expensive to subsidize jitneys or privatized minibuses.

Support: MDT financial data in tab Y supports this.

3.16 Were jitney service providers contacted to get their suggestions on this study?

Yes. Jitney providers offered their valuable input to the study.

Support: Please refer to tab K for support.

3.17 Why do we have to constrain the expansion of jitney services to whatever can be accomplished in a short time frame?

The time constraint only applies to the pilot project study. If one or more pilot projects are implemented, a two-part future study should be undertaken as follows:

Part 1 – Evaluate the pilot program and make recommendations to collapse or expand the program, and how that should be accomplished.

Part 2 - Study other short-term or long-range jitney/privatization options, including:

- 1) total integration of privatized transit services,
- 2) subsidized jitney services, 3) contract services, and
- 4) other options that could not be studied and implemented in a 90 day period.

Support: Please refer to tab A to support this.

3.18 Why aren't jitneys helping to provide better accessibility to Metrorail and major activity centers?

Several of the suggested jitney pilot program routes do connect to Metrorail stations.

Support: Please refer to MDT route map to support this.

4.1 What are some of the institutional issues for jitneys?

Institutional issues can arise in four areas:

Federal labor law (13c)

Federal operating subsidies and attendant ADA requirements (sect. 15)

ADA requirements, Title II and Title III.

Miami-Dade Consumer Services Department Licensing and Regulation.

Support: Tabs A, E, J, K, Q, R, and T support this.

5.1 How many Transit Workers Union (TWU) jobs will be lost?

None, as a result of this study, and none, as a result of any pilot projects conducted as a result of this study. If MDT bus routes are displaced, the displaced buses will be reassigned to other routes, so that no jobs will be lost and MDT's overall service stays at current levels.

Support: Tabs A, K, T, and Z support this.

6.1 What are "Section 15" funds?

These are federal operating funds used to subsidize transit operating costs.

Support: Federal Transit Administration regulations support this.

6.2 Can't the county benefit from using Jitneys for Section 15 funding?

Jitney operations are currently counted in order to maximize the County's receipt of Section 15 federal operating subsidies.

Support: MDT and Federal regulations support this.

6.3 What about Section 15 funding? How does this impact the jitney plan?

No Section 15 funding of jitneys is proposed at this time

Support: Please refer to section 10.0 of the report for support.

7.1 What is ADA?

It is the body of federal regulations designed to insure that disabled persons receive equivalent access to transportation and businesses.

Support: The U.S. Americans with Disabilities Act supports this.

7.2 Shouldn't all jitneys be forced to install wheelchair lifts?

In the process of understanding ADA issues, the consultant team interviewed several knowledgeable sources in order to understand the advocates' point of view, the regulatory issues and the legal issues. Persons interviewed included the following:

Akira Santo, Division Chief, Federal Transit Administration, ADA Compliance Specialist
Robert Herman, Senior Advocacy Attorney, Paralyzed Veterans of America

Will Morales, Management Training, ADA Resource Center

Richard L. Wong, Attorney-Advisor, Office of the Chief Counsel, Federal Transit Administration, U.S. DOT

Hal Morgan, Director of Education, Taxicab, Limousine and Paratransit Association

The jitney services, whether federally funded, or not, should have "equivalent" transportation available for Americans with disabilities. Forcing every jitney to install a wheelchair lift would not be practical for economic reasons. According to local installers, the cost of an installed wheelchair lift on a large van is between \$10,000 and \$12,000. This is about equal to the cost of the van in some cases.

A better solution would be to provide separate vehicles on a reasonably demand-responsive (dial-a-ride) basis for disabled patrons. This service is currently provided and funded by the county. The service area for the county's STS service covers the service area of all existing jitney routes.

Support: Teleconferences with cited sources support this.

7.3 Does the Atlantic City operation comply with ADA requirements? How?

All Atlantic City minibuses are wheelchair-accessible and comply with ADA requirements.

Support: A teleconference with the ACJA president supports this.

7.4 What happens, relative to ADA issues, if Jitneys receive federal funding, or they operate under contract to the county?

ADA "fleet requirements" come into effect. The jitney provider must provide a percentage of vehicles in his/her fleet with ADA access, that is equal to the percentage provided by the county. The county's fleet contains about 95% wheelchair-accessible vehicles.

Support: A meeting with MDT and ADA personnel on 7/26/02 (Please see tab K) supports this.

7.5 Can the “fleet requirement” be met by jitneys?

Only if a jitney service owner converted his fleet to wheelchair - accessible minibuses.

Support: The meeting on 7/26/02: tab K supports this.

7.6 Wouldn't minibuses be too expensive for privatized operations?

Not necessarily. Used minibuses can be purchased for about \$25,000 to \$50,000 - this is still, far less than a Metrobus.

Support: An Internet search and telephone interview with Transit Plus supports this. A brand new 20 passenger minibus can be purchased for \$50,000 through a pre-bid state contract with Transit Plus.

8.1 Are jitneys unsafe? Who regulates them?

The Miami-Dade Consumer Services Department regulates jitneys. Vehicles must be inspected regularly and drivers must carry a Florida chauffeurs license. There have been little or no complaints about the safety record of the existing jitney providers. It is in their best interest to operate their fleets safely. If they don't, their insurance costs can skyrocket and their profits could evaporate. Many jitneys are inspected quarterly to make sure their brakes are in good working order and the vehicle is roadworthy. Jitney driver's licenses are checked quarterly for suspended licenses, and all jitney operators/drivers must undergo police and FDLE background checks.

Support: Teleconference with CSD and meeting on 8/20/02 (tab T) supports this.

8.2 Are regulatory changes needed in the Miami-Dade Consumer Service Code? Can jitney licensing be expedited?

The CSD is currently in the process of revising the jitney licensing code to more closely resemble the limousine licensing process, which is an all-administrative process. It is believed that the licensing requirement can be streamlined down to two weeks.

Support: The meeting on 8/20/02 supports this.

8.3 Why don't we just do away with all jitney regulations and let the open market dictate?

This option was evaluated and judged to be too aggressive for a short-term, quick implementation pilot project. It is fraught with too many institutional and legal problems. The financial impact on existing taxicab franchises and the MDT would be severe. There are numerous legal issues, too.

Support: Tabs C, E, F, K and T support this.

8.4 What is the fare charged for jitney service? Is this regulated?

Jitneys charge \$1.25 per passenger per ride. Fares must be communicated to Consumer Services, but they are not regulated.

Support: Tabs D and E support this.

8.5 Are transfers accepted between Jitneys and Metro-buses?

Some jitneys do accept transfers.

Support: Meeting on 7/26/02 and Tab K support this.

8.6 What does the Miami-Dade Comprehensive Development Master Plan say about jitneys? Does it need to change?

The Mass Transit Element of Miami-Dade's "Comprehensive Plan" does not contain any language that either encourages or discourages privatized jitney services. "Objective 3" talks about "utilizing public and private sources of funding for mass transit," but elaborates by suggesting a policy supporting a dedicated source of *public* funding. The appropriate "mix" of publicly and privately-funded transit is not explicitly addressed, nor is the long-range role of privatization. For example, is it the county's long-range policy to expand privatized jitney and minibus service and decrease MDT bus subsidies? Should MDT's bus subsidies increase, stay the same, or decrease in relation to expanded privatized transit operations? These issues have not yet been addressed by the policies and objectives in the Transit Element.

Support: The Comp plan/ transit element, Tab L supports this.

8.7 What about Puerto Rico's "Publico" jitney system, and other private jitney/minibus providers in the Caribbean and South American cities? Can't they be used as models for Miami-Dade?

Yes and no. Foreign private transit services, particularly 2nd world and 3rd world operations, do not have to contend with American minimum wage laws and income levels. Their economic fundamentals are skewed away from U.S. economic realities. In addition, they do not have to contend with the U.S. regulatory framework. Miami-Dade's existing, successful jitney operation is a reasonably good "model" to use in the U.S., along with the Atlantic City model. A literature search was conducted which included a review of studies that evaluated the transferability of foreign jitney operations to the U.S. There is not a lot to learn from foreign applications that is not currently being applied in the U.S. where applicable.

Support: Please see Tabs C, F, M, and W for support.

9.1 If Jitneys are so profitable, why not replace all MDT routes with Jitneys?

No policy decisions have been made to effectuate or evaluate such a scenario, at this time. This study is limited to studying small-scale pilot projects. The actual, observed benefits and disbenefits of the pilot projects need to be carefully studied before such a sweeping change could be seriously considered.

Support: Tabs A and L support this.

9.2 Why are Jitneys profitable and Metrobuses are not?

The cost of a new Metrobus is approximately \$285,000. A jitney can be purchased for as little as \$10,000 to \$15,000, which is a savings of up to \$275,000. Furthermore, Miami-Dade Transit bus drivers' salaries range from approximately \$26,500 to \$38,000 per year. Some jitney drivers are only paid about \$50 per day, which is equivalent to about \$13,000 per year. With vehicle costs about 20 times greater, and operator costs 100% greater, it is easy to see why Metrobuses require a subsidy. This is predominantly the case, nationwide. It is not unique to MDT.

Support: MDT data and Tab B support this.

9.3 Should jitneys be subsidized? How?

Time does not permit consideration of this option in the context of a 90 day pilot program study. However, this is an option that should be given consideration in a future phase of this study.

Support: Tabs B, C, F, V, and Y support this.

9.4 Couldn't jitneys do more if they were subsidized?

Yes, but the core goal of this phase of the jitney study is to foster privatized profitable jitney expansions in selected places where it makes sense to do so. Some jitney subsidy programs might be evaluated in future phases of this study.

Support: Please see support for 9.3.

9.5 If Metrobus service is reallocated to other routes and it does not decrease, then there are no savings in subsidies, right?

This is true. It is likely that total Metrobus subsidies may increase. Total transit services will also increase, however.

Support: Conservative assumptions by Miller Consulting and historical transit ridership trends provided by MDT and Urban Mobility Corporation.

9.6 What is the bottom line cost to MDT if the Jitney Pilot Program is approved and implemented?

The safest assumption would be to assume that the displaced MDT operating hours are reassigned to new routes and that they produce no net increase in revenue on those new routes. At the same time the revenue from the preceding existing route would be “captured” by the private sector, thereby producing a net loss of MDT revenue equal to the displaced routes revenue, with no attendant reduction in total MDT fleetwide operating costs.

Support: Please see support for 9.5.

9.7 Shouldn't we be increasing, not decreasing, funding for transit, and expanding conventional MDT services? Isn't transit funding falling behind when we should be spending more? Aren't we wasting too much money on highways?

Not necessarily. Increased transit spending is always an option. Miami-Dade Transit is capturing about 3.9% of all work trips, according to the U.S. Census Bureau. Work trips are the primary contributor to the peak hour urban traffic congestion problem. At the same time, projected spending for transit in Miami-Dade County is proposed to represent 66% of all transportation funding over the next 25 years, according to a March 2002 report by FHWA/FTA entitled *Compilation of Spending Data From Adopted Long-Range Plans*. There is no question that the County is heavily committed to transit spending in the foreseeable future. An argument could be made that transit operating subsidies could be reduced a little. This study is intended to suggest some pilot program tests of unsubsidized jitney concepts. There is no proposal, within the context of this limited study, to significantly reduce or increase long-term transit spending beyond current planned levels.

Support: Urban Mobility Corporation, U.S. Census, FHWA/FTA.

9.8 Isn't transit ridership and farebox revenue on the rise nationwide? Shouldn't we be increasing MDT operations to respond to increasing transit ridership trends?

From 1990 to 2000 the number of nationwide work trips on transit declined by 2,000,000 trips. Transit market share of work trips declined from 5.27% to 4.73%, a 10.3% drop, nationwide. The worsening trends for transit are produced by several continuing trends according to the Urban Mobility Corporation:

More people being able to afford cars.

Households without cars dropped from 11.5% to 9.3% between 1990 and 2000.

More households in suburbs

More jobs in suburbs

Suburbs poorly served by transit

Increasing costs of transit

Irregular work hours and intervening errands on the worktrip are not conducive to transit

Outer suburb growth

Inner suburb growth

Central city declines

No powerful forces at work to counter these trends

Trends expected to continue absent a cataclysmic energy shortage or economic catastrophe.

These national trends suggest that transit ridership and revenue should continue to decline at the national level. This will create more and more pressure to find more economical ways to deliver transit services which tend to grow in cost every year. In contrast, and to MDT's credit, MDT ridership over the last nine years has increased about 0.2% per year as shown in the graph. The question is "how long will MDT be able to "fight off" the national trend? And, "at what expense?" Jitneys are one possible answer to expanding transit service at minimum cost to the taxpayer. Jitneys should not, necessarily, be viewed as a panacea either.

Support: Please see above support.

9.9 What about the half-cent sales tax? Suppose it passes?

The half-cent sales tax, if passed, will be used to improve Metrobus service on every route. Jitneys will still be a cost effective option that should continue to play a significant role in providing a powerful mix of public and private transportation services. The sales tax issue will not change the fact that jitneys require no taxpayer subsidy. Therefore, jitneys can help extend the purchasing power of each tax dollar, whether the sales tax passes, or not.

Support: MDT information.

10.1 What are the recommendations of the study?

The recommendations of the study are as follows:

1. Two or three pilot projects should be tested, as outlined herein.
2. The pilot program should involve a comprehensive "before-and-after" evaluation study.
3. A more comprehensive long-range study of jitney expansion options should be undertaken with a view toward possible privatization and contract carries options that may require more than 90 days to implement.
4. The county's licensing process should be streamlined, as is currently planned.
5. The concept of creating a private "jitney association" similar to some degree, to Atlantic City's association should be explored further.

6. Incentives should be given consideration to encourage/ assist jitney operators to provide more and more ADA accessible vehicles. The best way to do this is to provide economic incentives for them to install lifts, or convert their vans to minibuses with wheelchair lifts. These incentives could take the form of:

Increasing the 15-passenger limit to 30 passengers for jitneys. This is considered a priority action.

County purchase of jitneys at above-market value if “traded in” for wheelchair accessible minibuses.

Government guaranteed loans for minibuses with lifts.

Low or no-interest government loans for minibuses. The Florida State Infrastructure Bank is one possible source, except that it is overcommitted at this time.

County bonus payment to accessible jitneys who pickup STS riders. (STS service costs about \$50 per round trip.)

The county could consider providing grants to jitneys that want to install lifts, or convert to wheelchair-accessible minibuses.

Legislation could be proposed that eliminates the sales tax on private vehicles with lifts.

All of the above.

7. Consideration should be given to requiring all jitneys to have working air conditioning at each inspection.

Support: Miller Consulting recommendations are based on all of the data in the executive summary and the Project Notebooks.

10.2 What criteria were used to make the pilot program recommendations?

Feasibility, in a nutshell. Recommendations in this phase of the study must be able to be implemented quickly, and with minimum regulatory activity. Cost feasibility, patronage, ease of implementation, agency preferences, private sector appetites, and interconnection to rail stations were considered.

Support: Criteria were gleaned from numerous sources, including, but not limited to Tabs F, G, H, K, O, P, Q, R, and Y.

10.3 What kinds of things would be evaluated in the event that a jitney pilot project were implemented as a “test” project?

If the pilot project recommendations are implemented, “before-and-after” studies should be conducted. These studies should analyze consumer satisfaction, comfort, convenience, cost, service, schedule adherence, frequency of service, and so on. All traditional measures of transit performance and consumer satisfaction should be studied. More detailed evaluation measures are contained in the Project Notebook.

Support: Please refer to Tab P in the Notebooks.

10.4 What pilot projects are recommended?

The following pilot projects have been recommended by the consultant, after consultation with Miami-Dade Transit:

1. Route 29 should be privatized and the "Smart Jitney" proposal should be given consideration, subject to obtaining satisfactory service guarantees, and provided an economically feasible way can be found for the provider to lease or purchase minibuses.
2. In addition to Route 29, two or more of the following routes should be "tested:" Routes "A", 17, 33, and 73 should be given consideration for privatization using a combination of jitneys and minibuses, on a "pilot program" basis. All four routes do not necessarily have to be tested.

Support: Please see support for 10.1.

The Miami Jitneys



STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
AND
MIAMI-DADE COUNTY MPO

LETTER OF AUTHORIZATION No.: 18
FM No.: 25207411201
CONTRACT No.: C-6803

JITNEY SERVICE PILOT PROGRAM

HANDOUT No. 1

**PRELIMINARY SUBJECT TO CHANGE
FOR DISCUSSION ONLY**

Prepared by:



MILLER CONSULTING, INC.
Transit Planning Group
3610 Park Central Boulevard North
Pompano Beach, FL 33064

Memorandum

To: Jesus Guerra

Date: June 10, 2002

From: Craig Miller

Re: Paratransit Pilot Program
MCI Project No.: 1105.WO18

Please find enclosed, a preliminary, subject-to-change, for-discussion-only, handout for our upcoming meetings.

We respectfully request your comments and ideas on this handout (No. 1)

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cc: Ken Jeffries

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DRAFT
POSSIBLE AGENDAS

Paratransit Provider Meeting

1. Describe current practice
2. Recommended changes to regulations
 - Fixed route, flex-route, subarea, open market
3. Minimum ridership levels for profitability
 - Is \$120 to \$125/day the correct gross revenue requirement for a Jitney
4. Recommendations for Pilot Program
5. Long-term recommendations

Consumer Services Meeting

1. List possible regulatory changes
2. Discuss feasibility/timetable of possible changes
3. Recommendations for Pilot Program
4. Long-term recommendations

MDT Meeting

1. Review route displacement options
 - 100% displacement
 - partial
 - actual routes
 - cost coverage ratios
2. Review possible use of displaced equipment
 - new unserved areas
 - congested routes
3. MDT recommendations for Pilot Program
 - specific routes/areas
 - regulatory changes

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EXCERPTS FROM AVAILABLE DATA

Appendix A: CUTR Report, 1999

JITNEY SERVICES PILOT PROGRAM

JITNEY SERVICE, REGULATORY & IMPLEMENTATION OPTIONS					
CATEGORIES	OPTIONS		PROSPECTS	IMPLEMENTATION PROBLEMS/OPPORTUNITIES	RECOMMENDATION
Forms of Jitney Service	Fixed Route		Excellent	Current practice. No major implementation problems.	Pilot Candidate
	Demand Responsive		Poor	Presents regulatory issues and legal issues relative to taxicabs.	Future Study
	Hybrid	• Route Deviation Service	Excellent	Current Practice.	Pilot Candidate
		• Point Deviation Service	Poor	User comprehension; possible infringement on MDT and taxicab services; regulatory issues.	Future Study
		• Checkpoint Service	Poor		
Fleet Mix Options	All Jitneys		Fair	Economically best, but fleet quality lacking. Frequency good.	Pilot Candidate
	Jitneys and Buses (Mini-buses)		Good	Mini-buses can be wheelchair accessible	Pilot Candidate
	All Buses or Mini-Buses		Fair/Good	May not be as economical as mixed fleet quality. Best fleet quality; frequency may suffer	Pilot Candidate
Forms of Regulation	Fixed Route		Good	Current practice.	Pilot Candidate
	Hybrid Fixed Route/Subarea		Good	Current practice.	Pilot Candidate
	Subarea/Right of Entry		Poor	Presents regulatory and legal issues relative to taxicabs.	Future Study
	Unregulated Open Market		Poor	Presents regulatory and legal issues relative to taxicabs; Infringement on MDT Service areas.	Future Study
Forms of Introduction and Application	Remove MDT Route & Substitute Jitneys		Good	Simple implementation. Possible ADA issues. Minimum public-private competition	Pilot Candidate
	Reduce MDT Route & Augment		Fair	Easy to implement - - gives users options. Possible ADA issues. Competition problems.	Pilot Candidate
	Augment MDT Route		Fair	Easy to implement - - gives users options. Hurts MDT revenue profile.	Pilot Candidate
	Insertion into unserved area • Feeder/Interconnector Service		Poor	Unknown probability of profitable service areas. No interest by providers.	Future Study
	• Area service		Poor		
Forms of Financing	Reverse-bid or Negotiated Subsidized Contracts		Fair	Funding source problems; regulatory, ADA and labor issues.	Future Study
	Privately Financed		Excellent	Current practice. Minimum problems.	Pilot Candidate
ADA Options	Retrofit all Jitneys		Poor	Not economically possible	Discarded
	Public-Private same-day Dial-a-ride service		Good	Will require subsidy from public and/or private sources.	Pilot Candidate
	Private collective same-day ADA dial-a-ride service		Fair	Could cut into economic viability of jitneys.	Pilot Candidate
	Independent Private Dial-a-ride Service		Good	May not be economically feasible for small private operators.	Pilot Candidate

The Miami Jitneys

**Prepared for the
Office of Private Sector Initiatives
Federal Transit Administration**

**by
Urban Mobility Corporation**

**In association with
KPMG Peat Marwick
Mundie & Associates, Inc.**

August 1992

The views and conclusions expressed in this report do not necessarily reflect the official position of the Federal Transit Administration or the U.S. Department of Transportation

Executive Summary

This report presents the findings and conclusions of a study of the Miami jitneys, undertaken at the request of the Federal Transit Administration (FTA). The study was commissioned by FTA Administrator Brian Clymer, who earlier had offered to work with the Metropolitan Dade Transit Agency (MDTA) and the private jitney operators to determine "how private minibuses might be most productively integrated into Dade County's public transportation system.

Private jitneys have been a part of Miami's transportation scene for many years. Their origins can be traced to the pre-World War II days, when minority entrepreneurs began to serve residents of low income neighborhoods located beyond the reach of the streetcars. Over the years, a number of jitney services were licensed by the County to provide service along designated routes which were not served by public transit.

In 1989 the Florida State legislature enacted a statute prohibiting local governments from regulating private passenger motor carriers engaged in intercity transportation service. Since Dade County includes a number of incorporated municipalities, private operators took advantage of the statutory loophole to launch unlicensed "intercity" jitney services within metropolitan Miami, connecting various municipalities, such as the City of Miami, Miami Beach, Hialeah and Coral Gables. A mass of unlicensed jitneys flooded the Miami area, beginning in the Spring of 1990.

In order to put an end to this rapid proliferation of unlicensed jitneys, the Florida state legislature passed a corrective amendment limiting the statutory exemption to "intercounty" transportation, and Dade County began to crack down on the unlicensed jitney operations by impounding vehicles for violations.

of the Motor Carrier Code, notably failure to obtain a Certificate of Tran

The results of the County's enforcement campaign, however, were largely unsuccessful. While the County's crackdown forced some marginal operators out of business, on the whole the jitney operations continued to thrive. Impounded vehicles would be quickly reclaimed and placed back in service.

At issue are conflicting views as to the role and impact of the jitney operations. The private operators claim that jitneys and Metrobuses serve two distinct markets, and thus there is no major conflict between the two systems. The jitney clientele, they contend, is attracted to the jitneys because they offer service qualities that are lacking in the public transit system. These include shorter waiting times, faster trip times, patrons' ability to flag vehicles at any street corner, and to get off at will; and the drivers' ability to communicate with and assist non-English speaking patrons — a not unimportant asset in a city that contains a large immigrant population. All these factors, claim private providers, have generated new customers for the jitneys — a market that only marginally responds to Metrobus service. But even if a certain overlap did exist, contend jitney operators, parallel and competitive jitney and public transit operations enhance personal mobility and are in the public interest.

County authorities, on the other hand, contend that jitney operators would choose to operate only in the profitable corridors and would inevitably "skim" passengers from public transit. They also fear that the jitneys would choose to operate only during periods of peak demand, but not during on-peak hours and on weekends. Thus, MDTA would be required to operate "losing routes and services, without offsetting revenue from peak period service and heavy demand corridors.

To shed some light on this debate, the study set out to examine the following questions:

- Have the jitneys created a market of their own, or have they merely "skimmed off" riders from the Metrobuses?
- What impact have the jitneys had on Metrobus ridership, revenue and subsidy requirements?
- How can the jitneys be integrated into Dade County's public transportation system without adversely affecting the Metrobus operations?

The Jitney Market

The study has found that the jitneys carry an average of 110-125 passengers per vehicle per day, and the jitney fleet as a whole, consisting of nearly 400 vehicles, carries an estimated 43,000 - 49,000 riders per weekday or approximately 946,000 - 1,078,000 riders per month. This represents approximately 23-27 percent of the current weekday Metrobus ridership of 183,000 and 18-20 percent of the current weekday public transit system ridership (Metrobus, Metrorail, Metromover and Paratransit) of 244,000.

This empirically derived ridership estimate was independently validated by an analysis of the jitney operating costs. These were found to be in the range of \$70-75 per day. This means that a jitney must generate 70 to 75 riders per day just to break even. At the assumed average productivity of 110-125 passengers per vehicle per day, the jitney driver would earn a net profit of only \$40-55 per day, or roughly the equivalent of a minimum wage. The operating cost analysis supports the conclusion that the empirically derived estimate of 43,000 - 49,000 passenger trips per weekday represents a conservative estimate of systemwide jitney ridership.

An independent survey, conducted for the Study Team by Behavioral Science Research Inc. of Miami, strongly suggests that the jitneys have developed a market of their own, rather than merely siphoned off riders from the public bus system. For example, more than 50 percent of the respondents

While the jitneys have undeniably deprived the Metrobus system of some operating revenue, no adjustments in bus service appear to have been made in response to the loss of ridership. Decreasing the level of service in the affected corridors to meet the lower demand could have attenuated the financial impact of the ridership diversion, and provided MDTA with a possibility of realigning service to other parts of the County.

Jitney Integration

Can the jitneys be integrated into Dade County's public transportation system without adversely affecting the Metrobus system? The answer to this question will be sought in the last phase of the Study. Recent events, however, suggest that the answer hinges on political as well as technical considerations. In March 1992, the County Manager proposed that private jitneys be allowed to provide local service in three heavily traveled corridors, while Metrobuses would provide limited-stop service. According to the County Manager, subsidy requirements in the three corridors would decrease by more than \$2 million, allowing MDTA to realign service to other parts of the system. The County Board of Commissioners was not convinced: it voted the proposal down by a vote of six to one.

Since then, County enforcement efforts have continued with sporadic "sweeps" which impound unlicensed jitneys. These efforts appear to have been largely unsuccessful, however, in deterring jitney operations. Indeed, the number of unlicensed jitneys is reported to be increasing steadily, suggesting that the jitney market is still growing. Strong public demand for jitney services virtually guarantees their continued existence, and increases the likelihood of an eventual negotiated compromise.

indicated that they always ride the jitney" and only 31 percent said they use "whichever vehicle arrives first." Equally significant was the response of over 30 percent of the sampled riders, that they would use some other mode of travel rather than the Metrobus if the jitney was not available

The survey also throws some light on the makeup of the jitney market. Jitney riders are predominantly low-income workers (about 78% of the sample earn below \$20,000/year), with a large proportion of recent immigrants (53% of the sample are non-English speaking). Many of these riders undoubtedly find the jitneys a more familiar — and perhaps a more congenial — form of transportation than the Metrobuses. Other riders are drawn to the jitneys because they get them to their destination faster (65% of respondents) or because they are less expensive (21%). The survey provides strong evidence that the jitneys have been successful in carving out an independent market niche, and that they have developed a loyal clientele that considers the jitneys their travel mode of choice

The Impact of the Jitneys on the Metrobus System

The study has found that the recent influx of unlicensed jitneys has had some negative impact on Metrobus ridership and revenue. Weekday ridership on the Metrobus system declined by 29,500 rider from its peak ridership in February 1990. However, this decline coincided with a fare increase in December 1990, which could be expected to have had some adverse effect on Metrobus ridership. During 1990 the Metrobus system suffered a net loss of 5,400 daily riders, and during 1991, the time of the most rapid proliferation of the jitneys, a further net loss of 6,800 riders. Allowing for the effects of the fare increase, it is estimated that the total of Metrobus riders diverted to the jitneys during the study period represents not more than 45-50 percent of the current daily jitney ridership of 43,000-49,000. The Metrobus ridership analysis provides an independent confirmation of the conclusion that the jitneys have tapped a new market and that their impact on the Metrobus system has not been severe.

Jitney Service Pilot Program



STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
AND
MIAMI-DADE COUNTY MPO

LETTER OF AUTHORIZATION No.: 18
FM No.: 25207411201
CONTRACT No.: C-6803

JITNEY SERVICE PILOT PROGRAM

HANDOUT No. 1

**PRELIMINARY SUBJECT TO CHANGE
FOR DISCUSSION ONLY**

Prepared by:



MILLER CONSULTING, INC.
Transit Planning Group
3610 Park Central Boulevard North
Pompano Beach, FL 33064

Memorandum

To: Jesus Guerra

Date: June 10, 2002

From: Craig Miller

Re: Paratransit Pilot Program
MCI Project No.: 1105.WO18

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Appendix A: CUTR Report, 1999

FEASIBILITY STUDY: A PUBLIC-PRIVATE PARTNERSHIP
FOR
TRANSIT VEHICLE PURCHASING AND LEASING

**A study of the Feasibility of Using Expressway Authority Funding to Underwrite
Transit Vehicle Purchases to Increase Transit Availability in Miami-Dade County**

Prepared for the Miami Urbanized Area Metropolitan Planning Organization

By

The Center for Urban Transportation Research

University of South Florida

January 1999

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FEASIBILITY STUDY: A PUBLIC-PRIVATE PARTNERSHIP FOR TRANSIT VEHICLE PURCHASING AND LEASING

A Study of the Feasibility of Using Expressway Authority Funding to Underwrite Transit Vehicle Purchases to Increase Transit Availability in Miami-Dade County

PURPOSE OF REPORT

This report has been written in response to a scope of services prepared by the Miami Urbanized Area Metropolitan Planning Organization in August 1998. The scope calls for determining the feasibility of using Miami-Dade Expressway Authority funds to serve as the local match for federal grants to purchase small transit vehicles. These vehicles would then be leased to private or public sector operators to provide additional public transit services that would complement existing transit services. Those entities leasing the vehicles would be required to pay back the local match to the Expressway Authority over time to satisfy bondholders of the Authority. A primary interest of the scope is to explore the feasibility of employing this financing scheme with private jitneys. In short, this project examines how minimal public funds from the Miami-Dade Expressway Authority can be leveraged to help generate additional, alternative transit services to help reduce traffic congestion in Miami-Dade County.

SUMMARY

The Expressway Authority's recently adopted five year plan does not anticipate this type of project. While the concept for such a project might be considered in the intermediate future, the emphasis and priority of the Authority during the next five years is to address traffic congestion on the highways for which they are responsible. Any project the Authority funds would have to result in improved traffic flow on their expressways. In addition, it should be noted that the Expressway Authority would be subject to the same federal restrictions and regulations as Miami-Dade County if federal funds were used to purchase the vehicles. However, this does not mean the concept couldn't be pursued with Miami-Dade County as the sponsor. There are numerous potential applications for "partnering" between the County and public or private entities that could result in increased mobility for Miami-Dade residents.

EXAMPLES OF JITNEY SERVICES IN THE UNITED STATES

This report attempted to determine if there were any public-private funding partnerships between public transportation agencies and jitney operators in the United States that might provide "lessons" for Miami-Dade County. While this research was not exhaustive, it became clear that jitney service, in all but a handful of cities, is an extremely small component of transportation services in this country. In fact, in most cities where they operate, jitneys are technically illegal. However, this research found three examples of partnerships between public transportation authorities and private jitney operators. The following text summarizes the findings from reviewing jitney operations in eight different urban areas.

San Diego, California

Jitneys are legal in San Diego. Jitney operators may propose routes which are then reviewed by the Metropolitan Transportation Development Board (MTDB), the regional transit planning and operating authority. Their review helps ensure the jitneys would not be going the wrong direction on one way streets, or travel on streets that will be closed for construction. While they are discouraged from operating on the exact same routes as the transit system, they are not prohibited from doing so. There are separate stops for jitneys and buses in the downtown area to avoid potential congestion and confusion. Jitney operators are allowed to set their own fares, and must display the fares on the inside and outside of the vehicle. Fares are usually a little lower than those charged by the public transit system in the San Diego area. There is no fare reciprocity between the jitneys and the public transit system (no transfers are accepted between services). While the MTDB does nothing to prohibit jitney service, they do not promote or market its availability, nor do they subsidize the service in any way.

In the 1980's, there were as many as 100 jitneys operating in San Diego. The primary routes linked military installations and the Mexican border with downtown, the airport, and major tourist attractions. This market flourished for a few years before the closure and/or downsizing of military bases, and the opening of the San Diego Trolley from downtown to the Mexican border. There are now approximately 20 jitneys operating in the San Diego area, virtually all serving the international border area at San Ysidro (the busiest port of entry in the world with approximately 30,000 pedestrians a day crossing the border). Passengers are using the jitneys (usually 15-passenger vans) to get to and from the border and communities other than the downtown.

The jitneys in San Diego clearly serve a niche market of Hispanic passengers who need mobility to access communities within just a few miles of the border. Collectively, these jitneys tend to do quite well, carrying approximately 1,000 passengers a day. Although jitneys are allowed to establish service that duplicate transit routes, none do. There is a good level of transit service in the San Diego area, and given the lack of fare reciprocity between jitneys and transit, there is little interest in utilizing jitney services in any areas other than ethnic pockets.

Pittsburgh, Pennsylvania

Jitneys are completely illegal in Pittsburgh, Pennsylvania, but hundreds are reported to be in the area. There might be approximately 30 that operate at any one time in the course of a normal day. Jitney operation is informal and unofficial. They serve as a transportation supplement, primarily in minority neighborhoods that taxis allegedly avoid (while focusing on the airport and hotels). Jitneys are unregulated and have been operating for over 50 years. The city apparently turns a blind eye to the practice. It seems to be common knowledge that a crackdown would cause an uproar. However, the local cab companies would protest any jitney's request for an official license. Hence, the current informal practices simply continue as a practical compromise that all parties seem to be able to live with. There is no thought of pursuing public/private partnerships with jitneys, and there is no fare reciprocity between jitneys and the public transit system.

In Pittsburgh, jitney operators usually use station wagons instead of vans. While some of the service involves shared rides, most trips involve station wagons carrying one passenger for the purpose of shopping. The station wagons are typically about ten years old. Fares are negotiated for each trip and usually range from \$2 to \$4. Jitney operators almost always own their vehicles and are retired or work on a part time basis. According to city staff, jitney operators can make up to \$40 an hour if they have regular customers. While some jitneys operate in the downtown area and pick up non-scheduled hails, the majority of service seems more personalized, akin to offering their neighbors rides to the grocery store.

As in San Diego, transit service in the Pittsburgh area is quite good, with transit enjoying as much as a 50% mode split in the downtown area (according to Richard Fedder of the Transit Planning Division of the Port Authority of Allegheny County). However, there are certain niche markets within minority communities that find the jitney services to be convenient and practical for limited trip purposes that are either not served by taxis, or would require very inconvenient transfers on the local transit system.

Atlantic City, New Jersey

The most successful application of jitney services in the nation occurs in Atlantic City. Service on this 48 block long barrier island has been in place since 1915. Since 1917, the number of licenses has been limited to 190. Although the city provides oversight in matters dealing with fares, routing, and licensing, these jitneys operate in a self-regulated manner through the Atlantic City Jitney Association. The jitneys are completely unsubsidized, but provide high quality service at a profit, with virtually no other public transit services in the area. There are three fixed routes serving the city with no fixed schedule. However, service in the peak is provided once every three minutes, and off-peak service is provided approximately every six minutes.

Every jitney operator is also the owner of the vehicle. No subcontracting is allowed. Fares are \$1.50 per trip. The 190 jitneys, which are converted bread trucks that carry 15 passengers, enjoy a ridership of 11 million trips per year. One of the major distinctions of this service is that it carries middle class residents, most of whom own cars. Most passengers work at the casinos, hotels, and restaurants along the major corridors of the island, and utilize the jitneys even though they own cars, and despite cheap parking. Drivers earn enough profit to live middle class life styles, while usually working only 30 hours a week.

The Atlantic City Jitney Association provides member services including a jitney station and garage (where all routes begin, multiride tickets can be purchased, route maps are available, etc.), vehicle maintenance, on-site fuel, group liability insurance, and a drivers' cafeteria. The Association elects its own Board of Directors that sets internal policies and provides street supervision. The Association has adopted strictly enforced operating practices and rules of conduct. For instance, a driver cannot pass another driver on a route unless the jitney vehicle in front is stopped while picking up or dropping off passengers. They also have their own traffic court to deal with complaints, and are not reluctant to hand out stiff fines and suspensions to members if warranted.

In short, in Atlantic City there is high quality jitney service that is privatized and requires minimal government oversight and no government subsidies. The Association adopts policies that promote efficiency and fairness, and avoid the practices of cutthroat competition, skimming, and overly aggressive driving. There is no publicly subsidized transit services to compete with or to complement. As Robert Cervero notes in his book Paratransit in America:

"Atlantic City demonstrates that successful fixed-route (para)transit is possible if high-quality services are delivered. Part of the success is attributable to Atlantic City's unique history, physical layout, and character. However, a large part is also due to the entrepreneurial drive of jitney owner-operators and the evolution of an internal organizational structure that promotes self-regulation and self-enforcement".

New York City, New York

Atlantic City might provide the most successful example of jitney operations in the United States, but the most prominent utilization of jitneys occurs in New York City. Estimates of the number of jitneys operating in New York City range from 2,400 to 5,000. Of course, New York City has the highest concentration of public and private transit services in the country (if not the world). Typically referred to as "vans", jitneys in New York City do not have a long history of operations. Jitneys first came to prominence during a transit strike in 1980 when vans in Queens began providing feeder service to the Long Island Railroad station in Jamaica. These vehicles continued in operation after the strike, with service provided along some of Queens' busiest bus routes. The service appeals most to immigrants from the Caribbean. All jitneys in New York City operate without public subsidy, and there is no fare reciprocity with the public transit system.

Jitneys in New York City normally provide one of two types of service. The "feeder vans" normally operate within neighborhoods, providing relatively short trips for people to subway stations and neighborhood activity centers. The "commuter vans" provide longer trips for people who are trying to access Manhattan from the outer boroughs of the city. The feeder vans normally charge a dollar per ride, while the commuter vans charge as much as \$4 per ride. In the area of Jamaica, Queens alone, it is estimated that up to 350 vans carry as many as 25,000 passengers a day. The commuter vans are estimated to number approximately 1,000 and carry up to 17,000 passengers a day.

Until 1994, the New York State Department of Transportation had jurisdiction over vehicles larger than taxis but smaller than buses. NYSDOT evaluated requests on a case-by-case basis and granted legal authority through a Certificate of Convenience and Necessity to jitney operators able to show a demand for their services. However, numerous jitneys without authorization also operated, often without observing laws and regulations governing vehicles and drivers who carry passengers for hire. It has been estimated that no more than one out of ten jitneys that operate in the city have a Certificate of Convenience and Necessity. In 1994, the city enacted local legislation that transferred responsibility for jitney regulation and enforcement from the state to New York City. The city adopted several strong regulations that are intended to control the operation of jitneys, such as:

- Jitneys must provide service on a prearranged basis only; street hails are not permitted.
- Jitneys are not permitted to solicit, pick up, or discharge passengers at any points along a NYCTA or private fixed-bus route.
- Seizure of a vehicle by a police officer or deputized agent of the Taxi and Limousine commission is permitted if there is reasonable cause to believe that it is being operated as a jitney without a license.

There have been virtually no certificates issued to jitneys since the city took over regulation of these vehicles in 1994. In spite of this, the illegal jitneys continue to operate because there are not enough regulatory resources to discourage the overwhelming number of operators from continuing their service. The subject of jitney regulation is hotly contested in New York City. Integration of jitneys into the public transportation system is the long-term goal, although there are various opinions concerning how this will be accomplished. While issues of safety are paramount, there is a recognition that the jitneys are part of the landscape, and an extremely harsh approach of regulation may not be the best strategy. The need for consistent enforcement is acknowledged along with the need for a path for jitney operators with good safety records to become legal. The jitneys are perceived as convenient, fast, inexpensive, and desirable for many riders. The employment opportunities offered to the communities in which vans operate are recognized by politicians. If nothing else, New York City transit has modified its fares and services to be more competitive with the services that jitneys provide. However, they have not yet identified how the two types of public and private services can be made to better complement each other.

Puerto Rico

Puerto Rico's paratransit services represent a model somewhere between Atlantic City and Miami. In Atlantic City, jitneys are essentially self-regulated through an association of owner-operators. They are the only form of public transit available, they are completely unsubsidized, and they operate at a reasonable profit. In Miami, jitneys are a relatively small component of the public transit services available to the public. They are more heavily regulated by a public body, and no public assistance of any kind is provided.

In Puerto Rico, jitneys, known as "publicos", are a substantial component of the transportation system. The 12,000 publicos carry twice as many passengers (120,000 per day) as the Metropolitan Bus Authority. Passengers are generally lower income and a large percentage do not own autos. However, jitney's market share of all passenger trips has declined from 9.2 percent in 1964 to 3.7 percent in 1990 as automobile ownership on the island increases.

Publicos are heavily regulated by a Public Service Commission that controls fares, routes, and issues medallions based on needs and public convenience. The Public Service Commission imposes penalties for unsafe vehicles and unacceptable behavior. In addition to public regulation, there are also private publico associations that purchase common commodities, coordinate terminal usage, and pool resources for common objectives.

Puerto Rico differs from other American experiences by virtue of its public investments in facilities used by publicos, and the economic incentives it offers to owners of publicos. Puerto Rico recognizes the substantial passenger benefits offered by publicos, as well as the substantial governmental savings publicos provide through their service. Consequently, the government provides terminal facilities that allow the publicos to offer more organized, safe, and attractive service. The government provides supervision at these terminals as well, to help assure more consistent service. In addition, the government provides low interest loans, excise tax exemptions on vehicle purchases, and discounts on vehicle registration fees.

It is anticipated that service patterns of some of the publicos will be altered when the new light rail system referred to as the "Tren Urbano" is opened. More publicos are likely to serve as feeders to the light rail line.

Houston, Texas

Jitneys were banned in Houston for almost 70 years until 1994 when U.S. District Judge John D. Rainey permanently enjoined the city from enforcing an ordinance banning "shared-ride taxi services" from city streets, saying it was arbitrary, outdated, and served no purpose. The judge found in favor of the Landmark Legal Foundation Center for Civil Rights who filed the lawsuit on behalf of a jitney operator who had been shut down by the city. The Metropolitan Transit Authority of

Harris County (Metro) worked with cab operators, the city, and potential jitney operators to design services that would be complementary to the transit agency, while feasible for the jitney operators. Metro defined six transit corridors in which they felt there would be good demand for jitney types of service which would be allowed to go off- route to provide passengers with a customized service that was relatively fast and efficient.

The jitney service, known as "Fastrak", is separate from other Metro services, and there is no fare reciprocity. In addition to identifying corridors that Metro thought would be productive for jitneys, the agency also agreed to provide a subsidy of \$25 per day for each vehicle in operation. The jitney operator was to keep all the fares they collected, as well as the \$25 provided by Metro, if they provided service at least six hours a day, Monday through Friday. Metro required that the vehicles used by the contractor be no more than five years old. The vehicles used are seven-passenger minivans. Metro has also equipped the vehicles with Automated Vehicle Locating devices, which allows the agency to confirm that the vehicles are in service where and when they are supposed to be.

Only one jitney operator submitted proposals to provide service. That operator has been in service since 1997, and carried about 125 passengers a day at its peak on each of two vehicles that operate from 8 a.m. to 6 p.m. in a corridor with substantial transit service (five minute headways provided by articulated buses). After the jitneys had been in service for a year, the owner requested an increase in subsidy from \$25 to \$50 per day, which Metro agreed to provide. The contract for this service expired at the end of calendar year 1998. It does not appear the contractor will seek renewal. Ridership on the jitney services has decreased over the past year. The service has appealed primarily to Hispanic passengers who have immigrated to the country and are familiar with jitneys. The jitney operators speak Spanish, and play Spanish-speaking radio stations for the passengers while the vehicle is in service. While passengers tend to prefer the service for cultural reasons, they also appreciate the faster rides they can get from these minivans that, once full, travel to their final destinations more quickly than local buses. However, the service is not integrated in terms of fares with Metro bus service, and this lack of integration has made it less attractive, given the need to transfer in an urban area characterized by severe sprawl.

The operator of Fastrak has indicated he will be submitting an unsolicited proposal to Metro that would allow him to provide service in corridors that run parallel to Metro routes that currently have no service. He has suggested that he will need some sort of assistance in purchasing 15 passenger vans to provide this new service. However, Metro has not officially received his proposal.

Chicago, Illinois

The subject of jitney services has gained more attention in Chicago in the past year. The City has re-established licensed jitney service in order to respond to public demand for safe, available, and affordable transportation options, particularly for minority neighborhoods that are underserved by existing forms of transportation. The program is intended to create a transportation option for

individuals with children, those who cannot drive or those who work late, and others who find the current transportation options inadequate. In addition, the city hopes the program will create and enhance economic opportunities in local communities. Jitney operators may be eligible for a 50 percent credit on the Ground Transportation Tax and other Empowerment Zone tax incentives.

No jitney vehicle may transport more than five adult passengers at any one time. There is a flat fare of \$3 for each passenger, per zone, per trip. The fare is \$1.50 per zone, per trip for children between the ages of 8 and 12. Children under seven years old ride free if accompanied by an adult. Every licensed public chauffeur in the city is allowed to participate in the jitney program. When operating as a jitney, the public chauffeur must display the designated jitney service sign in the front windshield. There are currently 42 taxicabs that have been registered to participate as jitanies. One of the goals of the program is to abolish unlicensed, uninsured, and potentially unsafe vehicles that currently provide services that are technically illegal. However, it is alleged that some jitney operators remain unlicensed and uninsured to keep fares low and ridership high.

. While jitney zones can be established anywhere within the City, there are currently only two narrowly defined zones on the south and west sides of Chicago. Jitney vehicles are not authorized to travel outside the designated zones, therefore, turn-offs outside the zone are not permitted. While there are designated jitney stops at various hospitals, stores, community centers and churches, passengers may also flag a jitney anywhere within the zones.

The Chicago Housing Authority has established an entrepreneurial program encouraging private companies to compete for Community Development Block Grants for both operating and capital expenses to start-up companies that would provide shared ride services. Their primary intent is not to supplement the Chicago Transit Authority's services. The Housing Authority researched the inadequacy of taxi services in different neighborhoods and issued an RFP for proposers to submit business plans explaining how they would meet the needs of the areas in question with shared ride services. The proposals outline how the providers would ensure that they would be licensed and insured, and operate with vehicles that are no more than five years old. The Housing Authority received two proposals from two companies that outlined the hours and miles they would operate with a subsidy of \$25,000 if four vehicles were used, or \$35,000 if six vehicles were used. The transportation services secured through this RFP have been in place for almost a year.

Costs incurred by the providers are reimbursed based on invoices submitted for insurance, fuel, salaries, etc. Sedans have been the vehicle of choice by the providers (four sedans are currently in service, with no vans in use yet). There have been problems with drivers of the vehicles being unlicensed. The program is clearly in its infancy, and provides little information of use to Miami-Dade's circumstances. However, it does demonstrate that there is another city willing to invest public seed money to leverage private interest in providing alternative mobility services in a major urban area. In this case, Community Development Block Grant funds, rather than federal transit funds, are used.

Los Angeles, California

Perhaps the most interesting paratransit experiment in any American urban area is happening in Los Angeles. Reports produced by the Reason Foundation in 1994 stressed the need for more flexible and customized forms of transit to serve severely sprawled urban areas. The Southern California Association of Governments (SCAG), which also serves as the MPO, decided to see just how practical a "Smart Shuttle" concept could be. SCAG was primarily interested in mobility services that could help southern California meet its air quality goals.

The Los Angeles Metropolitan Transportation Authority (LAMTA), SCAG, and the Los Angeles Mayor's office selected four areas (West San Fernando Valley, East San Fernando Valley, West Lake/MacArthur Park, and South Central Los Angeles) with different characteristics to serve as demonstration sites for Smart Shuttle projects. LAMTA and the City of Los Angeles set aside a total of \$10 million to fund the demonstration project. The project was initially intended to act as seed money to encourage the creation of a jitney model of paratransit, with entrepreneurial owner-operators establishing market-driven services. The agencies had hoped to see the formation of voluntary associations (similar to Atlantic City and Puerto Rico) that would help coordinate and sustain their members' services.

LAMTA wanted to eliminate some of its less efficient services, such as low productivity bus routes, evening service, or the tail ends of routes that were generating low ridership. LAMTA had indicated it would eliminate some of this service, providing an opportunity for Smart Shuttles to operate where at least minimal transit markets already existed.

Private agencies were invited to respond to Requests for Proposals. Each proposer was required to submit a business plan documenting how they would use their demonstration grants, and how they intended to become self-sufficient within two years. They were encouraged to use information from reports prepared by the firms of Booz-Allen and Transportation Management and Design that had suggested ways transit services could be modified to be more efficient.

The project was not started until October 1997. A number of professionals familiar with the project have offered the following insights. The project has not taken the form that was initially envisioned. LAMTA did not restructure its routes, nor did it discontinue any of its service. This was partially due to LAMTA union resistance, and partly due to a consent decree LAMTA agreed to (based on a lawsuit filed by the local Bus Riders Union) to increase bus service in the region.

According to program evaluators, the initial concept of encouraging owner-operators was somehow "lost in translation". None of the proposals utilized an owner-operator model of jitney service. All of the proposals were based on services being provided through companies or community-based organizations with owner-employee models similar to contracted transit service.

The demonstration grant funds paid for 59 jitney-type vehicles (all being wheelchair accessible and having between 18 and 22 seats). It also paid for the expense of establishing dispatch and

communication systems in all four areas, and some minimal marketing support. The remaining funds subsidize the operating expenses incurred by the companies, with the goal of phasing out all operating subsidies at the end of 24 months.

The services provided by the four different providers ranges from fixed route service in underserved areas, route deviation services (with different surcharges depending on the length of the deviation) in areas with good transit service, curb-to-curb demand-responsive service, and special feeder service based on contracts with universities and private employers. The providers were granted wide latitude on what services they could provide. They were discouraged, but not prohibited, from duplicating LAMTA's service. Some jitney routes run on portions of established LAMTA routes.

Some of the most successful service is provided in the West Lake-MacArthur Park area. This area has large concentrations of Korean and Hispanic immigrants. Jitneys operate in portions of key transit corridors and deviate during off-peak hours. These jitneys take advantage of reputed poor performance of LAMTA buses that often run far behind schedule. The drivers of the jitneys speak the languages of their passengers and tend to know most of them by name. These jitneys are recovering 50 percent of their expenses from the farebox with operating costs of \$33.17 an hour while carrying over 20 passengers per hour. This compares quite favorably to LAMTA costs of approximately \$100 per hour. The providers also reached agreements with food markets to transport passengers from ethnic communities to the markets, with the markets paying for the service. A detailed partnering arrangement with a local hotel to provide ground transportation for the flight crews of Korea Airways has also been successful. In addition, the provider reached an agreement with the California State University at Northridge. The university pays the provider \$32 an hour to transport students (who pay no fare) between the university and a major transit terminal nearby.

The four different providers have had varied success with their services. The target for the program is to keep subsidies to no more than \$.40 per passenger mile. One demonstration site (West Valley) is operating better than the goal, at \$.33 per passenger mile, while the South Central service is nowhere near the goal at subsidies of \$4.34 per passenger mile.

According to program evaluator Mary Sue O'Melia, a major factor in the success of any of the services is the marketing effort. The more thorough the outreach efforts to identify potential markets, the more ridership has tended to grow. Some of the providers offer incentives to their drivers if ridership goes up, and this generates entrepreneurial energy resulting in more passengers.

Meeting with Operators of Jitneys in Miami-Dade County

As part of this project, jitney operators within Miami-Dade County were invited to a meeting held in October 1998 at the offices of the Miami-Dade County Consumer Services Department to discuss the concept of public-private partnerships to increase the level of jitney service in a manner that would complement MDTA service. The purpose of the meeting was to determine if jitney operators would be interested in a public-private partnership, and to determine what level of public support would be required.

Unfortunately, only one of the twelve jitney operators in the County attended the meeting. However, this owner provided valuable insights into the operating characteristics of jitneys. He noted that jitney owner-operators need to make a minimum of \$125 per eight hour day to make a bare living. In most instances, owners lease vehicles they own to independent drivers who pay a fee of \$75 per day to use the vehicle. The driver then keeps all the revenue made for the day, and returns the vehicle to the owner at day's end. The owner does not know or necessarily care how much the driver has made that day, as long as the owner receives the lease payment. The owner clears approximately \$50 per day after his costs are covered, while the driver clears approximately \$50 (more if ridership is good, less if ridership is low). The owner insures the vehicle. The drivers must possess an appropriate Commercial Drivers License. As someone simply leasing the van, the driver is not an employee of the owner.

The cost and revenue figures noted above are consistent with data collected for the report prepared by the Urban Mobility Corporation entitled *The Miami Jitneys*. That report, produced in 1992, reported that jitneys incurred an average operating expense of \$73 per day per vehicle, with jitney drivers averaging 117 passengers a day, providing a profit of approximately \$45 per day for the driver (based on a \$1 base fare).

The vehicles used are 15 passenger vans. They are not wheelchair accessible. The owner typically purchases used vans for \$10,000 to \$12,000 dollars. The vehicles usually have approximately 30,000 miles on them when purchased, and they are kept in service until they have approximately 150,000 miles.

This jitney owner's routes were typically 10 miles long one-way. He tries to provide 15 minute frequency on his routes which take people from minority communities within Miami to the downtown area and back. Since he does not have permanent employees, the service is not as regular as fixed route public transit. He noted that drivers are there to provide the frequencies noted above about 80 percent of the time. However, jitneys operate on a fixed route, not on a fixed schedule.

The jitney owner who attended the meeting believed there would be interest in a public-private partnership. He noted that if the service was to be provided in areas other than major corridors, there would be a need for some sort of subsidy. He noted that insurance is one of the major expenses an owner must address, and some help from the County in this area could help attract private providers.

THE ISSUE OF DESIGNATED RECIPIENT OF FEDERAL FUNDS

FTA Circular 9030.1B gives guidance on the matter of "Applicant Eligibility" (i.e., those who can be designated recipients of federal transit grants), and the eligibility of particular projects (such as vehicle purchases). The circular clearly states in Chapter II, section 1.a.(1):

"To the extent possible, a single recipient should be designated for each Transportation Management Area or for contiguous areas."

All urbanized areas with at least 200,000 in population have been designated as transportation management areas in accordance with 49 U.S.C. Section 5305(a). A recipient or recipients must be designated to dispense the Urbanized Area Formula Program funds attributable to TMAs. The Miami-Dade County Board of County Commissioners is currently the designated recipient of federal transit funds for the County.

Section 3 of Chapter II of the circular addresses "Applicants Other Than Designated Recipients":

"A designated recipient may authorize another public agency to be the direct applicant for the Urbanized Area Formula Program funds. This authorization may be made on a one-time basis or at the time of each application submission, at the option of the designated recipient. FTA must be informed of the arrangement at the time the grant application is submitted. A public agency, other than the designated recipient, may apply for some or all of the urbanized area's Urbanized Area Formula Program apportionment if:

- a. The designated recipient authorizes the public agency to do so;
- b. The public agency submits its own grant application; and
- c. Upon award of the grant, the designated recipient and the public agency execute a supplemental agreement, which releases the designated recipient from any liability under the grant agreement."

Section 4 of Chapter II of the circular further addresses "Pass Through Agreements":

"The recipient of Urbanized Area Formula Program funds, whether a designated recipient or not, may choose to pass the funds through to another agency to carry out the purposes of the grant agreement. The recipient must enter into a written agreement with the subrecipient and must include in that agreement with the subrecipient the requirements imposed upon the recipient by the grant agreement, modified as appropriate. A recipient choosing to pass through funds must inform the FTA Regional Office of the arrangement, in the grant application or through other documentation. The recipient must also inform the FTA of any changes in that

arrangement during the life of the grant. A pass-through arrangement does not relieve the recipient from its responsibilities to carry out the terms and conditions of the grant agreement."

The last sentence of the above paragraph is particularly important. In general, all federal regulations follow federal money, regardless of who is spending it. Whether the Miami-Dade Expressway Authority (MDEA) received FTA funds as a direct recipient, or via a pass-through agreement, it would be required to comply with all federal regulations and requirements. If the MDEA is intending to become a designated recipient of other federal funds, they are aware of the tremendous amount of work associated with complying with all federal requirements (please see attached list of the various requirements). The MDEA would need to demonstrate "Legal, Financial, and Technical Capacity" to serve as a designated recipient. If they have not already done so, it is unlikely they would want to become a designated recipient, with all the appurtenant responsibilities, for the sake of a pilot project.

It is important to realize that even if the MDEA were the designated recipient of federal transit funds, 13c regulations would still apply, even though the Expressway Authority is not a party to any collective bargaining agreement. Even if CMAQ funds are used (or some other highway source of funds are "flexed" to be used for a transit project), 13c and all other federal requirements would still apply because the funds have been converted to be transit funds through the flexibility provisions to transit funds.

The MDEA can be a "designated recipient" if there is concurrence by the Miami-Dade Board of County Commissioners. However, Elizabeth Martin of FTA has indicated that the MDEA's source of revenue (bonds and toll revenues) brings an element of complexity to this issue that requires their general counsel's review. Their concern may stem from language in Section V of Chapter V that speaks to "Financial Capacity":

"A recipient of FTA funds must be able to match and manage those funds, to cover cost overruns, to cover operating deficits through long-term stable and reliable sources of revenue, and to maintain and operate federally funded facilities and equipment."

If the MDEA gained status as an eligible recipient, there is little advantage in doing so for this pilot project. They would be subject to all the federal regulations that Miami-Dade County is currently subject to. The federal regulations "follow the money". This doesn't mean the MDEA couldn't serve as a funding partner in the concept being proposed. It just means that MDTA would remain the grant recipient. For that matter, it is doubtful that MDTA would want to relinquish the status as sole recipient. They currently serve in that capacity for the Miami-Beach Electro-Wave Shuttle project. This status as sole recipient is a double-edged sword. MDTA retains financial control of federal transit grant money, but they remain responsible for projects managed by other parties (such as Miami Beach).

THE ISSUE OF PROJECT ELIGIBILITY

FTA Circular 9030.1B also addresses Eligible Grant Activities. Section 1 of Chapter III notes that:

"Any capital and operating project for which assistance is requested from FTA must first be included in a metropolitan transportation improvement program (TIP) approved by the MPO and in a statewide transportation improvement program (STIP) approved by the Governor and approved jointly by the FTA and the FHWA."

Clearly, the purchase of vehicles for the expansion of bus fleets is an eligible activity. The circular does not specifically address the concept of leasing vehicles purchased with grants to private interests. However, section 5f of Chapter III of the circular does note that innovative financing initiatives are encouraged:

"Capital funds may be used to pay for costs incurred to secure or initiate an innovative financing technique. Alternative financing can involve combining multiple, nontraditional sources of funding--Federal, state, local, and private--in support of transit capital and operating needs. Some approaches that grant applicants might investigate include leasing arrangements, joint development, state economic development or revolving loan funds, exchanges of real property, and in-kind contributions."

It is not unusual for transit systems around the country to allow use of vehicles purchased through federal grants to be used by private providers. This is practiced in Reno, Nevada and in Houston, Texas to name but a few. As long as all federal regulations are followed in the procurement of the vehicles, and in the competitive process of seeking private providers to participate, there should be no problems with the eligibility of the project. As the FTA language above implies, they are increasingly supportive of creative approaches that leverage public dollars to result in more transit service at the local level. This project's concept is in keeping with the concept of leveraging scarce local dollars.

It should be noted that federal dollars can be obtained for more than 80% of the cost if the vehicles obtained are in compliance with ADA and Clean Air standards. Section 6c(2) of Chapter I of the Circular states:

"The Federal share is 90 percent for the cost of vehicle-related equipment attributable to compliance with the Clean Air Act Amendments of 1990. Grantees may choose from two options in calculating the Federal and local shares for vehicle-related equipment purchased to be in compliance with the ADA and CAA. In one option--applicable to the purchase of buses, vans, and rail vehicles and the purchase of

equipment for such vehicles--the grant applicant may itemize the cost of specific, discrete, vehicle-related equipment being purchased to be in compliance with the ADA and CAA. The Federal share is 90 percent of the cost for these itemized elements.

In the other option, applicable for the purchase of buses and vans, the grant applicant may apply for an 83 percent Federal share of the total vehicle cost. The 83 percent is a blended figure representing 80 percent of the vehicle and 90 percent of the vehicle-related equipment to be acquired in compliance with the ADA and CAA."

OTHER RULES AND REGULATIONS

The following documents relating to labor-protection regulations have been reviewed to determine whether labor protection legislation would prevent this pilot project from happening:

- ◆ "Transit Labor Protection - Guide to Section 13(c) Federal Transit Act", Legal Research Digest, June 1995 (prepared through the Transit Cooperative Research Program sponsored by the Federal Transit Administration)
- ◆ "Arrangements Pursuant to Section 13(c) of the Urban Mass Transportation Act of 1964, as Amended Between Metropolitan Dade County and Local 291, Transport Workers Union of America, AFL-CIO"
- ◆ Pertinent sections of the Collective Bargaining Agreement between Miami-Dade County and Local 291 of the TWU dealing with "Outside Contracts"
- ◆ Pertinent sections of Article III, Section 31 of the Code of Metropolitan Dade County dealing with the issuance of Certificates of Transportation dealing with jitneys.

It is highly unlikely that representatives of TWU would be enthusiastic of a project supporting jitneys, and they could withhold their approval of the County's grant application that contains a capital project they believe is against their best interest. However, based on the material listed above, and discussions with MDTA Employee Relations representatives familiar with the labor agreement, it appears that 13(c) should not be a factor that would prevent this conceptual project from moving forward.

The following quoted language is taken from the "Transit Labor Protection" report cited above to provide some background to the subject:

"Section 13(c) generally requires, as a precondition to a grant of federal assistance by the FTA, that fair and equitable protective arrangements must be made by the grantee to protect employees affected by such assistance. The statute requires that provisions addressing five specific matters be included in such protective arrangements:

1. The preservation of rights, privileges, and benefits under existing collective bargaining agreements;
2. The continuation of collective bargaining rights;
3. The protection of employees against a worsening of their positions with respect to their employment;
4. Assurances of employment to employees of acquired mass transportation systems and priority of reemployment for employees terminated or laid off; and
5. Paid training or retraining ."

Section 13(c) requires the preservation of rights, privileges, and benefits under existing collective bargaining agreements. The legislative history indicates that transit labor unions and supporters of the labor protection provisions were particularly concerned that, in cases where a public entity acquired a private transit system with assistance under the Urban Mass Transportation Act, rights acquired by workers through collective bargaining (such as wages, hours, working conditions, and benefits) would be lost through the unilateral action of the new public employer. To address this concern, Section 13(c) assures that if a state or local public body desires federal grant funds, it must agree that existing collective bargaining rights will be preserved and continued. Under this provision, rights achieved through bargaining cannot be taken away unilaterally; if they are to be changed, that change must occur through collective bargaining and agreement of the parties.

In reaction to labor's concern that technology and automation would be particularly harmful to transit employees, Section 13(c) requires that an employee whose position is worsened as a result of federal assistance should receive benefits not "less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act." This language, which was borrowed from railroad labor protections, reflects the basic policy determination that employees should be compensated in the event of a "worsening" (i.e., economic harm, such as loss of a job or reduction in compensation) resulting from their employer's receipt of federal assistance. While the concept of "worsening" is clearly reflected in the statute, the scope of that protection (that is, what types of employee impacts are covered under a "worsening") remains a subject of debate.

The definition of "project" normally used in Section 13(c) agreements is not limited to the particular activity being funded, but includes any change, whether organizational, operational, or otherwise, that occurs as a result of the federal assistance provided. The standard definition of "as a result of the Project" is also broad, and includes events occurring "in anticipation of, during, and subsequent to the Project and any program of efficiencies or economies related thereto".

While there is some concern about how the concept of worsening could be interpreted, it appears clear that the conceptual proposal does not aim to displace any existing MDTA worker or cause them to receive less wages or benefits. Under the 13(c) process, which allows unions the opportunities to object to a federally funded transit project, it is hard to see how a legitimate claim of worsening could be made by TWU. As viewed conceptually, this project calls for the establishment of new service that would have no impact on existing service. It could be argued that such service will increase ridership on MDTA routes, resulting in the need for more union personnel.

In short, it doesn't appear that federal 13(c) legislation will prove to be a major stumbling block to the proposed concept. MDTA's local 13(c) agreement does not include any "New Jobs Clause" which gives TWU employees the first opportunity for any new jobs created as a result of the project. In addition, there is no "Sole Provider" clause that prevents MDTA from contracting out work. The Department of Labor has determined that Section 13(c) is not an impediment to the contracting out of transit services, nor does it dictate whether service can be contracted out. That is to be negotiated during collective bargaining at the local level.

In that regard, the collective bargaining agreement between TWU and Miami-Dade County addresses the subject of outside contracting in Article 1.10:

"The County shall have the right to contract for outside work or services which in its sole judgment cannot be accomplished economically or effectively with its regular work force.

Except in emergencies or other situations of immediate need, whenever MDTA is considering contracting out work of any kind it shall first discuss the intended contract with the Union in a regular or special labor Management Committee meeting in which the MDTA shall discuss its reasons for the intended subcontracting. The Union may, within twenty days or less if possible, propose an alternative plan by which the work may be done economically and efficiently by appropriate members of the Bargaining Unit. If the County agrees, it may accept the Union proposal on a trial basis, the length of which the County shall have the sole discretion to determine. Thereafter, if not satisfied with the results of the trial period, MDTA shall have the sole discretion to modify or carry out its original intended contracting out. The intent of this provision is to enable the parties to discuss and attempt to agree upon a substitute plan for subcontracting without altering the County's discretion. The County agrees that the time set for a trial basis of an agreed proposal shall be adhered to except under emergency circumstances."

The phrase "*If* the County agrees, it *may* accept the Union proposal" strongly suggests the County is under no obligation to try the proposal. However, a unilateral rejection could be subject to a challenge, and that leverage alone might be sufficient to cause the County to at least try the proposal. While the politics of the moment might influence exactly how the County acts on this issue, this language does not appear to fatally threaten the conceptual proposal.

POTENTIAL APPLICATIONS OF SERVICE

In areas with existing transit service, jitneys are generally thought of as providing one of four different types of services:

1. *Capacity enhancers* - Jitneys could be used to add service to transit corridors where demand is great and capacity is limited. While market entry is usually restricted for a variety of reasons, utilizing jitneys is an inexpensive way of providing extra capacity, particularly during peak hours. Houston has experimented with this to a limited degree.
2. *Service extenders* - Jitneys could be used in currently unserved or underserved corridors when there are limited funds available for extending regular transit services. Los Angeles is in the midst of funding demonstration projects of this nature.
3. *Circulators or feeders* - Jitneys could be used to take residents to activity centers within their communities and/or to major destinations such as transit stations, hospitals, employment centers, etc. The best examples of this type of jitney service is in New York City.
4. *Service Replacers* - Jitneys might be utilized to replace regular transit routes with noticeably low ridership. As with the first type of service noted above, this service is politically controversial. Los Angeles wanted to do this initially, but failed to follow through. Puerto Rico is more open to this option than any area in the United States.

Representatives of MDTA's Division of Service and Mobility Planning report that there are considerable portions of Miami-Dade County that are underserved (or unserved) by existing county transit service. They have identified portions of the northwest, central-west, and southern parts of the county as being in particular need of new service. One specific idea was to have this type of service in place when the Palmetto extension of the northern leg of Metrorail opens in June of 2001. This type of service could feed people to and from residential and employment areas near that new station. Other areas in need of more service are the Airport West section of the county, and the areas near the Busway in the southern portion of the county.

There are currently 140 legal jitneys operating in the county, and in at least two cases (Conchita and South Dixie Jitneys), companies are operating in non-downtown environments and staying in business. This provides hope that other jitneys could operate in similar environments in heavily developed new areas. In the case of Conchita, the County has reached an agreement to honor each others' transfers, making travel more convenient for passengers through the ability to make economical connections between the public and private services.

It is possible that matching funds for operating service under this concept could come from Access to Jobs funds if the services will help people get to and from employment opportunities. MDTA

representatives believe there are jitney companies with enough wherewithal to participate in such a program, but they warned that when presented with similar opportunities in the past, jitney companies declined unless operating subsidies were offered.

In the early 1990's, jitney operators demonstrated a clear preference to operate on the major corridors. They argued from a position of strength based on the emphasis the federal government was putting on the concept of privatization of public transit service. That emphasis has diminished, but the federal government remains interested in public-private partnerships and leveraging of funds.

PARTICIPATION BY THE MIAMI-DADE EXPRESSWAY AUTHORITY

The Miami-Dade Expressway Authority was created in December 1994. In spite of its name, it is not an agency controlled by Miami-Dade County. It is an independent special district of the State. In December 1996, the Florida Department of Transportation transferred operational and financial control of the following assets to MDEA:

- ◆ State Road 112 from Miami International Airport to I-95
- ◆ State Road 836 from Florida's Turnpike to I-95
- ◆ State Road 874 from Florida's Turnpike to State Road 826
- ◆ State Road 878 from SR 874 to US 1
- ◆ State Road 924 (Gratigny Parkway) from SR 826 to just west of Northwest 27th Avenue

The mission of the MDEA is to be "an innovative transportation agency dedicated to the enhancement of mobility in Miami-Dade County." The enabling legislation creating the MDEA gives it the right to finance or refinance, from surplus revenues, the planning, design, acquisition, construction, maintenance or improvement of a public transportation facility or transportation facilities owned by Miami-Dade County or any programs or projects that will improve the levels of service on the expressway system. The enabling legislation further gives the MDEA the ability to enter into both private/public and public/public partnerships.

This project's scope was premised on the idea of utilizing MDEA funds to help pay for the capital expenses of providing matching funds for federal grants to purchase vehicles which would then be leased to private jitney operators. This premise was discussed with one member of the MDEA Board of Directors who asked why the Authority would want to do this. The Board member did not dismiss the concept, but suggested that such an idea would have to go before the full board, and would have to show how it would help the Authority achieve its goals.

The Executive Director of the MDEA (Servando Parapar) was contacted to gain his insights on this concept, and to see if it was an idea he would agree to forward to the Board of Directors. He was most gracious in discussing the concept, and suggested that it might be something that could be more strongly considered in the mid-term (five year) future. However, he indicated that the concept was

not consistent with the recently-adopted Five Year Work Plan of the Authority. That plan clearly emphasizes improvements to the highways that have come under the jurisdiction of the Authority in the past two years. In 1998, the CEA dedicated all its funds toward highway improvements including expressway expansion, road widening, interchange improvements, and electronic toll collection improvements. As most county officials know, the Miami urbanized area is now recognized as having the third worst traffic congestion of all urban areas in the nation. The first priority of the MDEA is to create an integrated transportation system that provides a seamless and balanced movement of traffic on the highways for which they are responsible. The MDEA Board has adopted certain principles and guidelines for MDEA projects that are as follows:

- ◆ Projects must contribute to the 'connectivity' of the MDEA system
- ◆ Projects must produce a positive impact on traffic congestion
- ◆ Priority must be given to projects included in the Miami-Dade Metropolitan Planning Organization's Long-Range Transportation Plan
- ◆ Priority must be given to road enhancements that have been overlooked for a significant amount of time
- ◆ Processes must encourage ambitious partnering programs
- ◆ Projects must provide measurable results for MDEA customers as well as benefit the Miami-Dade community overall

Mr. Parapar believed that by the year 2004, the Authority will set aside a percentage of toll revenues to help fund projects of other modes, including transit, with a caveat - those funds will be provided for services that will enhance the level of service on roads their patrons are paying for (the toll roads under the jurisdiction of the Authority). For instance, funds could be provided for major transit improvements along State Road 836, since such a project would help relieve traffic congestion on that road and provide a benefit to those who pay the tolls on that highway. Similarly, if a jitney project could demonstrate that it would somehow benefit users of the MDEA Expressway System, it too could be funded. Mr. Parapar also noted that CEA funds could be used for both operating and capital expenses associated with such projects, with no repayment required. However, there must be a clear connection between the transit project and benefits to users of the roads administered by the MDEA. Mr. Parapar consistently emphasized the importance of the Authority serving its "customers", defined as the bondholders and toll-paying users of the MDEA Expressway system.

CONCLUSIONS

The Miami-Dade Expressway Authority does not appear to be a likely funding partner for the transit vehicle and leasing program described in the scope of services for this research report for the following three reasons:

1. The MDEA's mission is focused on funding projects that would directly improve conditions on the highways under its jurisdiction. A pilot program designed to supplement existing transit services with new jitney services would be difficult to justify within the Expressway Authority's relatively narrow project criteria. The MDEA has recently adopted a five year plan that dedicates all its funds to expansion of highway capacity through expressway widening, extensions, interchange improvements, and electronic toll collection systems. Since the Expressway Authority is likely to increase tolls to pay for these improvements, its initial budget priorities will be directed toward projects that will directly benefit the highway users who will pay the tolls.
2. The MDEA would become subject to all federal transit regulations if it became the recipient of Federal Transit Administration funding. Federal regulations apply to any agency utilizing such funds. Hence, the County gains no "streamlining" advantage of avoiding federal regulations if the MDEA is the recipient.
3. MDEA dollars are not needed to procure vehicles that might be leased to private providers. Virtually all transit agencies in Florida now utilize toll revenue credits, made available by the Florida Department of Transportation, as "soft match" toward the purchase of new vehicles. While the use of toll revenue credits reduces the size of a local agency's total capital program, it relieves the local agency of the need to provide actual cash match to procure vehicles with federal grants.

Although the initial concept of using the MDEA as a funding partner for a vehicle leasing program might not be feasible at this time, the concept of the County partnering with private or other public providers to supplement existing transit services should be further explored. Of course, a myriad of questions would still need to be answered regarding how jitneys should be integrated into the existing transit system's services. None of the areas studied in this report, except Puerto Rico, have found the right method and mix. Any concepts of implementation will be subject to the interests of political stakeholders, including the local transit union, taxi medallion holders, and existing jitney operators.

Jitneys work best in high density corridors with significant demand for transit service, further aided by either high parking costs and/or cultural acceptance of the service. Clearly, jitney operators would like to work in corridors such as Flagler Street or Miami Beach, with no public subsidies. Indeed, it would be interesting to see how well such services could operate in those corridors. It is not a stretch to think that jitneys, whether regulated by the County or through a sophisticated private association, could operate on Miami Beach as they do in Atlantic City. If well regulated, safe jitneys

(perhaps leased by the County) could operate on the Beach, or on Flagler Street with no subsidy (hardly a far-fetched notion), all the existing transit buses and corresponding miles of bus service could be redeployed to other areas of the County in need of better service. The details of fare reciprocity and service integration could be easily worked out. Such an action would result in minimal cost to the taxpayers (the reduced farebox revenues from less productive routes), and no loss of jobs within the transit union. While this is a concept not likely to gain acceptance by all stakeholders, it is a model that works in other places and could work in Miami-Dade if there is a shared goal of expanding quality transit service at the lowest cost to the public.

Other Options

Other options include partnering with public or private providers for services that complement existing transit services. This could take the form of service enhancers (such as additional frequency on routes that provide only hourly service), service extenders (that effectively serve rapidly growing areas not currently served by transit), or feeder services that enable people to get back and forth from major destinations such as malls, hospitals, employment centers, or transit stations.

Broward County Transit currently partners with nine local municipalities to provide circulator services within their cities. The County leases minibuses to the cities, provides \$20,000 per year to help pay the costs of operations, and provides extensive technical assistance in terms of scheduling, bus stops, etc. As noted earlier in the report, Metro in Houston pays private jitney operators \$50 per day in operating subsidies that the providers are allowed to keep regardless of how much revenue they make that day. In Puerto Rico, the government provides no cash subsidy to jitney owners, but it does provide tax breaks and other economic incentives to jitney operators, as well as transfer facilities and supervisors to help ensure safe and coordinated service. In Chicago, jitney operators are eligible for a 50 percent credit on the Ground Transportation Tax and other Empowerment Zone tax incentives. In Los Angeles and Chicago, public authorities have provided private companies with seed money to help them establish market-driven services that are intended to become self-sufficient.

In short, there are numerous ways the County could partner with other entities to expand transit services at relatively low cost. The chances are good that Florida Department of Transportation Service Development grants could be obtained to help fund pilot projects that make good sense. The challenge is finding projects that stakeholders will endorse, that also help reduce traffic congestion in Miami-Dade County.

It is tempting to say that the classic jitney owner-operator model would not work in the more suburban areas of the County that are currently underserved by the transit system. These areas are generally not low income, and might not have the same cultural characteristics as areas currently served by jitneys. However, it is encouraging that a few jitney routes have been established in Hialeah and the South Dixie Highway area that are viable. There might be more such services that could be viable if the County offered some minimal form of capital and/or operating assistance. Such partnerships would most likely be less expensive than the County's paratransit division.

For most areas of the County without transit service, applying the classic jitney model would be similar to trying to put the square peg in the round hole. Jitneys operate fixed routes, but not on fixed schedules. This is perfectly acceptable in major corridors where the frequency of service is high enough to make passenger schedules virtually unnecessary. However, in more suburban areas where higher frequency is not warranted, unscheduled service would simply be unacceptable. The County would better serve such areas with reliable, scheduled service. Fixed route service, provided through contracts with strict service standards, would at least provide the assurance of reliability. The County would be better off contracting for such service at first to test the market before committing its own personnel resources to serve such areas. The County could provide any number of incentives to encourage proposals, including low-cost leasing of vehicles, daily operating subsidies, marketing assistance, and any other provision that might lower the operators' costs.

A final option for the County to consider is developing a pilot project that tests technology that allows more flexible and responsive service to be provided in the suburbs. Fixed route transit may be reliable, but it is very inflexible and not accessible enough to attract many people in spread-out suburbs. Given the low density of much of the new development in western and southern Miami-Dade County, fixed route transit service will not be that attractive or efficient, even if it is designed with route deviation possibilities. There are concepts being explored to test the feasibility of utilizing shared-ride vehicles such as vans with on-board computers that would take requests for trips while the vehicles are in service. People interested in using this service would become eligible by entering their names, phone numbers, and addresses into a databank that would allow passengers to request trips by pressing buttons on their telephones. The vans' computers would receive the requests, communicate with each other, and optimize the trip requests to determine which vehicle is best suited to respond. These vans would operate in a many-to-few mode (unlike taxis, providing the many-to-many model of service). Passengers could be transported to certain major destinations such as malls, transit stations, or major employment centers. Such a service would be faster, more flexible, and more expensive than a bus, while being less direct, slightly slower, but less expensive than a taxi. This service model would provide the flexibility and convenience that might be able to attract those in the suburban developments that would like to avoid buying a second or third car.

In short, there are numerous opportunities for Miami-Dade County to pursue if they wish to increase transit service at lower costs. Many areas of the country are recognizing that mobility management is best served through the development of an array of services that try to provide the proper levels of supply to the different levels of demand. Non-traditional partnerships are the key to developing a continuum of services.

EXCERPTS FROM AVAILABLE DATA

Appendix B: Urban Mobility Report, 1992

The Miami Jitneys

**Prepared for the
Office of Private Sector Initiatives
Federal Transit Administration**

**by
Urban Mobility Corporation**

**In association with
KPMG Peat Marwick
Mundle & Associates, Inc.**

August 1992

The views and conclusions expressed in this report do not necessarily reflect the official position of the Federal Transit Administration or the U.S. Department of Transportation

Executive Summary

This report presents the findings and conclusions of a study of the Miami jitneys, undertaken at the request of the Federal Transit Administration (FTA). The study was commissioned by FTA Administrator Brian Clymer, who earlier had offered to work with the Metropolitan Dade Transit Agency (MDTA) and the private jitney operators to determine "how private minibuses might be most productively integrated into Dade County's public transportation system."

Private jitneys have been a part of Miami's transportation scene for many years. Their origins can be traced to the pre-World War II days, when minority entrepreneurs began to serve residents of low income neighborhoods located beyond the reach of the streetcars. Over the years, a number of jitney services were licensed by the County to provide service along designated routes which were not served by public transit.

In 1989 the Florida State legislature enacted a statute prohibiting local governments from regulating private passenger motor carriers engaged in intercity transportation service. Since Dade County includes a number of incorporated municipalities, private operators took advantage of the statutory loophole to launch unlicensed "intercity" jitney services within metropolitan Miami, connecting various municipalities, such as the City of Miami, Miami Beach, Hialeah and Coral Gables. A mass of unlicensed jitneys flooded the Miami area, beginning in the Spring of 1990.

In order to put an end to this rapid proliferation of unlicensed jitneys, the Florida state legislature passed a corrective amendment limiting the statutory exemption to "intercounty" transportation, and Dade County began to crack down on the unlicensed jitney operations by impounding vehicles for such violations.

of the Motor Carrier Code, notably failure to obtain a Certificate of Tran.

The results of the County's enforcement campaign, however, were largely unsuccessful. While the County's crackdown forced some marginal operators out of business, on the whole the jitney operations continued to thrive. Impounded vehicles would be quickly reclaimed and placed back in service.

At issue are conflicting views as to the role and impact of the jitney operations. The private operators claim that jitneys and Metrobuses serve two distinct markets, and thus there is no major conflict between the two systems. The jitney clientele, they contend, is attracted to the jitneys because they offer service qualities that are lacking in the public transit system. These include shorter waiting times, faster trip times, patrons' ability to flag vehicles at any street corner and to get off at will; and the drivers' ability to communicate with and assist non-English speaking patrons — a not unimportant asset in a city that contains a large immigrant population. All these factors, claim private providers, have generated new customers for the jitneys — a market that only marginally responds to Metrobus service. But even if a certain overlap did exist, contend jitney operators, parallel and competitive jitney and public transit operations enhance personal mobility and are in the public interest.

County authorities, on the other hand, contend that jitney operators would choose to operate only in the profitable corridors and would inevitably "skim" passengers from public transit. They also fear that the jitneys would choose to operate only during periods of peak demand, but not during off-peak hours and on weekends. Thus, MDTA would be required to operate "losing" routes and services, without offsetting revenue from peak period service and heavy demand corridors.

To shed some light on this debate, the study set out to examine the following questions:

- Have the jitneys created a market of their own, or have they merely "skimmed off" riders from the Metrobuses?
- What impact have the jitneys had on Metrobus ridership, revenue and subsidy requirements?
- How can the jitneys be integrated into Dade County's public transportation system without adversely affecting the Metrobus operations?

The Jitney Market

The study has found that the jitneys carry an average of 110-125 passengers per vehicle per day, and the jitney fleet as a whole, consisting of nearly 400 vehicles, carries an estimated 43,000 - 49,000 riders per weekday or approximately 946,000 - 1,078,000 riders per month. This represents approximately 23-27 percent of the current weekday Metrobus ridership of 183,000 and 18-20 percent of the current weekday public transit system ridership (Metrobus, Metrorail, Metromover and Paratransit) of 244,000.

This empirically derived ridership estimate was independently validated by an analysis of the jitney operating costs. These were found to be in the range of \$70-75 per day. This means that a jitney must generate 70 to 75 riders per day just to break even. At the assumed average productivity of 110-125 passengers per vehicle per day, the jitney driver would earn a net profit of only \$40-55 per day, or roughly the equivalent of a minimum wage. The operating cost analysis supports the conclusion that the empirically derived estimate of 43,000 - 49,000 passenger trips per weekday represents a conservative estimate of systemwide jitney ridership.

An independent survey, conducted for the Study Team by Behavioral Science Research Inc. of Miami, strongly suggests that the jitneys have developed a market of their own, rather than merely siphoned off riders from the public bus system. For example, more than 50 percent of the respondents

While the jitneys have undeniably deprived the Metrobus system of some operating revenue, no adjustments in bus service appear to have been made in response to the loss of ridership. Decreasing the level of service in the affected corridors to meet the lower demand could have attenuated the financial impact of the ridership diversion, and provided MDTA with a possibility of realigning service to other parts of the County.

Jitney Integration

Can the jitneys be integrated into Dade County's public transportation system without adversely affecting the Metrobus system? The answer to this question will be sought in the last phase of the Study. Recent events, however, suggest that the answer hinges on political as well as technical considerations. In March 1992, the County Manager proposed that private jitneys be allowed to provide local service in three heavily traveled corridors, while Metrobuses would provide limited-stop service. According to the County Manager, subsidy requirements in the three corridors would decrease by more than \$2 million, allowing MDTA to realign service to other parts of the system. The County Board of Commissioners was not convinced: it voted the proposal down by a vote of six to one.

Since then, County enforcement efforts have continued with sporadic "sweeps" which impound unlicensed jitneys. These efforts appear to have been largely unsuccessful, however, in deterring jitney operations. Indeed, the number of unlicensed jitneys is reported to be increasing steadily, suggesting that the jitney market is still growing. Strong public demand for jitney services virtually guarantees their continued existence, and increases the likelihood of an eventual negotiated compromise.

indicated that they "always ride the jitney" and only 31 percent said they use "whichever vehicle arrives first." Equally significant was the response of over 30 percent of the sampled riders, that they would use some other mode of travel rather than the Metrobus if the jitney was not available.

The survey also throws some light on the makeup of the jitney market. Jitney riders are predominantly low-income workers (about 78% of the sample earn below \$20,000/year), with a large proportion of recent immigrants (53% of the sample are non-English speaking). Many of these riders undoubtedly find the jitneys a more familiar — and perhaps a more congenial — form of transportation than the Metrobuses. Other riders are drawn to the jitneys because they get them to their destination faster (65% of respondents) or because they are less expensive (21%). The survey provides strong evidence that the jitneys have been successful in carving out an independent market niche, and that they have developed a loyal clientele that considers the jitneys their travel mode of choice.

The Impact of the Jitneys on the Metrobus System

The study has found that the recent influx of unlicensed jitneys has had some negative impact on Metrobus ridership and revenue. Weekday ridership on the Metrobus system declined by 29,500 rider from its peak ridership in February 1990. However, this decline coincided with a fare increase in December 1990, which could be expected to have had some adverse effect on Metrobus ridership. During 1990 the Metrobus system suffered a net loss of 5,400 daily riders, and during 1991, the time of the most rapid proliferation of the jitneys, a further net loss of 6,600 riders. Allowing for the effects of the fare increase, it is estimated that the total of Metrobus riders diverted to the jitneys during the study period represents not more than 45-50 percent of the current daily jitney ridership of 43,000-49,000. The Metrobus ridership analysis provides an independent confirmation of the conclusion that the jitneys have tapped a new market and that their impact on the Metrobus system has not been severe.

EXCERPTS FROM AVAILABLE DATA

Appendix C: Publico Report, 1986



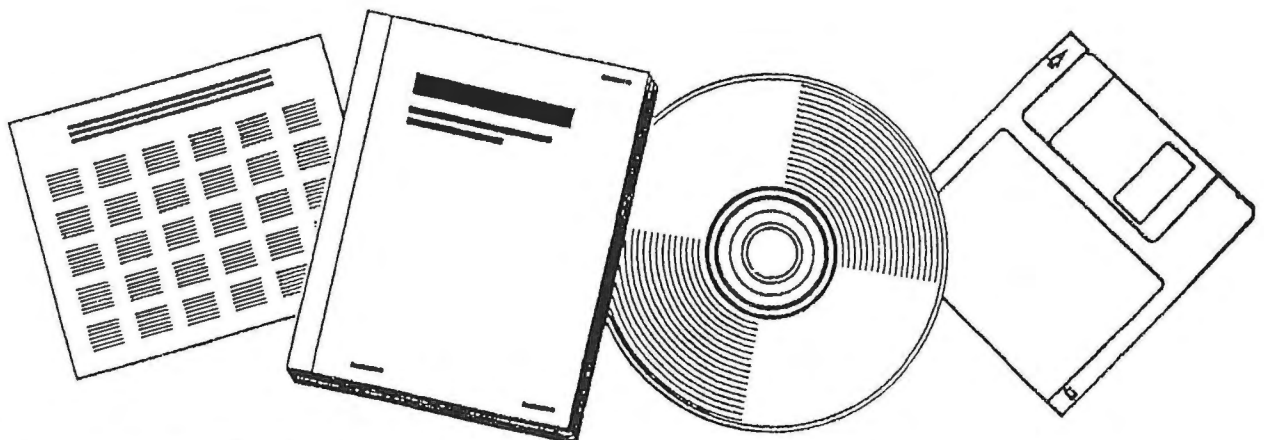
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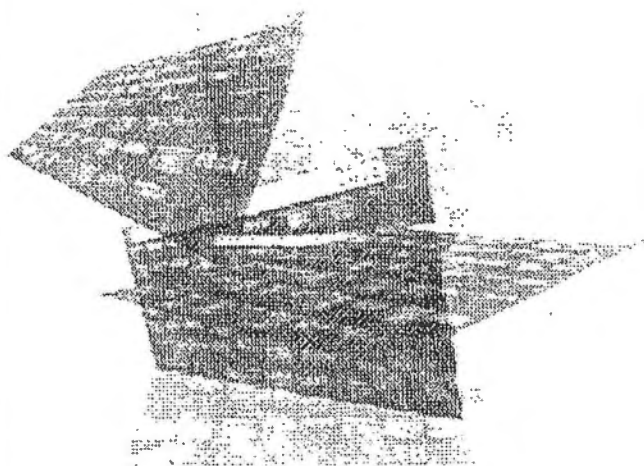
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EXECUTIVE SUMMARY

I. Introduction

The principal purpose of this study was to investigate the potential of using the "público" system of Puerto Rico as a basis to provide transportation service in certain markets in urban and rural areas in the United States. The approach followed consisted of gathering extensive information on the "público" system including general and specific characteristics of the level of service, and of users and operators. This information was analysed to determine significant differences between the characteristics in four study areas (Arecibo, Aguadilla, Bayamón, and Mayagüez) and to compare to paratransit system in the United States. In more detail, the study was divided into the following tasks:

1. Performing literature reviews of public transportation funding policies by the United States government, of previous "público" studies, and of paratransit systems.
2. Gathering of data from previous studies, government agencies in Puerto Rico, and the Bureau of Census to obtain information about the level of service of the systems and the characteristics of the "público" users and operators.
3. Developing "público" and general community paratransit computerized databases integrating system and users' characteristics.
4. Analyzing the "público" information by comparing the characteristics between study areas, between route types, and within each route type.
5. Comparing the "público" system to general community paratransit systems to determine similarities and differences, and to assess positive and negative aspects of the "público" system which could affect its potential transferability to other areas.

The objectives of this executive summary are to provide a summary of the key findings of this research, discuss conclusions regarding the "público" and paratransit systems, and to present recommendations regarding improvements to the "público" system in Puerto Rico and its possible implementation in other areas.

II. Summary of Findings

This section summarizes the main findings of this research including those from the literature review, from the analyses of the characteristics of the "público" system of the four study areas, and from the comparisons to paratransit systems.

A. Literature Review

The literature review of previous studies consisted of three parts studies related to problems and issues in urban and rural transportation, "público" studies to obtain general background information and specific information about the system, and paratransit studies to provide some basis for the comparisons to the "público" system.

The review of studies dealing with transportation issues and problems provided the motivation for this research effort. Numerous studies have indicated that government had been unable to solve transportation problems with public subsidies to conventional mass transportation systems, and that there is a need for some private sector participation and to experiment with innovative forms of transportation investments.

The review of previous "público" system studies mainly indicated that even without many improvements in the last two decades and without any direct governmental subsidies, the "público" system is considered an effective and dominant public transportation service in Puerto Rico. This is in part due to the lack of alternative public transportation in most areas of Puerto Rico.

Since there is a lack of understanding of the "público" system which is often described only as a jitney system, considerable effort was devoted to obtaining and presenting its characteristics. Based on information from previous "público" studies and other information obtained from different government agencies, a general description of the system was presented including information on the operating characteristics, regulatory controls, statistics on route and vehicle types, government support and incentives, information of other transportation systems, and information on users and operators.

The literature review of the United States experience with paratransit was limited to general community paratransit since their markets, like that of "públicos" include a broad cross section of trips undertaken by users with a broad range of characteristics. The review consisted of three parts: a review of the principal reports on paratransit, a discussion of issues regarding paratransit modes, and a description of the different services that are part of general community paratransit (share ride taxis, dial-a-ride and hybrid services, and jitneys).

B. Data Gathering and Preparation

Data were collected for the evaluation and comparison of the "público" and U.S. paratransit systems. Data collected from previous "público" studies consisted of cordon counts of vehicles and passengers by time of day and route for the Aguadilla, Arecibo, Bayamón, and Mayagüez systems. Data from the Public Service Commission were mostly related to the cost of vehicle operation. The "público" cordon count data were modified to consider those trips which occur outside the cordon count station and to compute cost related information per day per driver. Socioeconomic information about the study areas was obtained from the Bureau of the Census 1980 reports on the characteristics of the population at the islandwide, municipal, and census tract levels. The "público" and socioeconomic information was combined into a database in which the census tract level socioeconomic information was aggregated to the route level. Once the data were aggregated, summary statistics and composite variables were computed with the aid of the SPSS-PC programs.

The data on general community paratransit services in the United States were obtained from several paratransit reports. These data include both information about the system and the socioeconomic characteristics of the users. The information was organized into a database and general statistics for dial-a-ride, shared ride taxis, and jitney systems were computed.

C. Analyses and Comparisons

A detailed description of the four "público" study areas was presented. This was based on the level of service provided by the "público" system and on the socioeconomic characteristics of the population served. The data gathered and prepared were used to compare the routes within each study area, to study the characteristics of the four systems, and to compare the "publico" system to paratransit systems in the U.S.. The description included the population distribution and characteristics of Puerto Rico and each study area, systemwide and route level characteristics of the "publico" system, and characteristics of the population served by the systems.

The information on the "público" system was utilized to compare its characteristics to general community paratransit systems in the U.S. considering the characteristics deemed more appropriate for evaluating the transferability of a transportation system to other areas. A simplified evaluation framework was developed which considered the level of service provided to the users, other impacts affecting the rest of the society, passenger demand rates, supply provided by the systems, impacts to the operators, and the socioeconomic characteristics of the users and the service area. The comparisons were made using quantifiable variables whenever data were available, but in some cases they were made only in a qualitative manner. These comparisons clearly demonstrated that the "publico" system can not be considered a jitney system since they provide a wide range of services over large service areas and under different institutional and regulatory arrangements.

iii. Conclusions

This section will present the major conclusions of this study emphasizing the advantages and disadvantages of the "público" system and the characteristics of the system which will affect its potential transferability to other areas.

This research has verified that the "público" system is the principal mode of public transportation in Puerto Rico with an average mode split to work of 12%, and with 12,000 vehicles distributed over 900 routes serving urban, suburban and rural areas. The principal reasons for this are:

1. Unlike in most cities in the United States, jitneys and similar private transportation modes were never banned in Puerto Rico. This was in part due to the centralization of this matter at the insular level. It was not until 1962 that entry was regulated and not until 1974 that fare and route alignment controls were established. At this point, the system was already dominant, and "público" drivers projected significant political pressure at the municipal level.
2. Certain socioeconomic characteristics of Puerto Rico help create an environment, both in terms of supply and demand, under which "públicos" result in an adequate transportation mode. These include the high level of unemployment, the relatively low income of the population, and the high percentage of households without phones and vehicles. These results in both a large captive "público" market and a large pool of potential operators willing to offer service at relatively low benefits to them.
3. In Puerto Rico, unlike the United States, both private and public

investments in public transportation have been limited. The San Juan Metropolitan Area, with a 1980 population of 1,086,376 has a government owned bus system with only 200 peak period buses. Outside of this area, the "públicos" face nearly no competition in the public transportation market. In the case of the San Juan area, "públicos" compete with some success with certain bus routes along the most important corridors, but mostly serve trips not served by buses or as feeders to the bus trunk service.

4. "Públicos" are used extensively for school and shopping trips because of the lack of adequate school transportation and the small percentage of households with more than one vehicle.

A preliminary analysis of these conditions would indicate that they are not present in most U.S. transportation markets and thus the potential for transferring the "públicos" is limited. However, the "públicos" do have significant advantages that would perhaps justify efforts to facilitate its transferability. The most important advantages of "públicos" are:

1. Low start-up cost and overhead due to its extremely simple organization based on loosely associated owners of small vehicles united under different arrangements to offer route service. Under Puerto Rican conditions, the "públicos" have not required government subsidies and have only received minor incentives of exemptions in import and vehicle registration fees and the construction of terminal facilities and passenger covered areas along the routes.
2. Great flexibility in providing a family of transportation services with reasonable levels of service, ranging from the door to door scheduled intercity line service to that similar to the jitneys' offered by local routes along dense corridors. This flexibility suggests that the "públicos" are adaptable to very different markets.
3. Employment to a largely uneducated, unskilled middle age labor force.
4. Generation of economic activity in local markets due to the required repairs and maintenance of the vehicles.

Some of these advantages result in limitations of the "público" system. For example, the low start-up cost and overhead are a direct result of the use of small vehicles from independent owners, and the absence of planning, marketing, and other management activities. The use of small vehicles also results in that "públicos" applicability is limited to markets where the volume permits efficient operation with them. The lack of management coordinated activities, such as planning and marketing, results in the following deficiencies with their related costs or reduced revenues to the system:

1. absence of vehicle maintenance and repair records
2. oversupply of vehicles in some routes
3. large variations in vehicle types even at the route level
4. difficulty in transfers resulting in inadequate crosstown service
5. slow response to changes in passenger preferences or travel patterns
6. limited service during periods of low demand
7. absence of planning and scheduling information.
8. absence of proper insurance both for drivers and passengers

In addition to these limitations of the "públicos", several barriers, which hamper the potential of transferring this system to the U.S., were identified in the literature review. The most important of these barriers are:

1. existence of well developed, subsidized public transportation systems with strong constituencies,
2. regulations banning the existence of jitney type service,
3. labor regulations preventing the use of federal funds for systems affecting transit employees (13-C),
4. stricter insurance requirements in the U.S. markets,
5. socioeconomic differences of the potential users and drivers between the U.S. and Puerto Rico,
6. lack of experience with similar systems, and
7. general negative attitude towards similar systems.

At the same time, there are several changes occurring in the U.S. public transportation environment, which, regardless of their negative or positive impacts in other aspects, may result in the elimination of some of the barriers to implementation previously discussed. These changes include reductions in operating subsidies to transit and a tendency towards deregulation in urban transportation. In addition, some of the limitations of the "público" system, such as the absence of planning and marketing activities, could be reduced during the system's implementation stage in U.S. markets. Another factor that may increase the opportunities for transferability is the fact that although on the average, the U.S. and Puerto Rico are very different environments, there are many areas similar to Puerto Rico with severe unemployment, low income, and low vehicle ownership. These areas, many located in the innercities of the east coast metropolitan areas, have great potential for the introduction of "públicos".

The comparison between the general community paratransit systems and the "públicos" have brought additional insights about the "públicos" and their potential transferability to U.S. markets. The most important of these is the confirmation and further documentation of the fact that "públicos" are not jitneys. They are regional systems comprised of a wide range of services from services similar to jitneys, SRT, and to fixed route scheduled intercity services. This is confirmed by differences between jitneys and "públicos" in terms of their service coverage, productivities, demand rates, and the characteristics of the service areas.

Our analysis has also indicated that there are significant differences between the average "público" route and SRT and DAR systems, but, as in the case of jitneys, some "público" routes have also characteristics similar to these systems. Another aspect revealed by our analysis is that the family of services provided by the "públicos" have cost structures similar to that of jitneys. The principal reason for these is that these systems operate based on similar types of vehicles and organizational arrangements.

The fact that service similar to SRT and other paratransit modes is offered by "públicos" at costs similar to those of jitneys suggest that the costs of these modes in the U.S. could be reduced by introducing to them some of the characteristics of the "públicos". Some of these characteristics are the government incentives and regulation, the high percentage of owner operators with significant flexibility in the way they operate their business and route associations formed by groups of owners.

Our conclusions indicate that there is significant potential both for

EXECUTIVE SUMMARY

I. Introduction

The principal purpose of this study was to investigate the potential of using the "público" system of Puerto Rico as a basis to provide transportation service in certain markets in urban and rural areas in the United States. The approach followed consisted of gathering extensive information on the "público" system including general and specific characteristics of the level of service, and of users and operators. This information was analysed to determine significant differences between the characteristics in four study areas (Arecibo, Aguadilla, Bayamón, and Mayagüez) and to compare to paratransit system in the United States. In more detail, the study was divided into the following tasks:

1. Performing literature reviews of public transportation funding policies by the United States government, of previous "público" studies, and of paratransit systems.
2. Gathering of data from previous studies, government agencies in Puerto Rico, and the Bureau of Census to obtain information about the level of service of the systems and the characteristics of the "público" users and operators.
3. Developing "público" and general community paratransit computerized databases integrating system and users' characteristics.
4. Analyzing the "público" information by comparing the characteristics between study areas, between route types, and within each route type.
5. Comparing the "público" system to general community paratransit systems to determine similarities and differences, and to assess positive and negative aspects of the "público" system which could affect its potential transferability to other areas.

The objectives of this executive summary are to provide a summary of the key findings of this research, discuss conclusions regarding the "público" and paratransit systems, and to present recommendations regarding improvements to the "público" system in Puerto Rico and its possible implementation in other areas.

II. Summary of Findings

This section summarizes the main findings of this research including those from the literature review, from the analyses of the characteristics of the "público" system of the four study areas, and from the comparisons to paratransit systems.

A. Literature Review

The literature review of previous studies consisted of three parts: studies related to problems and issues in urban and rural transportation, "público" studies to obtain general background information and specific information about the system, and paratransit studies to provide some basis for the comparisons to the "público" system.

The review of studies dealing with transportation issues and problems provided the motivation for this research effort. Numerous studies have indicated that government had been unable to solve transportation problems with public subsidies to conventional mass transportation systems, and that there is a need for some private sector participation and to experiment with innovative forms of transportation investments.

The review of previous "público" system studies mainly indicated that even without many improvements in the last two decades and without any direct governmental subsidies, the "público" system is considered an effective and dominant public transportation service in Puerto Rico. This is in part due to the lack of alternative public transportation in most areas of Puerto Rico.

Since there is a lack of understanding of the "público" system which is often described only as a jitney system, considerable effort was devoted to obtaining and presenting its characteristics. Based on information from previous "público" studies and other information obtained from different government agencies, a general description of the system was presented including information on the operating characteristics, regulatory controls, statistics on route and vehicle types, government support and incentives, information of other transportation systems, and information on users and operators.

The literature review of the United States experience with paratransit was limited to general community paratransit since their markets, like that of "públicos" include a broad cross section of trips undertaken by users with a broad range of characteristics. The review consisted of three parts: a review of the principal reports on paratransit, a discussion of issues regarding paratransit modes, and a description of the different services that are part of general community paratransit (share ride taxis, dial-a-ride and hybrid services, and jitneys).

B. Data Gathering and Preparation

Data were collected for the evaluation and comparison of the "público" and U.S. paratransit systems. Data collected from previous "público" studies consisted of cordon counts of vehicles and passengers by time of day and route for the Aguadilla, Arecibo, Bayamón, and Mayagüez systems. Data from the Public Service Commission were mostly related to the cost of vehicle operation. The "público" cordon count data were modified to consider those trips which occur outside the cordon count station and to compute cost related information per day per driver. Socioeconomic information about the study areas was obtained from the Bureau of the Census 1980 reports on the characteristics of the population at the islandwide, municipal, and census tract levels. The "público" and socioeconomic information was combined into a database in which the census tract level socioeconomic information was aggregated to the route level. Once the data were aggregated, summary statistics and composite variables were computed with the aid of the SPSS-PC programs.

The data on general community paratransit services in the United States were obtained from several paratransit reports. These data include both information about the system and the socioeconomic characteristics of the users. The information was organized into a database and general statistics for dial-a-ride, shared ride taxis, and jitney systems were computed.

C. Analyses and Comparisons

A detailed description of the four "público" study areas was presented. This was based on the level of service provided by the "público" system and on the socioeconomic characteristics of the population served. The data gathered and prepared were used to compare the routes within each study area, to study the characteristics of the four systems, and to compare the "publico" system to paratransit systems in the U.S.. The description included the population distribution and characteristics of Puerto Rico and each study area, systemwide and route level characteristics of the "publico" system, and characteristics of the population served by the systems.

The information on the "público" system was utilized to compare its characteristics to general community paratransit systems in the U.S. considering the characteristics deemed more appropriate for evaluating the transferability of a transportation system to other areas. A simplified evaluation framework was developed which considered the level of service provided to the users, other impacts affecting the rest of the society, passenger demand rates, supply provided by the systems, impacts to the operators, and the socioeconomic characteristics of the users and the service area. The comparisons were made using quantifiable variables whenever data were available, but in some cases they were made only in a qualitative manner. These comparisons clearly demonstrated that the "publico" system can not be considered a jitney system since they provide a wide range of services over large service areas and under different institutional and regulatory arrangements.

III. Conclusions

This section will present the major conclusions of this study emphasizing the advantages and disadvantages of the "público" system and the characteristics of the system which will affect its potential transferability to other areas.

This research has verified that the "público" system is the principal mode of public transportation in Puerto Rico with an average mode split to work of 12%, and with 12,000 vehicles distributed over 900 routes serving urban, suburban and rural areas. The principal reasons for this are:

1. Unlike in most cities in the United States, jitneys and similar private transportation modes were never banned in Puerto Rico. This was in part due to the centralization of this matter at the insular level. It was not until 1962 that entry was regulated and not until 1974 that fare and route alignment controls were established. At this point, the system was already dominant, and "público" drivers projected significant political pressure at the municipal level.
2. Certain socioeconomic characteristics of Puerto Rico help create an environment, both in terms of supply and demand, under which "públicos" result in an adequate transportation mode. These include the high level of unemployment, the relatively low income of the population, and the high percentage of households without phones and vehicles. These results in both a large captive "público" market and a large pool of potential operators willing to offer service at relatively low benefits to them.
3. In Puerto Rico, unlike the United States, both private and public

investments in public transportation have been limited. The San Juan Metropolitan Area, with a 1980 population of 1,086,376 has a government owned bus system with only 200 peak period buses. Outside of this area, the "públicos" face nearly no competition in the public transportation market. In the case of the San Juan area, "públicos" compete with some success with certain bus routes along the most important corridors, but mostly serve trips not served by buses or as feeders to the bus trunk service.

4. "Públicos" are used extensively for school and shopping trips because of the lack of adequate school transportation and the small percentage of households with more than one vehicle.

A preliminary analysis of these conditions would indicate that they are not present in most U.S. transportation markets and thus the potential for transferring the "públicos" is limited. However, the "públicos" do have significant advantages that would perhaps justify efforts to facilitate its transferability. The most important advantages of "públicos" are:

1. Low start-up cost and overhead due to its extremely simple organization based on loosely associated owners of small vehicles united under different arrangements to offer route service. Under Puerto Rican conditions, the "públicos" have not required government subsidies and have only received minor incentives of exemptions in import and vehicle registration fees and the construction of terminal facilities and passenger covered areas along the routes.
2. Great flexibility in providing a family of transportation services with reasonable levels of service, ranging from the door to door scheduled intercity line service to that similar to the jitneys' offered by local routes along dense corridors. This flexibility suggests that the "públicos" are adaptable to very different markets.
3. Employment to a largely uneducated, unskilled middle age labor force.
4. Generation of economic activity in local markets due to the required repairs and maintenance of the vehicles.

Some of these advantages result in limitations of the "público" system. For example, the low start-up cost and overhead are a direct result of the use of small vehicles from independent owners, and the absence of planning, marketing, and other management activities. The use of small vehicles also results in that "públicos" applicability is limited to markets where the volume permits efficient operation with them. The lack of management coordinated activities, such as planning and marketing, results in the following deficiencies with their related costs or reduced revenues to the system:

1. absence of vehicle maintenance and repair records
2. oversupply of vehicles in some routes
3. large variations in vehicle types even at the route level
4. difficulty in transfers resulting in inadequate crosstown service
5. slow response to changes in passenger preferences or travel patterns
6. limited service during periods of low demand
7. absence of planning and scheduling information
8. absence of proper insurance both for drivers and passengers

In addition to these limitations of the "públicos", several barriers, which hamper the potential of transferring this system to the U.S., were identified in the literature review. The most important of these barriers are:

1. existence of well developed, subsidized public transportation systems with strong constituencies,
2. regulations banning the existence of jitney type service,
3. labor regulations preventing the use of federal funds for systems affecting transit employees (13-C),
4. stricter insurance requirements in the U.S. markets,
5. socioeconomic differences of the potential users and drivers between the U.S. and Puerto Rico,
6. lack of experience with similar systems, and
7. general negative attitude towards similar systems.

At the same time, there are several changes occurring in the U.S. public transportation environment, which, regardless of their negative or positive impacts in other aspects, may result in the elimination of some of the barriers to implementation previously discussed. These changes include reductions in operating subsidies to transit and a tendency towards deregulation in urban transportation. In addition, some of the limitations of the "público" system, such as the absence of planning and marketing activities, could be reduced during the system's implementation stage in U.S. markets. Another factor that may increase the opportunities for transferability is the fact that although on the average, the U.S. and Puerto Rico are very different environments, there are many areas similar to Puerto Rico with severe unemployment, low income, and low vehicle ownership. These areas, many located in the innercities of the east coast metropolitan areas, have great potential for the introduction of "públicos".

The comparison between the general community paratransit systems and the "públicos" have brought additional insights about the "públicos" and their potential transferability to U.S. markets. The most important of these is the confirmation and further documentation of the fact that "públicos" are not jitneys. They are regional systems comprised of a wide range of services from services similar to jitneys, SRT, and to fixed route scheduled intercity services. This is confirmed by differences between jitneys and "públicos" in terms of their service coverage, productivities, demand rates, and the characteristics of the service areas.

Our analysis has also indicated that there are significant differences between the average "público" route and SRT and DAR systems, but, as in the case of jitneys, some "público" routes have also characteristics similar to these systems. Another aspect revealed by our analysis is that the family of services provided by the "públicos" have cost structures similar to that of jitneys. The principal reason for these is that these systems operate based on similar types of vehicles and organizational arrangements.

The fact that service similar to SRT and other paratransit modes is offered by "públicos" at costs similar to those of jitneys suggest that the costs of these modes in the U.S. could be reduced by introducing to them some of the characteristics of the "públicos". Some of these characteristics are the government incentives and regulation, the high percentage of owner operators with significant flexibility in the way they operate their business, and route associations formed by groups of owners.

Our conclusions indicate that there is significant potential both for

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Our conclusions indicate that there is significant potential both for

transferring the "públicos", or some of their characteristics, to markets in the United States. Our evaluation, however, was limited by the following factors:

1. the lack of availability of the data required for evaluation, and when available, the quality of the data was not always satisfactory,
2. the difficulty to predict user's response, system performance, costs, and other parameters under different environments,
3. and the dependence of the performance of the system on local objectives.

These limitations have suggested several areas for future research and for the improvement of the "público" system that will be discussed in the following section.

IV. Recommendations

As mentioned above, the most significant limitation of this research has been the lack of adequate data and models for the evaluation of the transferability of the "públicos". This leads to the following general recommendations for future research:

1. A paratransit system database, including the level of service, system performance, and socioeconomic characteristics with current information should be developed.
2. The data for "públicos", which depended on cordon counts and cost information from the Public Service Commission, requires the development of better unit costs considering the route's characteristics, and passenger and revenue information considering the boarding and alighting patterns of the route.
3. Cost and demand models for paratransit and "públicos" are required to be able to predict the performance of these systems under different conditions. This is required for the implementation of the more complete evaluation framework developed as part of this research.
4. The recent tendency in the U.S. has been that public transportation spends a portion of their funds in management and planning activities. In the other extreme, the "públicos" do not spend virtually any funds in such activities. The management and planning activities are justified based on the savings which they provide; however, it should be clear that different systems, serving different markets with different technologies, should spend different percentages of their resources in these activities. To our knowledge, no research has been done related to this meta-management or meta-planning topic so vital in determining the most adequate organizational structure for different types of public transportation services. The transferability of the "públicos" to the United States can be considered a subtopic in this more comprehensive research area.
5. Due to the uncertainty in the evaluation of the transferability of any technology, and the potential of "públicos" to serve some U.S. markets, demonstration experiments aimed at shedding more light into this important question should be developed. They should consider the advantages and limitations of the "público" system discussed in this study.

The extensive analysis of the "público" system conducted in this research suggests several areas for its improvement. Most of these are related to the complete lack of planning and management activities in the "público" system. The recommendations for "públicos" are:

1. The Department of Transportation and Public Works should develop demonstrations projects to determine the possibility of offering technical assistance to associations of "público" drivers. This assistance could be aimed at developing more-efficient maintenance procedures, fleet planning, scheduling, and other planning activities.
2. The Public Service Commission should develop theoretically valid procedures for the determination of fares, route entry, route alignment, and other decisions under its jurisdiction. For this, the development of costs and demand models for "públicos" is required. The procedures and models should consider the effects of the commission's decisions on the system level.
3. To attempt to increase the quality of service during low demand periods, the Public Service Commission should study the feasibility of variable fares, and/or subsidies for service during these periods.
4. In routes with very high volumes, investment in minibuses, and perhaps larger vehicles could be justified. Since these investments are outside the capabilities of individual operators, alternative financing mechanisms and/or institutional arrangements (such as cooperatives) for the vehicle acquisition should be studied.

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the income gained. However, the operators indicate that the system has many advantages including that it provides a needed service to persons who do not have autos, it provides employment, it is an unexpensive transportation mode, and persons who use it can avoid parking problems.

- b. The operators are not as willing to provide disadvantages about the system but one of the studies requested that they identify in priority order a series of factors which had the greatest impact on "público" service [24]. The cost of gasoline was rated as the most important factor, followed by competition from other "público" drivers, and the general economic situation.
- c. Among the most important operator's suggestions to improve service are eliminating fixed routes, obtaining subsidies for gasoline, increasing demand by eliminating unregistered and illegal vehicles, increasing fares, providing night and Sunday service, reducing waiting times, and improving or constructing terminal facilities.

This part of the literature review has provided general information about the "público" system. It will complement the information on paratransit systems in the United States which will be presented in the next section and the more specific information on the "público" system which will be presented in Chapter 4.

IV. United States Experiences with Paratransit Systems

The main objective of this section is to provide the general background information about paratransit experiences in the United States to serve as a basis for the evaluation of the transferability of the "público" system of Puerto Rico to other environments.

The paratransit literature is quite extensive, and comprehensive reviews have been presented elsewhere [25, 26, 27, 28, 29, 30, 31]. For this reason we will limit this review to the description of the principal types of paratransit which are comparable to "públicos" and have the potential of serving similar markets. These systems include jitneys, shared ride taxi (SRT), dial-a-bus or dial-a-ride (DAB, DAR), and other less flexible hybrid systems (HS), such as route and point deviations, checkpoint and cycled services. Multisystems [28] refers to this group of paratransit services as general community paratransit, since, their markets, like that of the

"públicos", include a broad cross section of trips undertaken by users with a broad range of characteristics.

This literature review on general community paratransit will consist of three parts. First, the reviews of the principal reports on paratransit will be presented. This will be followed by a discussion of issues such as regulation of the transit industry, labor, insurance, performance evaluation, and implementation problems. These issues are very relevant to the comparison between "públicos" and other paratransit modes that will be presented in this research. The third part will contain a description of the different services that are part of general community paratransit, including their general characteristics. This will also be useful for comparing these services with the "públicos" of Puerto Rico.

A. Review of Principal Reports

Paratransit is usually defined as the family of transportation services which fall between the single occupant automobile and fixed route transit in terms of attributes such as [29]:

1. flexibility in time and space,
2. privacy,
3. amenities,
4. type of ownership, and
5. driver type.

The development of these modes of public transportation can be traced to research on dial-a-ride conducted at MIT and General Motors in the mid 1960's. It is no coincidence that this research was undertaken shortly after the time when the lower density development patterns which followed the Second World War were having a significant impact on the growth of the automobile and the start of the demise of fixed route public transit. The systems proposed in the MIT research, which were never implemented at the scale conceived, provided door to door service in response to telephone calls utilizing a computer controlled system, and operated at or near break even levels.

This basic research of paratransit was followed by the implementation of several systems. These included the first major implementation sponsored by the federal government, Haddonfield Dial-a-Ride, which started in 1972 [28]. This project, which lasted until 1976, successfully demonstrated the operational feasibility of the dial-a-ride concept and of computerized

dispatching. The cost per passenger for this system, however, was significantly higher than previous estimates and the community decided not to continue the service after the demonstration period ended.

Even after the implementation of these systems, it was apparent that the potential of paratransit had not been achieved, as evidenced by the title of the 1974 Urban Institute study which popularized the name paratransit, *Paratransit: Neglected Options for Urban Mobility* [25]. This study, was designed to review the experience to date with paratransit systems, to assess their potential for serving transportation demand, and to design a research, development, and demonstration program to identify and demonstrate innovations of the paratransit services which could be beneficial to U.S. cities. This study identified four major applications of paratransit services:

1. Supplement conventional transit for the high density home to work travel with the increased use of high occupancy paratransit modes such as car and vanpooling.
2. Serve low density travel demand, particularly that which is uneconomical for conventional transit, such as intra-suburban-shopping trips, trips within small urban areas, trips late at night or early in the morning, and the travel needs of groups with limited mobility.
3. Increase the effectiveness of conventional transit services with paratransit feeder services designed to collect and distribute transit passengers in areas of low demand density.
4. Improve the mobility within business and commercial districts.

The Urban Institute study also presented the following general recommendations, principally aimed at UMTA:

1. Develop a demonstration program to evaluate the potential of more flexible taxi cab operations.
2. Test the operation of jitneys under typical urban conditions.
3. Continue the research program directed at the complex financing, regulatory, labor, and insurance issues related to paratransit service.
4. Conduct research aimed at determining the need for paratransit hardware and software.

It may be noted that even at the early time, the potential of private sector providers, as a response to the higher cost of public operators, was recognized. Also, evident were the constraints which the institutional issues

imposed on paratransit, thus making its development difficult.

The importance of the recommendations of the study is evident by the presentations and issues raised, during the second Williamsburg Paratransit Conference held in 1979. By this date, the following facts were indicated by Rosenbloom [27]:

1. Ongoing paratransit projects that encompass a number of service approaches were common.
2. Paratransit options were considered as part of regional alternative analyses.
3. Paratransit options often were an important element in the transportation systems management component of regional transportation plans.
4. Federal funding for paratransit projects had been substantial.
5. State funding had been significant as demonstrated by the Michigan and California programs.

Thus, less than five years after the publication of the Urban Institute Study, many of its recommendations had been implemented. However, the following issues, addressed at the workshop, were still important:

1. Labor protection and standards.
2. Institutional framework for paratransit development.
3. Evaluation and measurement of service effectiveness.
4. Competitive opportunities in paratransit.
5. Coordination of social service agency transportation.
6. Technology requirements.

The Williamsburg Conference achieve consensus on the following issues:

1. The local level should be responsible for initiation and control of paratransit projects, both because of their ability to see the best solutions to their problems and because of the inherent ambiguity of federal policy.
2. The federal government is in the best position to gather information on paratransit implementation efforts, to assess the validity of data reported by different projects, and to actively disseminate the results.
3. There is a need to develop and disseminate standard ways to measure or predict the performance of paratransit alternatives.
4. There is a lack of clarity in the policies of federal agencies.

However, some very important issues were kept unresolved. The first was the impact of the section 13-C labor protections on the development of paratransit systems that use a variety of operators. This is a direct result of the policy established by the Department of Labor of settling 13-C disputes on a case by case basis. The second issue on which consensus was not reached was the type of coordination required in the development of a range of paratransit services at the community level.

After the Second Williamsburg Conference, numerous successful paratransit systems continued to be implemented in various parts of the United States; however, as indicated in the most recent general review of these systems [29], there was a significant shift in the nature of the newer systems which included:

1. The focus of most of the systems was on the community, rather than regional level.
2. The scale of the systems has been smaller, usually limited to intra-community travel.
3. There has been a shift towards the use of private contractors, typically taxi companies, to operate the service.
4. The number of general community paratransit systems has been reduced because some of them are now targeted only at specific markets, like the elderly and handicapped. However, many general community paratransit systems are still operating.

Item three is of particular relevance to this research since it is an indication of the important role private providers can play in paratransit systems. The use of private providers for paratransit service, is highly related to regulatory and labor issues, some of which have not been resolved in many urban areas. However, many jurisdictions are revising regulation in order to promote competition and provide better service to the public. Some of these cases together with labor issues and insurance requirements, will be discussed in the following section.

B. Regulation, Labor Issues, and Insurance Requirements

As indicated in the previous section, important factors which affect implementation and operation of transit systems are regulation, labor issues, and insurance requirements. In terms of regulation the latest tendency in the United States is for the deregulation of the transit industry. For example,

San Diego has revised taxi and paratransit regulations [32, 33, 34]. The city of San Diego had regulations limiting taxi entry and fares dating back to the 1970's. In January 1979 it began a policy of issuing new permits and in May 1980 completely eliminated the ceiling on fare control. The city however retained the safety and insurance requirements. It requires certain minimum liability and the policy must be filed with the city. The revised regulations also make it easier to change shared ride rates. The revised regulations resulted in some increase on fares, but the supply of vehicles increased. The fare ceiling was reimposed in 1983 at a level 20% above the city average fare. Deregulation of entry control has improved service in some areas because of the introduction of jitneys. By 1983 twelve companies operated 36 vehicles as jitneys serving shopping areas, hotels, airport and military bases.

Arizona deregulated motor carriers in July 1982 permitting freedom of entry, pricing, and service levels [35]. The only requirements for obtaining an operator's license was the applicant's fitness, his ability to meet financial responsibilities for insurance, and that the service would not endanger the public. Although, the number of taxis providing service increased substantially, the fares did not come down but increased slightly. Any innovations like shared-ride services also did not develop due to low demand densities. The important lesson learned from the Arizona experience is that favorable impacts may not necessarily follow deregulation.

An economic analysis of Taxi Cab regulation in the U.S. by the Federal Trade Commission [32] indicated that open entry and fare competition in the radio-dispatch market was generally favorable with increases in service hours and reductions in fares and response time. The study concludes that there is no persuasive economic rationale for some of the most important regulations controlling entry and minimum fares and there is no economic justification for regulations that restrict shared-ride, dial-a-ride, and jitney type services.

Another important set of issues related to the use of private operators to provide paratransit services are labor regulations, like the previously mentioned labor protector clause (13-C) of the UMTA Act of 1964. This clause has led to many legal problems in the implementation of paratransit services with UMTA grants. This section requires that any assistance under this act has to provide protection to employees of existing services who may be affected by such assistance. Davis Jr. [36], Smith [37], Alschuler [38] discuss the implication of this law in great detail. Several taxi companies

brought suits, claiming unfair competition from dial-a-ride paratransit services. In most cases the taxi companies were unsuccessful but some services were forced to terminate the demand responsive component of the service. The implication here is that paratransit services can expect opposition from local taxi companies if they are not provided an opportunity to participate in the service and that careful consideration should be given to labor issues planning a new paratransit service.

Another important regulation for transportation providers in the United States is that requiring insurance. Since these requirements for the "public" system are significantly different, we will discuss some United States examples here. Typical liability coverage for personal injury for taxi cab companies is \$50,000/person and \$100,000 per accident [39]. Insurance costs depend on the past insurance record and safety performance of the system, level of driving experience of the drivers and economics of the area. Insurers frequently include deductible provisions to eliminate small claims.

Minnesota has no fault insurance law and requires of each taxi cab an insurance for \$30,000 liability, \$20,000 medical, and \$10,000 nonmedical insurance per person which means a taxi carrying 4 passengers must have a \$120,000 liability insurance [40]. Taxi companies must also have workman's compensation [40].

Transit agencies carry different levels of insurance. Northern Illinois Regional Transit Agency required for each project a \$3,000,000 combined single-limit personal injury and property damage coverage [41]. For demand responsive shared-ride services, Chalker [42], recommends \$1,000,000 minimum coverage for public liability and additional insurance for workmen's compensation.

The cost of insurance are escalating due to inflation and increasing medical costs. A University of California study [43] indicated that insurance costs for vanpool operations may vary from \$0-25/month for large companies, \$35/month for third party vans and up to \$75/month for insurance obtained from regular insurance carriers. Burkhardt [44] states that social service agencies providing paratransit services find it difficult to get insurance and, when they get coverage, the costs are usually high ranging from \$200 to \$5,434 per vehicle with an average of \$1,238/vehicle. A recent paper presented at TRB [44] indicates that small transit companies can reduce insurance costs by

\$55% by joint group purchases.

Another important topic that needs to be reviewed to meet the main objective of this research is that of evaluation of systems performance. This will be discussed in the following section.

C. Performance Evaluation of Paratransit System

The evaluation of performance of paratransit is related to various factors such as costs, productivity, effectiveness and quality of service. Given the significant reductions in public funds for transit, paratransit will have an important role to play in public transportation if it leads to a reduction in its level of subsidies. Thus, proper evaluation is very important if paratransit is to compete successfully with other modes of transit or at least complement the other services. An attempt is made here to review the recent literature related to this theme.

Miller [46] lists 24 performance measures related to efficiency (costs, labor productivity, vehicle utilization) and effectiveness (accessibility, service utilization, quality, and other factors) suggested in various studies. Kunkel and Demetsky [47] suggest various measures to evaluate cost efficiency, service effectiveness and utilization of demand responsive transit. Burkhardt [48] lists five measures of efficiency [cost/trip, cost/veh.km, cost/veh.hr., load factor, operating ratio] and three measures of effectiveness [pass/veh.km., passengers/veh.hr., annual passengers per service-area population). He has also listed 17 major cost elements to be considered in the evaluation.

Kiran Bhatt [49] identified several factors that affect cost and productivities. Cost are affected by ownership and organization of providers, the level and type of service, local regulatory environment, existing labor agreements, and vehicle characteristics. Productivities are influenced by the ability of the service to attract ridership, the nature of the market served, demand density, level of service, and fare structure. He considers that jitney type services could readily serve many markets being served by more common paratransit operations today if the cost structures of such services in San Francisco, Atlantic City, and other places can be sustained.

Finally, implementation issues are of outmost importance for the success or lack of a paratransit system. These issues will be discussed in the following section.

D. Implementation

Initiation of paratransit service in any community should focus on institutional factors and frameworks that lead to successful implementation rather than formal organized planning or service coordination. After analyzing the institutional dynamics of paratransit, Jones [50] concluded that successful implementation is linked to local community and business factors, individual labor management agreements and involvement of existing service providers, and local institutional frameworks. He also concluded that increased federal involvement resulted in higher costs of paratransit services and reduces the chance of successful implementation. Several DRT services resulted from community level planning rather than regional transit organizations (RTV's). Dedicated funding, demands from public for a fair share of transportation services, and demands of transportations disadvantaged helped in diffusing the paratransit concept.

A technology sharing report [51] of DOT gives excellent flow charts for planning and implementation of demand responsive (DRT) services. The steps include defining the objectives of the service, obtaining political approval and community support, patronage surveys, planning marketing strategies and implementation by stages (initiation, building up to full operation and modifying based on experience). Due consideration for labor (organized labor, taxi unions, etc.) is also considered important. Negotiations prior to the initiation of service at local level have been found to be highly satisfactory. It is also important to recognize that DRT requires a different type of organizational structure and management style than is characteristic of the conservative transit industry.

Glazer [52] suggests the following guidelines for evaluating transferability of ride sharing experience which may be applicable to other paratransit forms:

1. Budget, staff size, organizational form and services offered.
2. Markets served including number of commuters, existing level of service, rural or urban setting, number of large employers, trip lengths, income, availability of automobiles, etc..
3. Macroenvironment including price and availability of fuel, local economy, traffic congestion, air pollution, parking problems, transit availability, etc..

4. Personalities and institutions, including personalities of key staff and supporters, local institutional setting, regulatory constraints, etc..

Marketing is considered an important element of paratransit planning and implementation. Alschuler and Sober [53] suggest that planning be oriented to the market segments considering the following four dimensions:

1. socioeconomic characteristics (income, age, employment, auto ownerships, etc.),
2. trip purpose (home-based, non-home-based, work, shopping, social, recreation, etc.),
3. spatial pattern (activity centers such as CBD, University, suburb, etc.), and
4. time pattern (day of the week, time of day, etc.) to determine peak and non peak demands.

Saltzman [54] suggests the following marketing tasks and considerations for human service agency transportation:

1. socioeconomic characteristics (income, age, employment, auto ownership, etc.),
2. trip purpose (home-based, non-home-based, work, shopping, social, recreation, etc.),
3. designing, evaluating, and improving service,
4. pricing service, and
5. promoting the system.

The brokerage concept where a specific group of persons devote their time to coordinate different services and even initiate and promote new services depending on the needs of the community, may be also helpful in the initial stages of implementation of a new service [41, 55, 56, 57].

Multisystems [28] identified the following factors which influence paratransit implementation:

1. Problem with organized labor and competition with taxi companies.
2. Lack of funding.
3. Need for a strongly motivated lead agency or committed individuals.
4. Perception of the service need by the community.
5. Effective marketing campaign.
6. Need for a reliable service to gain community support.

In the following section, a description of the different services within

the group of general community paratransit will be presented.

E. Description of General Community Paratransit Services

The family of general community paratransit services will be classified for the purpose of analyzing them, conducting comparisons between them, and comparing them to the "público" system. They will be classified as jitneys, shared ride taxis, dial-a-ride services, and hybrid services; the latter including route deviation, point deviation, checkpoint, and cycled services. This section will describe the service characteristics of each of the options and will provide examples of their implementation.

1. Jitneys

Jitneys are a privately owned unscheduled fixed route or route deviation service. Jitneys are one of the oldest forms of transportation in the United States and have some characteristics similar to the "público" system of Puerto Rico. For example, jitneys are normally small capacity vehicles which operate on short but variable headways along corridors of high passenger demand. The vehicles can be hailed anywhere along its route or at designated stops and passengers can dismount at any point along the route.

Legal jitneys operate in Atlantic City, San Francisco, San Diego, Dade County, and Indianapolis and several operate illegally in Chicago, Pittsburgh, and other cities.

The San Francisco Mission Street jitneys have been operating along a 10 mile route through the Central Business District since 1900 but the number of jitney operators has decreased over the years. They compete with other transit modes such as buses, trolleys, and rapid transit. The service is frequent with headways usually less than four minutes. The route serves a densely populated area covering tourist, retail, and residential zones with stops at every 0.5 to 2 miles. Along the corridor there is a high percentage of households (66%) with no automobiles. The service is characterized by low fares, high demand, reliability of service and convenience, and the stops being close to business and residential areas.

The Atlantic City jitneys operate along a narrow 4.2 mile long corridor to serve hotels, restaurants, and small shops and mostly cater to the tourist traffic. Average headways are less than two minutes during morning and evening peaks and the operation is 24 hours. Very high productivities are

reported with 20 to 37 passengers per vehicle hour depending on the hour of the day. Along the jitney corridor there is a high percentage of households (52.3%) without automobiles. The success of this service can be attributed to heavy tourist traffic, high intensity of land use, and evenly dispersed travel demands in time and space.

The King drive jitneys operate in Chicago along a 4.5 mile route terminating close to the Central Business District. Although the operation is considered illegal, it successfully competes with other transportation modes such as buses, rapid transit, and taxis. The route covers moderately dense residential areas and commercial development. Average headways are 1.1 minutes during peak periods and 5 minutes during off peak periods. Within the jitney corridor the median family income is low with a high percentage of households (63.7%) with no automobiles. The service is characterized by low fares, short trip length, and high passenger demand.

Heramb [58] conducted an appraisal of jitney operations based on the experience of the San Francisco, Atlantic City, and Chicago jitney systems. It was indicated that jitneys have the potential for increasing vehicle occupancy in corridors, increasing the mobility of service-area residents, reducing travel time and dollar costs for the user, and supplementing regular transit in peak hours. In addition, it was considered that jitneys are suitable for corridors with high travel demand densities, that is evenly dispersed spatially and temporally, have a mix of intense land use that generates a consistent demand for intracorridor travel, and have low rates of automobile ownership. Other studies have indicated that the main barriers for the development of jitney systems are institutional in terms of transit management, private operators, and labor objectives, but economic realities may overcome institutional problems [28].

2. Shared-ride taxis

Shared-taxis are legally permitted to carry two or more passengers having different origins and destinations. Passengers share the taxi with other riders, sacrificing the convenience of a direct trip and the privacy and security of driving alone, but receive a fare reduction by spreading the cost among the riders.

Shared-ride taxi systems are generally subsidized by local governments that contract local taxi firms for the service. In California, subsidized

shared ride taxis are considered the predominant form of demand responsive transportation. According to Teal et al. [59] the subsidized shared ride taxis have flourished in California because, for local governments, they are the least expensive method of providing community level transit and are a much needed source of revenue for taxi firms.

An example of a subsidized system in California is the El Cajon system. El Cajon, a suburb of San Diego, established a shared ride taxi service in 1974 with federal revenue sharing. The city with 65,000 persons had poor fixed route transit service and started the shared ride service to provide better overall transportation and to provide service to the poor and elderly. The service was provided by a local taxi company with an integrated fleet system in which the taxis were utilized for either a shared ride or for an exclusive ride trip. The cab company was paid by the local government on a mileage basis whenever a shared ride passenger was in the vehicle. The service was provided 24 hours a day, seven days a week, and shared ride patrons had to utilize pre-purchased tickets as payment for service. The system was considered one of the best operated shared-ride taxi services in California with high number of passengers per day and per vehicle hour.

There are a few taxi companies which have provided an unsubsidized shared ride taxi service, but in general, local governments have been responsible for initiating the service. Several reasons have been given in the literature to explain this trend including the presence of restrictive local regulations, the general reluctance on the part of private operators to change their service structure, and the entrance of private operators into the public sector through service contracts [28].

Examples of unsubsidized shared ride taxi service include the Badger Cab Company in Madison, Wisconsin, and the Davenport, Iowa systems. The Badger Cab company has been successfully operating a private unsubsidized shared ride operation since 1946 [28]. It consists of a 30 vehicle fleet, with zonal fare structure, and with fares lower than exclusive ride fares. The ridership reported in 1980 was 2,000 passengers per day. The city of Madison has a population of 170,000 and the system serves an area of approximately 52 square miles.

The Davenport, Iowa (population 100,000, and service area 20 square miles) shared ride taxi system was established in 1967 [60]. The system consists of 20 vehicles and approximately 45 drivers. The drivers lease their

vehicles from a cab company which provides vehicle maintenance, licensing, dispatching, and insurance. The company's rate structure is also based on a zonal system.

3. Dial-a-ride

Dial-a-ride services are a form of demand responsive transportation in which a vehicle shared by several passengers, provides door step pick up with drop off either at a requested location or at designated checkpoint. The patrons telephone to request service and a dispatching center through manual or computerized methods will assign the appropriate vehicle. There are three basic types of dial-a-ride services: a "many to one", which involves travel from many origins to one destination (this could be a feeder service to a line-haul route); "many to a few", which involves travel from many origins to a few high activity centers; and "many to many", which involves travel between any two points in the service area. The majority of general community paratransit systems implemented in the last decade have been many to many dial-a-ride systems [28].

Dial-a-ride was the source of much of the research on paratransit systems in the 1960's. It was envisioned as a computer controlled system in which many vehicles responded to demands for door to door services. Many of the services implemented have been much simpler in terms of the service provided and the technical sophistication of the dispatching activities.

The first major dial-a-ride demonstration project was implemented in the early 1970's in Haddonfield, New Jersey. The service consisted of 24 hour, many-to-many dial-a-ride which served as a feeder to the PATCO High Speed line and also provided transportation to high activity centers. The service demonstrated the operational feasibility of dial-a-ride service and the utilization of computerized dispatching. However, after lasting four years, the community did not continue the service beyond the demonstration period primarily due to its relatively high per passenger cost.

Another system implemented during the early 1970's was the Santa Clara county service. The system was considered integrated since it had both demand responsive and fixed route elements. It was the largest integrated system ever attempted in the United States covering a population of 1.15 million with a service area of 200 square mile with over 200 vehicles. The demand responsive component was instituted to improve a fixed-route arterial system.

However, it was discontinued within six months of the initiation of the service. Carlson [61] attributed the failure of the system mainly to inadequate customer communication, starting the entire system at once, inadequate number of vehicles, and to legal problems with the taxi industry due to lack of prior communication. In addition, the operating costs of demand responsive feature was very high compared to its revenues.

There have been examples of system which have been continued beyond the demonstration period. The Michigan Bureau of Urban and Public Transportation started a dial-a-ride transportation system (DART) in 40 small cities and municipalities which was continued in most of the communities with special property taxes [62]. Although these were general community services, on the average about one third of the riders were elderly who gave support to the system. The costs were kept low because low cost taxis were operated by the agencies personnel.

There have been numerous other dial-a-ride system implemented in the United States. Based on the experience and the evaluation of many of these dial-a-ride systems, reports in the paratransit literature indicate the following conclusions [28].

1. The main problem associated with dial-a-ride service is its high cost relative to its possible revenues due to its limited achievable productivity levels.
2. Since demand is based on request for service, it is constantly changing and thus affecting the reliability of operations.
3. Many persons do not like to depend on a telephone call to request transportation service.
4. Services continue to be implemented in smaller communities where lower public sector wages or the use of the private sector keep cost down, which have low population densities, and where little or no fixed route transit service exists.
5. Many communities consider dial-a-ride more appropriate for the transportation of elderly and handicapped rather than a general community paratransit vehicle.

4. Hybrid Paratransit

Hybrid paratransit options combine features of conventional fixed route bus service and demand responsive service. It includes route and point

deviation, checkpoint, and cycled services. Deviation services follow a fixed route, but passengers may request being picked up or dropped off at any location within a certain distance from the general route. The actual route is determined on a run by run basis depending on the locations of the requests for deviations. Checkpoint service is a variation on dial-a-ride, in which passengers are required to use a predetermined set of dispersed checkpoint for pickup and dropoff locations. Cycled service involves vehicles scheduled to arrive or depart major activity centers (line-haul terminals, shopping centers, employment centers) at a regular basis.

A study by Sobel [53] reported that hybrid paratransit systems, with their compromised characteristics of both demand responsive and conventional transit, have the potential of operating at higher productivities than demand responsive systems, but offering a higher degree of responsiveness than conventional transit. In addition, the study concludes that hybrid paratransit options may be the most appropriate options for service areas of moderate population density where population is too sparse for conventional bus service, but too dense for demand responsive service.

A study by Multisystem [28] indicates that although the experience with hybrid system has been relatively good, very few hybrid services have been implemented. They indicated several reasons for this situation, including the need for dissemination of information on hybrid services and the complexity in understanding and implementing these services in comparison to pure demand responsive or fixed route alternatives.

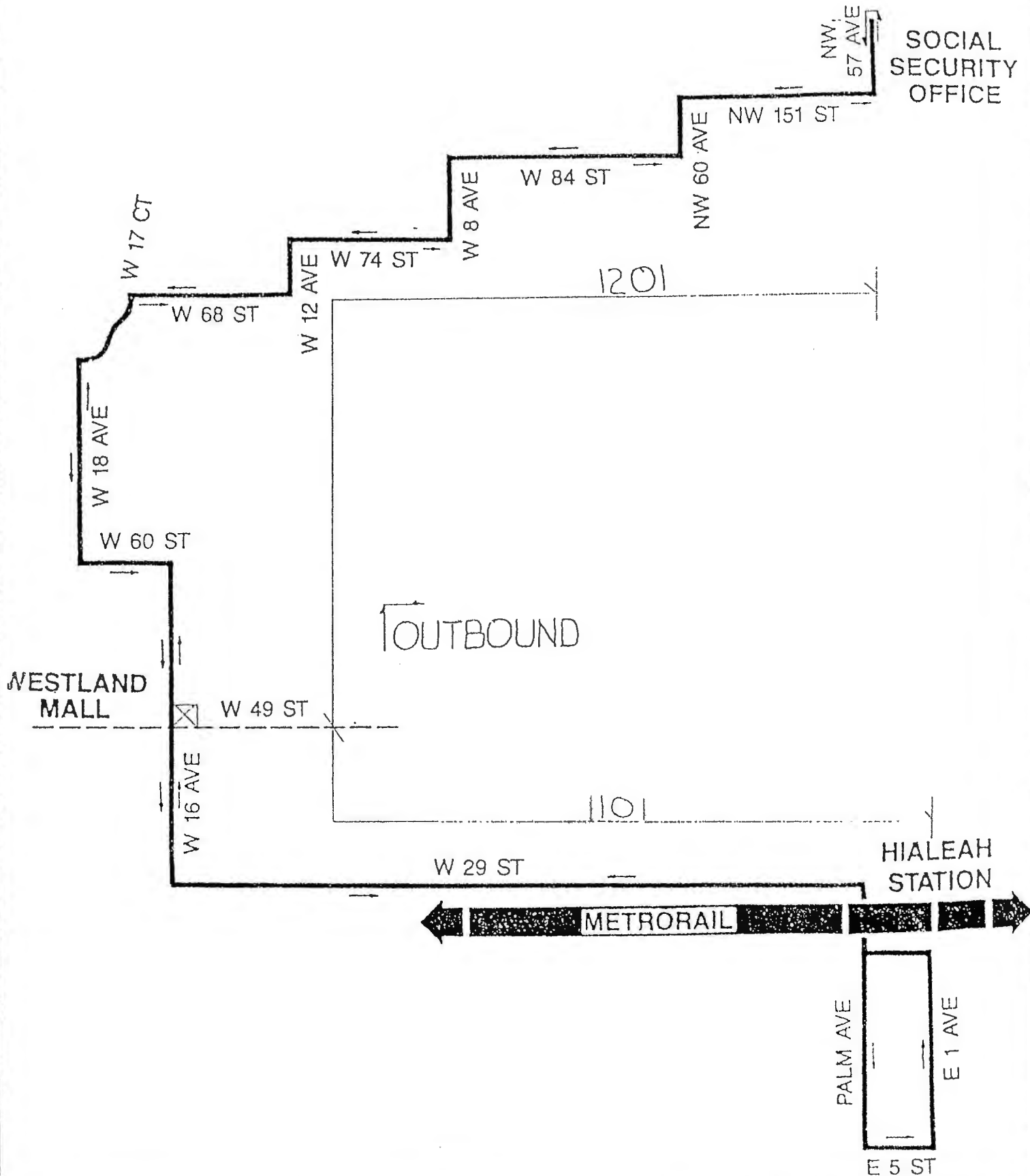
Some examples of hybrid services include the Ann Arbor-Teltran system and the Merrill, Wisconsin service. The Ann Arbor Transportation Authority operated a city wide integrated paratransit system which included a coordinated set of fixed routes and demand responsive services [64, 65]. It utilized a cycled many-to-one service in fourteen demand responsive zones with the fixed route transfer points serving as the terminal in each zone. The service began as a state funded demonstration project in 1971 and was expanded in 1973 using special property tax. Since 1973, the authority expanded the management team, increased the number of vehicles and ridership had grown. The operation has been considered as successful due to the gradual implementation of the service, economical operation using smaller vans for dial-a-ride operations, computerized dispatching based on zone structure, and public support.

The city of Merrill, Wisconsin of population equal to 9,500 inhabitants successfully operated a three vehicle point deviation system. The service was started in 1975 under the Wisconsin transit demonstration program. The system has had low costs per passenger due to its high productivity (as high as 13 passenger per vehicle hour) and the low prevailing wage rates in Merrill [28].

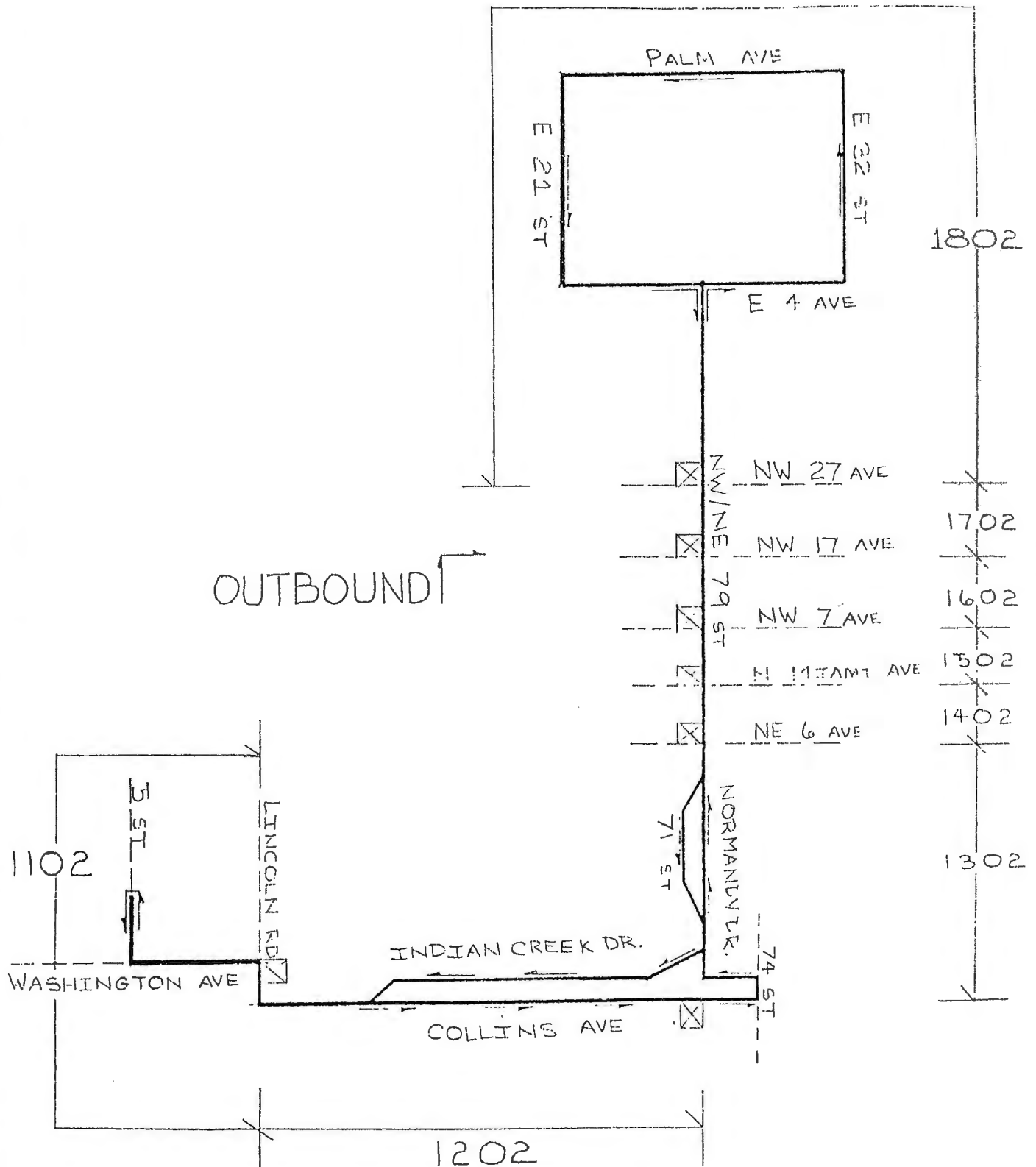
EXCERPTS FROM AVAILABLE DATA

Appendix D: Jitney Route Maps

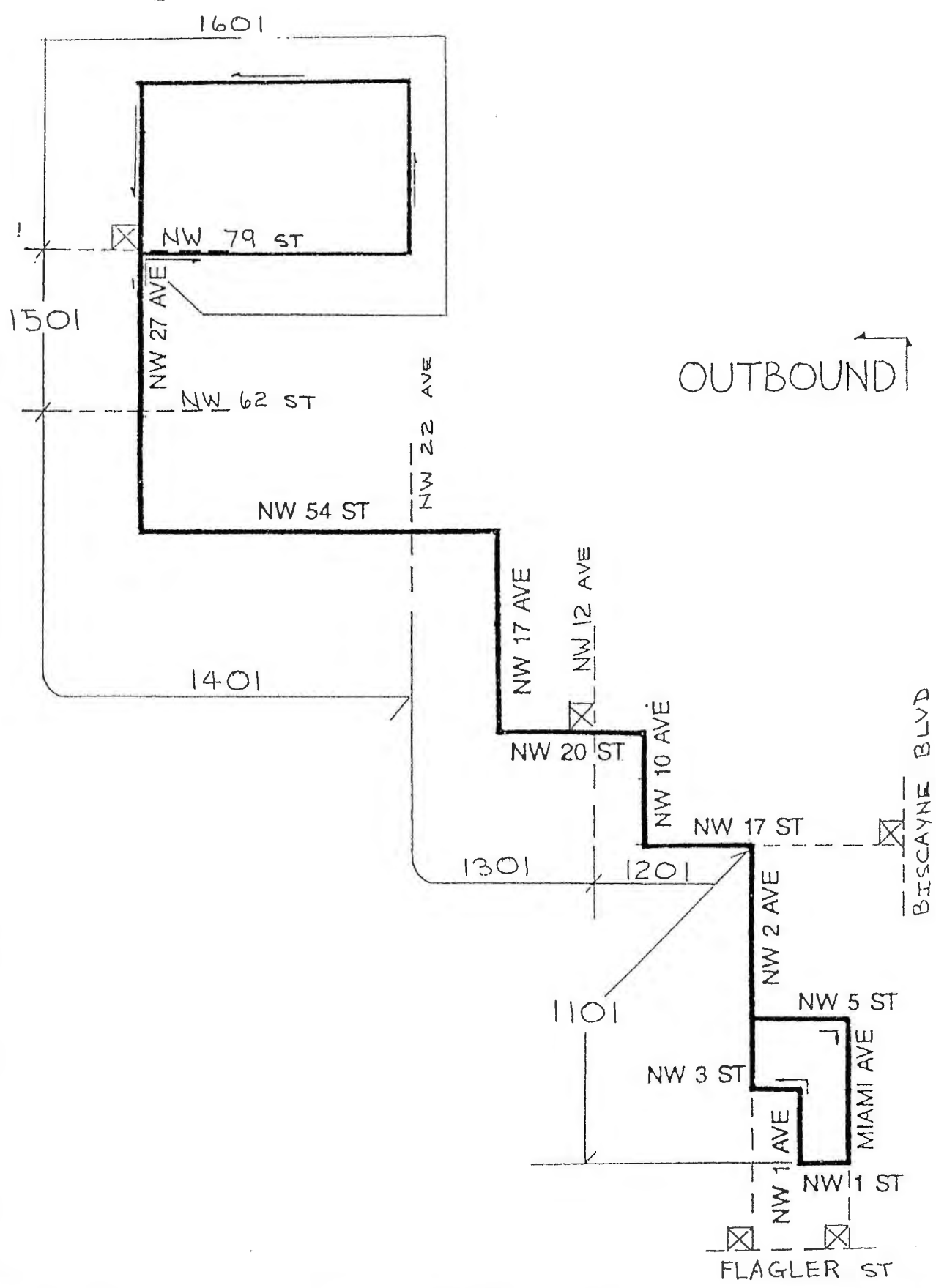
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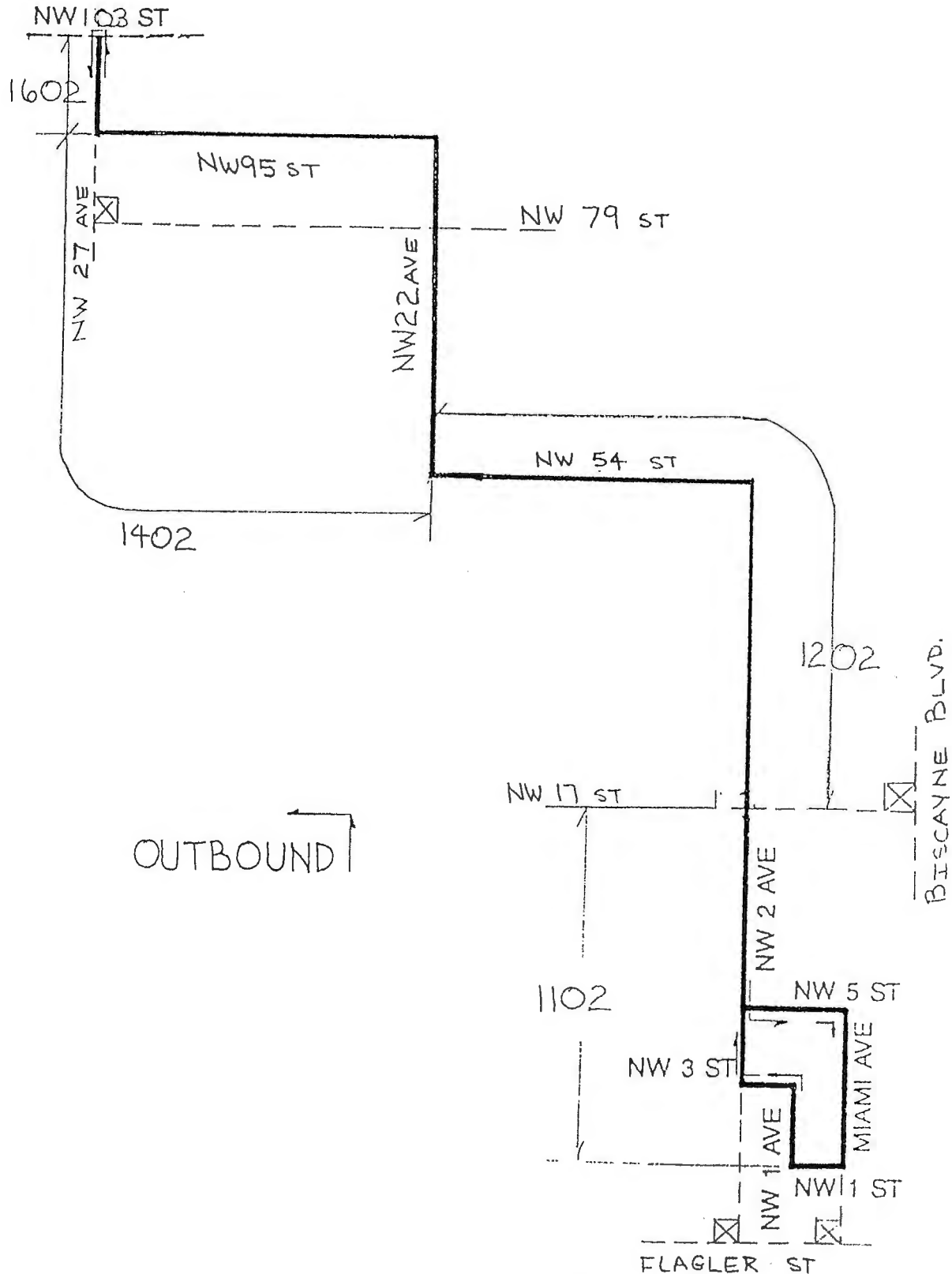
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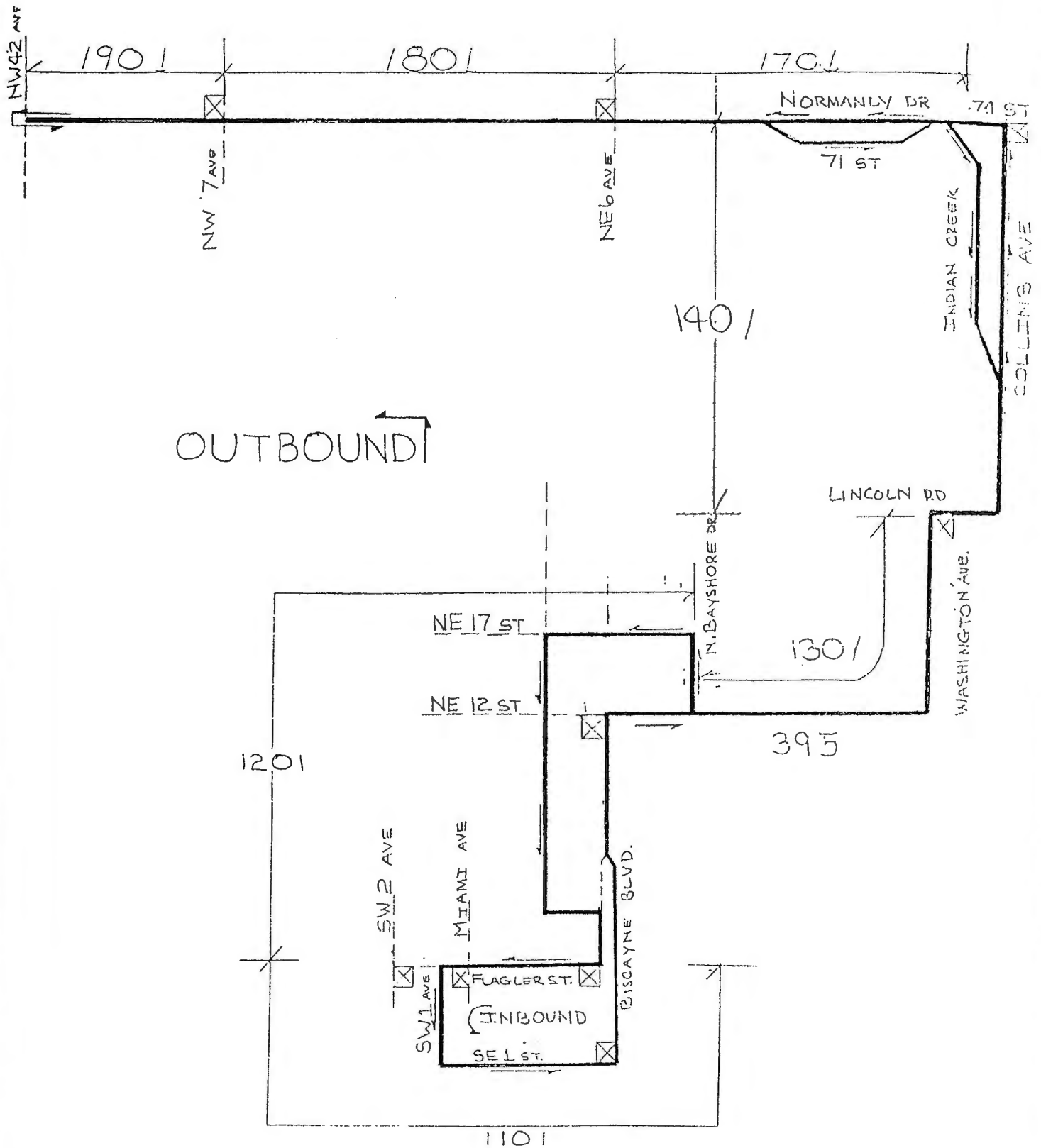
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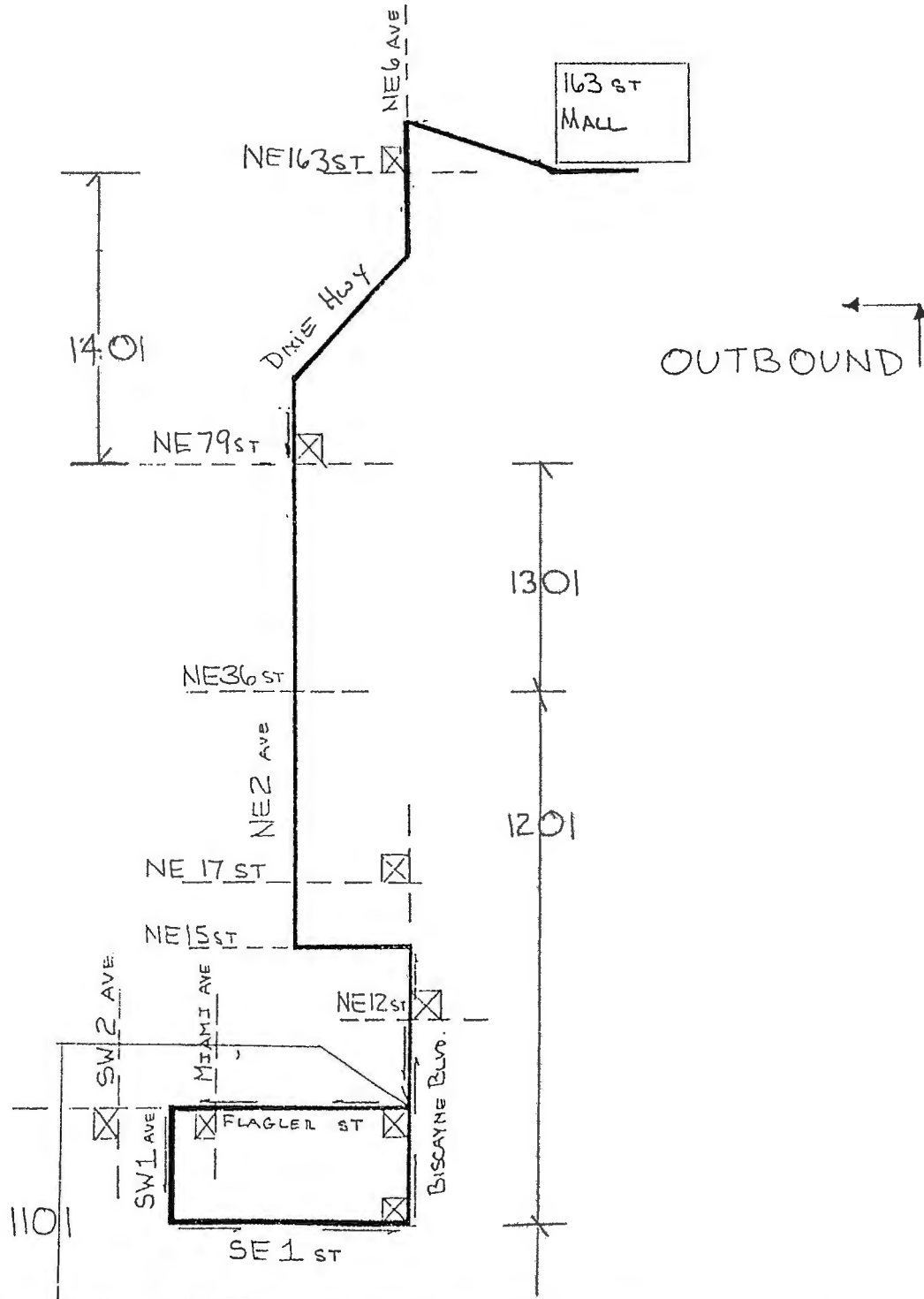
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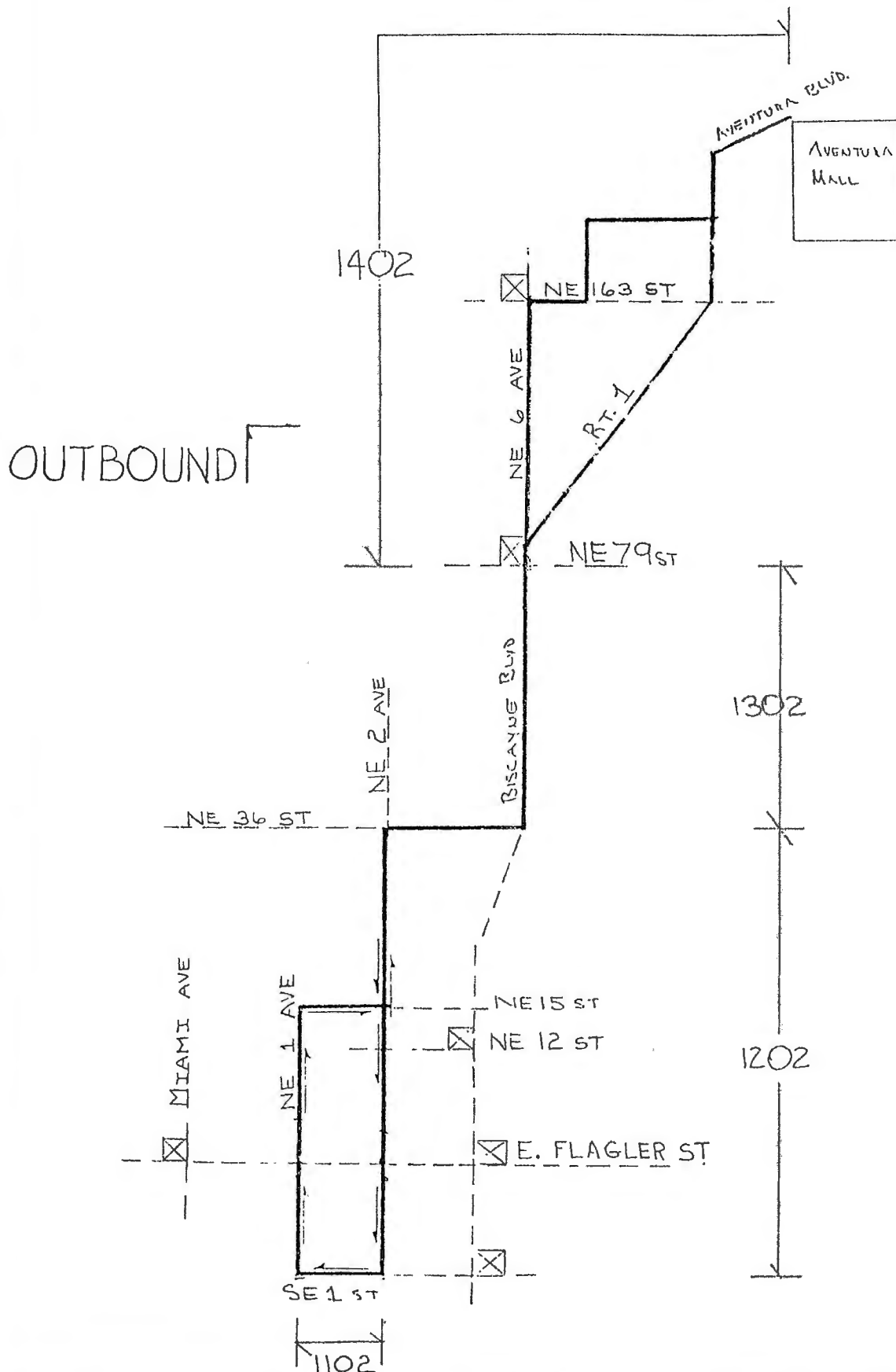
DOLPHIN JITNEY ROUTE 1



FANTASY MINIBUS ROUTE 1

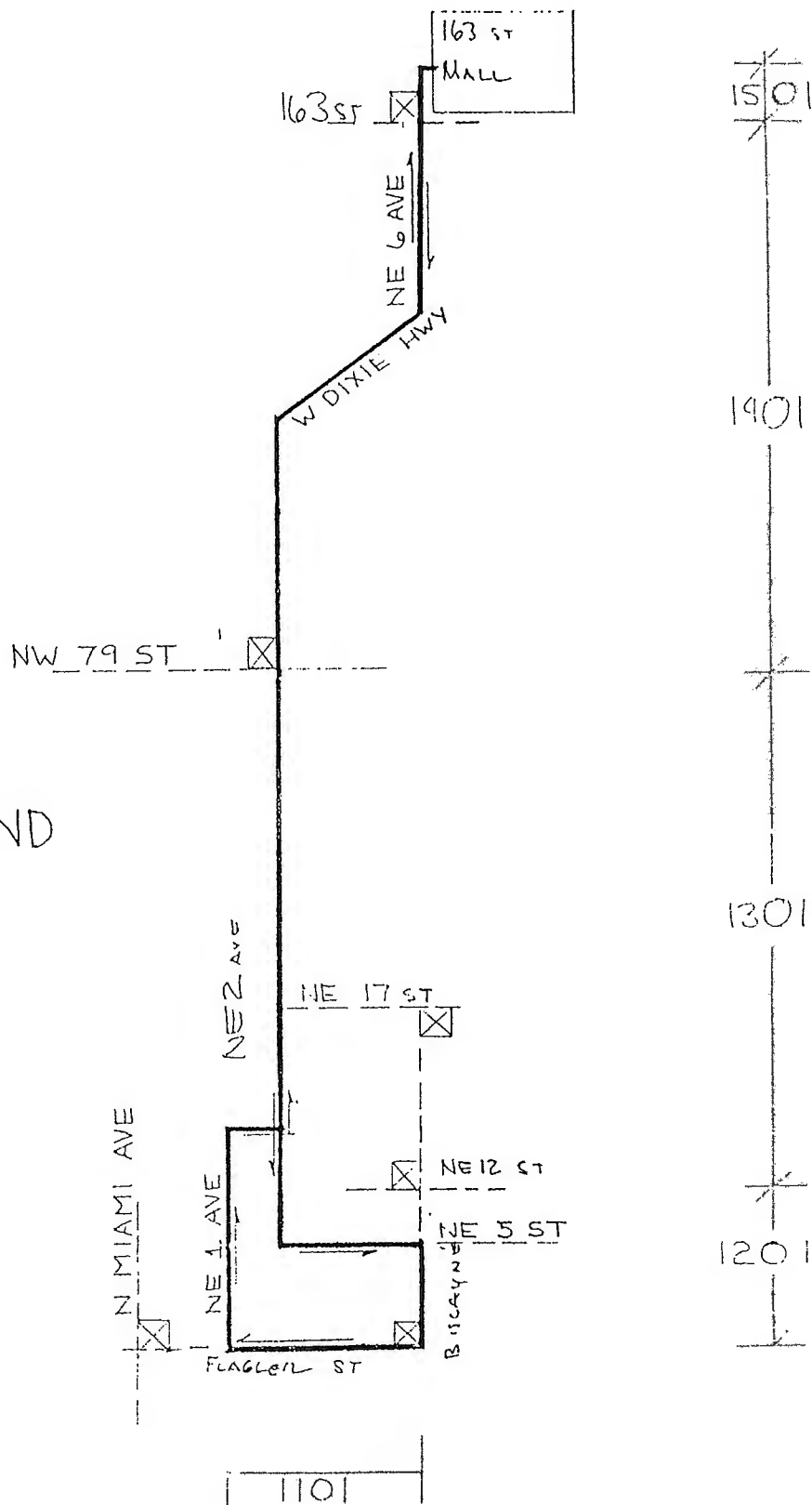


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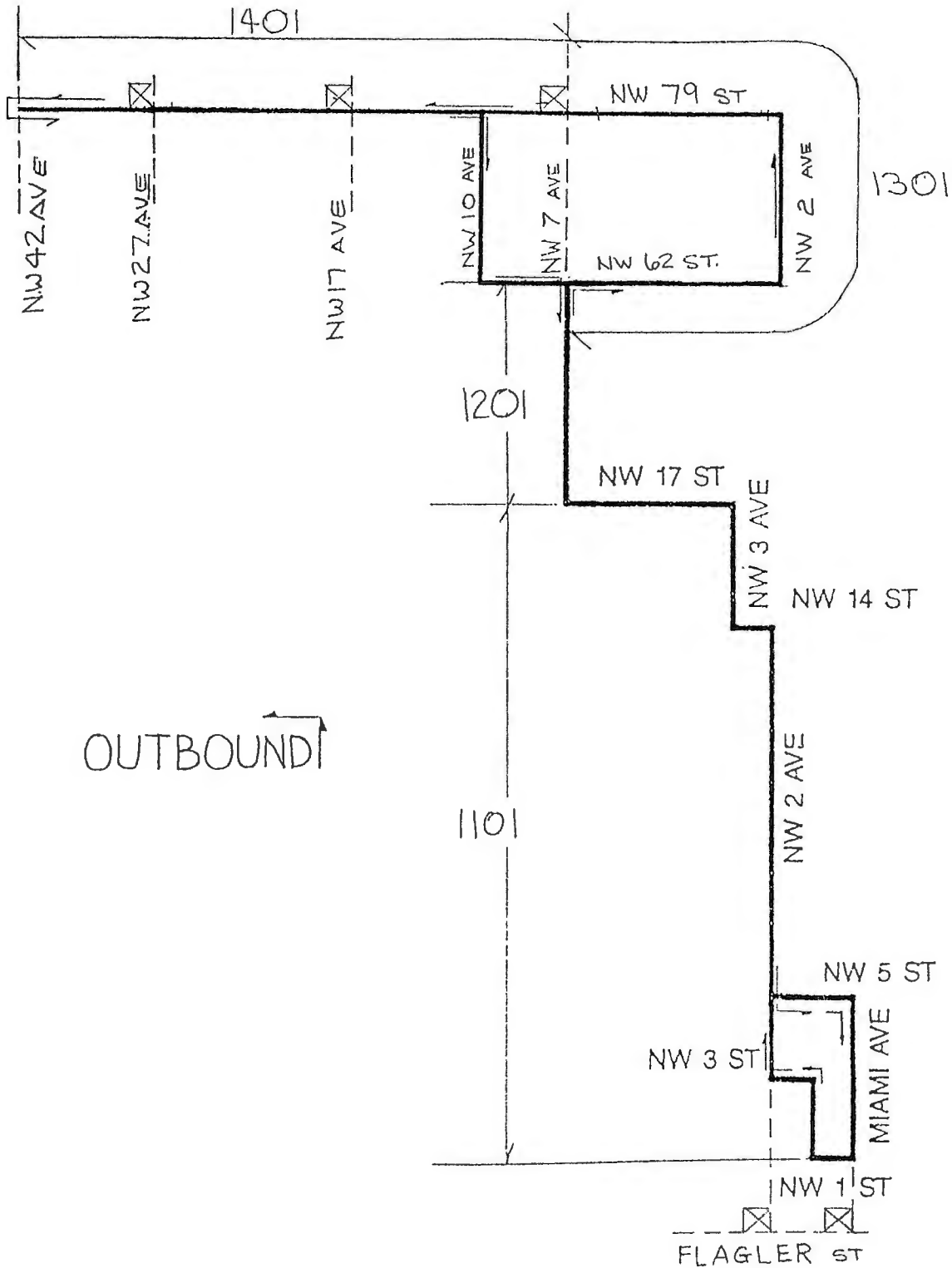


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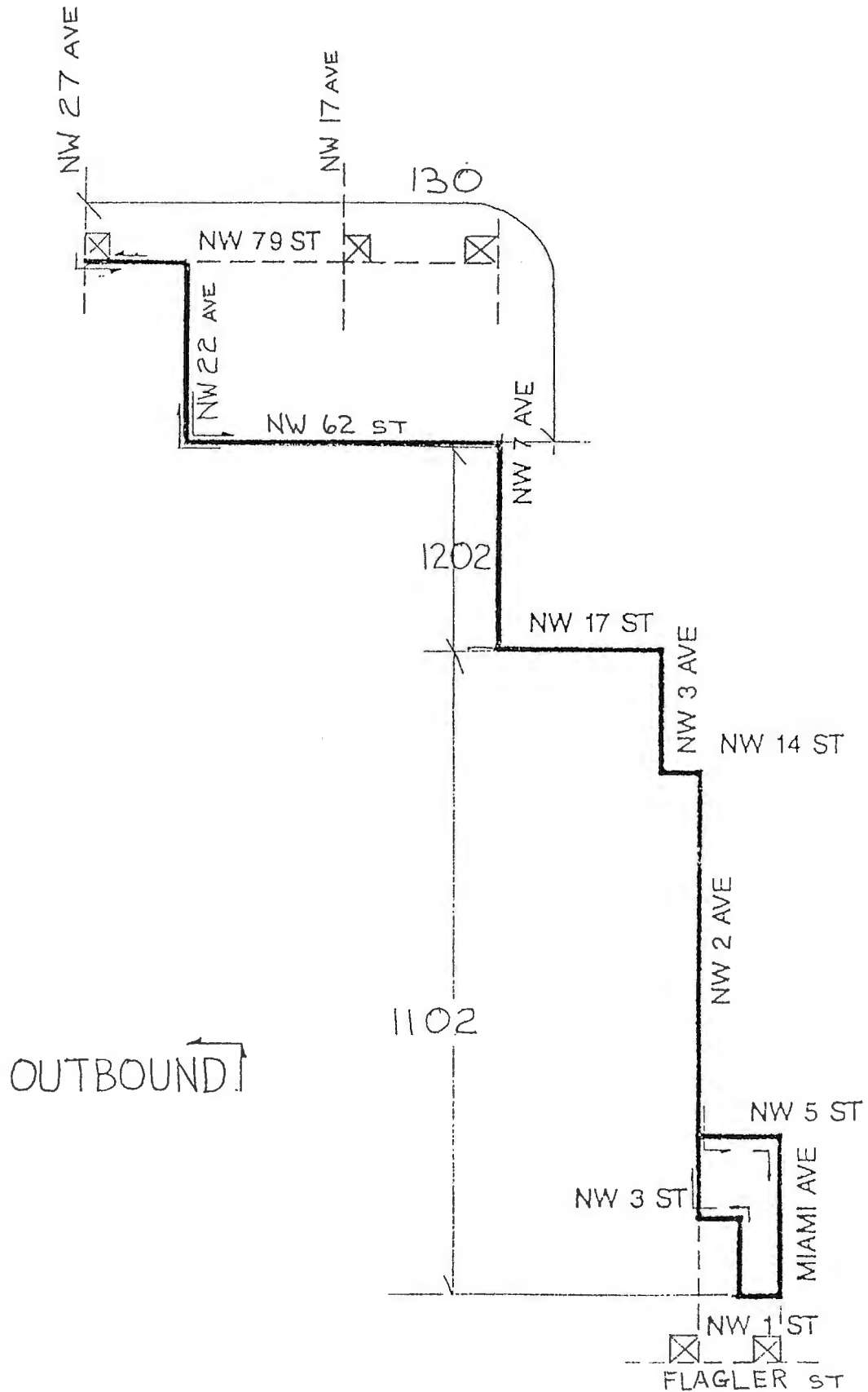
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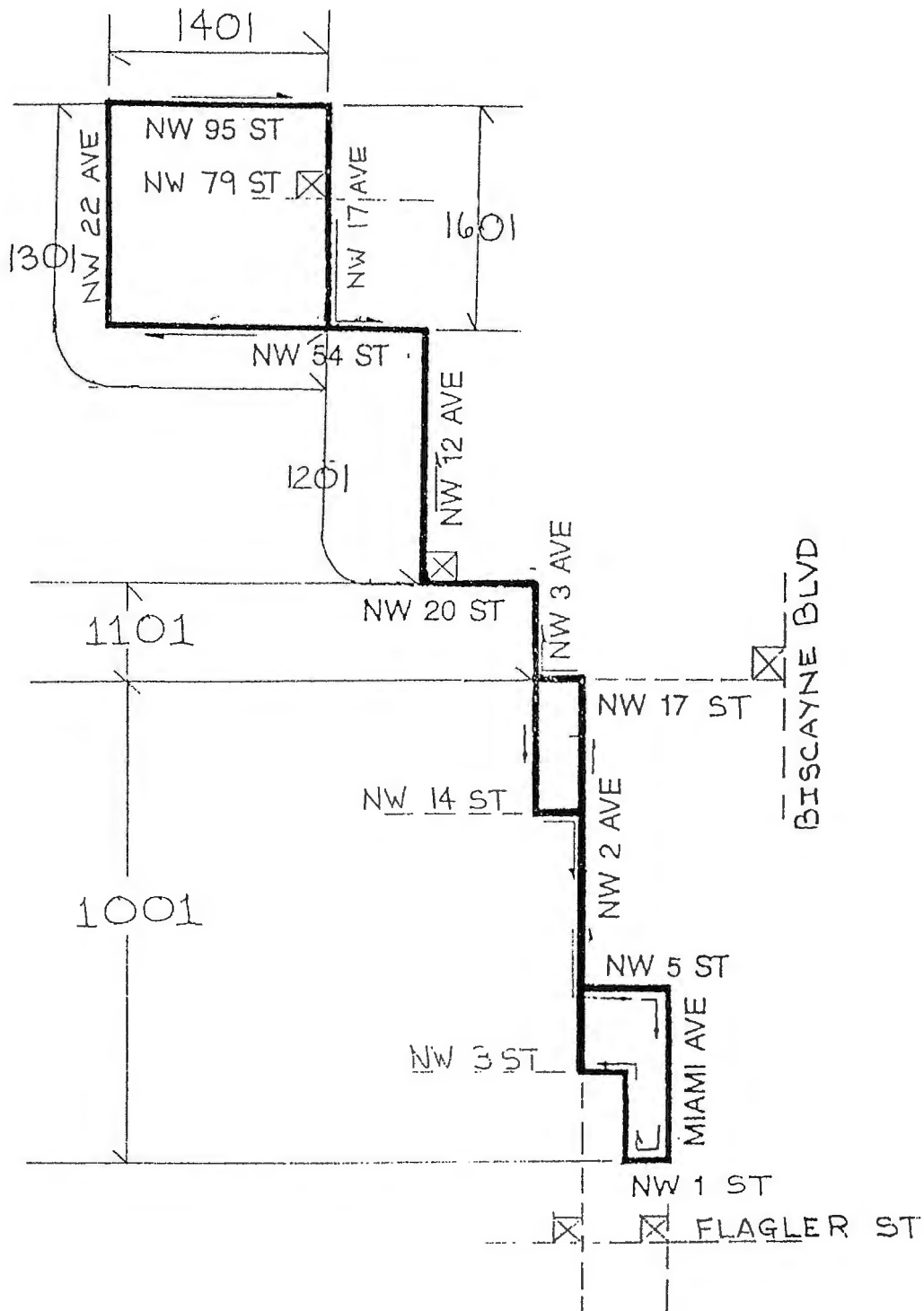
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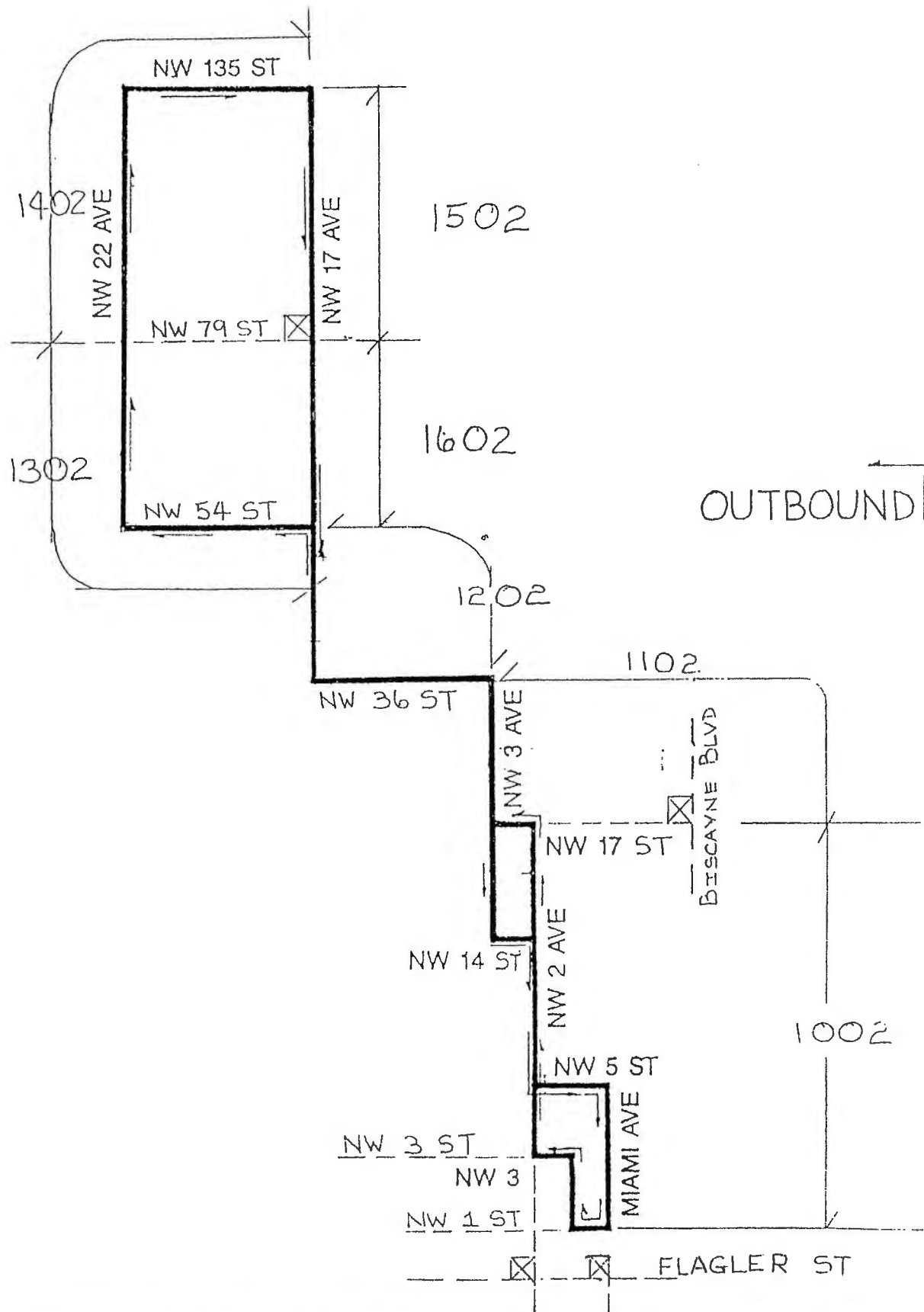
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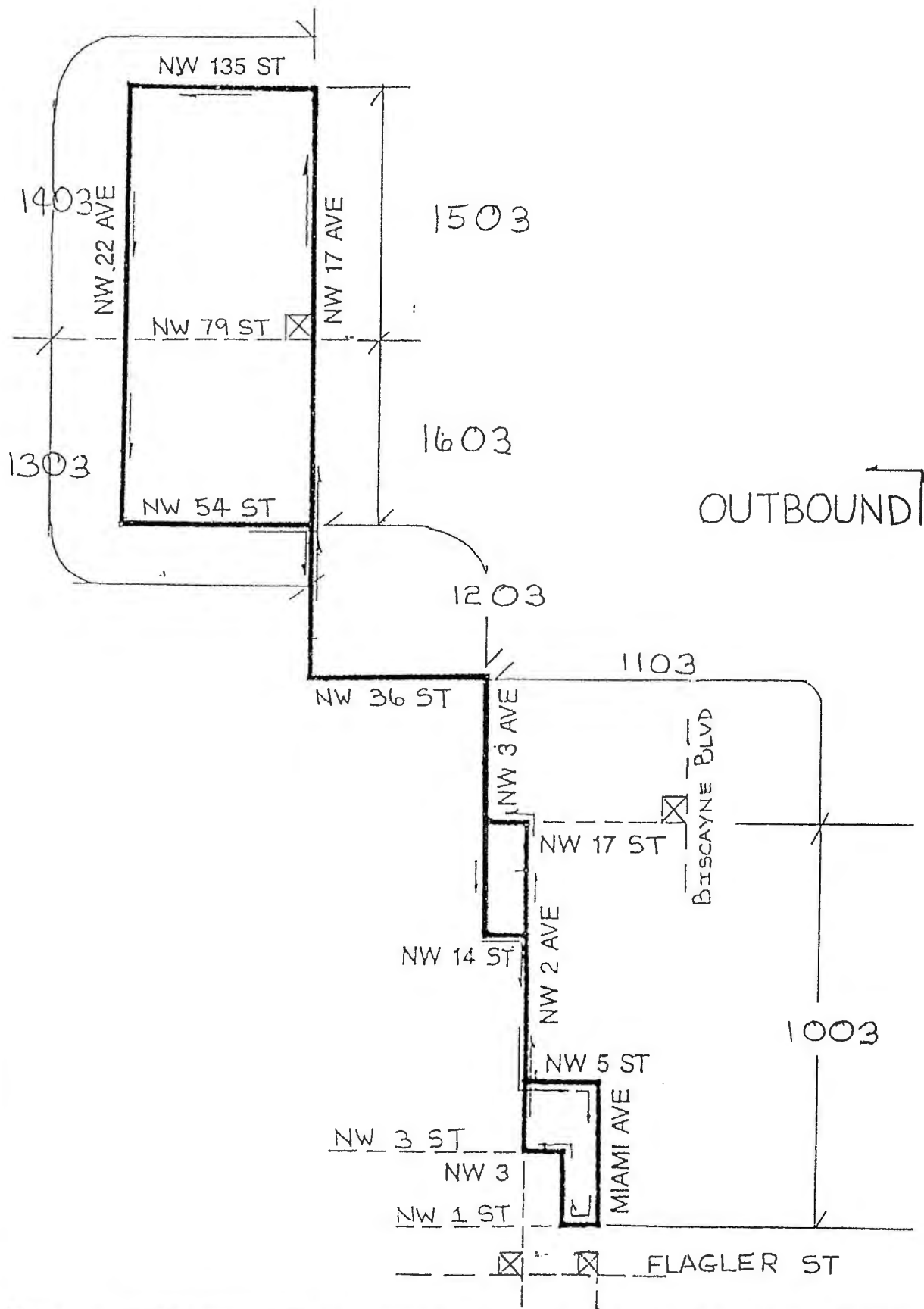
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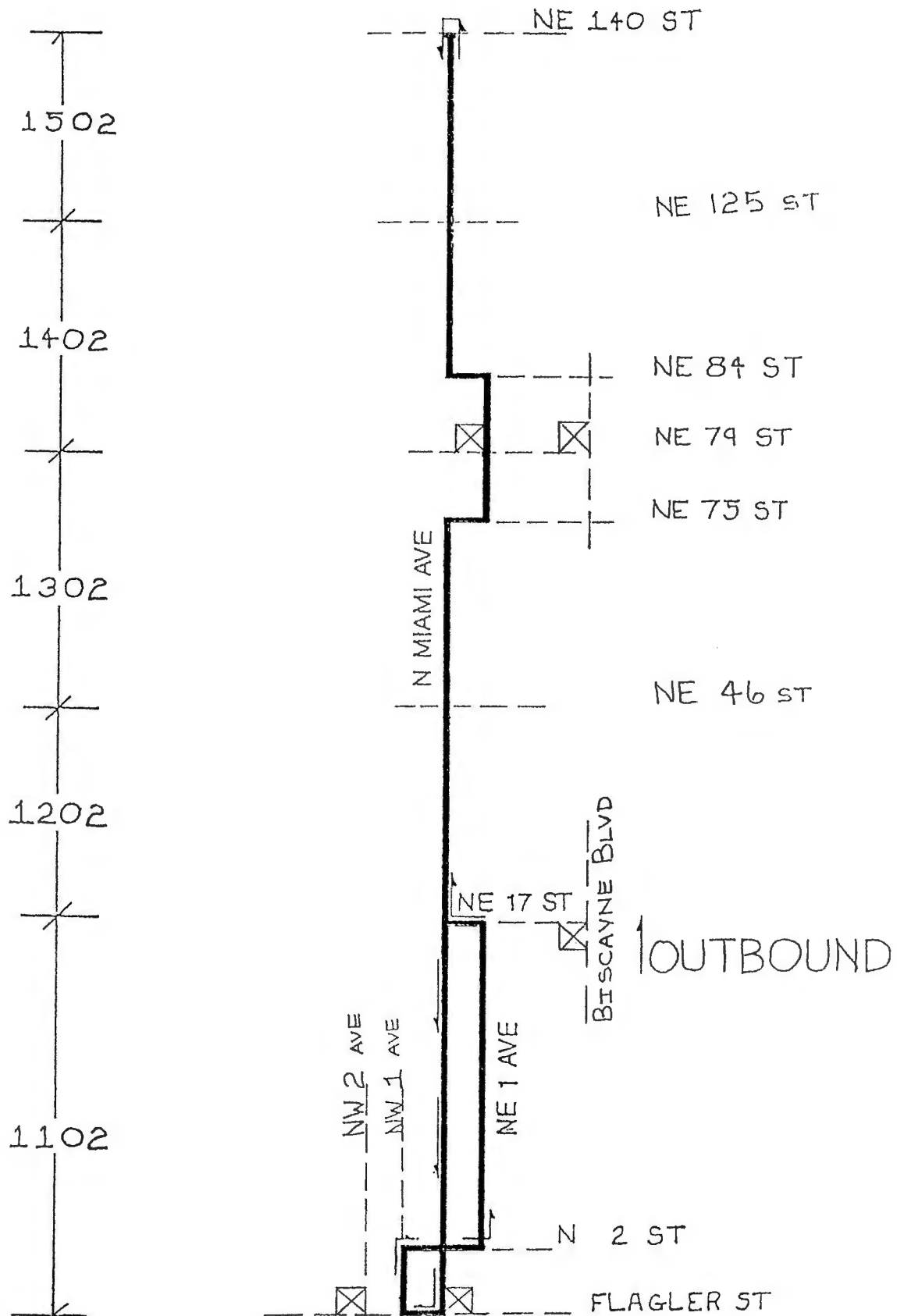
LIBERTY JITNEY
ROUTE 2



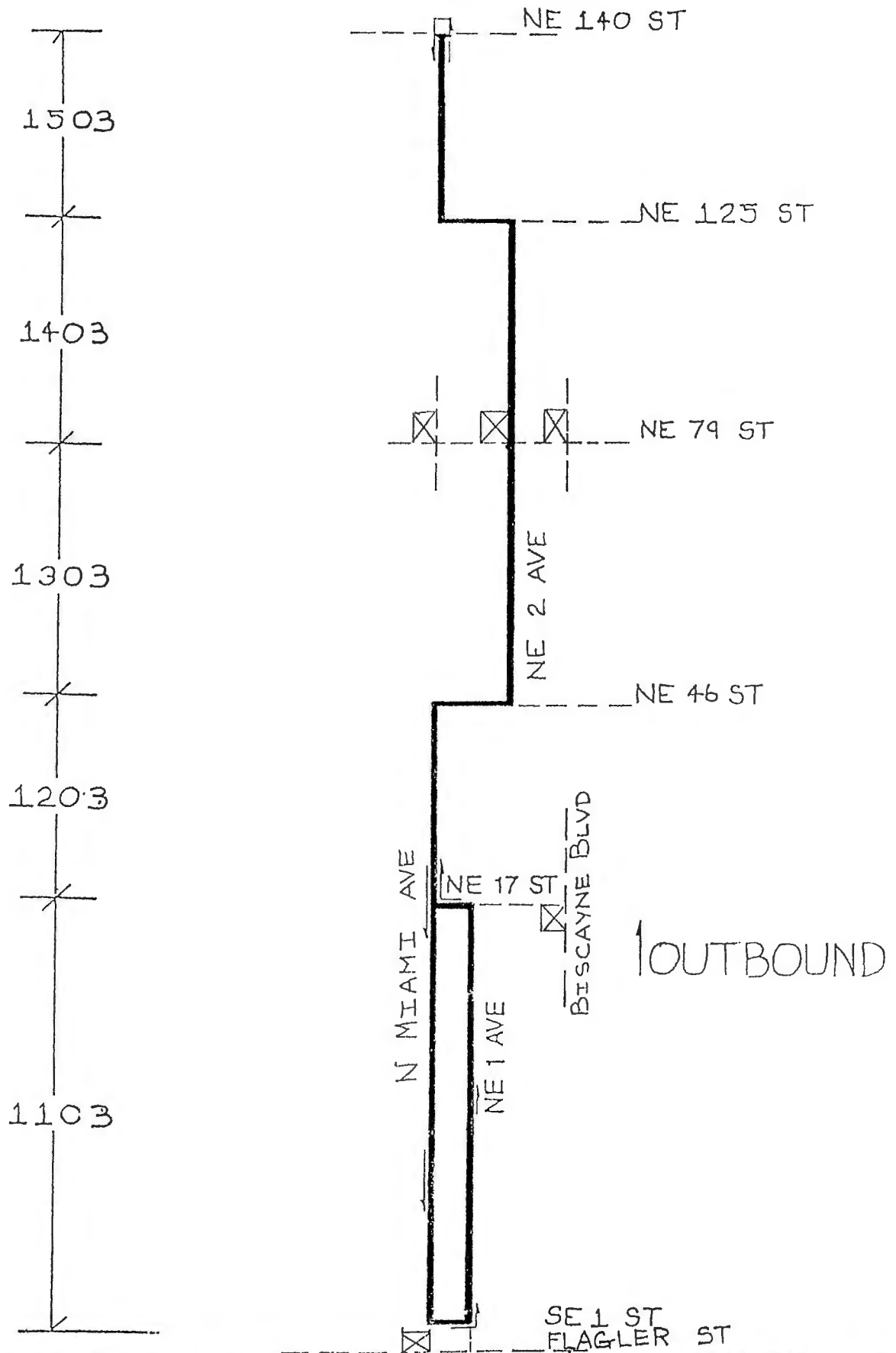
LIBERTY JITNEY
ROUTE 3



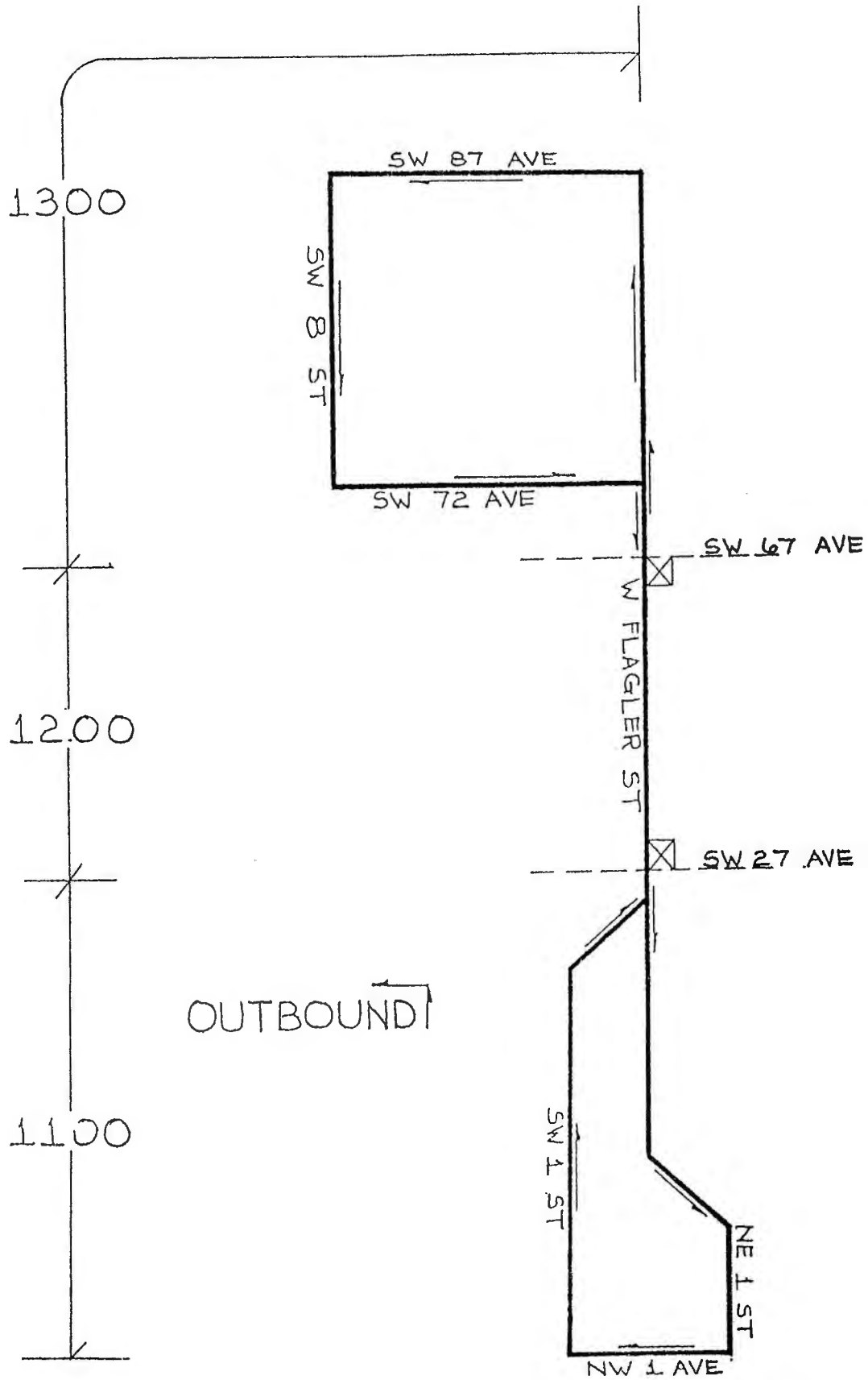
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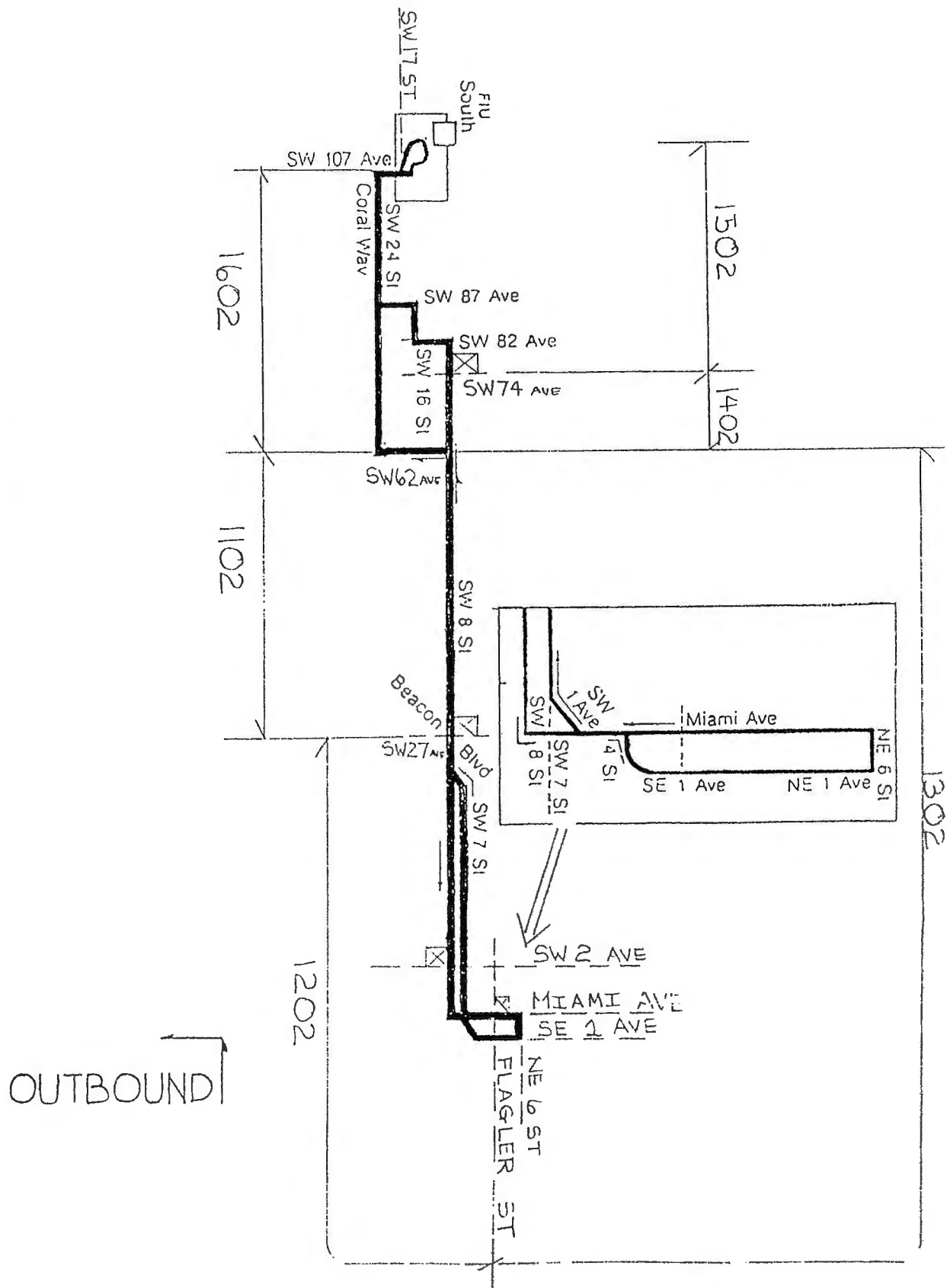
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METRO JITNEY ROUTE 1A

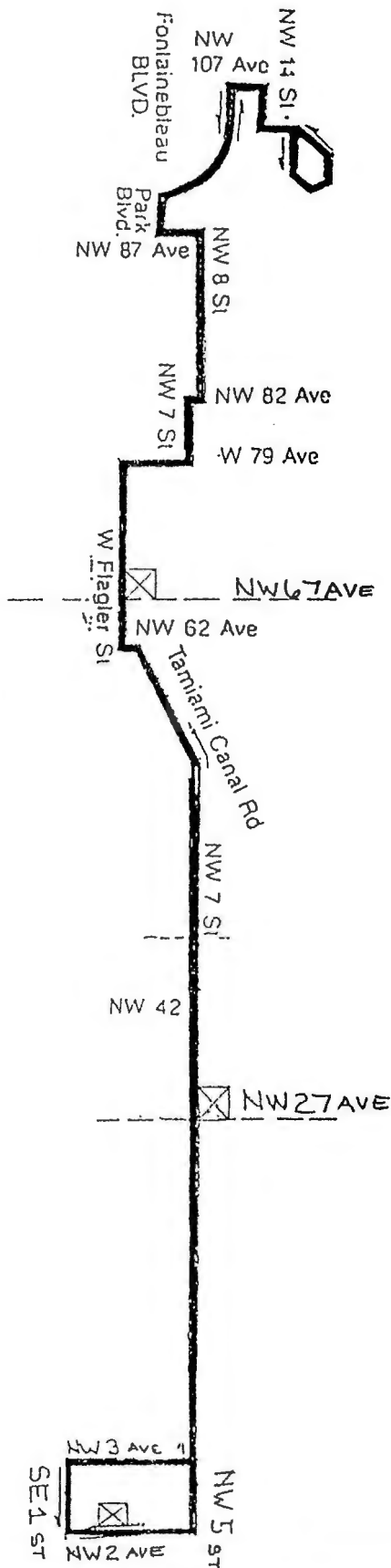


METRO JITNEY ROUTE 2



METRO JITNEY ROUTE 3

OUTBOUND ↑

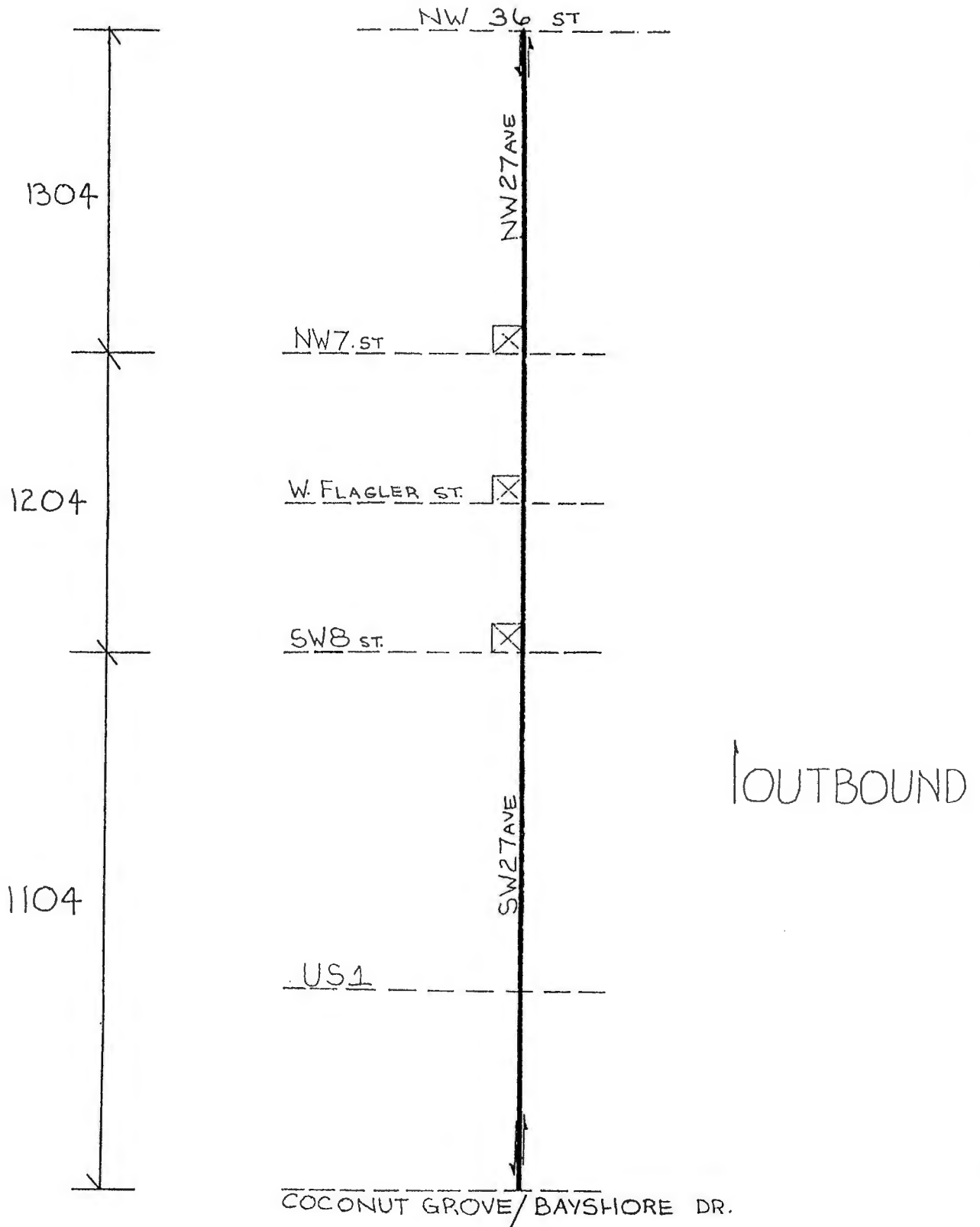


1303

1203

1103

METRO JITNEY
ROUTE 4

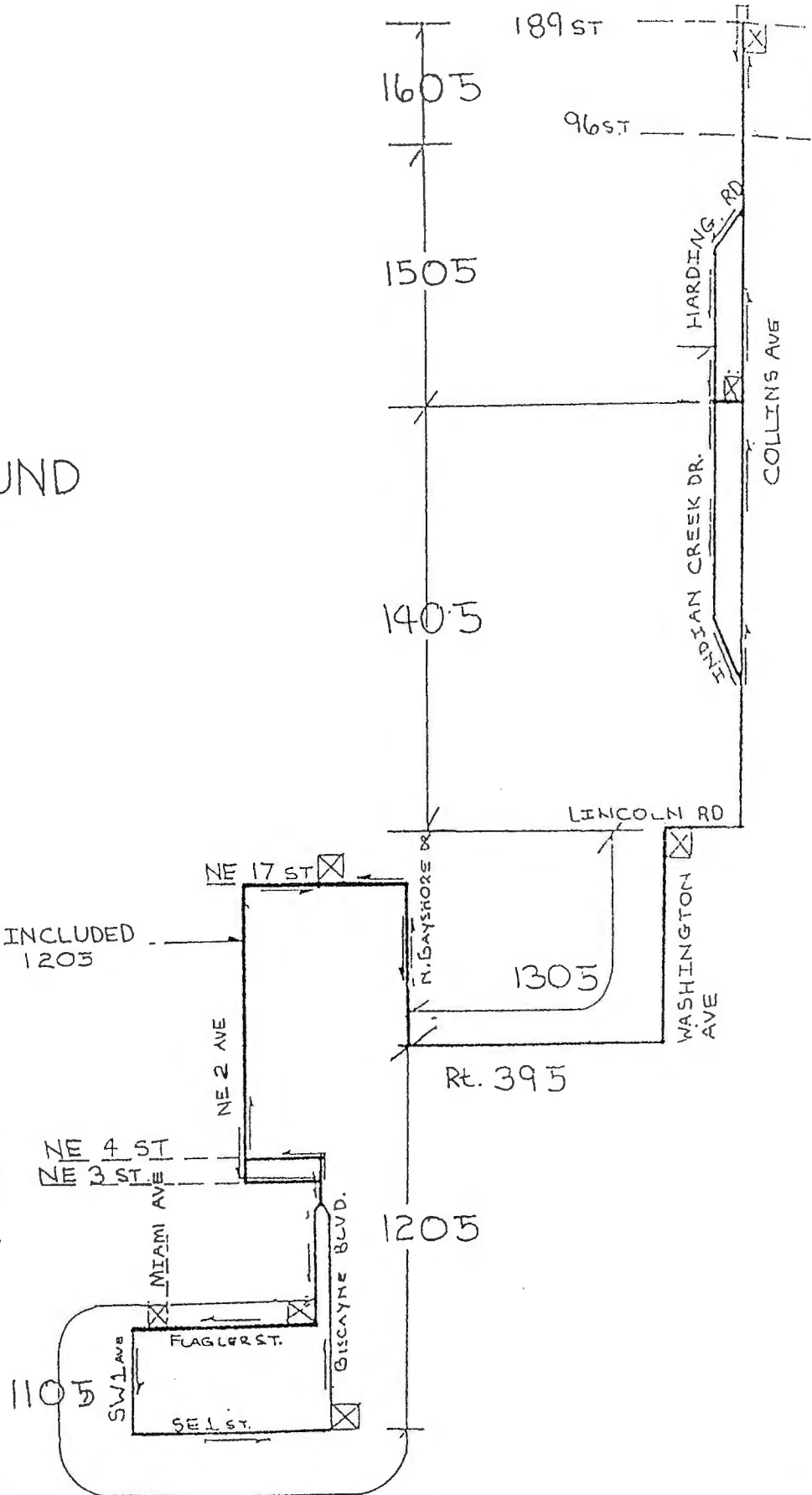


METRO JITNEY ROUTE 5

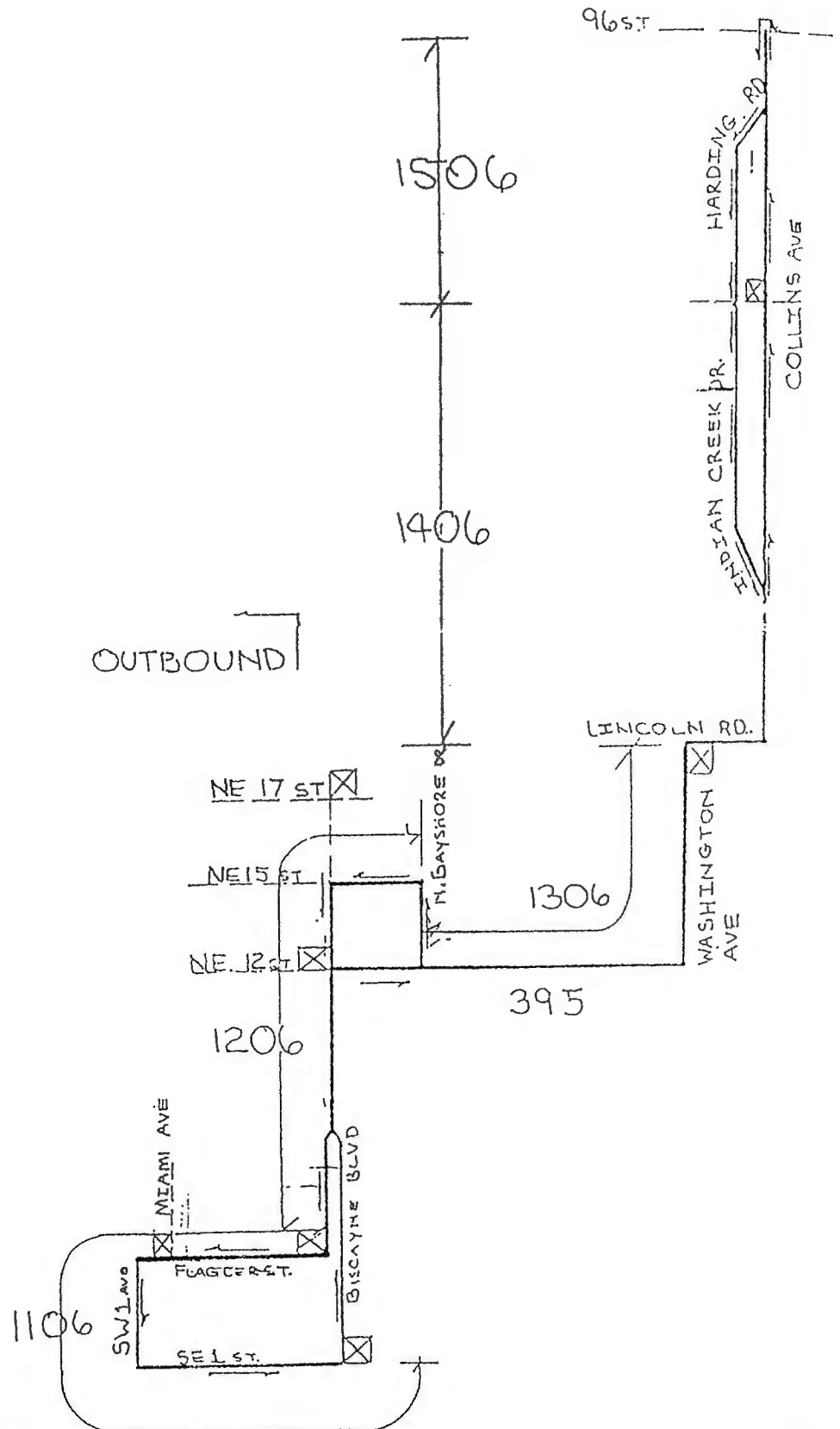
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IN SEGMENT 1203

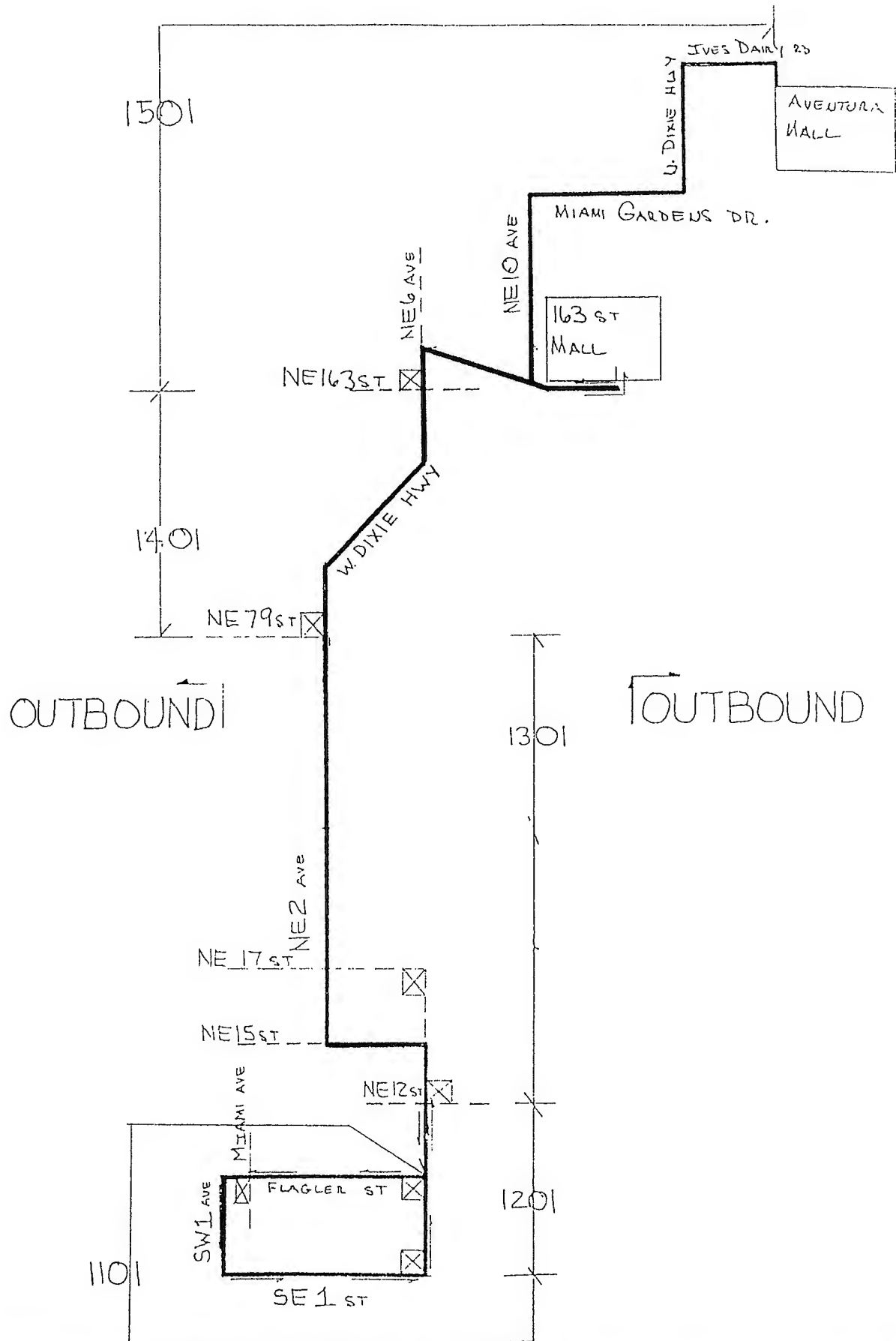
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THE DOWNTOWN AREA UPON
NE 3RD ST AND NE 4TH ST WAS
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MADE WHILE COLLECTING
DATA AT BISCAYNE BLVD.
AND SE 1ST ST.



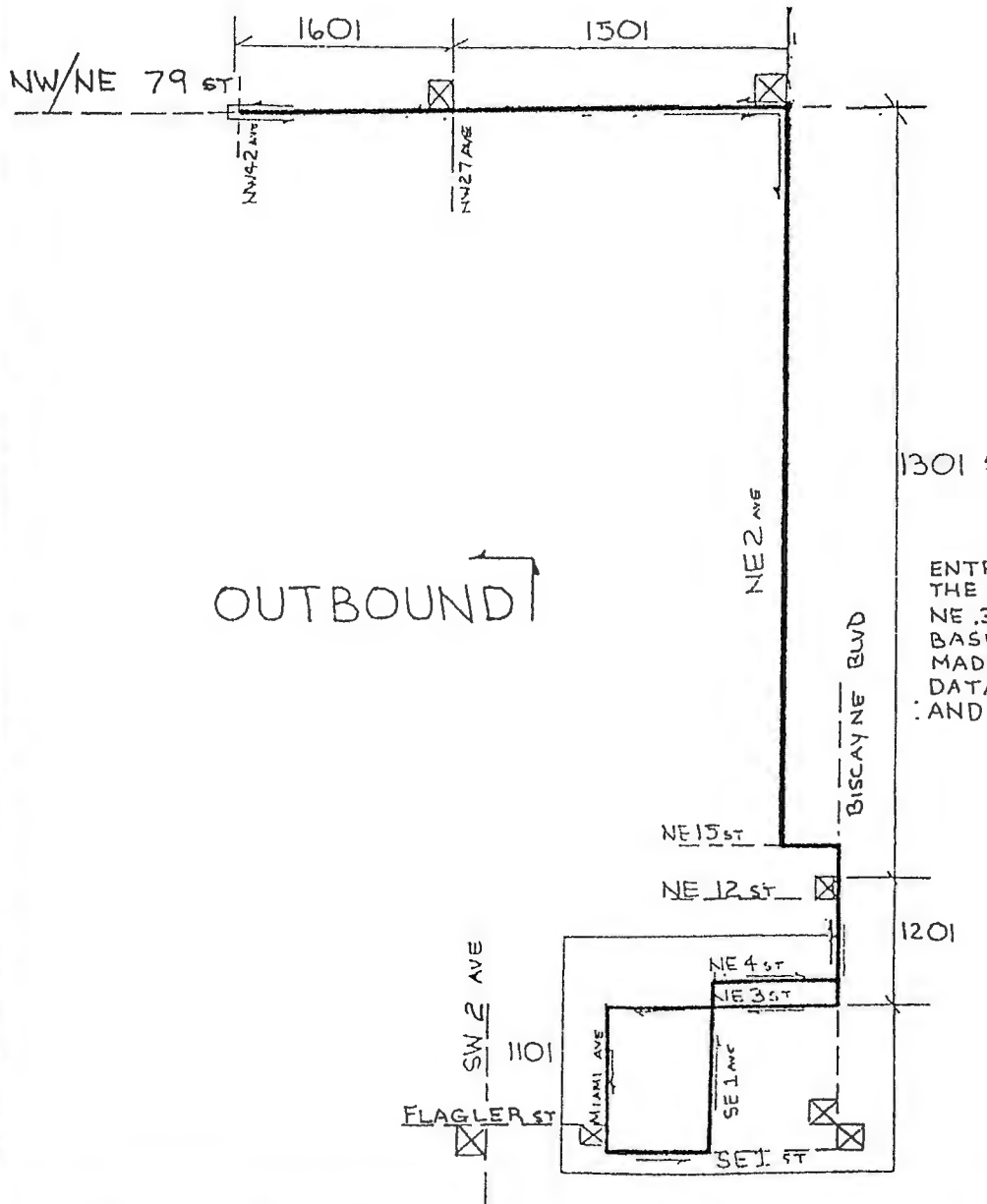
METRO JITNEY ROUTE 6



MIAMI MINIBUS ROUTE 1

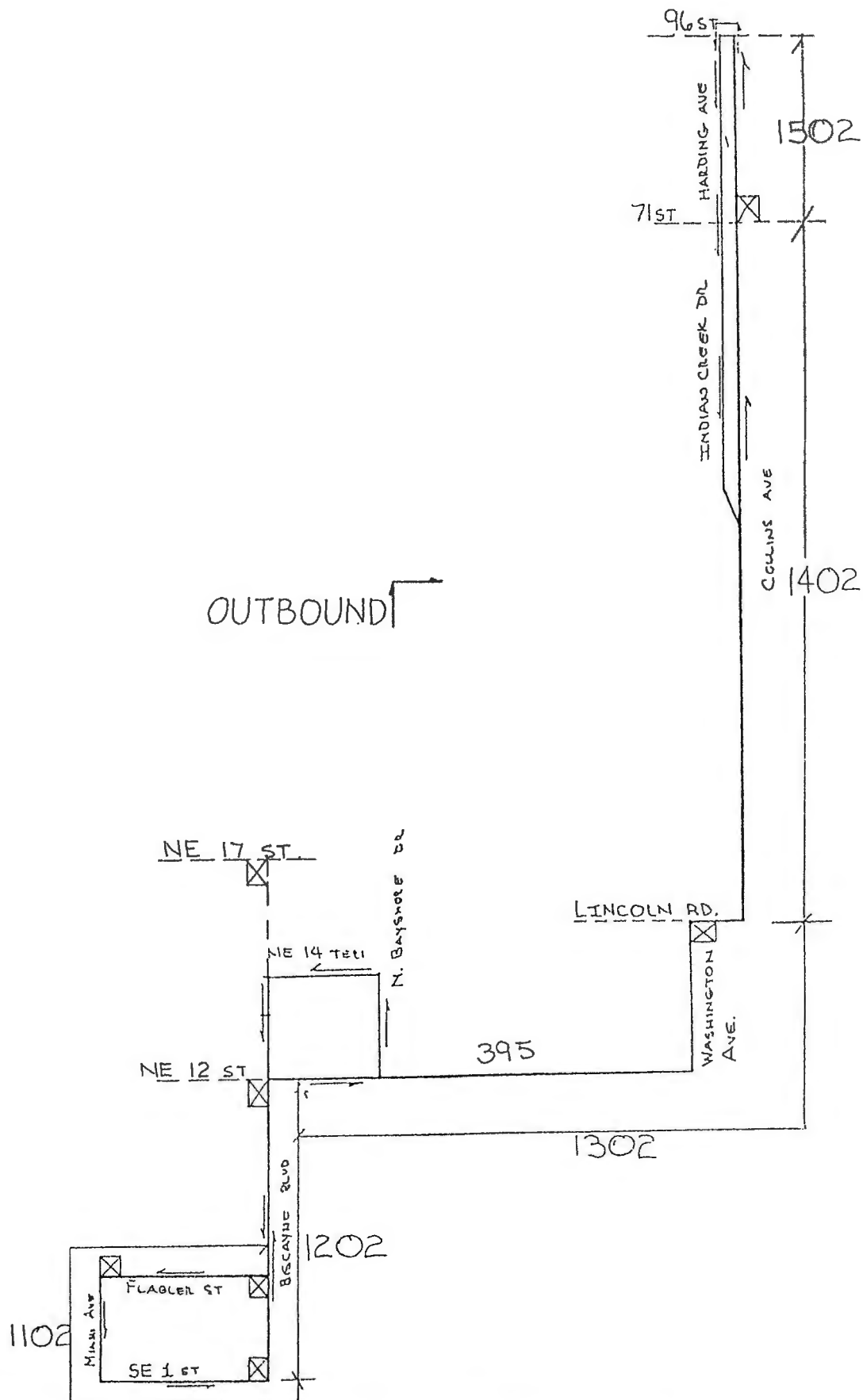


MINIBUS OWNERS ASSOC. ROUTE 1

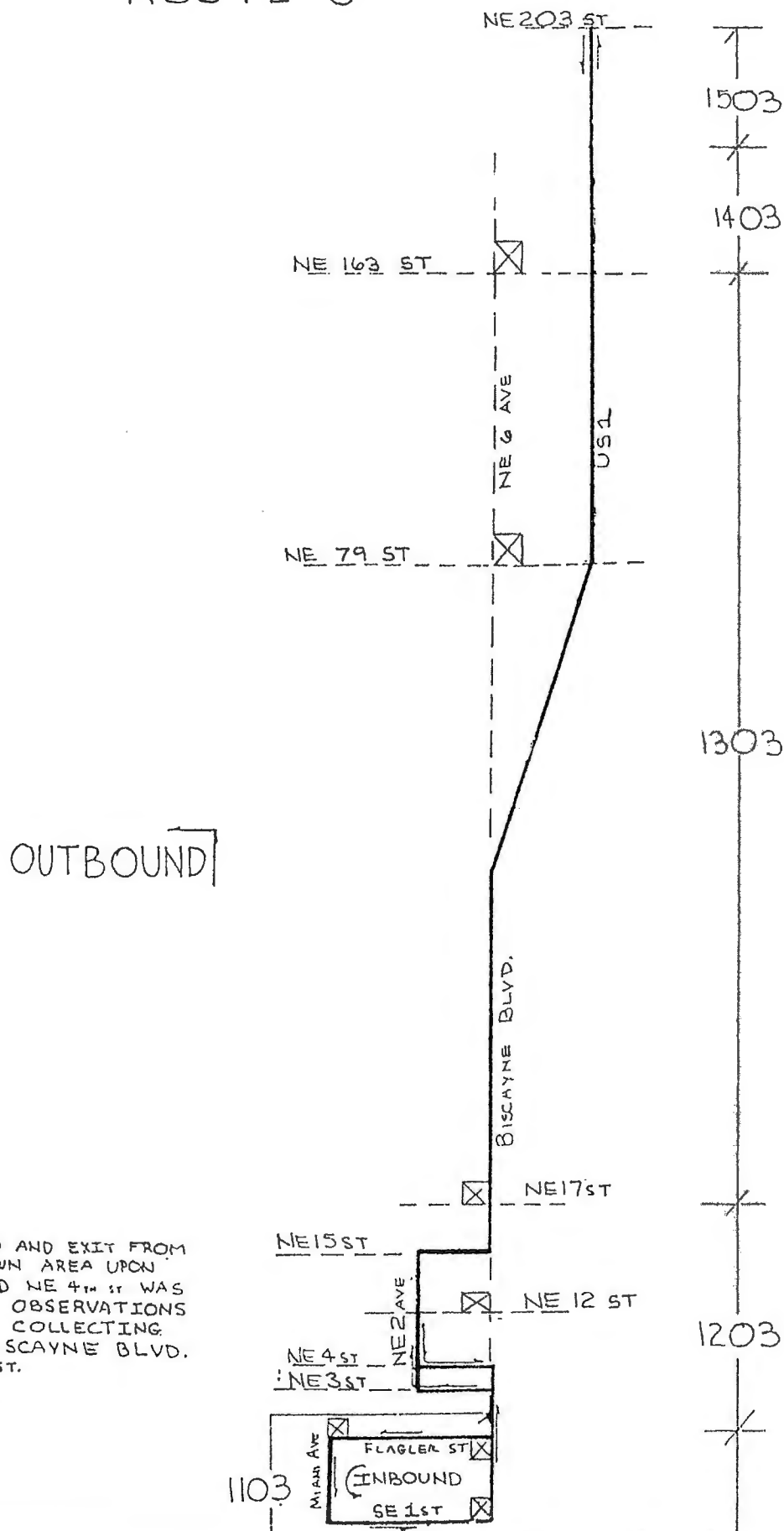


ENTRANCE TO AND EXIT FROM
THE DOWNTOWN AREA UPON
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MADE WHILE COLLECTING
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AND SE 1st ST.

MINIBUS OWNERS ASSOC. ROUTE 2

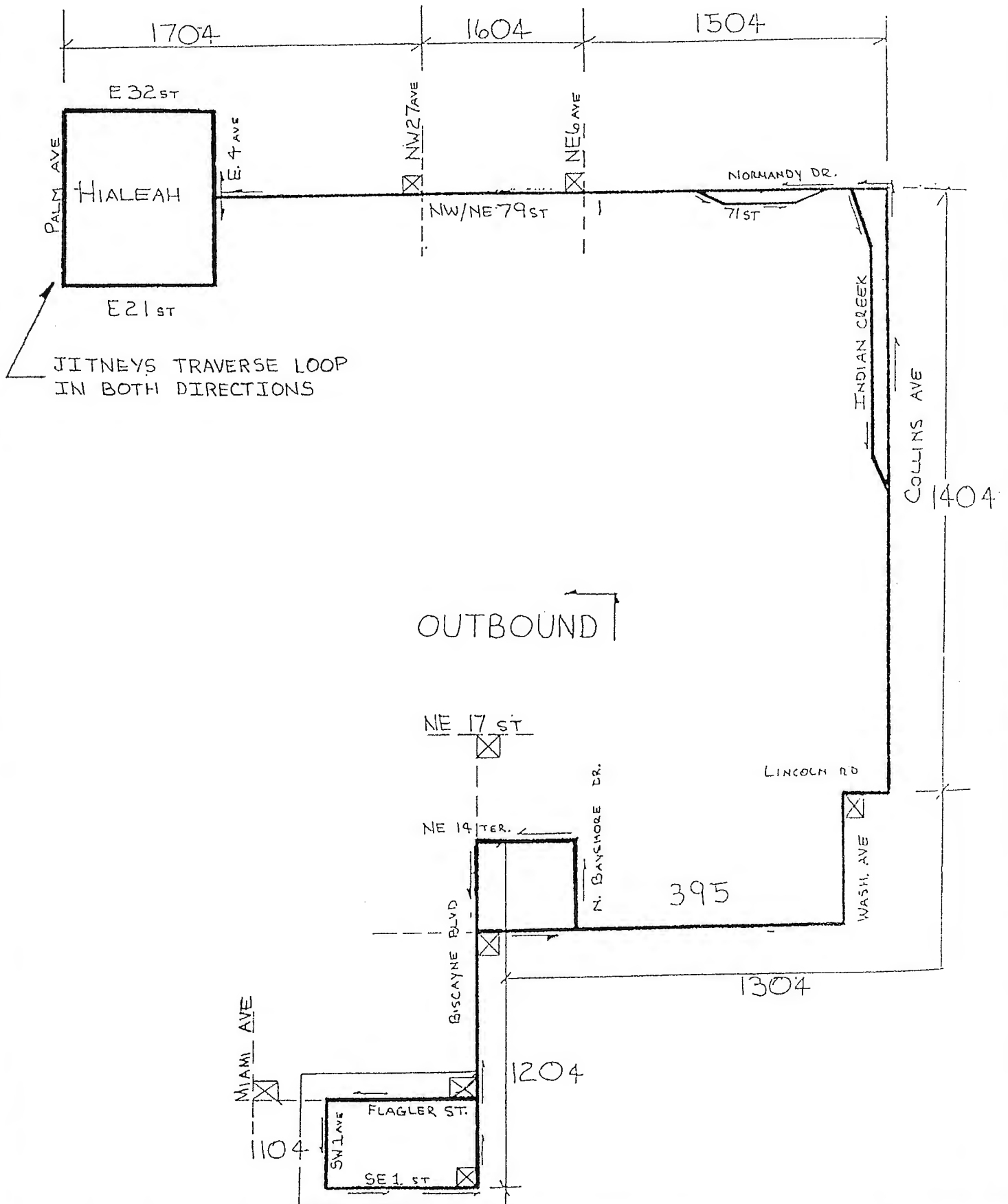


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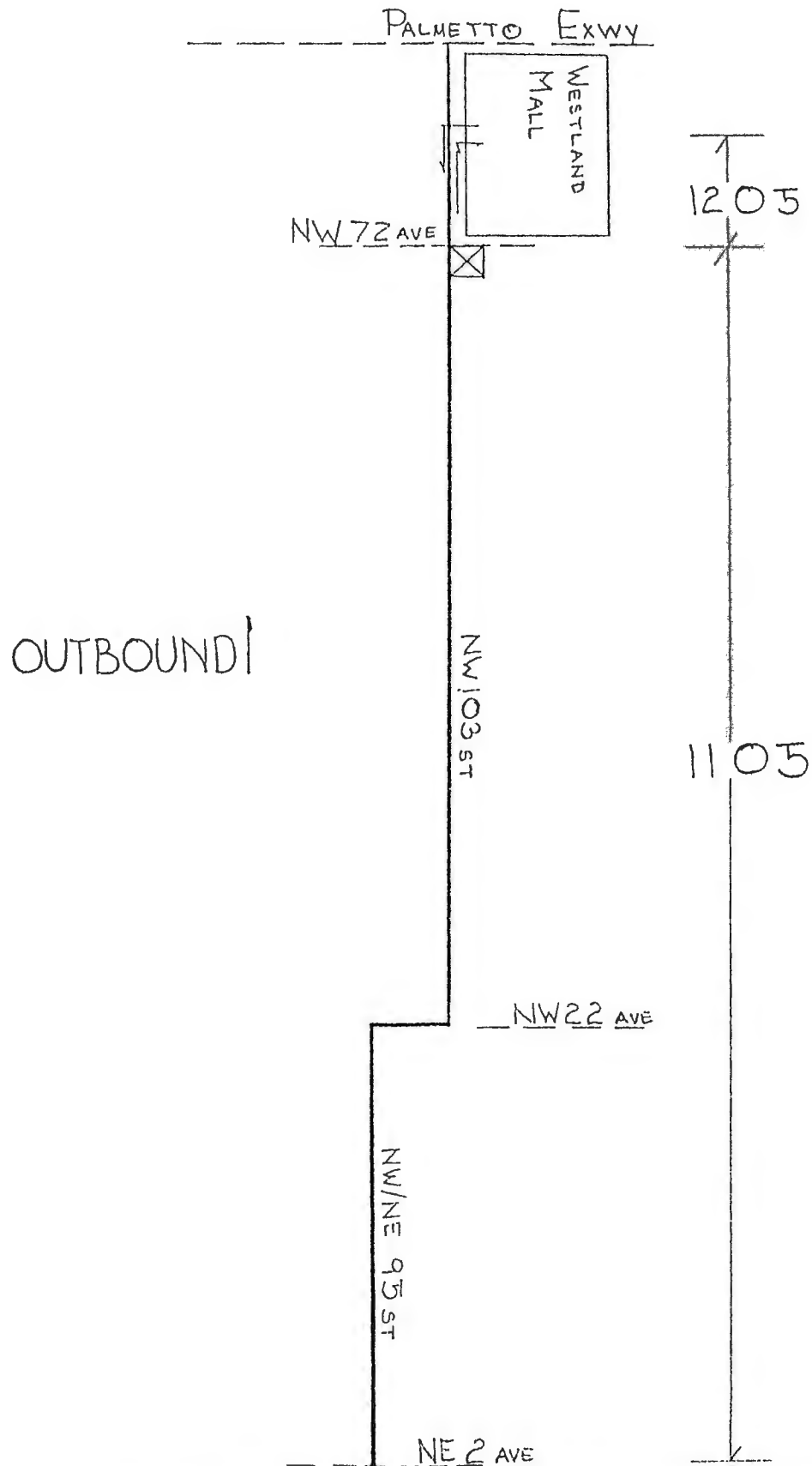


ENTRANCE TO AND EXIT FROM
THE DOWNTOWN AREA UPON
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MADE WHILE COLLECTING
DATA AT BISCAYNE BLVD.
AND SE 1ST ST.

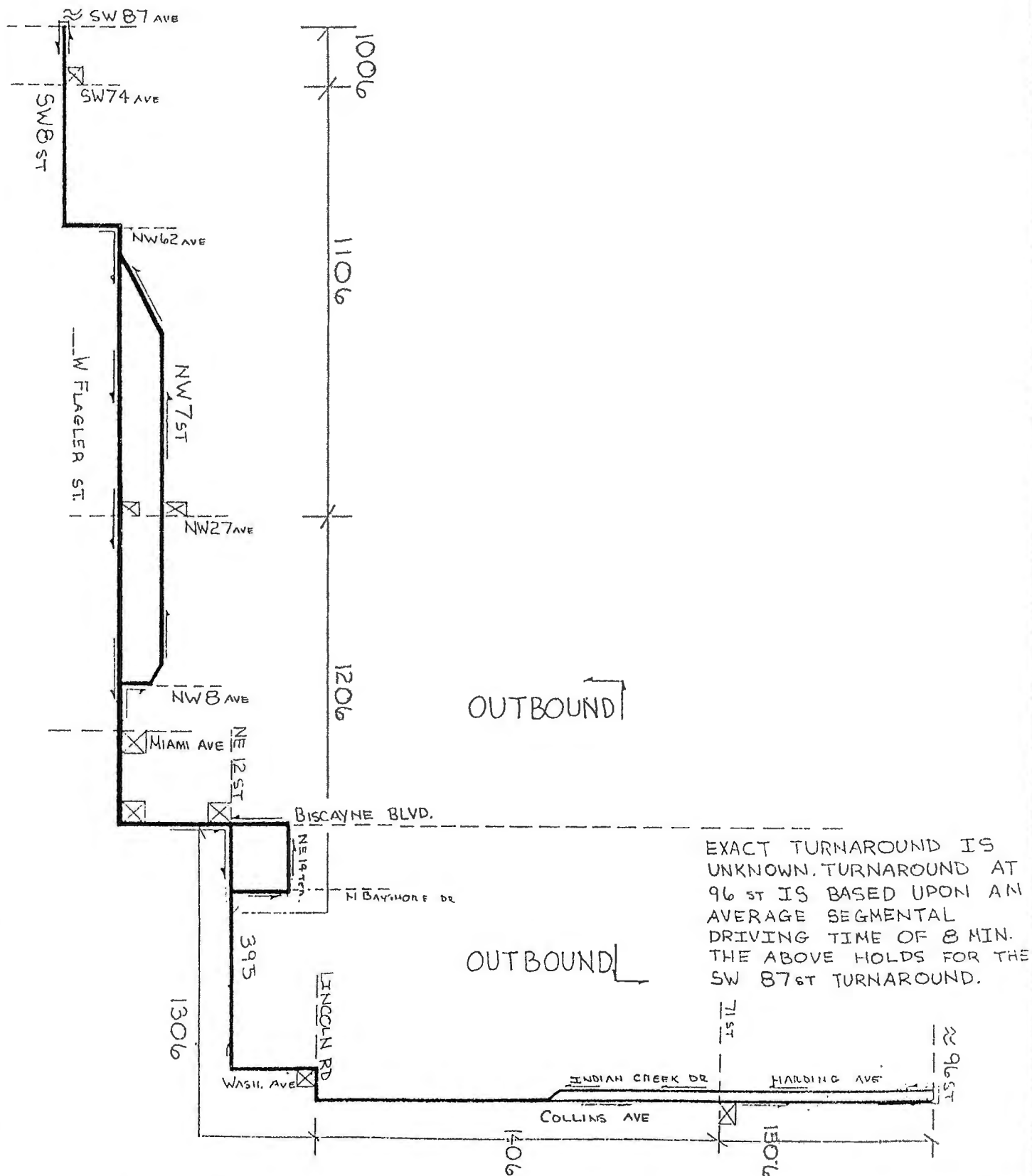
MINIBUS OWNERS ASSOC. ROUTE 4



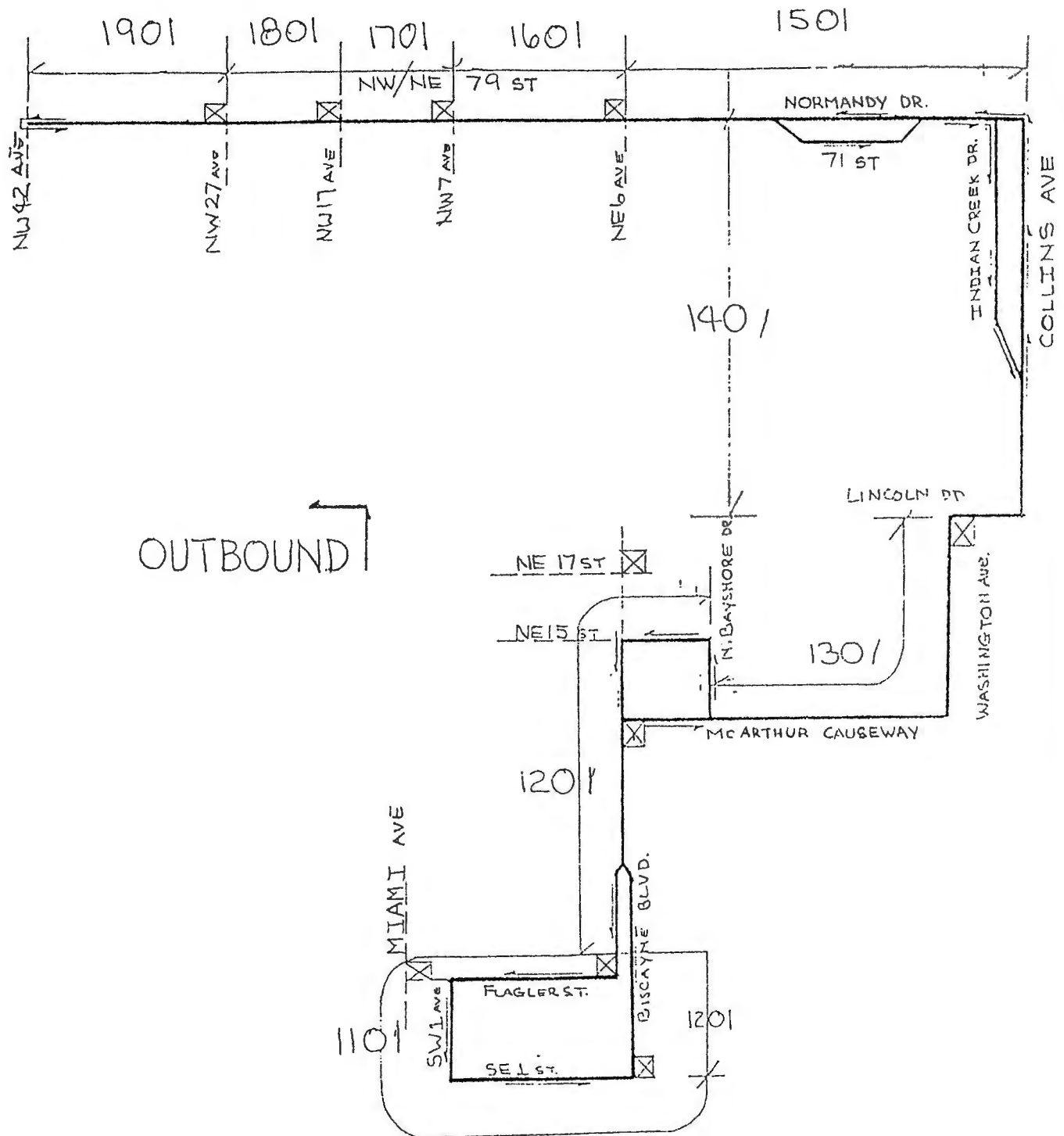
MINIBUS OWNERS ASSOC.
ROUTE 5



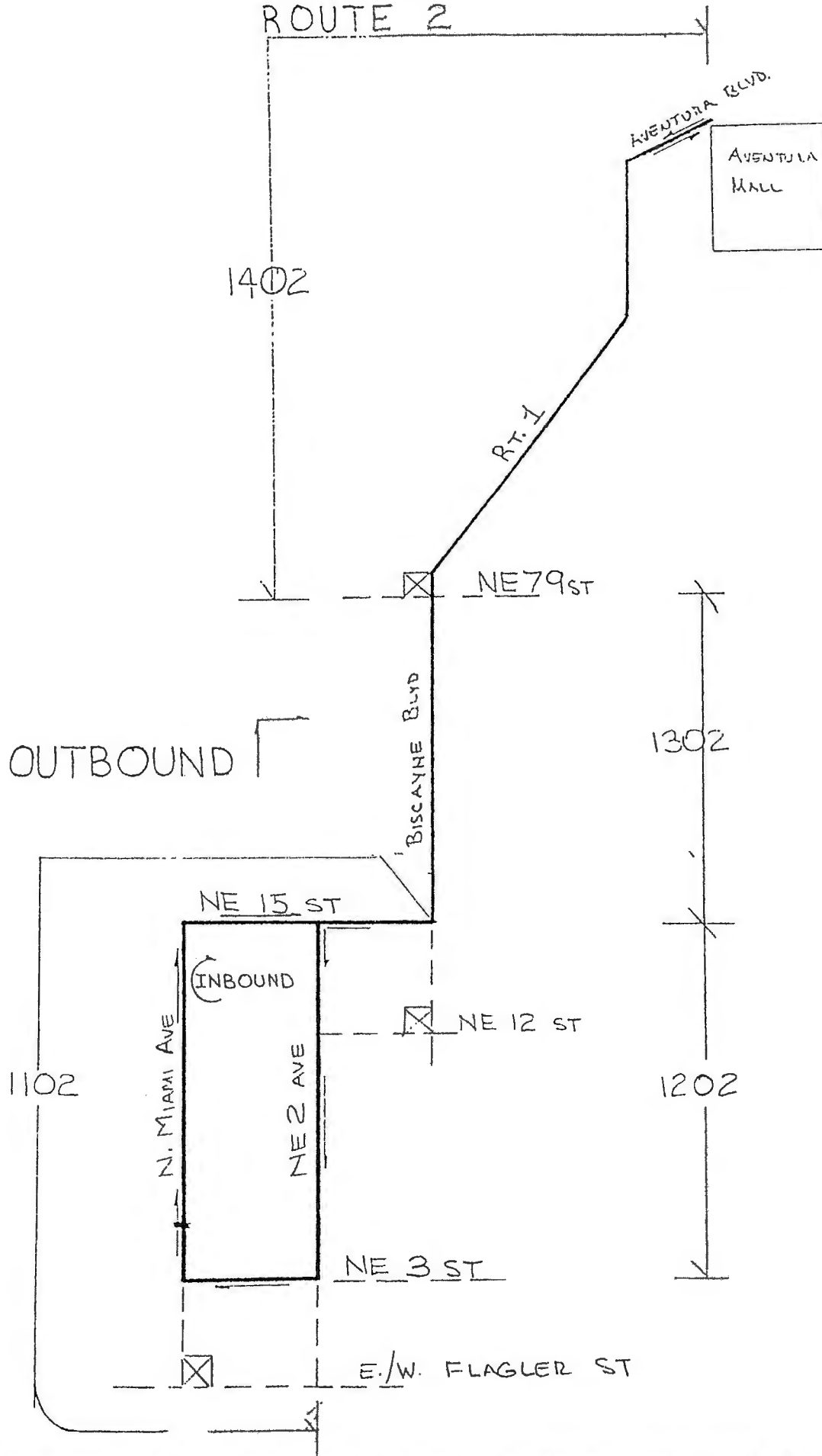
MINIBUS OWNERS ASSOC. ROUTE 6



ORF SYSTEM ROUTE 1



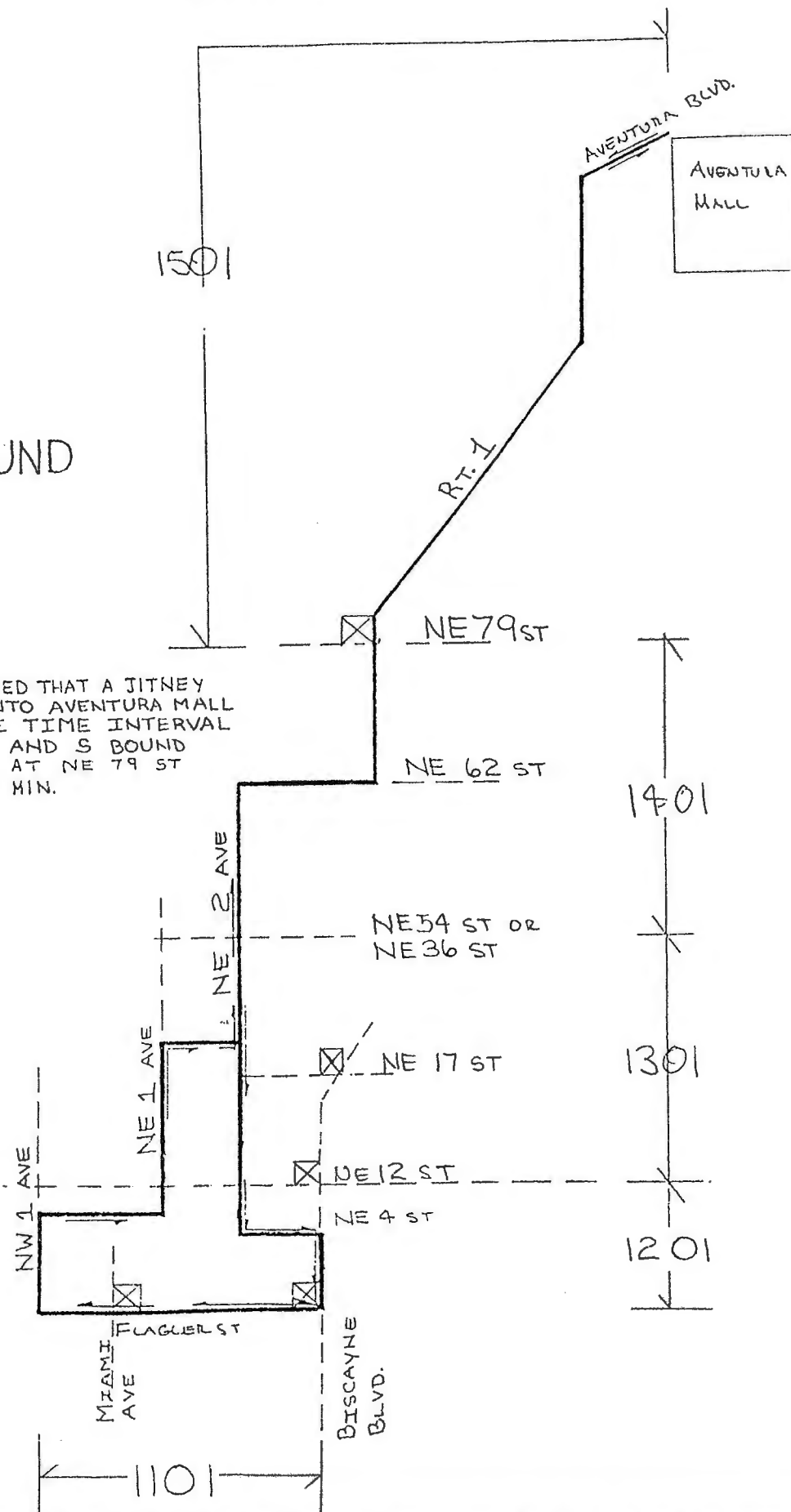
ORF SYSTEM ROUTE 2



POWER SHUTTLE ROUTE 1

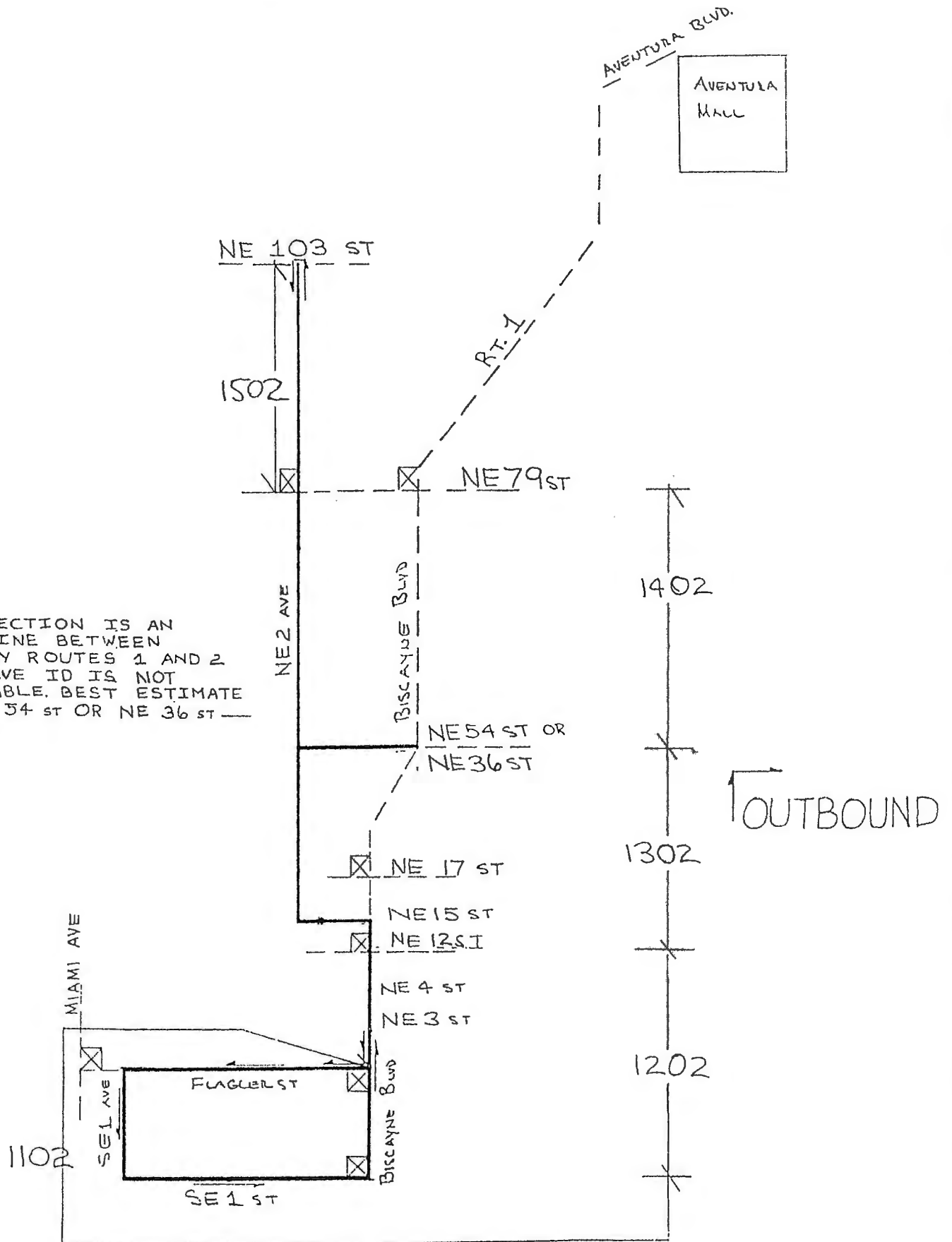
OUTBOUND

IT WAS ASSUMED THAT A JITNEY
CONTINUED ONTO AVENTURA MALL
ONLY IF THE TIME INTERVAL
BETWEEN N AND S BOUND
SIGHTINGS AT NE 79 ST
WERE ≥ 30 MIN.



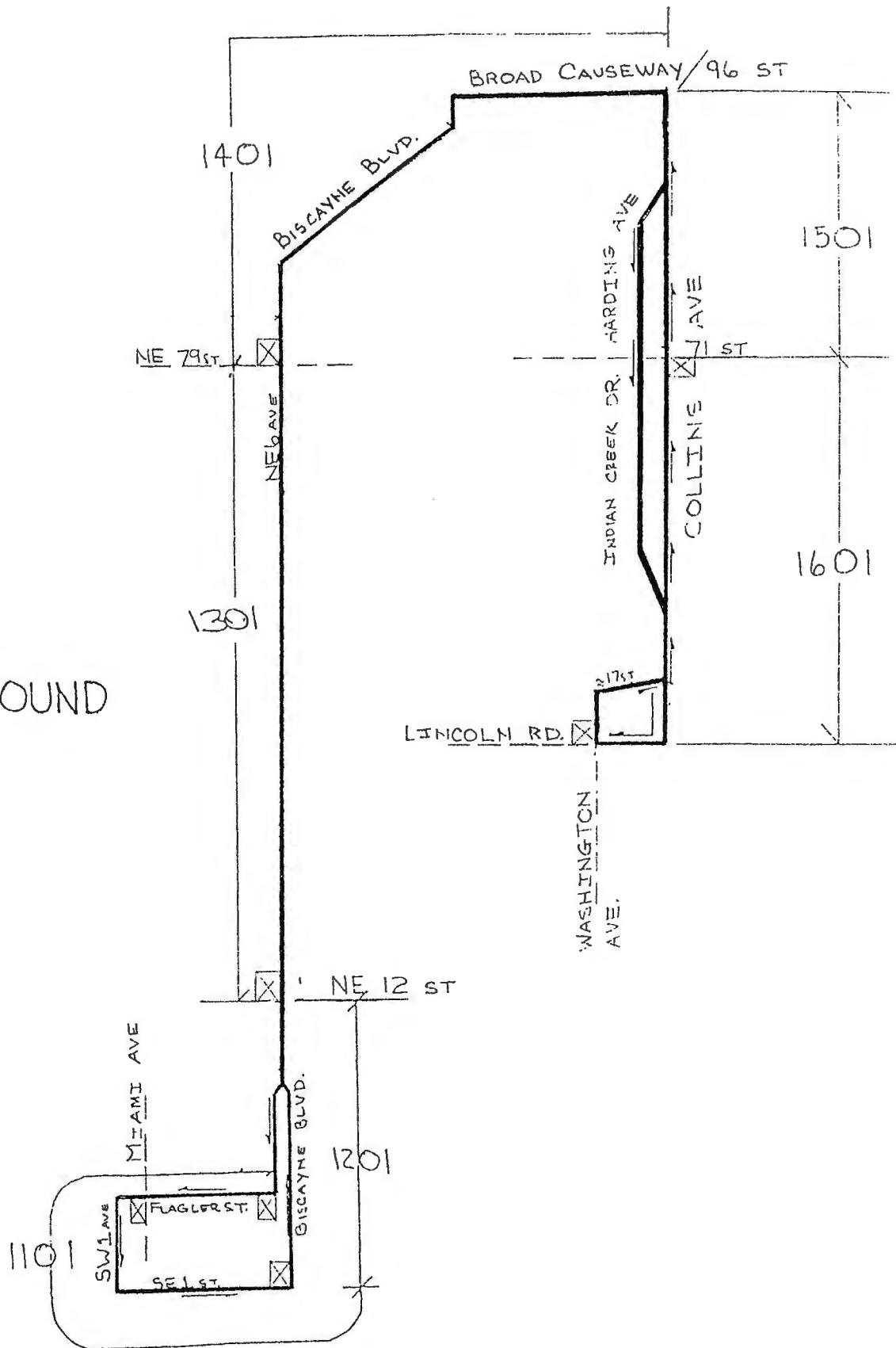
POWER SHUTTLE ROUTE 2

AD SECTION IS AN
INTERLINE BETWEEN
FANTASY ROUTES 1 AND 2
POSITIVE ID IS NOT
AVAILABLE. BEST ESTIMATE
IS NE 34 ST OR NE 36 ST

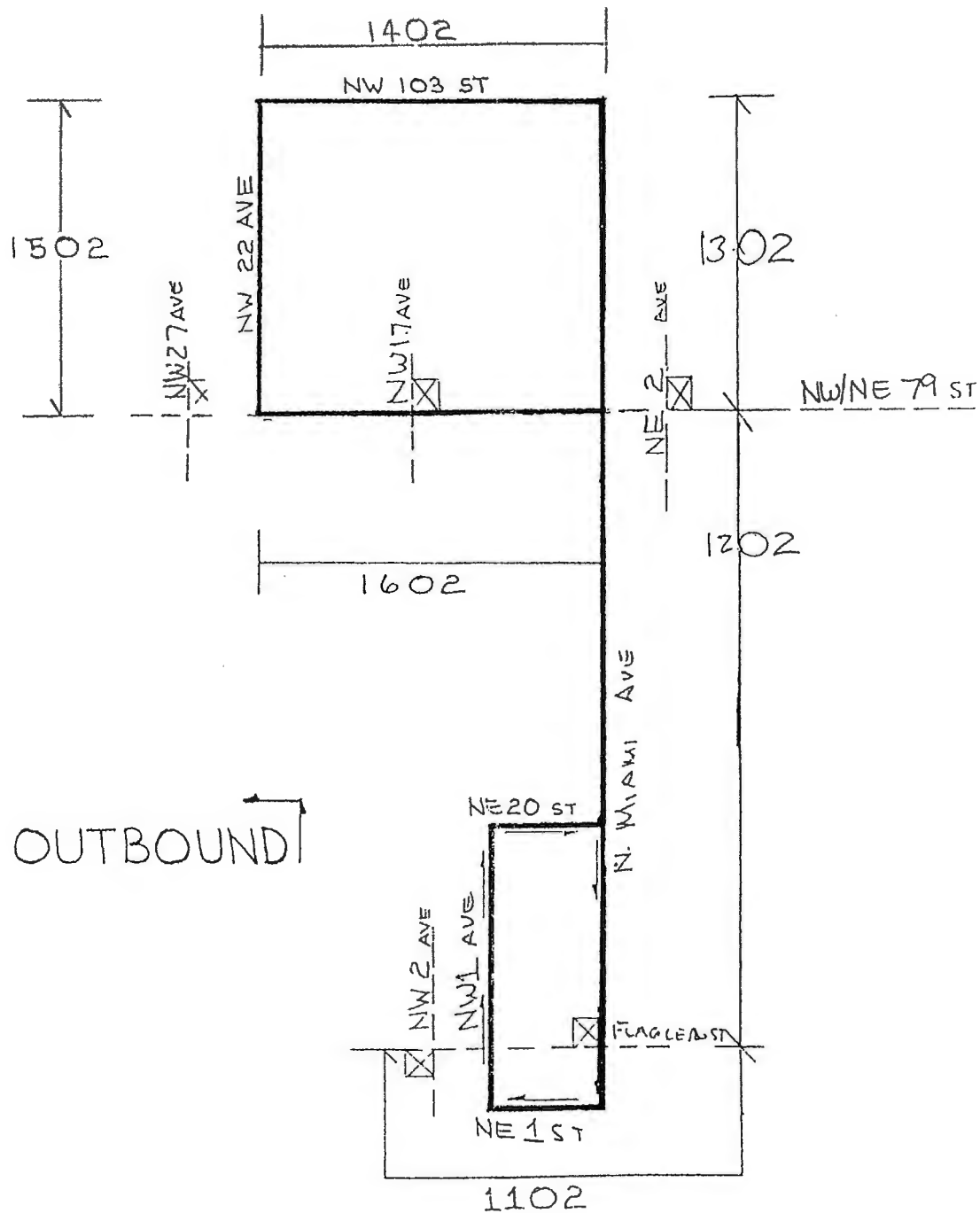


UNKNOWN JITNEYS ROUTE 1

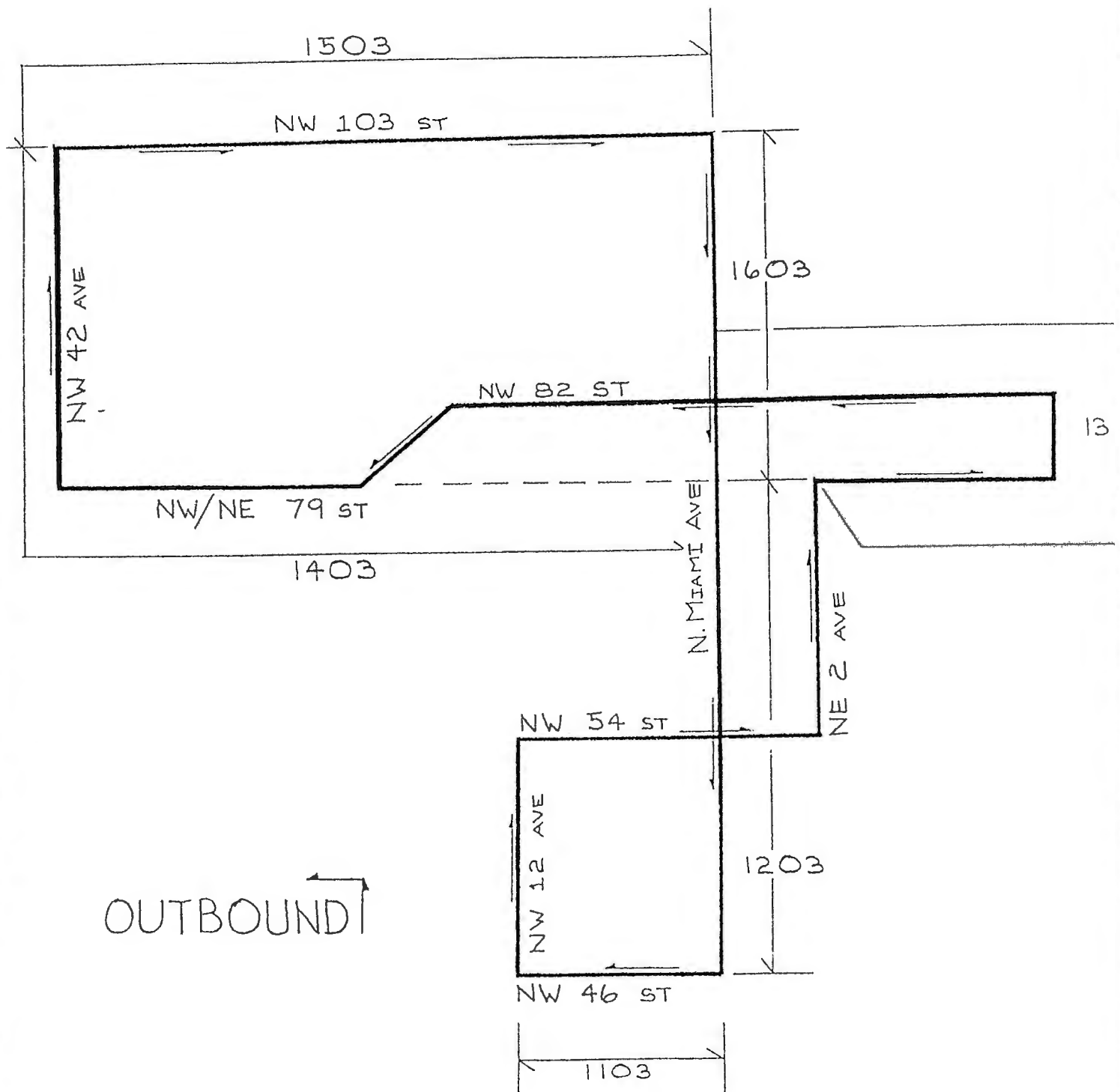
OUTBOUND



UNKNOWN JITNEYS ROUTE 2



UNKNOWN OPERATORS
ROUTE 3



JITNEY SERVICES PILOT PROGRAM

JITNEY SERVICE, REGULATORY & IMPLEMENTATION OPTIONS					
ATEGORIES	OPTIONS		PROSPECTS	IMPLEMENTATION PROBLEMS/OPPORTUNITIES	RECOMMENDATION
Forms of Jitney Service	Fixed Route		Excellent	Current practice. No major implementation problems.	Pilot Candidate
	Demand Responsive		Poor	Presents regulatory issues and legal issues relative to taxicabs.	Future Study
	Hybrid	• Route Deviation Service	Excellent	Current Practice.	Pilot Candidate
		• Point Deviation Service	Poor	User comprehension; possible infringement on MDT and taxicab services; regulatory issues.	Future Study
		• Checkpoint Service	Poor		
Fleet Mix Options	All Jitneys		Fair	Economically best, but fleet quality lacking. Frequency good.	Pilot Candidate
	Jitneys and Buses (Mini-buses)		Good	Mini-buses can be wheelchair accessible	Pilot Candidate
	All Buses or Mini-Buses		Fair/Good	May not be as economical as mixed fleet quality. Best fleet quality; frequency may suffer	Pilot Candidate
Forms of Regulation	Fixed Route		Good	Current practice.	Pilot Candidate
	Hybrid Fixed Route/Subarea		Good	Current practice.	Pilot Candidate
	Subarea/Right of Entry		Poor	Presents regulatory and legal issues relative to taxicabs.	Future Study
	Unregulated Open Market		Poor	Presents regulatory and legal issues relative to taxicabs; Infringement on MDT Service areas.	Future Study
Forms of Introduction and Application	Remove MDT Route & Substitute Jitneys		Good	Simple implementation. Possible ADA issues. Minimum public-private competition	Pilot Candidate
	Reduce MDT Route & Augment		Fair	Easy to implement - - gives users options. Possible ADA issues. Competition problems.	Pilot Candidate
	Augment MDT Route		Fair	Easy to implement - - gives users options. Hurts MDT revenue profile.	Pilot Candidate
	Insertion into unserved area • Feeder/Interconnector Service		Poor	Unknown probability of profitable service areas. No interest by providers.	Future Study
	• Area service		Poor		
Forms of Financing	Reverse-bid or Negotiated Subsidized Contracts		Fair	Funding source problems; regulatory, ADA and labor issues.	Future Study
	Privately Financed		Excellent	Current practice. Minimum problems.	Pilot Candidate
ADA Options	Retrofit all Jitneys		Poor	Not economically possible	Discarded
	Public-Private same-day Dial-a-ride service		Good	Will require subsidy from public and/or private sources.	Pilot Candidate
	Private collective same-day ADA dial-a-ride service		Fair	Could cut into economic viability of jitneys.	Pilot Candidate
	Independent Private Dial-a-ride Service		Good	May not be economically feasible for small private operators.	Pilot Candidate

Integration of Jitney Services

Miami-Dade County
Metropolitan Planning Organization (MPO)

INTEGRATION OF JITNEY SERVICE WITH MDT

I. Miami-Dade County

A. Process for Authorizing Jitney Service:

1. The person shall submit an application for a Certificate of Transportation.
2. The application is submitted to the Consumer Services Department (CSD) and should contain the following information:
 - a. Applicant identification and personal information.
 - b. Description of the route, terminals, schedules, type of vehicles, seating capacity, etc.
 - c. Trade name and vehicle colors.
 - d. Management plan including: maintenance facilities, complaints and accidents processes, and insurance coverage, among others.
 - e. Days and hours of operation.
 - f. Fare and rate structure.
 - g. Statement supporting the economic feasibility of the services including:
 - i. estimated ridership,
 - ii. estimated fare revenue,
 - iii. estimated operating expenses,
 - iv. operational plan,
 - v. statement indicating the effect on other providers servicing the same transit corridor,
 - vi. and other financial and legal requirements.
1. The Director of CSD will review the application.
2. The application is submitted to Miami-Dade Transit (MDT) for compliance with county code. No service can be provided along corridors with current frequencies of 30 minutes or less. This include a single route or a combination of routes
3. If MDT has no opposition to the proposed route, then CSD proceed with a public hearing at the Board of County Commissioners (BCC). As part of this step, notifications are sent to all parties involved (government offices, municipalities, other motor carriers and any particular person or entity requesting notice). They have 20 days to protest.
4. If no written protest is properly filed, the Director of CSD will submit a report and recommendation to the County Manager. Once the request is positively recommended by the County Manager, it is submitted to BCC for final approval.
5. Once the permit is approved, the service may start immediately.
6. Permits should be renewed every year.

CTAC Special Subcommittee Meeting:

Integration of Jitney service with MDT

111 NW 1st Street, 18th Floor Conference Room (18-10)

3:00 PM

Thursday, May 10, 2001

Main Issues:

1. *Norman Wartman: "Problem providing adequate transit transportation in Miami-Dade County. There are not enough buses to go around, a lot of areas that are not served and a lot of areas that are under served. The idea is to find a way to bring the existing Jitneys and additional new companies and allow them to expand and fill the gaps."*

This comment has to be documented based on a study or measurable facts. According to MDT, they are providing a good service. This is an area that the MPO can not enter into discussion, but can help by coordinating with MDT which areas they consider need complimentary service or which areas are not served by MDT that could be served by jitneys.

2. *Norman Wartman: "Allow them to feed to and from the existing main-haul transit routes, Metrorail, Metromover."*

The main issue regarding this alternative is to create a transfer system that can be used by both (MDT and jitneys) without increasing the fare for the passengers. This is not an easy task. A potential alternative to solve this issue is allowing jitneys to get a larger part of the fare and for MDT, get the jitney's mileage and passengers for incorporating them into the Section 15 Report.

3. *Norman Wartman: "Currently, there are currently 500 buses on the road (w/ 20% in reserve) which is the same number since the 70s."*

FTA standard requires 80% of the fleet in service, 10% spare and 10% in maintenance.

4. ***Norman Wartman: "Assign a senior MPO Staff person to coordinate this review and the options and to help start up the program."***

Mr. José-Luis Mesa, MPO Director will consider this option if needed.

5. ***Mac Glasgow: "Vehicles used in public transportation must be fully accessible, if they are going to provide governmental services. Suggest that the first thing to do is to get a legal opinion on this issue."***

A legal opinion is in process. However, as I understand, jitney is a transportation mode that is regulated by a governmental entity, but is not part of the government. Therefore, they are not required to comply with ADA. They operate like the taxi industry. Jitneys do not provide service as STS and are not regulated by FTA. Additionally, regarding the equipment, FTA's regulation requires full accessibility when vehicles used for public transportation has a capacity over 22 passengers. This is the reason why jitneys are usually no more than 15-18 passengers van. In Puerto Rico, due to the popularity of this service there are minibuses specially built under FTA's requirement to provide jitney's services.

6. ***Gayle Krause, ADA Office: "it does not matter whether a company is federally funded, the ADA requirement still applies."***

If that is the case why taxis and jitneys are not handicap accessible? FTA's regulation provides for special cases.

7. ***Danny Alvarez: "the regulations today allow for Jitneys to exist and they are exempt from ADA requirements and could run a route in an unserved or under served area of the county (e.g. Krome Avenue). The minute that the county allows the Jitneys to provide the service that MDT is currently providing, whether it is an investment or a compliment, they must comply with rule 1490 of the State Statutes. Also must comply with respect to training, system safety, etc."***

I have tried to get a copy of the above referred Rule 1490, unsuccessfully. Therefore, I don't have any grounds to respond to this issue. The Consumer Services Department regulates the operation of the jitneys in Miami-Dade and actually there are jitney's routes that share MDT routes.

8. ***Danny Alvarez: "It goes beyond the local regulatory issues. In fact, under certain circumstances MDT can contract with the private sector at no cost to the county (limited certificate of transportation) Jitneys are exempt from the ADA only in a certain environment, however, the minute that you allow them to basically provide the***

service that MDT is currently providing, they have to comply with all of the requirements that MDT has to comply with regardless if they are subsidized."

Jitneys are ADA's exempt without restrictions, unless there is a local or state regulation that establish a requirement in this regard. Definitely, it's important to obtain a copy of Rule 1490. If that is the case, jitneys would not operate in any place. In Puerto Rico, jitneys are not required to comply with ADA unless go over a certain seating capacity, as indicated before. Additionally, they provide service along transit routes without comply with the federal requirements that applies to transit.

9. *Sheila Rushton: "A Jitney applicant will seek a route that they think they are interested in operating. They will work with the MDT in terms of reviewing the route to asses whether it conflicts with the code provisions. If there is no conflict with this provision then the applicant has to complete all of the documentation. Issue notices to municipalities and there are opportunities for protest. When the application is completed it goes to the County Commission. Process takes usually six months. Consumer Services Department is currently in the process of amending the entire section of the Code: Passenger Motor Carriers, which includes Jitneys. Part of the process is to streamline and enhance standards. Make it more of an administrative process rather than all of the noticing that is currently required. There are 12 certificates (Jitneys) currently."*

If the CSD is in the process of amending the entire code, they should consider to provide certificates only to potential jitney owners that will work the vehicle. Actually, there are only 12 certificates and individuals are making a business out of this. Regarding permitting, jitneys should be operated like taxis. There are other recommendations that should be later provided.

10. *Danny Alvarez: "The Jitney Service should compliment transit and should not be competing with one another. It needs to be done in an orderly fashion so that the number one priority (customers) do not get injured economically, courtesy, safety or in the point of reliability. Bus drivers also do not want to have their livelihood threatened by the private sector."*

Bus driver should not be affected. Jitneys will not replace transit services. If a transit route is not productive for a bus operation, it could be suitable for jitneys. In this case, the buses and drivers servicing that route will be relocated to another route improving the service. With the limited transit resources, transit should concentrate in those routes that require better service and integrate jitneys in those routes with low ridership.

11. *Danny Alvarez: "If an agreement is established to integrate the Jitney service, where ever they provide service now becomes a part of where they must provide complimentary Paratransit Service (STS). This is a Federal requirement."*

STS is a federal requirement for transit providers not for jitneys. STS is an additional

service provided or contracted by transit companies to comply with ADA requirements, specially in those areas that transit services are not adequate. Additionally, many transit companies implemented such services to comply with ADA because their fleet was not fully ADA accessible. In some other cases, transit companies provided that services to cover the service area.

12. ***Gayle Krause: Quote from 37.23 (under contract) "A private entity which purchases or leases new, used or re-manufactured vehicles or re-manufacture vehicles for use or contemplation of use in fixed routes, or demand responsive service under contract or other arrangement or any relationship with a public entity, shall acquire accessible vehicles in all situations in which the public entity itself would be required to do so"***

Jitneys are self-employers and providers. They don't have any contract or agreement with transit companies, they don't receive any payment from any governmental agency, nor even federal funds. They are a separate transportation mode, like taxis or water services. The main function of the government in jitney services is as a regulatory entity to control the permitting, operation, safety and enforcement of the service.

13. ***Alphe Willingham, Tri-Rail Mini Bus: "Definitely would need government compensation to share routes or take over routes of MDT so that the private sector would be able to expand their operation. 30% headway percentage should be changed."***

Jitneys should not receive government compensation (local, state or federal), if so, they have to comply with all federal, state and local requirements. Actually, MDT is responsible for this service. If jitneys are allowed to operate in some areas that they are not actually serving should be on their own risk. This is the beauty about jitneys. They provide service without affecting existing budgetary sources. MDT should keep the control regarding the areas to be served to avoid duplicity.

14. ***Danny Alvarez: "Whatever analysis that is done on any recommendation needs to include, on the private side, what would be the cost of their investment and on MDT's side, the fiscal impact. While there may not be a direct subsidy, when the duplication level is increased from 30 to 50 percent, and a Jitney shows up picks up customers, that's a \$1.25 that's being taken from MDT."***

Duplication of service is not an option. Integration of services is the key word. Transit should consider to re-evaluate their service area by concentrating in those routes that have the potential of growth to maximize resources (drivers and vehicles), improve frequencies and increase ridership, allowing jitneys to operate in other areas that can be profitable for their type of operation. This is not a given, a lot of work should be done before taking the next step.

Application for Passenger Motor Carrier

INSTRUCTION GUIDE TO COMPLETING THE APPLICATION FOR PASSENGER MOTOR CARRIER CERTIFICATE OF TRANSPORTATION

IDENTIFICATION OF APPLICANT

In this section, specify how the certificate is to be entitled. It can be in the name of an individual, a legal partnership, a non-corporation association, or a corporation. You must complete section A, or B, or C. If you are applying in the name of a partnership or corporation, you must provide the requested information for each partner or corporate officer. In addition, you must submit a copy of the partnership papers or Articles of Incorporation with your application.

OPERATING AUTHORITY

In this section, specify which class of service you are applying for and the specific description of the operating authority by which you will operate.

- A Class/type of transportation to be provided. Indicate which class of service, as specified in the Passenger Motor Carrier Code, you are applying for. You may choose: Contract Carrier, Special Operations, Fixed Route, Jitney, Charter or Circulator. Please refer to the Frequently Asked Questions About Passenger Motor Carrier Certificates of Transportation, provided with the application package, for further explanation of these classes of service.
- B State operating authority applied for. State the operating authority for the class of service listed in response to the question above. The operating authority for each class of service is contained in the definition for that particular class of service as set forth in the Passenger Motor Carrier Code. The operating authority will define the type of transportation service you can provide.

Example: The operating authority for the Contract Carrier class of service would be the following: A passenger motor carrier who is not a common carrier and who repeatedly or continuously transports persons for compensation pursuant to written contract with one or more persons.

NOTE: If you cannot fit all of the information into the space provided, you may submit this information on a separate piece of paper as an attachment to the application.

- C SERVICE AREAS: In this section, provide information regarding where you will be providing your transportation services.
- C.1 Geographic boundary of areas to be served: Specify what parts of Dade County will you be serving. The certificate will allow you to provide transportation anywhere in Dade County. You may, however, restrict your transportation services to any particular area or city. If you wish to be able to provide service

anywhere in Dade County you should answer this question "All Dade County"; otherwise, state the specific location you wish to serve. Once the application is approved you will be restricted to that area.

- C.2 Routes or corridors to be served: Unless you are applying for Jitney or Fixed Route authority, this section is not applicable (N/A). If you are applying for Jitney or Fixed Route authority, a map of the proposed route and a written description of the same route must be submitted with the application. The response to this question should be "See attached route map."
- C.3 Passenger pick up and drop off points: With the exception of Jitney, Circulator Service or Fixed Route service, Passenger Motor Carrier (PMC) service is all pre-arranged service, generally 24 hours in advance. If you are applying for Special Operations, Contract Carrier or Charter service, the response to this question should be "Based on pre-arrangements." If you are applying for Jitney or Fixed Route authority, the response to this question should be "See attached route map."
- C.4 Termini: This section applies to Jitney, Circulator Service or Fixed Route authority only. Specify the beginning and ending point of the proposed route. If you are applying for Special Operations, Contract Carrier or Charter service your response to this question should be (N/A) not applicable.

D SERVICE CHARACTERISTICS: In this section, provide information about specific elements of your transportation service.

- D.1 Schedule(s): As was previously mentioned, PMC service is all pre-arranged service at least 24 hours in advance and therefore the schedules are based on pre-arrangements. If you are applying for Special Operations, Contract Carrier or Charter service your response to this question should be "Based on pre-arrangements."

If you are applying for Jitney or Fixed Route authority, the term "schedule" refers to how frequently a bus will pass any one stop along the route. This information is expressed in terms of "every 10 minutes, 15 minutes, 30 minutes", etc. This information is used in calculating how many vehicles will be required in order to operate the route for the hours specified.

- D.2 Response Time: PMC service is all pre-arranged service generally 24 hours in advance and therefore the response time is based on pre-arrangements. If you are applying for Special Operations, Contract Carrier or Charter service your response to this question should be "Based on pre-arrangements." This section is not applicable to Jitney or Fixed Route authority.
- D.3 Trip arranging procedures (including how far in advance): With the exception of Jitney or Fixed Route service, PMC service is all pre-arranged service generally 24 hours in advance. Indicate how requests for transportation service will be

received and how far in advance requests for service are made. This includes telephones, facsimile machines and mail, etc.

- E Days and hours of operations (office and vehicle): Specify the hours of operation for your transportation service. Indicate both the office hours and the transportation service hours. Include days and hours. There is no set requirement for your hours of operation. You may make them as broad or as narrow as you wish. REMEMBER, once the application has been approved you will be restricted to operate within those hours and operating outside of those hours would be a violation of the Code.
- F Date service will commence: You are not authorized to provide transportation service until your application has been approved by the Board of County Commissioners. Your response to this question should be "upon approval."

DESCRIPTION OF VEHICLES

In this section, provide information regarding the vehicles you will be using to provide transportation service.

- A.1 Trade Name: Indicate the name of the transportation company. **Any fictitious name or trade name must be registered with the Florida Department of State and a copy of the certificate of trade name registration must be submitted with the application.**
- A.2 Telephone Number: List the phone number that will be displayed on the vehicle.
- A.3 Class/Type of Service: Indicate the class of service you are applying for. This should be the same as the answer for question A in the Operating Authority Section
- A.4 Other Markings: Specify any other markings which you intend to display on the vehicle, including logos.
- A.5 Size of Markings: Indicate the size (in inches) of lettering, stripes, logos, etc.
- B Vehicle exterior color scheme: Each transportation operator must have a unique color scheme for their transportation service. Your answer to this question should be "see attached photographs or drawing." A line drawing of a passenger van has been provided with the application. Use this drawing to indicate the color of the vehicle, location, size, and color of any lettering including phone numbers and any logos. You may submit a photograph which depicts the required information, if available. Note: A portion of the rear lower quarter panel must be set aside for the display of the certificate and vehicle number. The certificate number will be issued upon approval.

- I Communications system. The Code requires that each operator have a communications system in place for the office to communicate with the driver in the field and vice-versa. Describe the communication system for your transportation service.

RATE AND FARE STRUCTURE

As part of the application you are required to specify the rates that you will be charging for your transportation service. You must specify whether the rates are per person, per vehicle, one way or round trip. Where transportation is combined with other services, only the transportation rate should be listed and a statement should be included indicating that transportation rates do not include admission to attractions.

PUBLIC INTEREST

One of the most important aspects of the application for a Passenger Motor Carrier Certificate of Transportation is the justification; the benefit to the County in granting a certificate of transportation to your company.

- A Improve transportation available to the public. Describe how your transportation company will improve the transportation available to the public. Explain how your transportation service will be better than other transportation companies in the industry.
- B Maintain or support the public interest. Describe how your transportation service will maintain or support the public interest. Section 31-102 (1) - (8) of the Passenger Motor Carrier Code lists what the Board of County Commissioners considers to be its' transportation policy or public interest. Explain how your transportation service will help the County achieve its transportation goals.

SERVICE FEASIBILITY

In this section you are asked to provide information which will support the feasibility of your transportation service. You must provide answers to each question in this section.

- A Market segment to be served. Specify the target market for your transportation service. This target market is considered in terms of residents, tourists, medical patients, etc.
- B Anticipated annual ridership. Indicate an estimate of the number of passengers you expect to transport per year. Remember, this is an estimate.
- C Estimated fare revenue. Indicate an estimate of the amount of money you expect to make in your first year. Remember, this is an estimate.

- D Estimated operating expenses. Please indicate an estimate of the amount of money you expect to pay in expenses during your first year. Remember, this is an estimate.
- E If service results in an operating deficit, give funding source. If your expenses are more than you take in, indicate the funding source. This may include personal funds, loans etc.
- F Operational plan to implement service. Specify what steps you will take to start your transportation service once you have been approved by the Board.

That's it! Now complete the certification on the last page and you will have completed the Passenger Motor Carrier Certificate application form. There are two certificates but only one needs to be executed. If you are applying in your own name and not in the name of a corporation or partnership, the top certificate would be completed. Place your name in the first blank and sign on the line marked "signature of applicant". The signature on the application must be notarized for the application to be accepted.

If you are applying in the name of a corporation, partnership, or non-corporation association, the bottom certificate would be executed. Only a corporate officer may sign the application on behalf of the corporation. Place the name of the officer in the first blank, the title of the officer in the second blank and sign on the line marked "signature of applicant". Place the corporate seal in the lower right corner. The signature on the application must be notarized for the application to be accepted.

By your signature, you acknowledge that the information contained in the application is true. You authorize the Consumer Services Department to verify the information you have provided, agree that the County may deny the application based on misrepresentation, alteration, omission or incompleteness of material fact, and, finally, agree to comply with all provisions of the Dade County Passenger Motor Carrier Ordinance, Chapter 31, Article III of the Code of Metropolitan Dade County and the laws of the State of Florida should the application be approved.

- A Name and experience of proposed general manager. Provide the name and experience of the person who will be managing your transportation business. Lack of prior management experience will not, by itself, result in the application not being approved.
- B Proposed central place of business. Provide the business address, phone number and the size (in square footage) of the transportation business office. Note: If you plan to operate your business from your residence, be sure to check with your local zoning office to ensure compliance with the Code.
- C Driver training plan. You must provide, as an attachment to the application, an outline of the plan your transportation company has to train any prospective drivers. This plan includes what skills and abilities you want a driver to have when you hire them and what you will train them to know about your transportation service.
- D Complaint handling system. Provide an outline of the plan your company has to receive, investigate and resolve service complaints received in your office from passengers. This information may be submitted as an attachment to the application.
- E Accident handling system. Provide an outline of the plan your company has to handle accidents or injuries which occur in the field. This information may be submitted as an attachment to the application.
- F Business records. Provide information indicating who will maintain the business records, how and where they will be maintained.
- G Vehicle maintenance system. Provide information indicating who will maintain the vehicles and where they will be maintained.
- H Insurance coverage. The Florida Statutes require that each operation maintain minimum levels of liability insurance of \$100,000 - \$300,000 - \$50,000 (property). To answer this question you may submit one of the following:

(1) A certificate of insurance, from an insurance company authorized to write policies in Florida, in the name of the applicant with minimum levels of liability insurance of \$100,000 - \$300,000 - \$50,000 (property) or;

(2) A letter from an insurance company authorized to write policies in Florida which indicates the willingness of the insurance company to insure the applicant for the limits of liability required by the Florida Statutes and the Code of Metropolitan Dade County.

NOTE: IT IS NOT NECESSARY FOR YOU TO PURCHASE LIABILITY INSURANCE AT THIS TIME. YOU ARE NOT AUTHORIZED TO PROVIDE TRANSPORTATION SERVICE UNTIL THIS APPLICATION HAS BEEN APPROVED BY THE BOARD OF COUNTY COMMISSIONERS.

- C Requested vehicle exterior number: Your certificate will allow you to operate more than one vehicle, so you must indicate the series of vehicle numbers you will utilize. Example 01, 02, 03 or 401, 402, etc.
- D Vehicle safety features: Specify what safety features your vehicles will have. This includes seat belts, fire extinguishers, etc.
- E Passenger comfort features: Specify what passenger comfort features your vehicles will have. This includes air conditioning, radio, etc.
- F Description of the vehicles: Indicate the year, make, model, weight, and seating capacity of the vehicle(s) you intend to use in your transportation service. If you have not purchased the vehicle you intend to use, indicate on the space provided, that the vehicle has not yet been acquired.

NOTE: You are not required to have a transportation vehicle at this time, however, you must be able to acquire the vehicle, have it painted to match the requested color scheme and inspected at the PTRD inspection station no later than 90 days after being notified of the approval of your application. In addition, all vehicles to be used under the Passenger Motor Certificate must have a seating capacity of between nine (9) and twenty-eight (28) passengers, excluding the driver.

CRIMINAL RECORD

In this section, disclose information regarding any criminal conviction(s) within five (5) years of the date of this application. If the applicant is a corporation or legal partnership, this information is required of all officers, directors or partners.

PREVIOUS BUSINESS EXPERIENCE

These three (3) questions pertain to your prior transportation business experience (if any).

NOTE: Not having prior transportation business experience will NOT disqualify you. If you have prior transportation experience, indicate the type of services that you provided, where you provided this service and for whom. Indicate if your authority to provide these services had ever been revoked or suspended and provide details. In addition, indicate if the transportation business had ever been in bankruptcy and provide details.

MANAGEMENT PLAN

In this section, provide information about the office operations of your transportation business

APPLICATION FOR PASSENGER MOTOR CARRIER



CERTIFICATE OF TRANSPORTATION
CHAPTER 31, ARTICLE III

CONSUMER SERVICES DEPARTMENT
PASSENGER TRANSPORTATION REGULATORY DIVISION
140 West Flagler Street, Room 904
Miami, Florida 33130

INSTRUCTIONS TO COMPLETE APPLICATIONS:

- Type or print neatly.
- Answer all questions.
- Submit all documents in duplicates.
- Use blank sheet in the back or other blank sheets if items cannot be completed in the space provided on the application.
- Enclose the appropriate non-refundable application filing fee.
- Make check or money order payable to Metro-Dade County.
- Direct questions concerning completion of the application to PTRD office, 140 West Flagler St., Room 904, Phone (305) 375-2460.
- NOTE: Your application will not be processed unless all required attachments are submitted.
- Submit as attachment #1 a proposed public note, including, but not limited to the name of applicant, proposed business address, business trade name, a brief summary of the requested operating authority (type/class of service, geographic area to be served, route to be served, service standards, etc.), number and description of vehicle(s), and other information determined to be pertinent to this application.
- Submit as attachment #2 an outline of your present or proposed driver training program.
- Submit as attachment #3 two (2) letters of credit reference, including one bank where an active account is maintained, covering but not limited to length of association, credit experience, and current credit status. The letters are to be addressed to the Consumer Services Department and dated within 30 days of the date of this application.
- Submit as attachment #4 a detailed statement (balance sheet) of the financial condition of the applicant showing all assets at original cost and all liabilities including secured debts and revenues from all sources. The most recent certified financial statement is preferred. If unavailable, submit a financial statement dated and signed by the preparer.

**APPLICATION FOR
PASSENGER MOTOR CARRIER**



**CERTIFICATE OF TRANSPORTATION
CHAPTER 31, ARTICLE III**

**CONSUMER SERVICES DEPARTMENT
PASSENGER TRANSPORTATION REGULATORY DIVISION
140 West Flagler Street, Room 904
Miami, Florida 33130**

1. IDENTIFICATION OF APPLICANT

DATE: _____

- (A) To be completed if applicant is an individual:

Full Name _____ Date of Birth _____
Social Security Number _____ Phone Number _____
Home Address _____ City _____ State _____ Zip _____

- (B) To be completed if applicant is a partnership or non-corporation association:

Name of Organization _____
Date and Location Organization Formed: _____
Name of Each Partner % Interest DOB Home Address Social Security Number

- (C) To be completed if applicant is a corporation:

Name of Corporation _____ Business Phone _____
Corporate Business Address _____ City _____ State _____ Zip _____
Name of Corporate Officer Title DOB Home Address Social Security Number

2. REQUESTED TRANSPORTATION OPERATING AUTHORITY

- (A) Class/Type of transportation to be provided.

- (B) State operating authority applied for. Note: Use the exact wording that you request to appear on the Certificate of Transportation (including # and type of vehicle to be used).

- (C) **SERVICE AREA(S)**

1. Geographic Boundary of area(s) to be served:

2. Routes or corridors to be served, if any:

3. Passenger pick up and drop off points (attach map):

4. Termini:

- (D) **SERVICE CHARACTERISTICS:**

1. Schedule(s):

2. Response Time:

3. Trip arranging procedure(s) (including how far in advance):

- (E) Days and Hours of operations (office and vehicle):

- (F) Date service(s) will commence:

DESCRIPTION OF VEHICLE(S)**(A) Vehicle exterior markings**

1. Trade Name: _____ 2. Telephone Number: _____
3. Class/Type of service: _____ 4. Other markings _____
5. Size of Markings (In Inches) _____

(B) Vehicle exterior color scheme (If available, submit picture):**(C) Requested vehicle exterior numbers:****(D) Vehicle safety equipment:****(E) Vehicle passenger comfort features:****(F) For each vehicle listed below that will be used, complete the following and attach a copy of the manufacturer's seating specifications (Capacity and arrangement):**

Year	Make	Model	Gross Vehicle Weight	Tonnage	Seating Capacity
------	------	-------	----------------------	---------	------------------

CRIMINAL RECORD

Have you ever been convicted of any criminal charge(s) within 5 years of the date of this application? In the case of Corporation or Partnership applicants, this information is to be provided for all corporate officers and partners. NOTE: Fingerprints and photograph are required of each applicant, corporate officer and partner:

NO ☐ YES ☐ If yes, complete the following for each conviction:

Name	Convicted of	Date	Court & Location
------	--------------	------	------------------

PREVIOUS BUSINESS EXPERIENCE

Are you now or have you within the preceding 5 years been engaged in transportation business activities?

NO ☐ YES ☐ If yes, complete the following:

Services Provided	Location Served	Agency By
-------------------	-----------------	-----------

Has your operating authority for these services ever been revoked or suspended?

NO ☐ YES ☐ If yes, give full details:

Has this business ever been in bankruptcy? NO ☐ YES ☐ If yes, give details:

MANAGEMENT PLAN

Provide information on how the following business functions will be conducted and managed:

(A) Name and experience of proposed General Manager:**(B) Proposed central place of business:**

Address _____	Telephone Number _____
Size of facility in square feet _____	Business Trade Name: _____

(C) Do you have a driver training program? YES ☐ NO ☐**(D) Complaint Handling System:****(E) System for Handling Accident(s) and/or Injury(s):**

(F) How will Business Records be maintained:

(G) Vehicle Maintenance System:

(H) Insurance Coverage(s):

(I) Communications System:

FARE & RATE STRUCTURE

List your proposed initial public fare and rate structure. If your application is approved, this rate structure will become official.

PUBLIC INTEREST

Describe how the service(s) proposed in this application will:

(a) Improve transportation available to public:

(b) Maintain or support the public interest [Ordinance Section 3(V)]:

SERVICE FEASIBILITY

Provide the following information to support the feasibility of the proposed transportation service(s):

(a) Market segment to be served:

(b) Anticipated annual ridership:

(c) Estimated fare revenue (1st year):

(d) Estimated operating expenses (1st year):

(e) If service results in operating deficit, give funding source:

(f) Operational plan to implement service:

CERTIFICATION

SS (Verification by Individual)

STATE OF FLORIDA)
COUNTY OF DADE)

Before me, the undersigned authority, this day personally appeared _____
who, being by me first duly sworn, deposes and says that he/she is the applicant in the foregoing application, statements
made herein and attached hereto are true and correct, grants authority to the Consumer Services Department to
verify the information contained herein, understands that Dade County reserves the right to deny this application
based upon the misrepresentation, alteration, omission, or incompleteness of material fact, and agrees to comply with
all provisions and requirements of the Dade County Passenger Motor Carrier Ordinance, Chapter 31, Article III and
the laws of the State of Florida should this application be approved.

Signature of Applicant

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 19____.

NOTARY PUBLIC

SEAL

STATE OF FLORIDA)
COUNTY OF DADE)

SS (Verification by Corporation,
Partnership, or non-Corporation
association)

Before me, the undersigned authority, this day personally appeared _____
who is _____, who, being by me first duly sworn, deposes and says that he/she is the
Title

applicant in the foregoing application, statements made herein and attached hereto are true and correct, grants authority
to the Consumer Services Department to verify the information contained herein, understands that Dade County
reserves the right to deny this application based upon the misrepresentation, alteration, omission, or incompleteness
of material fact, and agrees to comply with all provisions and requirements of the Dade County Passenger Motor
Carrier Ordinance, Chapter 31, Article III and the laws of the State of Florida should this application be approved.

Signature of Applicant

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 19____.

NOTARY PUBLIC

CORPORATE SEAL

SEAL

**MIAMI-DADE COUNTY
CONSUMER SERVICES DEPARTMENT
PASSENGER TRANSPORTATION REGULATORY DIVISION
FOR-HIRE LICENSE/CERTIFICATE OF TRANSPORTATION DISCLOSURE FORM
(TYPE OR PRINT LEGIBLE)**

I, _____, being first duly sworn, state:

1. The full legal name and residence address, (P.O. Box not acceptable) of the person, or the full legal name and business address of the corporation or partnership holding or seeking to obtain **new/renew/transfer**, sell or update a Miami-Dade County for-hire license/certificate.

Name/Corporation

Residence/Business Address

- 2a. If the applicant is a person, state the name and include the residence address, date of birth and telephone number.

Name

Address

D.O.B.

Phone#

- 2b. If the applicant is a corporation, state the name and include the residence address, date of birth and telephone number for each officer, director, resident agent and stockholder of the corporation. Disclose the percentage held by each stockholder.

Name

Title

%

Address

D.O.B.

Phone#

2c. If the applicant is a partnership, state the name and include the residence address, date of birth and telephone number for each partner. State the percentage of partnership held.

<u>Name</u>	<u>Title</u>	<u>%</u>	<u>Address</u>	<u>D.O.B.</u>	<u>Phone</u>

3. State and include the full legal name(s), **residence address(es)**, date of birth(s) and telephone number(s) for any person who has an interest (legal, equitable, financial, beneficial or otherwise) in the for-hire license/certificate. Please refer to the definitions below to determine the type of interest to disclose.
1. **Financial interest** - An interest equated with money or its equivalent. Any person having a monetary interest in your license must be disclosed. For example, any person who owns shares in the license, or any part of the license, or is in the process of buying a license has a financial interest.
2. **Beneficial Interest** - Any person who derives a profit, benefit or advantage resulting from a contract with a license holder. This would include any person who benefits in some way through the license holder.
3. **Legal Interest** - This includes, among other things, an interest arising out of a contract. Any person who has entered into a contract relating to the license (conditional sale) has a legal interest in the license.
4. **Equitable Interest** - This includes, among other things, a beneficiary in case of a license holders death or divorce. Spouses or other designated beneficiaries have an equitable interest in the license.

<u>Name</u>	<u>Type of Interest</u>	<u>Address</u>	<u>D.O.B.</u>	<u>Phone#</u>

I UNDERSTAND THAT BY FAILING TO DISCLOSE ALL INTERESTED PARTIES IN THIS FOR-HIRE LICENSE/CERTIFICATE, THE LICENSE/CERTIFICATE WILL BE SUBJECT TO REVOCATION AND I MAY BE SUBJECT TO CRIMINAL SANCTIONS.

License/Certificate Holder Signature

State of Florida
County of Miami-Dade

On the ____ day of _____, 20____, sworn and subscribed before me the undersigned authority, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscriber to the within instrument and acknowledged to me that he/she /they executed the same in his/hers/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

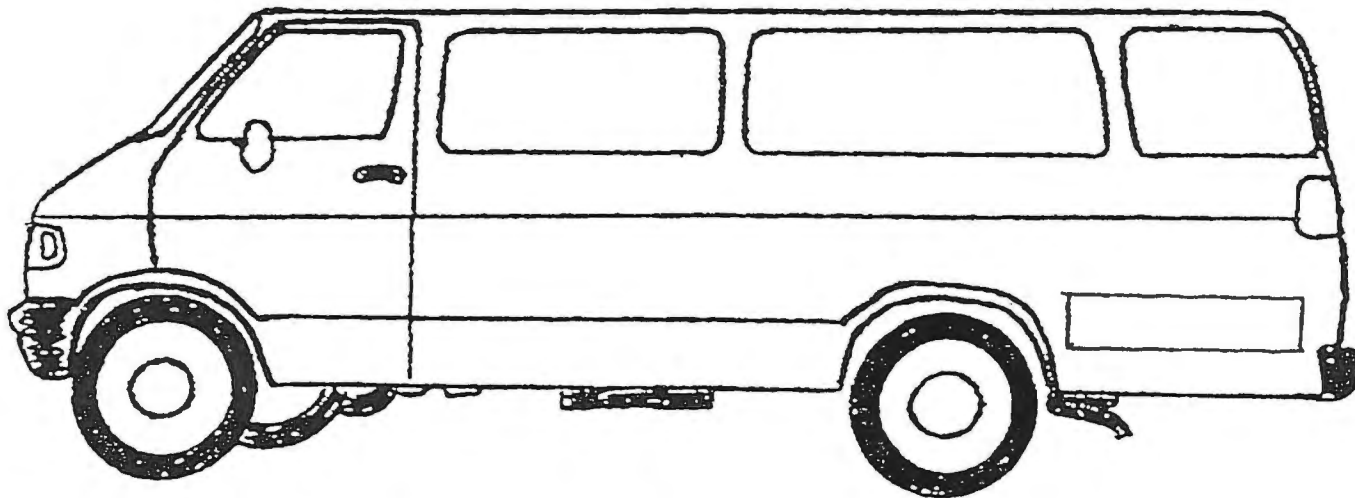
Signature _____

Affiant _____ known _____ Produced ID
Type of ID _____
(Seal)

PROPOSED TRANSPORTATION COLOR SCHEME

Each transportation company must have a unique color scheme for ALL of its transportation vehicles.

On this diagram, please indicate the color of the vehicle, the color of the lettering, the location of the name and phone number of the transportation company, and the location of any company logos.





Passenger Services Department

PASSENGER TRANSPORTATION
REGULATORY DIVISION
140 WEST FLAGLER STREET
SUITE 904
MIAMI, FLORIDA 33130-1561

Tel: (305) 375-2460 Fax: (305) 372-6321 TDD: (305) 375-4177 E-mail: consumer@co.miami-dade.fl.us

CODE MODIFICATION AFFIDAVIT

TO: Passenger Transportation Regulatory Division

FROM: Applicants for Passenger Motor Carrier Certificates of Transportation;
Non-emergency Certificates of Public Convenience and Necessity and
For-Hire Licenses

This is to certify that I am applying for one of the above referenced certificates of transportation or licenses regulated under Chapters 31 and/or 4 of the Code of Miami-Dade County, and I understand that any certificate and/or license that may be issued will be subject to any and all future modifications of the Code.

Name of Applicant (Print)

Date

Signature of Applicant/Officer

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ day of _____, 20____.

Notary Public



mer Services Department

PASSENGER TRANSPORTATION
REGULATORY DIVISION
140 WEST FLAGLER STREET
SUITE 904
MIAMI, FLORIDA 33130-1561

Tel: (305) 375-2460 Fax: (305) 372-6321 TDD: (305) 375-4177 E-mail: consumer@co.miami-dade.fl.us

Passenger Transportation Regulatory Division
CRIMINAL BACKGROUND CHECK

GENERAL REQUIREMENTS:

Pursuant to County Code:

Initial applicants for a Certificate of Transportation or For-Hire License, shall provide a record of all crimes, excluding traffic, to which the applicant has pled nolo contendere, pled guilty, or of which the applicant has been found guilty or convicted, whether or not adjudication has been withheld, within five (5) years preceding the date of the application.

The applicant shall have his or her fingerprints and photograph taken by the Miami-Dade Police Department. This information shall be obtained from all corporate officers, directors and partners. In the case of corporations, the above information shall be obtained from stockholders who own, hold or control five (5) percent or more of the corporation's issued and outstanding stock.

II. PROCEDURES:

- A. The applicant shall bring a fingerprint card and two (2) forms (memorandums) issued by the Miami-Dade Consumer Services Department to a Miami-Dade Police District Station indicating that a criminal records investigation (FCIC, NCIC and local fingerprint search) must be completed. (See two (2) memorandums attached)
- B. The applicant shall be photographed and fingerprinted and told that the results of the criminal background investigation (FCIC, NCIC and local fingerprint search) will be forwarded directly to the Miami-Dade Consumer Services Department by the Miami-Dade Police Department.
- C. A criminal background investigation shall be initiated at the District Station (FCIC and NCIC) and fingerprint search at the Identification Section with the results noted on the appropriate memorandum form (attached) issued by the Miami-Dade Consumer Services Department.
- D. Upon completion of the criminal background investigation and local fingerprint search, the entire package (including photographs and fingerprint card) shall be returned via regular or interoffice mail to the address below:

Miami-Dade Consumer Services Department
PASSENGER TRANSPORTATION REGULATORY DIVISION
140 West Flagler Street, Suite 904
Miami, Florida 33130

Note: At no time is the applicant given the completed criminal background check form to personally return to the Consumer Services Department.

For additional information, contact the Miami-Dade Consumer Services Department at (305) 375-2460.



MEMORANDUM

TO: Raul A. Gonzalez
Administrative Officer
Consumer Services Department

FROM: Miami-Dade Police Department
District Station

DATE:

SUBJECT: Criminal Background Investigation
Applicant's Name:
DOB:
SS#:

The following investigative procedures have been completed on the above named applicant in accordance with Miami-Dade County Code (Check One):

☐ Taxicab or limousine for-hire (Section 31-82 and/or 31-602);
☐ Passenger Service Company Registration (Section 31-100);
☐ Special Transportation Service (Section 31-203);
☐ Non-Emergency Transportation Service (Section 4-44);
☐ Passenger Motor Carrier (Section 31-103);

☐ Certificate of Public Convenience and Necessity to provide emergency ambulance transportation services and Certificate applicants to increase vehicles (Section 4-4(a)(8)); or

☐ Towing Company Non-Consent Registration (Section 30-463(b)(9));
☐ Vehicle Immobilization Business Registration (Section 30-463(b)(9));
☐ Vehicle Immobilization Individual Registration; (Section 30-463(b)(9));
☐ Locksmith Business Registration (Section 8A-361(b)(13)(14));
☐ Locksmith Individual Registration (Section 8A-365(b)(7)(8));

☐ Motor Vehicle Title Loan Business (Section 8A-124.17(3)(4)(5)).

	DATE	RESULTS	AUTHORIZED SIGNATURE
Fingerprints and photograph(s) taken	_____	N/A	_____
FCIC	_____	_____	_____
NCIC	_____	_____	_____
Criminal History (local fingerprint check)	_____	_____	_____

Upon completion, the Police Department shall return the complete package including fingerprint card, photos and results of the background checks indicated on this memorandum (via regular or interoffice mail) directly to:

Miami-Dade Consumer Services Department
Passenger Transportation Regulatory Division
140 W. Flagler Street, Suite 904
Miami, Florida 33130

C O N F I D E N T I A L



MEMORANDUM

TO: Miami-Dade Police Department (MDPD)

DATE:

SUBJECT: Criminal Background Check

FROM: Raul A. Gonzalez
Passenger Transportation Regulatory Division
Consumer Services Department

This is to introduce _____, who is applying for:

____ Taxicab or limousine for-hire (Section 31-82 and/or 31-602);
____ Passenger Service Company Registration (Section 31-100);
____ Special Transportation Service (Section 31-203);
____ Non-Emergency Transportation Service (Section 4-44);
____ Passenger Motor Carrier (Section 31-103);

____ Certificate of Public Convenience and Necessity to provide emergency ambulance transportation services and Certificate applicants to increase vehicles (Section 4-4(a)(8)); or

____ Towing Company Non-Consent Registration (Section 30-463(b)(9));
____ Vehicle Immobilization Business Registration (Section 30-463(b)(9));
____ Vehicle Immobilization Individual Registration; (Section 30-463(b)(9));
____ Locksmith Business Registration (Section 8A-361(b)(13)(14));
____ Locksmith Individual Registration (Section 8A-365(b)(7)(8));

____ Motor Vehicle Title Loan Business (Section 8A-124.17(3)(4)(5)).

Please photograph (two photos), fingerprint and run FCIC and NCIC background checks on this individual. Submit the photos, fingerprint card, results of the background checks and the attached investigative procedures response memorandum to the MDPD Identification Section for a local fingerprint search.

We would appreciate your assistance in expediting this process. We will contact you in the event that questions arise or further clarification is needed. **At no time is the applicant to be given the completed criminal background check form to personally return to the Consumer Services Department.**

Should you have any questions or require additional information, please call me at (305) 375-2470.



mer Services Department

PASSENGER TRANSPORTATION
REGULATORY DIVISION
140 WEST FLAGLER STREET
SUITE 904
MIAMI, FLORIDA 33130-1561

Tel: (305) 375-2460 Fax: (305) 372-6321 TDD: (305) 375-4177 E-mail: consumer@co.miami-dade.fl.us

Dear Valued Customer:

The Code of Miami-Dade County requires all applicants for Passenger Motor Carrier Certificates of Transportation; Non-emergency Certificates of Public Convenience and Necessity; For-Hire Licenses; and Passenger Service Companies to submit to a fingerprint background check. You may have your fingerprints and photograph taken at any of the Miami-Dade Police Department district stations listed below. Many of these stations have specific service hours and require you to schedule an appointment. Please call the station for their requirements.

Miami Lakes Station

5975 Miami Lakes Dr., East
Miami, Florida 33014
(305) 698-1500

Cutler Ridge Station

10800 SW 211 Street
Miami, Florida 33189
(305) 378-4300

Hammocks Station

10000 SW 142 Avenue
Miami, Florida 33186
(305) 383-6800

Northside Station

2950 NW 83 Street
Miami, Florida 33147
(305) 836-8601

Kendall Station

7707 SW 117 Avenue
Miami, Florida 33183
(305) 279-6929

Carol City Station

18373-B NW 27 Avenue
Miami, Florida 33056
(305) 626-7950

Doral Station

9101 NW 25 Street
Miami, Florida 33172
(305) 471-2800

Intercoastal Station

15665 Biscayne Blvd.
Miami, Florida 33160
(305) 940-9980

Airport District Station

Flamingo Garage
Ground Level
Miami Int'l Airport
Miami, Florida 33159
(305) 876-7373



Passenger Motor Carrier Services Department

PASSENGER TRANSPORTATION
REGULATORY DIVISION
140 WEST FLAGLER STREET
SUITE 904
MIAMI, FLORIDA 33130-1561

Tel: (305) 375-2460 Fax: (305) 375-4120 TDD: (305) 375-4177 E-mail: consumer@metro-clade.com

FREQUENTLY ASKED QUESTIONS ABOUT PASSENGER MOTOR CARRIER CERTIFICATES OF TRANSPORTATION

I have a van, and I want to open a business transporting people to and from various locations in Miami-Dade County. What do I have to do?

In order to use your van to transport people upon the streets and roads of Miami-Dade County for compensation, you must obtain a Passenger Motor Carrier Certificate of Transportation, issued by the Board of County Commissioners.

What kind of transportation service can I provide?

Passenger motor carrier service is prearranged transportation where the reservations are made generally 24 hours in advance. Under the Passenger Motor Carrier Code, there are four classes of certificates which can be applied for. Listed below are the classes of service available and their operating authority:

CONTRACT CARRIER

Any passenger motor carrier who is not a common carrier (any motor carrier who holds his service out to the public) and who repeatedly or continuously transports persons for compensation under a written contract with one or more persons.

CHARTER SERVICE

Transportation of a group of persons pursuant to a common purpose and traveling under a single contract involving the exclusive use of a motor vehicle.

JITNEY

Any motor vehicle transporting passengers for compensation on a semi-fixed route between fixed terminals not on a fixed schedule basis.

SPECIAL OPERATIONS

Transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

CIRCULATOR SERVICE

Is defined as the provision of fixed or semi-fixed route transportation service where at least seventy (70) percent of the route is within one municipality.

Each is different from the other with regards to the operating authority (what you are allowed to do with the certificate). You need to review these definitions and compare them to the type of transportation you wish to provide in your business. In your application, you will need to state which class of transportation service you are applying for.

Are there any requirements pertaining to the size of my van?

Yes. To be eligible for use as a passenger motor carrier vehicle, your van must have a rated seating capacity between 9 and 28 passengers, NOT INCLUDING THE DRIVER. There are a few exceptions:

- a) Vehicles which are going to be used to provide jitney service are required to have a maximum seating capacity of 15 passengers;
- b) Vehicles which are going to be used to provide fixed route service can have a seating capacity in excess of 28 passengers;
- c) Vehicles which have a seating capacity in excess of 28 passengers or are larger than 30 feet in length are exempt from the provisions of the Passenger Motor Carrier Code unless they are providing jitney or fixed route service.

The service I plan to provide is seasonal. Do I have to operate my service all year or can I stop after the tourist season is over.

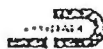
Once you have been approved for a certificate of transportation, you will be required to provide transportation service for at least eight (8) months out of the year. If you do not operate for the required time period, the certificate will not be eligible for renewal. In addition, if your vehicle is late for its required inspection, it is considered to be "out of service", and the certificate not being operated. If the vehicle is more than (4) months late for inspection, it will be considered out of service for that period of time and your certificate will not be renewed

What if I have a mini-van which seats seven (7) passengers, could I use it with this certificate?

No. Passenger Motor Carrier vehicles must seat a minimum of 9 passengers not including the driver.

Is there a certificate available that would allow me to use the seven (7) passenger mini-van?

Yes. A seven (7) passenger mini-van could be used as a limousine. To operate as a limousine, you would have to obtain a For-Hire Limousine License. NOTE: Miami-Dade County is not issuing any new limousine permits at this time. You would have to first find someone who is willing to sell their license, purchase that license and have it transferred to you. The license may cost up to \$30,000.00, or more, and with it you will only be allowed to place one vehicle on the road.



Can I use this certificate to pick up people in Broward County?

No. The certificate only authorizes you to provide transportation in Miami-Dade County. You would have to contact the transportation regulators in Broward County regarding their regulations and requirements.

I have two vans; do I need two certificates?

No. With one Passenger Motor Carrier Certificate of Transportation, you can place as many vehicles into service as you want, however, each vehicle can only provide the type of transportation service authorized by your certificate. If you had a certificate that allowed you to do CHARTER SERVICE and you wanted to do JITNEY service, you would have to obtain a second certificate to provide the JITNEY service. This would require you to obtain additional vehicles. A vehicle can only be registered to and operate under one certificate.

What are the costs involved in obtaining the certificate?

There is an application fee of \$500.00 for each application submitted. Once the application is approved by the Board, there is a certificate fee of up to \$500.00. Each vehicle that you place into service under the certificate will have to have its own operation decal. This decal will cost up to \$500.00. It is "up to" because the certificate and operating decal fees are pro-rated based upon the month of approval in relation to the license year. The certificate renews in March of each year. The closer the approval date is to March, the lower the certificate fee, however the certificate and each vehicle will have to be renewed sooner at a cost of \$500.00 for the certificate and each vehicle.

The maximum start-up cost for obtaining a Passenger Motor Carrier Certificate and one (1) van would be \$1375.00 - \$375.00 application fee at time of submission; \$500.00 certificate fee upon Board approval; and \$500.00 for the van's operating decal upon final inspection

What do I have to do to obtain one of these certificates?

Complete and submit an application with all of the required attachments. It will be submitted to the Board of County Commissioners for approval.

What information will I be required to provide in the application?

The application asks you to provide general information about the operation of your new transportation business and some specific details with regards to the hours of operation, scheduling of transportation, vehicles you will be using and the rates that you will be charging for transportation service.

What else do I have to submit?

In addition to filling out the application, you will be required to provide two credit references, a financial statement, a photograph or colored drawing which shows us what your vehicle(s) will

look like, a written outline of a driver training plan for your drivers and information confirming that you can provide the required insurance coverage. Each applicant will also have to undergo a fingerprint background check.

What if I wanted to provide FIXED ROUTE or JITNEY service, would anything else be required?

Yes. A map detailing your proposed route would have to be included with your application. This would be evaluated by the Miami-Dade Transit Agency as part of the overall evaluation of the application.

It is strongly recommended that you meet with the transit planners and allow them to review your proposed route prior to submitting your application. If there is a problem with the route, they will let you know up front and perhaps work with you to make it acceptable. With an application for JITNEY or FIXED ROUTE, if your proposed route is not approved by the Miami-Dade Transit Agency, your application for the certificate will be denied.

Why does all this information have to be provided?

This information will allow us to completely evaluate your application and determine whether your proposed transportation service will help achieve the intent of the County transportation policies as set forth in the Code.

How long will the approval process take?

Once your application is accepted by this office, it will take approximately 3 to 3 1/2 months to reach the Board.

Why so long?

There is a three-step approval process for your application. Once it is accepted by this office, a notice of the submission of your application is sent to all of the existing Passenger Motor Carrier certificate holders, all of the municipalities (cities) in Miami-Dade County and interested parties in the ground transportation industry. This notice contains a 20-day protest period for anyone to come in, review your application and file a protest against it.

After the protest period passes and no challenge has been made to your application, it will then be submitted of the Board of County Commissioners for final approval. This will be a public hearing. At the conclusion of the hearing, the Board will vote to approve the application. You will be notified of the date and time of this meeting.

What happens if a protest is filed?

Should a protest be filed against your application, an independent hearing officer, not associated with transportation, will be appointed to hear the protest. A hearing date is scheduled, all the parties appear and the protest is heard. At the conclusion of the hearing, the Hearing Officer makes a recommendation to the Director of the Consumer Services Department who makes the final decision to uphold or dismiss the protest. If the protest is dismissed, the application moves forward in the approval process. If the protest is upheld, the application will be denied and the application file closed.

What happens after the Board approves my application?

The Board will conditionally approve your application. You will be notified of the approval and advised of the conditions or steps which must be followed in order for the certificate to be issued. This will include, among other things, the payment of the certificate fee, submission of a list of the names and Florida driver license numbers of your drivers. Once the fees have been paid and the required information provided, your certificate number will be issued. You then bring your vehicle to our inspection station, obtain your operating decal and you're on your way to your first passenger pick-up.

This information is provided to help you understand what a Passenger Motor Carrier (PMC) certificate is and what you have to do in order to obtain one for yourself. If you have any questions or need further information, please call Mr. Raul A. Gonzalez of the Passenger Transportation Regulatory Division at (305) 375-2460.

Notes

E

Miami-Dade County Code

mination of violation was mailed to the owner pursuant to Section 31-94(E)(5) herein; or

- (c) Has not paid the fines, if any, and towing and storage fees within ten (10) days of denial of a motion to vacate a default determination pursuant to Section 31-94(E)(5); or
 - (d) Has not paid the fines, if any, and towing and storage fees within ten (10) days after a notice was mailed by the CSD to the owner that the County will not pursue the remedy of forfeiture pursuant to Section 31-94 herein.
- (3) In the event that a vehicle has been deemed abandoned pursuant to paragraphs (1) and (2) of this subsection (H), the CSD shall mail to the owner a notice that the vehicle has been recovered by CSD as an abandoned vehicle and that, if unclaimed, its ownership shall vest in Miami-Dade County and it will be sold at public auction or by bid after ten (10) days from the date such notice was mailed. Such notice shall also be mailed to any lienholder or mortgagee shown in the records of the jurisdiction which issued the number of license plates on the vehicle.
- (4) An owner, lienholder or mortgagee may claim the vehicle within ten (10) days from the date that the notice described in paragraph (3) of this subsection (H) was mailed, by paying the towing and storage fees due and any fine(s).
- (5) In the event that an abandoned vehicle is not claimed within ten (10) days after the notice described in paragraph (3) of this subsection (H) was mailed, ownership of the abandoned vehicle shall vest in CSD after a duly noticed hearing and declaration of abandonment by a circuit court judge. The CSD may sell an abandoned vehicle at public auction or by bid. Proceeds shall be paid into the Enforcement Trust Fund.

(Ord. No. 98-3, § 1, 1-13-98)

Secs. 31-95—31-100. Reserved.

ARTICLE III. PASSENGER MOTOR CARRIERS*

Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

- (1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.
- (2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.
- (3) Improvement of motor vehicle safety.
- (4) Achievement of County, national and State energy conservation goals.
- (5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.
- (6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.
- (7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

*Editor's note—Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2—16 as Art. III, §§ 31-101—31-115, has been at the editor's discretion.

- (8) Recognition that a strong, viable, private sector passenger motor carrier industry has a role in efforts to improve transportation mobility.

(Ord. No. 81-17, § 2, 2-17-81; Ord. No. 85-20, § 1, 4-16-85)

Sec. 31-102. Definitions.

For the purpose of this article, the following definitions shall apply:

- (a) *Certificate of transportation* means the holder thereof may engage in providing the transportation services described thereon.
- (b) *Chauffeur* means a duly licensed driver registered with and authorized by the Consumer Services Department to operate a passenger motor vehicle.
- (c) *Commission* means the Board of County Commissioners of Miami-Dade County, Florida.
- (d) *Common carrier* means any motor carrier who holds his services out to the public.
- (e) *Contract carrier* means any passenger motor carrier who is not a common carrier and who repeatedly or continuously transports persons for compensation under written contract with one (1) or more persons.
- (f) *County Manager* means the chief executive officer and head of the administrative branch of the County Government as provided in Article 3 of the Home Rule Charter of Miami-Dade County, Florida.
- (g) *Director* means the Miami-Dade County Consumer Services Department Director.
- (h) *Fixed route or regular route service* means the transportation of persons by a common carrier for compensation on a regular route with a regular schedule between fixed terminals.
- (i) *For compensation* means for money, property, service or anything else of value.
- (j) *Jitney* means any motor vehicle having a maximum seating capacity of fifteen (15) or less, transporting passengers for compensation on a semi-fixed route between fixed terminals not on a fixed schedule basis.
- (k) *Operate* means providing transportation services for compensation utilizing a passenger motor vehicle.
- (l) *Operator* means any person who has been issued a certificate in accordance with the provisions of this article.
- (m) *CSD* means the Miami-Dade County Consumer Services Department.
- (n) *Passenger motor carrier or motor carrier* means any person owning, controlling, operating or managing any motor vehicle used in the business of transportation of persons for compensation.
- (o) *Passenger motor vehicle or motor vehicle* means any chauffeur-driven motor vehicle engaged in the transportation of persons and their accompanying baggage, if any, for compensation over the public streets, but excludes motor vehicles engaged solely in providing special transportation services for the Miami-Dade Transit Agency pursuant to a contract with Miami-Dade County. Motor vehicles used to provide special transportation service pursuant to a contract with Miami-Dade County are subject to regulations contained in Article IV of this chapter.
- (p) *Permit* means an operating permit authorizing the holder thereof to utilize the motor vehicle described in said permit for the transportation of passengers as authorized by a certificate issued pursuant to this article.
- (q) *Person* means any individual, corporation, firm, partnership, limited partnership, association or joint stock association.
- (r) *Rates or fares* means the charges established pursuant to this article for the transportation services provided by an operator.
- (s) *Registration* means a chauffeur's registration authorizing the holder thereof to operate passenger motor vehicles subject to the provisions of this article.

- (t) *Special operations* means the transportation of persons in a motor vehicle to a common destination or series of destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminal or on a regular route.
- (u) *Street* means any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct or other public place located in the County and established for the use of vehicles.
- (v) *Public interest* means a determination based on the following criteria, that transportation benefits will accrue to the community,

transportation services, the public who presently or in the future utilize the passenger motor carrier industry to meet transportation needs, and adopted community development policy and that determination is consistent with the transportation policy statement contained in this article.

- (w) *Charter service* means the transportation of a group of persons pursuant to a common purpose and traveling under a single contract involving the exclusive use of a motor vehicle.
- (x) *Core transit or transit corridor* means the area one-quarter of a mile on each side of the street on which high service level of fixed route or jitney service is being legally provided.
- (y) *Limited certificate of transportation* means the holder thereof may engage in providing transportation services as described in a contract with the Metro-Dade Transit Agency for the provision of transportation services for so long as such contract is in effect.
- (z) *Reserved.*
- (aa) *Paratransit services* mean any transportation services provided for compensation to passengers with disabilities by motor carriers between specific origins and destinations selected by an individual user at a certain time that is agreed upon by the user and the service provider.
- (bb) *The Americans with Disabilities Act of 1990 or the ADA* means the civil rights act signed into law on July 26, 1990 as Public Law 101-536, 104 Stat. 327, as the same may be amended from time to time.
- (cc) *The ADA-defined area of Dade County* means the complementary paratransit service area as required by the ADA or any federal regulations established pursuant to the ADA. The service area includes an area with a width of three-fourths of a mile on each side of each of Dade County's fixed bus routes and an area consisting of a circle with a radius of three-fourths of a mile around each Metrorail station.

(dd) *Paratransit passenger* means an individual receiving paratransit services who has a physical or mental impairment as defined by the ADA that substantially limits one or more of the major life activities of such individual, has a record of such impairment or has been regarded as having such impairment.

(Ord. No. 81-17, § 3, 2-17-81; Ord. No. 85-20, § 1, 4-16-85; Ord. No. 87-11, § 1, 3-17-87; Ord. No. 90-67, § 1, 7-10-90; Ord. No. 91-130, § 1, 1-5-91; Ord. No. 95-42, § 1, 3-7-95; Ord. No. 95-221, § 3, 12-5-95)

Sec. 31-103. Certificate of transportation.

(a) *Required.* From and after the effective date of this article, it shall be unlawful for any person to use, drive or operate or to cause or permit any other person to use, drive or operate any passenger motor carrier vehicle for compensation upon the streets of Dade County without first obtaining a Dade County certificate and maintaining it current and valid, pursuant to the provisions of this article, unless specifically excluded from this article.

(b) *Out-of-county origin excepted.* Nothing in this article shall be construed to prohibit:

- (1) Discharge within Dade County of any passenger lawfully picked up in another County and lawfully transported into Dade County including preticketed round trips originating outside Dade County which are completed within a single twelve-hour period.
- (2) Pick up of a paratransit passenger by a provider of paratransit services that is duly licensed and legally authorized to provide paratransit services in a county adjacent to Dade County, provided that such county has determined that the passenger is eligible for paratransit services and such passenger is picked up within the ADA-defined area of Dade County. A paratransit service provider shall not be required to obtain a Dade County Certificate of public convenience and necessity for such purpose, nor shall a chauffeur of such paratransit vehicle be required to obtain a Dade County for-hire chauffeur's registration.

(c) *Application contents.* Every application for a certificate shall be in writing, signed and sworn to by the applicant, and shall be filed with CSD. The statements contained in the application shall become a part of the certificate and may be modified only in accordance with this article. The application shall be on a form provided by CSD and shall contain all information required thereon, including but not limited to:

- (1) Sufficient information to identify the applicant.
- (2) The class of transportation service to be authorized under this article, routes, termini, schedules, etc., and a brief description of the kinds of and types of vehicles, seating capacity of the vehicles, seating arrangements, and size and gross weight thereof.
- (3) The trade name under which the applicant intends to operate and a description of the proposed vehicle colors, numbers and markings.
- (4) The applicant's management plan including but not limited to maintenance facilities, a system for handling complaints and accidents, a driver training program, insurance coverage, and a communication system.
- (5) The applicant's proposed service standards, including but not limited to days and hours of operation, and passenger services to be provided.
- (6) The applicant's proposed initial public fare and rate structure.
- (7) A record of all present and prior transportation business activities of the applicant during the past five (5) years.
- (8) A record of all crimes (excluding traffic) of which the applicant has been convicted within five (5) years preceding the date of the application. The applicant shall have his/her fingerprints and photograph taken by the Metro-Dade Police Department.
- (9) Two (2) credit references including at least one bank where the applicant maintains an active account.
- (10) An investigative and processing fee which shall be nonrefundable.
- (11) An agreement on the part of the applicant to conform to and abide by the provisions of this article and the laws of the State of Florida.
- (12) The applicant's current financial statement. If the applicant has an existing certified financial statement, the most current certified financial statement is required.
- (13) A factual statement indicating the anticipated market to be served and such other pertinent information as the applicant may desire to present to support his application.
- (14) A factual statement supporting the economic feasibility of the services proposed to be provided, including estimated ridership, fare revenue, and operating expenses for the first year of operation.
- (15) An operational plan for implementing the proposed services.
- (16) A factual statement, if applying for jitney or fixed route authority, indicating the economic and ridership effect on any existing fixed route or jitney transportation service providers on the same transit corridor, route or portion thereof.
- (17) A factual statement, if applying for jitney or fixed route authority, that the application is consistent with the criteria and factors contained in subsection (g) of this section.
- (18) A public notice which shall contain a brief summary of the subject matter of the application including a brief description of the type of service proposed and the geographical area or route(s) to be served.
- (19) For transfer applications only, a statement disclosing the terms and conditions of the proposed transfer, including amount of compensation which has been paid or is payable to the transferor and any other consideration given or to be given to the transferor in connection with the transfer of the certificate of transportation; in lieu of the requirements of this paragraph, the appli-

cant for transfer of the certificate of transportation may submit a notarized copy of the purchase contract which contains all information requested by this paragraph.

(d) *Application review.* The Director shall review and investigate each application and shall reject any application that is not properly filed, incomplete or, where applicable, in conflict with criteria set forth in subsection (g) of this section. Such investigation shall include a Metro-Dade Police Department background check including, but not limited to, past business credit or financial standing and law enforcement records. Application rejection by the Director may be appealed in accordance with Section 31-112(f) of the Code.

(e) *Hearing and notices.* Upon the proper filing of an application under this article for a certificate, or for the transfer or modification thereof, and payment of the required fee, the Director shall give notice to the following: (a) The governing bodies of all affected municipalities within Dade County; (b) all passenger motor carriers; (c) any other person, office or entity requesting notice.

Any interested person affected by the proposed operation who wishes to intervene in the proceeding shall file with the Director, and serve upon the applicant a formal protest within twenty (20) days after service of said notice. A person who has not filed a formal protest as provided in this section may not appear as a party in the proceeding. If no written protest is properly filed and served as herein provided, the Commission shall dispose of the application after a public hearing. If one or more protests are properly filed and served as herein provided, the County Manager shall appoint a hearing officer and fix a time for an administrative hearing no later than twenty (20) days after the conclusion of the termination date for filing a protest, and shall serve notice of hearing upon the applicant and all persons who have filed a written protest. The County Manager, by regulations, shall establish the procedures for such hearings.

The Director shall submit a report and recommendation on each application to the County Manager. The Director shall base the recommendation on the thoroughness of the application, the

competence of the applicant, the criteria contained in subsection (g) where applicable and consideration of the findings of the hearing examiner. The County Manager may require any further investigation or additional information that he deems necessary and shall submit a written report and recommendation to the Commission.

(f) *Public hearings.* The Commission shall hold at least two (2) public hearings each year if required, to consider and take action upon pending certificate applications and transfer applications. CSD shall provide at least twenty (20) days' advance notice of such public hearings to all applicants and all certificate holders by certified mail. In reaching its determination, the Commission shall consider the application, the County Manager's report and recommendation, and matters presented at the public hearing.

(g) *Certification criteria and process.* The Commission, at the conclusion of the public hearing shall determine if the requested certificate of transportation is consistent with the following public interest criteria.

- (1) That the applicant is fit, willing and able, in accordance with the requirements of this section, to provide the transportation to be authorized by the certificate and is able to comply with this article and regulation of the Commission.
- (2) That the transportation to be provided under the requested certificate is consistent with the public interest.
- (3) That the proposed transportation service will improve the quality of transportation available to the public.
- (4) That, if applying for jitney or fixed route authority, the proposed transportation will not adversely affect the existing transportation system as a whole or future planned transit service as designated in the most current Metro-Dade Transportation Plan. In particular, it shall be deemed not in the public interest to authorize certificates of transportation for service on actual transit or passenger motor carrier corridors where service presently exists at frequencies of thirty (30) minutes or less and/or where

such service will impair special transportation provided by the passenger motor carrier industry.

The Commission, after such public hearing, by resolution, may authorize or refuse to authorize the certificate as applied for, or may authorize a certificate with such modifications or upon such terms and conditions as in its judgment the public interest may require.

The County Manager may prescribe rules and regulations consistent with the criteria set forth in subsection (g)(1), (2), (3) and (4) above, for the approval and issuance of emergency temporary certificate. No temporary certificate shall be issued unless the applicant has paid a temporary certificate fee.

(h) *Burden of proof.* In any proceeding under this section, the applicant shall have the burden of providing all of the prerequisites of the issuance of the certificate except that if a protestant objects on the ground that issuance will adversely affect the existing transportation system or impair essential transportation services being provided by the motor carrier industry then, on that issue, the protestant shall have the burden of proof.

(i) *Resolution of approval.* CSD shall issue the certificate as authorized by the resolution.

(j) *Further requirements.* No certificate shall be issued unless the applicant has:

- (1) Paid an annual certificate fee for the right to operate passenger motor vehicles;
- (2) Has presented proof of insurance as required by Section 31-106; and
- (3) Passed all required vehicle inspections.

Failure on the part of the applicant to complete this process within ninety (90) days after notification of approval shall cause the certificate not to be issued and the County's approval to be automatically revoked.

(k) *Form of certificate.* Each certificate shall be on a form developed by CSD and shall be signed by the Director. Each certificate shall contain, at a minimum, the name and address of the applicant, a statement of the transportation service

authorized, the passenger capacity of the vehicles to which it applies, and such additional terms, conditions, provisions, and limitations as were authorized in the approval process. All operators holding certificates which are valid as of the effective date of this amendment shall be issued amended certificates which contain no limit on the number of vehicles authorized thereunder.

(l) *Renewal.* All certificates shall be renewed before April 1 of each year by payment of an annual certificate fee. All fees provided for in this section shall be in addition to any other license fees or charges and shall not be prorated for fractional parts of a year. All certificates which are not renewed shall automatically expire and all certificate transportation services rendered thereunder shall immediately cease as of April 1.

On or before March 31 of each year, each operator shall, on application for renewal, certify, on a form provided by CSD, the number of months during the preceding year that he operated and provided the service authorized by his certificate. Failure to certify or to operate for at least eight (8) months during the year period shall result in automatic expiration of the certificate.

(m) *Transfer of certificate.*

- (1) No certificate issued pursuant to this article may be sold, assigned, transferred or its ownership structure changed or altered so as to result in a change or the possibility of a change in the control of said certificate to another until the proposed sale, assignment, transfer or change in control shall have been approved by the commission. Any transfer of shares or stock or interest of any person or certificate holder so as to cause a change in the directors, officer, shareholders or managers of such person or certificate holder shall be deemed a transfer or assignment as contemplated in this section and subject to the same rules and regulations as any other transfer or assignment.
- (2) The Commission, in considering the proposed transfer of ownership or control of the certificate, by either direct or indirect means, shall determine, upon evidence submitted by the parties or any other party or

person affected by the proposed transfer, whether or not said transfer is contrary to the public interest or if said certificate, in whole or in part, is dormant within the meaning of this article.

- (3) The Commission may approve said transfer or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer where the same may best serve the public interest.
- (4) All such applications for approval of transfers shall be filed on forms provided by the Director and shall be accompanied by payment of a nonrefundable transfer investigative and processing fee. Applications for transfers shall be noticed for public hearing before the Commission in the manner provided by this article for new applicants for certificates and the formal approval of the Commission shall be a condition precedent to any such transfer.

(n) *Modification of certificate.* Every application for modification of a certificate shall be in writing, signed and sworn to by the operator and shall be filed together with a modification processing fee. The application shall be on a form provided by CSD, and shall be noticed for hearing before the Commission in the manner as provided for in this article for applications for a certificate and the formal approval of the Commission shall be a precedent to any modification. Modifications of a certificate shall include changes in service standards, route changes in service standards, route extensions, and similar items which enlarge operating authority.

(o) *Surrender or abandonment of certificate.* An operator may relinquish or abandon all or part of the operating authority provided in such certificate upon written notice to the Director thirty (30) days prior to the effective date of such action, and submission of his certificate. The Director shall, upon his authority, re-issue a certificate containing the residual operating authority unless, in his opinion, the requested changes or the residual authority are not in the public interest, in which case he may institute revocation or suspension procedures.

(p) *Limited certificate of transportation.* A passenger motor carrier proposing to provide transportation services pursuant to a contract with Metropolitan Dade County for the provision of Metro-Dade Transit Agency services, may satisfy the passenger motor carrier certificate requirements by obtaining a limited certificate of transportation. A holder of a limited certificate of transportation must comply with all requirements of the Dade County Code pertaining to holders of a Certificate of Transportation. Provided, however, that the requirements of Section 31-103(e) pertaining to hearings, notices, and administrative protest procedures and Section 31-103(f) pertaining to advance notice to certificate holders and applicants of the public hearing at which time the limited certificate of transportation is to be considered shall not apply. The limited certificate of transportation shall only authorize provision of transportation services pursuant to such contract for so long as such contract is in effect. A person who is issued a limited certificate of transportation shall not lease or otherwise assign the right to operate under such certificate to any other person.

(Ord. No. 81-17, § 4, 2-17-81; Ord. No. 85-20, § 1, 4-16-85; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 88-118, § 2, 12-6-88; Ord. No. 90-67, § 2, 7-10-90; Ord. No. 90-126, § 3, 11-27-90; Ord. No. 95-42, § 2, 3-7-95; Ord. No. 95-221, § 3, 12-5-95)

Sec. 31-104. Operating permits.

(a) After a person has secured a certificate hereunder and before any motor vehicle shall be operated under authority of such certificate, such person shall make separate application to CSD for a permit for each motor vehicle to be operated pursuant to said certificate. Each permit application shall be in writing, verified by the certificate holder and shall contain the name and address of the applicant, the certificate number and the make, type, year of manufacture, serial number, State license plate number, and seating capacity of each motor vehicle for which a permit is desired. Upon payment of a permit fee, the CSD shall issue to the applicant a permit; provided that any vehicle so permitted complies with the minimum safety requirements set forth in this

article, is the type of vehicle authorized by such certificate, and is insured according to Section 31-106.

(b) Each permit issued hereunder shall expire April 1st of each year, and may be renewed upon payment of the fee prescribed in subsection (a) above. It shall be unlawful to operate any vehicle required to have an operating permit without such a current valid permit displayed within the vehicle.

(c) No permit shall be issued for the operation of any vehicle, the condition of which would interfere with or detract from the comfort, convenience or safety of the passengers transported therein. In the event any motor vehicle for which a permit has been issued shall become unsafe to operate or its body or seating facilities become so damaged, deteriorated or unclean as to render said vehicle unfit for public use, CSD may suspend the permit therefor until such time as the condition is remedied; provided, however, that no such suspension shall be effective until the permit holder or vehicle driver has received actual notice of the particular conditions to be remedied.

(d) Each permit issued hereunder shall be separately numbered. The operating permit shall, at all times, be displayed within the vehicle and shall be available for inspection by any authorized personnel or police officer.

(e) Permits issued hereunder shall not be transferable or assignable.

(f) No certificate holder shall reconstruct, alter, modify, add to or otherwise change the body, seating capacity or seating arrangement after a permit has been issued pursuant to this section, unless and until the consent of the CSD shall first have been obtained.

(g) In the event a vehicle permitted pursuant to this section becomes inoperable and is removed from service due to mechanical breakdown or traffic accident, the certificate holder may secure a substitute operating permit for a substitute vehicle, provided such substitute vehicle meets the requirements of this section. Said substitute permit shall expire and the substitute vehicle shall be removed from service when the inoperable vehicle is repaired and returned to service or

on the last day of the month in which the substitute permit is issued, whichever is earlier; provided that another substitute operating permit may be obtained for the next calendar month if the inoperable vehicle is not repaired upon the expiration of such substitute operating permit. A fee shall be charged for issuance of such substitute operating permits.

(Ord. No. 81-17, § 5, 2-17-81; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 88-118, § 2, 12-6-88)

Sec. 31-105. Chauffeur's registration.

It shall be unlawful for any person to drive a passenger motor carrier vehicle over any street in Dade County without first having obtained a chauffeur's registration from the CSD pursuant to Chapter 31, Article V of this Code.

(Ord. No. 81-17, § 6, 2-17-81; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 88-118, § 2, 12-6-88; Ord. No. 90-134, § 1, 12-4-90; Ord. No. 91-47, § 1, 4-16-91; Ord. No. 91-125, § 1, 10-15-91; Ord. No. 92-26, § 2, 4-21-92; Ord. No. 94-15, § 3, 1-20-94)

Sec. 31-106. Financial responsibility or insurance requirements.

(a) No passenger motor carrier vehicle shall be permitted to operate without the operator having first obtained and filed with CSD a certificate of insurance on forms provided by CSD for each vehicle showing automobile liability insurance coverage with limits of liability no less than fifty thousand dollars (\$50,000.00) for one passenger and one hundred thousand dollars (\$100,000.00) for all passengers for injuries or death arising out of any one (1) occurrence, and fifty thousand dollars (\$50,000.00) for damage to property arising out of any one (1) occurrence. Any vehicle with a seating capacity in excess of fifteen (15) shall provide additional minimum limit for injury or death of ten thousand dollars (\$10,000.00) per passenger seat of each vehicle.

(b) The insurance required in this section shall be written by an insurance company authorized to do business in the State of Florida.

(c) The certificate of insurance shall be endorsed to provide for thirty (30) days' notice by

registered mail to CSD of any material change, cancellation or expiration. No policy will be accepted for a shorter period than six (6) months.

(d) Unless an operator has furnished CSD with satisfactory evidence of the required insurance coverage prior to the expiration of the thirty (30) days' notice specified in paragraph (c) of this section, or upon a third notice of cancellation within twelve (12) months, the certificate shall be suspended forthwith by the Director and surrendered to CSD pending a hearing to determine whether the said certificate should be revoked.

(e) Operators may comply with these insurance requirements if found to be a qualified self-insurer with minimum limit required by paragraph (a) of this section by the State of Florida. An operator's failure to maintain the requirements of a qualified self-insurer shall be grounds for CSD to take the actions described in paragraph (d) above.

(Ord. No. 81-17, § 7, 2-17-81; Ord. No. 87-11, § 2, 3-17-87)

(c) *Inspection for compliance.* CSD shall provide for semi-annual inspection of each vehicle for compliance with the foregoing standards. The CSD shall provide for annual inspection of each vehicle between and including one (1) and two (2) model years old; CSD shall provide for semi-annual inspection of each vehicle between and including

Sec. 31-107. Safety regulation.

(a) *Adoption; enforcement.* The Consumer Services Department (CSD) shall adopt and enforce all safety regulations of the United States Department of Transportation that are applicable to passenger motor carriers and passenger motor carrier vehicles, as required for operation in an urban area. Any operator applying for a certificate or permit requiring or authorizing the use of a specialized or unique vehicle, not contemplated in United States Department of Transportation regulations, shall submit, subject to approval by CSD, safety regulations for each specific type of vehicle as to equipment, operation, maintenance, seating capacity and inspection of such vehicles, consistent with the vehicle manufacturer specifications, which must be submitted by the operator. The CSD shall develop special standards to be applied to motor vehicles older than five (5) model years which are operated as passenger motor vehicles in order to assure that such vehicles are safe.

(b) *Vehicle age.* No vehicle older than fifteen (15) model years old shall be operated as a passenger motor carrier.

three (3) and four (4) model years old; CSD shall provide for quarterly inspection of each vehicle between and including five (5) and fifteen (15) model years old for compliance with the foregoing standards. CSD shall charge a fee for such inspections. In addition to regular inspections, the CSD may also inspect any passenger motor vehicle at any time. The results of each inspection shall be recorded and a copy provided the operator. Any vehicle failing to meet required safety standards shall not be operated as a passenger motor vehicle until such time as the vehicle satisfactorily passes inspection. Notwithstanding the foregoing, the quarterly inspection of each vehicle between and including five (5) and fifteen (15) model years old to determine compliance with the foregoing vehicle condition standards shall commence on May 1, 1995 and the quarterly inspection of each such vehicle to determine compliance with the foregoing vehicle safety and mechanical standards shall be reduced to semi-annual inspection until July 1, 1998.

(Ord. No. 81-17, § 8, 2-17-81; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 88-118, § 2, 12-6-88; Ord. No. 90-134, § 1, 12-4-90; Ord. No. 92-66, § 3, 7-7-92; Ord. No. 93-85, § 2, 9-7-93; Ord. No. 94-190, § 2, 10-7-94; Ord. No. 95-99, § 2, 6-6-95; Ord. No. 96-186, § 2, 12-17-96)

Sec. 31-108. Rules for operation.

(a) *Color scheme.* Each operator shall adopt and use, after approval by the CSD, a distinctive, uniform, and decorative color scheme for all passenger motor carrier vehicles certified pursuant to this article. The CSD shall refuse to approve any proposed color scheme which will infringe upon any color scheme already in use by another operator. No other color scheme shall be employed until approved by the CSD.

(b) *Disposal of personal property.* Personal property left by a passenger in any passenger motor vehicle shall, upon its discovery by or delivery to the chauffeur of said vehicle, be reported immediately to and deposited at the operator's office, where a record of the same shall be maintained and the property held for the owner for a period of six (6) months, at the end of which it shall become

the property of the finder. The operator shall be responsible for chauffeur compliance with this section.

(c) *Compliance with other legislation.* Every operator shall fully comply with all ordinances, rules and regulations of the County and all statutes of the State of Florida applicable to the operation of passenger motor vehicles.

(d) *Accessibility of service to the public; accessibility of records for regulatory purposes.* Each operator shall maintain and list with CSD a central place of business, where a listed telephone number is operative and where business records and daily manifests set forth herein are kept.

(e) *Records required.* Each operator shall maintain accurate records of all financial and operating information as may be required by CSD. CSD shall be granted access to these records for the purpose of inspection and/or copying same, upon five (5) days' prior notice. All such records and information shall be confidential except that they will become public records for the purpose of revocation or suspension hearings, or, if required by the Board of County Commissioners, for the purpose of approving or disapproving applications for new certificates or transfers of certificates. Each operator shall annually furnish financial and operating information to CSD on forms and in the manner prescribed by CSD.

(f) *Antidiscrimination.* No operator or chauffeur shall refuse or neglect to transport to and from any place in the County any orderly person requesting service regardless of race, sex, religion, national origin, age, marital status or handicap, who is willing and able to pay the prescribed fare.

(g) *Vehicle numbering system.* Each operator shall adopt a vehicle numbering system approved by CSD, which does not conflict with those in use by other operators.

(h) *Manifest or trip sheet required.* Every operator shall maintain a manifest or trip sheet on a form approved by CSD, which shall include, but not be limited to, the following information on each trip: Name of chauffeur, vehicle number, date, time, origin, destination, number of passengers, and rate of fare. Operators shall not destroy,

mutilate, alter or otherwise deface any daily manifests without CSD approval. All manifests shall be available for inspection and/or copying by CSD or any police agency during regular business hours and shall be retained for three (3) years.

(i) *[Prohibitions for operators.]* No operator shall:

- (1) Knowingly allow or permit any person to operate a passenger motor vehicle while his ability or alertness is so impaired, or is likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him to begin or continue to operate the motor vehicle; or
- (2) Permit or authorize any chauffeur or other person to operate any passenger motor vehicle without that vehicle's current valid certificate displayed therein; or
- (3) Operate or permit or authorize anyone else to operate any passenger motor vehicle unless and until that person is issued a chauffeur's registration in accordance with Section 31-105.

(j) *[Vehicle prohibitions.]* No operator shall allow vehicles permitted under this article to:

- (1) Stop, stand, park or await employment at a marked taxicab stand.
- (2) Display the word(s) "taxicab," "taxi" or "cab" on the vehicle exterior.
- (3) Be equipped with a taximeter.
- (4) Operate as a taxicab, as defined in the County Code.

(k) *[Separate phone numbers for jitney and taxi service.]* No operator shall use for the purpose of advertising or requesting services to be provided under this article telephone number(s) that is used to request or furnish taxicab services. (Ord. No. 81-17, § 9, 2-17-81; Ord. No. 87-11, § 2, 3-17-87)

Sec. 31-109. Rates and fares.

(a) *[Applicability.]* The provisions of this section shall be the exclusive method for the establishment of passenger motor carrier rates through Dade County.

(b) *Rates and fares to be charged.* It shall be unlawful for any operator to charge, demand, request or accept any fare other than the rates and fares established pursuant to this article.

(c) *Methods of establishing rates.* Each operator may establish rates and fares under one (1) or both of the following categories:

(1) Rates and fares:

- a. The operator's initial rate will be that rate or fare proposed in the application for certificate and will become effective upon issuance of the certificate.
- b. An operator may change the rate or fare by filing a proposed rate or fare, thirty (30) days prior to its effective date, with CSD. The proposed rate or fare for jitney and fixed route service shall be posted within the passenger compartment section of each vehicle at least fifteen (15) days before it becomes effective.
- c. The rate(s) or fare structure for jitney or fixed route service shall be clearly set forth as a schedule of charges based on service elements understandable by the public, posted within the passenger compartment and on the exterior located adjacent to the entrance of each vehicle.
- d. Each operator shall post, in the business offices serving the public, a schedule of rates and fares and shall provide information of such rates and fares on request for service.

- (2) *Contract rates.* Each operator may establish through written contract, rates and fares other than the public rates and

fares. Such rates and fares shall become effective when the contract is filed with CSD.

(Ord. No. 81-17, § 10, 2-17-81; Ord. No. 87-11, § 2, 3-17-87)

Sec. 31-110. Enforcement.

(a) This article shall be enforced by authorized personnel of CSD, and by the Metro-Dade Police Department, and may be enforced by another police agency within Dade County. CSD shall

prepare and distribute to all authorized enforcement agencies an enforcement manual outlining procedures for the detection, reporting and issuance of citations or deficiency reports for violations of this article.

(b) CSD shall develop a deficiency or warning system through which operators are given written notice of minor violations and a specified period of time to correct same. For more serious or repeated violations, CSD shall develop a citation form. Authorized personnel will issue citations as official notice of violations. Civil violations by chauffeurs shall be processed under Chapter 8CC of the Code.

(c) Deficiency reports and/or citations shall be issued to the party responsible for the violation as set forth in this article. Any person issued a deficiency report or a citation shall sign and accept it. Notice is given to a chauffeur for a violation involving the vehicle under his control shall be deemed notice to the operator.

(d) Whether a corporation, partnership or association violates any of the provisions of this article, such violation shall be deemed also to be that of the individual officers, directors, partners or agents of such corporation who have personally authorized, personally ordered, or personally done any of the actions constituting in whole or in part such violation, and any such officer, director, partner, or agent may be fined in the same manner and to the same extent as herein provided for the individual.

(e) Notwithstanding the provisions of this section, the Director may secure enforcement of the provisions of this article by any legal action necessary, such as application to any court for injunctive relief or other appropriate relief.

(Ord. No. 81-17, § 17, 2-17-81; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 94-15, § 3, 1-20-94)

Sec. 31-111. Penalties.

(a) In addition to any other penalties provided by law, a fine not to exceed one hundred dollars (\$100.00) may be imposed for each and every violation of the provisions of this article, provided that violations which result in fines pursuant to this section shall not be the basis for revocation or

suspension proceedings except that five (5) or more violations resulting in fines within any twelve-month period shall constitute grounds for revocation or suspension proceedings.

(b) Failure to correct items recorded on a deficiency report by the time of deadline shall cause a citation to be issued for each such item. In the case of chauffeurs, for civil violations a citation shall be issued under Chapter 8CC of the Code.

(c) Except for chauffeurs receiving civil violations, each person issued a citation shall within ten (10) days either satisfy the citation by payment to CSD of the fine stated in subsection (a) hereof or by filing a written request for a hearing on the charges. Failure to do one (1) of the foregoing may result in revocation or suspension proceedings or penalties in accordance with subsection (f) hereof.

(d) Except for chauffeurs receiving civil violations, the hearings specified in subsection (c) hereof shall be within the jurisdiction of the County Court and the Clerk of the Court is hereby empowered to dispose of the case and fines assessed through normal procedure.

(e) Anyone who engages a passenger motor vehicle with intent to defraud the chauffeur or operator shall be in violation of this article and subject to the penalty provided for in subsection (f) hereof.

(f) Violations of Section 31-103 shall be punishable by fines and/or imprisonment as follows: (1) the first such violation shall be punishable by fines of not less than two hundred fifty dollars (\$250.00) or more than one thousand dollars (\$1,000.00) and/or imprisonment not to exceed ten (10) days; (2) the second such violation shall be punishable by fines of not less than one thousand dollars (\$1,000.00) or more than five thousand dollars (\$5,000.00) and/or imprisonment not to exceed ten (10) days; and (3) the third and subsequent violation shall be punishable by fines of not less than five thousand dollars (\$5,000.00) or more than ten thousand dollars (\$10,000.00) and/or imprisonment not to exceed ten (10) days. Violations of revocation or suspension ordered under Section 31-112 shall be punishable by fines

of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) and/or imprisonment not to exceed ten (10) days.

(Ord. No. 81-17, § 12, 2-17-81; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 92-52, § 1, 6-2-92; Ord. No. 93-77, § 2, 7-29-93; Ord. No. 94-15, § 3, 1-20-94)

Sec. 31-112. Suspension or revocation proceedings.

(a) *[Criteria for consideration of proceedings.]* Except as otherwise specified, certificates, permits, and registrations (issued pursuant to this article) shall be subject to suspension or revocation by the Director as follows:

(1) *Certificates.* Upon notice and hearing as hereinafter specified when it shall appear that:

- a. The holder thereof has failed or neglected to render the full service authorized by the certificate for a total period of eight (8) months during any calendar year; or
- b. The holder thereof has been convicted of a felony or any criminal offense involving moral turpitude; or
- c. The certificate was obtained by an application in which any material fact was omitted or falsely stated; or
- d. The holder thereof has permitted his passenger motor carrier vehicle to be operated in violation of any law; or
- e. The holder thereof has failed to comply with or has willfully violated any of the provisions of this article; or
- f. The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.

(2) *Permits.* Upon notice and hearing as hereinafter specified when it shall appear that:

- a. The permit was obtained by an application in which any material fact was omitted or falsely stated; or
- b. The holder thereof has failed to comply with any provisions of this article or any lawful order of the Director; or

c. The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.

(3) *Registrations.* Upon notice and hearing as hereinafter specified when it shall appear that:

- a. The chauffeur has failed to comply with or has willfully violated any of the provisions of this article; or
- b. The chauffeur has pled guilty or nolo contendere to driving under the influence of alcoholic beverages, model glue or any substance controlled under Chapter 893, Florida Statutes, or has been convicted of same; or
- c. The registration was obtained by an application in which any material fact was omitted or falsely stated; or
- d. The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.

(b) *Notice of hearing.* All hearings required by this section shall be preceded by a minimum of ten (10) days' notice. Said notice shall specify the Director's proposed action and the grounds upon which the action is predicated. The operator or chauffeur (as the case may be) may be represented by legal counsel and shall be entitled to present his defense to the proposed action. Failure to appear at a duly noticed hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice. All such hearings shall be conducted before a hearing examiner who shall not have responsibility for the enforcement of this article and who shall be designated by the Director, and insofar as is practicable in accordance with the rules of civil procedure governing the procedure in Circuit Court, except as may be provided in this Code or by rules adopted by the Board of County Commissioners. All such hearings shall be reported and, at the request of any party, transcribed.

(c) *Finding, conclusion and recommendation.* Within a reasonable time after the conclusion of the hearing, the hearing examiner shall submit to the Director a statement of findings, conclusions and recommendations. If the hearing examiner

affirms the Director's proposed action, the appellant shall pay the administrative costs of the hearing, unless such decision is reversed on subsequent appeal. The Director shall promptly notify all parties of his or her decision.

(d) *Powers.* The hearing examiner shall have the power to administer oaths, subpoena witnesses upon the written request of any interested party and may compel the production of records, books and papers. Should the hearing examiner, without good cause, refuse to subpoena witnesses or compel the production of books, records or papers, then any interested party may, without cost to the petitioner, petition the County Court to order the appearance of any witness or witnesses or order the production of any books, records or papers necessary to a fair and proper hearing. Failure of any witness ordered to appear or failure of any person ordered to produce books, records or papers may constitute a contempt of court and may be punishable as may any other contempt of court.

(e) *Penalties.* Suspensions pursuant to this section shall not exceed six (6) months. Three (3) or more suspensions within any twelve-month period may constitute grounds for revocation of the certificate, permit, or registration.

(f) *Appeals.* The Director's decision may be appealed to the County Manager within ten (10) days of the date of said decision. Such appeal shall not stay the Director's decision. Upon such an appeal, the County Manager shall consider the transcript of the hearing and all evidence produced at the hearing. No further testimony or exhibits shall be permitted. The County Manager shall, within twenty (20) days, on the basis of the record established before the Director, either affirm, reverse or modify the Director's decision.

Appeals from the County Manager's decisions pursuant to this section shall be to the Circuit Court of the Eleventh Judicial Circuit in and for Dade County, in accordance with the Florida Rules of Appellate Procedure.

(Ord. No. 81-17, § 13, 2-17-81; Ord. No. 88-118, § 2, 12-6-88)

Sec. 31-113. Exclusions.

The following passenger motor carriers and/or passenger motor vehicles are exempt from the requirements of this article:

- (a) Ambulances and other vehicles required to be licensed under the provisions of Chapter 401, Florida Statutes.
- (b) Motor vehicles used exclusively in transporting children to and from schools when regulated by a Florida Statute and/or a Dade County ordinance.
- (c) For-hire vehicles with a seating not to exceed eight (8) passengers subject to the provisions of a Dade County or municipal ordinance.
- (d) Motor vehicles used for the transportation of passengers between the vicinity of their respective residences and the vicinity of their respective places of work, when driven by a person traveling between his residence and his place of work in an arrangement commonly known as a "car pool" or a "van pool."
- (e) A passenger motor carrier operating pursuant to a valid Interstate Commerce Commission certificate which is providing interstate transportation service within the jurisdiction of the Interstate Commerce Commission. As used in this subsection (e), "interstate transportation service" means the provision of transportation over a route through more than one (1) state. Said interstate transportation service must be substantial, actual and bona fide.
- (f) Motor vehicles owned and operated by a governmental unit in a local public transportation system, commonly referred to as a "mass transit" when controlled by a Dade County ordinance.
- (g) Federal, State, County and municipal vehicles when operated by a government employee providing transportation services without compensation.
- (h) Motor vehicles used exclusively to provide transportation without compensation and

purely incidental to a person's primary business and requiring the performance of substantial services in addition to transportation.

- (i) Social service transportation of persons without compensation by private, non-profit organization subject to State of Florida and/or federal government regulatory and safety standards.
- (j) Motor vehicle providing special operations service, contract carrier service or charter service having an overall length in excess of thirty (30) feet or a rated seating capacity in excess of twenty-eight (28) persons.
- (k) A passenger motor carrier under contract to Dade County pursuant to a State statute or County ordinance who has the exclusive right to provide demand ground transportation services at Miami International Airport, and is subject to the safety and insurance requirements of a County ordinance.
- (l) Passenger motor carriers operating under authority of a municipal regulatory ordinance adopted prior to July 1, 1974, are exempt from the provisions of this article for those services provided in accordance with their municipal certificate(s).
- (m) Motor vehicles owned, operated by or operated under contract with a municipality in a local public transportation system providing circulator service when authorized by an interlocal agreement with Dade County which has been approved by the Board. As used herein, "circulator service" means the provision of fixed route or semi-fixed route transportation service where at least seventy (70) percent of the route is within one (1) municipality. The interlocal agreement and any certificate of transportation, chauffeur's registration and permit issued to provide circulator service pursuant to an interlocal agreement shall require, among other things, that the municipality, operator, vehicles and chauffeurs comply with safety, mechanical and vehicular standards man-

dated by the Metro-Dade Transit Agency and the CSD, and any applicable State or Federal requirements. Notwithstanding any other provision of this article, the CSD may administratively issue certificates of transportation to municipalities providing circulator service or to operators under contract with a municipality providing circulator service pursuant to an interlocal agreement with Dade County. The provisions of Section 21-103(e), (f) and (g)(4) shall not apply when the CSD administratively issues a certificate of transportation pursuant to this paragraph. Where a municipality intends to provide circulator service pursuant to a contract with a third party, said municipality shall give Dade County the opportunity to submit a bid or proposal to provide that transportation service.

(Ord. No. 81-17, § 14, 2-17-81; Ord. No. 95-139, § 1, 7-25-95; Ord. No. 97-127, § 1, 7-22-97)

Sec. 31-114. Duties of the Consumer Services Department.

(a) In addition to the duties and responsibilities specified in this article, CSD shall be charged with the following duties and responsibilities.

- (1) Process, investigate and prepare all reports required by this article.
- (2) Investigate and prepare reports on alleged violations of this article.
- (3) Enforce the provisions of this article.
- (4) Attempt to resolve complaints received from any source concerning the industry.
- (5) Develop and implement, in cooperation with the industry, service expansion and improvements.
- (6) Provide technical assistance to the industry.
- (7) Create and render technical assistance to a passenger motor carrier advisory group comprised of representatives from consumers, the industry, transportation-related interests and public interest organizations. The role of the advisory group shall be to monitor the effectiveness of the

article, improve communication between the County and parties interested in passenger motor carrier transportation, and help develop improved transportation services.

- (8) Perform any other functions assigned by the County Manager.

(b) The Director may propose and the County Manager may promulgate further rules and regulations to carry out the provisions of this article, which rules and regulations, when approved by the Board of County Commissioners, shall have the force and effect of law.

(c) Whenever in this article a fee is charged or is required to be paid, the amount of such fee shall be established by administrative order of the County Manager approved by the Commission. Such fees shall be deposited in a separate Dade County fund and shall be used exclusively to accomplish the regulatory purposes of this article. The amount of each fee established hereunder shall be reasonably related to the cost of the services and regulation provides therefor.

(Ord. No. 81-17, § 15, 2-17-81; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 88-118, § 2, 12-6-88)

Sec. 31-115. Special provisions.

(a) Notwithstanding anything to the contrary, the provisions of this article shall not be applicable within those municipalities which regulated passenger motor carrier transportation as of July 1, 1974, and such municipalities shall be exempt from this article.

(b) The provisions of this article shall be the exclusive regulations applicable to the provision of and operation of passenger motor carrier transportation services in Dade County. Notwithstanding the provisions of any municipal ordinance, resolution or agreement to the contrary, from and

after the effective date of this article, no municipality shall authorize, establish, change, alter, amend, or otherwise regulate passenger motor carrier transportation in Dade County. Regulations established by this article shall be uniform throughout Dade County both in the incorporated and unincorporated areas without regard to municipal boundaries. All municipal ordinances or resolutions to the contrary are hereby superseded and rescinded.

(c) Any person operating a passenger motor vehicle within Dade County on February 2, 1981, upon the authority of a valid certificate of public convenience and necessity or other valid permit issued by the Florida Public Service Commission or a valid certificate of public convenience and necessity issued by a municipality within Dade County regulating passenger motor vehicles, shall, upon proper proof of possession of such authority, be entitled to a Dade County certificate upon the payment of the fee required in this article, with all existing authority, limitation or restriction of the Public Service Commission or municipal certificate as of February 2, 1981, providing the County certificate shall be limited to the maximum number of vehicles operated in any one (1) month of the previous twelve (12) months prior to February 2, 1981. Holders of municipal certificates shall only be issued a certificate for each vehicle that is not also operating under authority of a Florida [Public] Service Commission certificate. No Dade County certificate shall be issued in accordance with this section unless same has been applied for no later than fifty (50) days after the effective date of the article, provided that on each certificate applied for, a separate and distinct vehicle meeting the requirements of this article is listed and a proper and timely application and fee is submitted in accordance with this section. A separate and identifiable motor vehicle cannot be used to apply for more than one (1) certificate under this section.

(d) Any person operating a passenger motor vehicle upon the effective date of Ordinance No. 81-17 must make application for a certificate within ten (10) days. Those persons who applied within the time period specified in the first sentence of this subsection (d) shall be issued a Dade County certificate for those operations specified

in the application which have been continuously performed in accordance with the terms and conditions of Sections 31-106 and 31-108 of this article. The County certificate issued hereunder shall not limit the number of vehicles authorized.

(e) On the effective date of this article, the existing rate(s) of operators entitled to the issuance of certificate pursuant to subsection (b) of this section shall be that rate in effect on February 2, 1981, and said rate may only be changed in accordance with the provisions of this article.

(f) Each chauffeur authorized on the effective date of this article by a certificate holder to drive a passenger motor vehicle shall be issued by CSD, at no cost, a temporary ninety-day chauffeur registration upon proof of possession of a valid Florida chauffeur license. Upon expiration of the temporary registration, said chauffeur must fully comply with Section 31-105.

(g) Any person operating a passenger motor vehicle designed for carrying ten (10) to twenty-eight (28) passengers, including driver, with an overall length of thirty (30) feet or less engaged solely in intercounty transportation or engaged in intracity transportation routes which intracity routes have been operated continuously from January 1, 1990 through July 1, 1990 in compliance with applicable safety rules and regulations promulgated under Section 316.70 Florida Statutes must make application for a certificate of transportation and pay a two hundred and twenty-five dollar (\$225.00) application fee therefor to CSD by August 17, 1990. Those persons who apply and pay the required application fee by August 17, 1990 shall be issued a certificate of transportation for those operations which meet the requirements of the preceding sentence. Appeal of the CSD Director's decision on any application hereunder must be filed with the County Manager within ten (10) days of the issuance of the Director's decision. Such certificate shall be subject to the requirements of Section 31-101; 31-102; 31-103(a), (b), (c)(1)—(3), (8) and (10), and (j) through (o); 31-104; 31-105; 31-106; 31-107; 31-108; 31-110; 31-111; 31-112 and 31-115. A certificate of transportation issued hereunder shall expire July 1, 2010, or ten (10) years after any change in ownership of any such passenger motor vehicle.

(h) Any private passenger motor carrier providing transportation pursuant to a contract with Metropolitan Dade County, acting on behalf of the Metro-Dade Transit Agency, shall not be allowed to provide transportation on any route on which Dade County Metrobus is providing service, when the expressed purpose of such contract is to incorporate private passenger motor carriers into Dade County's public transportation network.

(i) No person or business entity shall be awarded a contract by Dade County to provide transportation on more than twenty-five (25) percent of Jitney Transportation Network Service. No business entity shall be awarded a contract by Dade County to provide transportation on a Jitney Transportation Network Route, if a person with a controlling financial interest in that business entity has a controlling financial interest in another business entity or entities, which provide or have agreed to provide transportation on more than twenty-five (25) percent of the Jitney Transportation Network Service. In the event that an award of a Jitney Transportation Network Route to the lowest bidder would be in violation of this ordinance, such award shall be made to the next lowest bidder, if any award is made.

These terms used in the preceding paragraph shall have the meanings provided below:

Coordinated jitney service contract means a contract between the County and the operator of a passenger motor carrier to provide transportation on a Jitney Transportation Route, when the expressed aim of such contract is to incorporate private jitneys or other passenger motor carriers into the public transportation system of Dade County.

Jitney Transportation Network Route means such transportation route designated by the Metro-Dade Transit Agency on which passenger motor carriers will provide transportation pursuant to a coordinated jitney service contract.

Jitney Transportation Network Service means the total number of revenue miles on which private passenger motor carriers provide transportation, pursuant to a coordinated jitney service contract.

Controlling financial interest means the ownership, directly or indirectly, of ten (10) percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten (10) percent or more in a firm, partnership, or other business entity.

The foregoing requirements may be waived by resolution of the County Commission (1) upon a finding that a waiver is in the best interest of Dade County, and (2) that there are not enough responsive bidders or proposers with whom the County can contract to provide the necessary transportation on Jitney Transportation Network Routes, unless the provisions of this ordinance are waived.

(Ord. No. 81-17, § 16, 2-17-81; Ord. No. 81-46, § 1, 4-19-81; Ord. No. 85-20, § 2, 4-16-85; Ord. No. 87-11, § 2, 3-17-87; Ord. No. 90-78, § 1, 7-24-90; Ord. No. 93-116, § 1, 11-3-93; Ord. No. 93-117, § 1, 11-3-93)

Sec. 31-116. Seizure, impoundment and forfeiture.

(A) *Seizure.* Police officers or such other employees as may be designated by the County Manager are authorized to seize and impound any passenger motor vehicle which such officer or employee has probable cause to believe is being operated in violation of Section 31-103(a), 31-104, 31-105(a), 31-106, 31-107, 31-108, 31-109, 31-111(b), or 31-111(c) of Article III of Chapter 31 of the Dade County Code. A vehicle seized in accordance with this subsection shall be removed to a designated secured facility.

(B) Notice of seizure.

- (1) Within twenty-four (24) hours of a seizure, as described in Section 31-116(A), a police officer or other designated county employee shall make a diligent search and inquiry as to the owner's name and address and make a good faith effort to give a notice of seizure in writing to said vehicle owner of the fact of such seizure, the grounds for seizure, identification of the seized vehicle and information concerning these regulations and the designated secured facility to which the

vehicle was or will be taken. A copy of said notice of seizure shall also be given to the proprietor of such secured facility.

- (2) Whenever an officer or designated employee seizes a vehicle under this section, and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinabove provided, then and in that event the officer or designated employee shall immediately send or cause to be sent a written report of such removal by mail to the Motor Vehicle Commissioner of the Metro-Dade Police Department.

(C) *Vehicle impoundment hearing.* Whenever the owner of record of a vehicle seized pursuant to this section makes a request of the CSD in person and in writing for a vehicle impoundment hearing within ten (10) days of seizure exclusive of Saturdays, Sundays and legal holidays, a magistrate, as provided in Section 318.32, Florida Statutes, a county court judge or a hearing examiner, who shall not have responsibility for the enforcement at this article and who shall be designated by the CSD Director, shall conduct the hearing within twenty-four (24) hours or as soon as practicable, excluding Saturdays, Sundays and legal holidays. All interested persons shall be given reasonable opportunity to be heard at the vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible. If, after the hearing, the magistrate, county court judge or hearing examiner determines that there is no probable cause to believe that the vehicle is subject to seizure and impoundment under subsection (A), the magistrate, county court judge or hearing ex-

aminer shall order the immediate return of the vehicle. If, after the hearing, the magistrate, County Court Judge or Hearing Examiner determines that there is probable cause to believe that the vehicle is subject to seizure and impoundment under subsection (A), the Magistrate, County Court Judge or Hearing Examiner shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle (1) posts with the court or CSD a cash bond in the amount of the maximum fine(s), plus any applicable towing and storage fees, or (2) pleads guilty or nolo contendere and pays in full any towing and storage fees plus the fine(s). Notwithstanding the foregoing, if, after the hearing, it is determined that there is probable cause to believe that the vehicle is subject to forfeiture proceedings pursuant to section 31-116(G), said vehicle shall not be released.

(D) *Hearing regarding Code violation charged in field enforcement report and/or complaint/arrest affidavit.* Within ten (10) days after a vehicle is seized and impounded pursuant to this section or as soon as practicable, the CSD and/or the Clerk's Office shall notify by certified mail, return receipt requested, the owner of record of the date, time and location of a hearing that will be conducted regarding the Code violations charged in the field enforcement report, the complaint/arrest affidavit or other charging instrument. The hearing shall be conducted within thirty (30) days after the vehicle was seized or as soon as practicable. The hearing shall be conducted by a magistrate, county court judge or hearing examiner. All interested persons shall be given a reasonable opportunity to be heard at the hearing.

(E) *Decisions at hearing.*

- (1) If the magistrate, county court judge or hearing examiner dismisses the Code violation(s) charged in the field enforcement report, complaint/arrest affidavit or other charging document and/or finds the person charged not guilty, the magistrate, county court judge or hearing examiner shall issue an order for release of the seized vehicle without removal and storage fees.

- (2) If the magistrate, county court judge or hearing examiner finds a violation of the Code, the magistrate, county court judge or hearing examiner shall assess a fine and/or jail sentence as provided in Section 31-111(f) of the Code, and removal and storage fees. The fine(s), if any, and removal and storage fees must be paid in order to obtain an order for release of the seized vehicle. A magistrate, county court judge or hearing examiner shall not issue an order releasing the vehicle where said vehicle is subject to forfeiture proceedings pursuant to Section 31-116(G).
- (3) If the owner does not obtain the vehicle by the date specified in the order of release, the owner shall be responsible for any further storage fees, and payment of such fees shall be made before the release of the vehicle.
- (4) A vehicle shall not be released from storage prior to the scheduled hearing specified in this subsection if the vehicle is subject to forfeiture pursuant to Section 31-116(G) of the Code.
- (5) *Default hearing.* If the owner of the seized vehicle fails to appear for the hearing specified in Section 31-116(D), a default hearing will be held. A magistrate, county court judge or hearing examiner shall make a determination pursuant to paragraph (1) or (2) of this subdivision (E). The CSD will inform the respondent of the default determination by certified mail, return receipt requested. The information mailed to the owner shall include the provisions of Section 31-116 herein concerning abandoned vehicles. The respondent may comply with the default determination within seven calendar days of such mailing or move to vacate such default determination. In the event that such default determination is vacated, the respondent shall be entitled to a hearing de novo on the original complaint/arrest affidavit, field enforcement report or other charging document. Such hearing shall be scheduled within ten (10) working days of the order vacating the default determination or as soon as practicable.

(F) *Appeals.* If found in violation of one or more of the provisions referenced in Section 31-116(A), the assessed fine(s) together with removal and storage fees must be paid in order to appeal. However, if the vehicle is the subject of a forfeiture proceeding pursuant to Section 31-116(G) of the Code, only the fine, if any, must be paid in order to appeal. If upon appeal the decision is reversed in whole or part, the appellant shall receive a refund of the relevant fine(s) and fees.

(G) *Forfeiture.*

- (1) *Forfeiture.* In addition to the penalties set forth in Sections 31-111 and 31-112 of the Code, any passenger motor vehicle used to commit three (3) or more violations of Section 31-103(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after August 6, 1993, shall be subject to forfeiture upon notice and judicial determination.
- (2) *Determination by the CSD Director.* The Director of the CSD shall determine whether to pursue the remedy of forfeiture. Dade County shall not use the seized vehicle for any purpose until the rights to, interest in, and title to the seized property are perfected in accordance with this section. This section does not prohibit use or operation necessary for reasonable maintenance of seized vehicles. Reasonable efforts shall be made to maintain seized vehicles in such a manner as to minimize loss of value.
- (3) Vehicles subject to forfeiture may be seized provided that the owner is notified at the time of the seizure or by certified mail, return receipt requested, that there is a right to an adversarial preliminary hearing after the seizure to determine whether probable cause exists to believe that such vehicle has been used to commit three (3) or more violations of Section 31-103(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after August 6, 1993. The

CSD or other authorized law enforcement agencies shall make a diligent effort to notify the owner of the seizure. Notice provided by certified mail must be mailed within five (5) working days of the seizure and shall state that the owner may request an adversarial preliminary hearing within fifteen (15) days of receiving such notice. When a post-seizure adversarial preliminary hearing as provided herein is requested, it shall be held within ten (10) days after the request or as soon as practicable. If the court determines that the required probable cause exists, the court shall order the property restrained by the least restrictive means to protect against disposal, waste, or continued illegal use pending disposition of the forfeiture proceeding. If the court orders the release of the vehicle, all fines, if any, and towing and storage fees shall be paid prior to release.

- (4) Neither replevin nor any other action to recover any interest in such property shall be maintained in any court, except as provided in this section; however, such action may be maintained if forfeiture proceedings are not initiated within forty-five (45) days after the date of seizure. However, if good cause is shown, the court may extend the aforementioned prohibition to sixty (60) days.
- (5) The court shall order the forfeiture of any other property of a claimant of a vehicle, excluding lienholders, up to the value of the vehicle subject to forfeiture under this section if the vehicle:
 - (a) Cannot be located;
 - (b) Has been transferred to, sold to, or deposited with, a third party;
 - (c) Has been placed beyond the jurisdiction of the court;
 - (d) Has been substantially diminished in value by any act or omission of the person in possession of the property; or
 - (e) Has been commingled with any property which cannot be divided without difficulty.

(6) Exceptions:

- (a) No vehicle shall be forfeited under the provisions of this section if the owner of such vehicle establishes by a preponderance of the evidence that she or he neither knew, nor should have known after a reasonable inquiry, that such vehicle was being used or was likely to be used in violation of Section 31-103(a) of the Code.

- (b) No bona fide lienholder's interest shall be forfeited under the provisions of this section if such lienholder establishes by a preponderance of the evidence that she or he neither knew, nor should have known after a reasonable inquiry, that such property was being used or was likely to be used in violation of Section 31-103(a) of the Code, that such use was without his or her expressed or implied consent, and that the lien had been perfected in the manner prescribed by law prior to such seizure.
- (c) No vehicle which is rented or leased from a company engaged in the business of renting or leasing vehicles shall be forfeited under the provisions of this section if the company establishes by a preponderance of the evidence that it neither knew, nor should have known, that the vehicle was being used or was likely to be used in violation of Section 31-103(a) of the Code. When a vehicle which is rented or leased from a company engaged in the business of renting or leasing vehicles is seized under this section, upon learning the address or phone number of said company, the CSD shall, as soon as practicable, inform said company that the vehicle has been seized.
- (d) Any interest in, title to, or right to a vehicle titled or registered jointly by the use of the conjunctives "and," "and/or," or "or" held by a co-owner shall not be forfeited if the co-owner establishes by a preponderance of the evidence that such co-owner neither knew, nor had reason to know, after reasonable inquiry, that such property was used or was likely to be used in violation of Section 31-103(a) of the Code. When the interests of each culpable co-owner are forfeited, any remaining co-owners shall be afforded the opportunity to purchase the forfeited interest in, title to, or right to the property from Dade County. If any remaining co-owner does not purchase such interest, Dade County may hold the property in

co-ownership, sell its interest in the property, liquidate its interest in the property, or dispose of its interest in the property in any other reasonable manner.

(7) Forfeiture proceedings.

- (a) It is the policy of Dade County that the provisions of this section are adopted to deter and prevent the continued use of passenger motor vehicles to violate Section 31-103(a) of the Code while protecting proprietary interests of innocent owners and lienholders and to authorize the use of the proceeds collected under this section as supplemental funding for enforcement purposes.
- (b) The Florida Rules of Civil Procedure shall govern forfeiture proceedings under this section unless otherwise specified herein.
- (c) Any trial on the ultimate issue of forfeiture shall be decided by a jury, unless such right is waived by the claimant of the vehicle through a written waiver or on the record before the court conducting the forfeiture proceeding.
- (d) Dade County shall promptly proceed against the vehicle by filing a complaint in the circuit court.
- (e) (i) The complaint shall be styled, "in RE: FORFEITURE OF _____" (followed by the name or description of the vehicle). The complaint shall contain a brief jurisdictional statement, a description of the subject matter of the proceeding, and a statement of the facts sufficient to state a cause of action that would support a final judgment of forfeiture. The complaint must be accompanied by a verified supporting affidavit.
- (ii) If no person entitled to notice requests an adversarial preliminary hearing, as provided in Section 31-116(G)(3), the court, upon receipt of the complaint, shall review the

- complaint and the verified supporting affidavit to determine whether there was probable cause for the seizure. Upon a finding of probable cause, the court shall enter an order showing the probable cause finding.
- (iii) The court shall require any claimant of a vehicle who desires to contest the forfeiture to file and serve upon the attorney representing Dade County any responsive pleadings and affirmative defenses within twenty (20) days after receipt of the complaint and probable cause finding.
 - (f) (i) Dade County shall serve notice of the forfeiture complaint by certified mail, return receipt requested, to each person having a security interest in the vehicle. Dade County shall also publish notice of the forfeiture complaint twice each week for two (2) consecutive weeks in a newspaper of general circulation in Dade County.
 - (ii) The notice shall, in addition to stating that which is required by Section 31-116(G)(3) describe the property; state the county, place, and date of seizure; state the governmental entity holding the seized property; and state the name of the court in which the complaint will be filed.
 - (iii) Dade County shall be obligated to make a diligent search and inquiry as to the owner of the vehicle, and if, after such diligent search and inquiry, Dade County is unable to ascertain any person entitled to notice, the actual notice requirements by mail shall not be applicable.
 - (g) When the claimant of the vehicle and Dade County agree to settle the forfeiture action prior to the conclusion of the forfeiture proceeding, the settlement agreement shall be reviewed, unless such review is waived by the claimant of the vehicle in writing, by the court or a mediator or arbitrator agreed upon by the claimant and Dade County.
 - (h) Upon clear and convincing evidence that the seized vehicle was used to commit a third or subsequent violation of Section 31-103(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after August 6, 1993, the court shall order the seized property forfeited to Dade County. As used in this subsection, a "violation" occurs when a person or entity pleads guilty or nolo contendere or is convicted or found guilty of violating Section 31-103(a) of the Code using the vehicle subject to forfeiture. The final order of forfeiture by the court shall perfect in Dade County right, title, and interest in and to such property, subject only to the rights and interests of bona fide lienholders, and shall relate back to the date of seizure.
 - (i) (i) The seized property shall be released immediately to the person entitled to possession of the property as determined by the court when the claimant prevails at the conclusion of the forfeiture proceeding, and Dade County decides not to appeal.
 - (ii) When the claimant of the vehicle prevails at the conclusion of the forfeiture proceeding, any decision to appeal must be made by the CSD Director. If the claimant prevails on appeal, Dade County shall immediately release the seized property to the person entitled to possession of the property as determined by the court.
 - (j) Disposition of forfeited property where no lien. When Dade County obtains a final judgment granting forfeiture of a vehicle, it may elect to:
 - (i) Retain the property for the County's use;

- (ii) Sell the property at public auction or by sealed bid to the highest bidder; or
 - (iii) Salvage, trade, or transfer the vehicle to any public or nonprofit organization.
- (k) Disposition of forfeited property where lien. If the forfeited vehicle is subject to a lien preserved by the court as provided in Section 31-116(G)(6)(b), Dade County shall:
- (i) Sell the property with the proceeds being used towards satisfaction of any liens; or
 - (ii) Have the lien satisfied prior to taking any action authorized by Section 31-116(G)(7)(j).
- (l) Priority of disbursement. The proceeds from the sale of a forfeited vehicle shall be disbursed in the following priority:
- (i) Payment of the balance due on any lien preserved by the court in the forfeiture proceedings.
 - (ii) Payment of the cost incurred by Dade County in connection with the storage, maintenance, security, and forfeiture of such property.
 - (iii) Payment of court costs incurred in the forfeiture proceeding.
 - (iv) The remaining proceeds shall be deposited in an Enforcement Trust Fund hereby established by the Board of County Commissioners. Such proceeds and interest earned therefrom shall be used for enforcement of the provisions of Chapter 31 of the Code.
- (H) *Abandoned vehicles.*
- (1) If an owner does not assert an interest in a seized vehicle by removing it from storage within the time periods specified in paragraph (2) of this Section (H), the vehicle shall be deemed abandoned. A declaration of such abandonment may be made by a circuit court judge after a duly noticed hearing, without further hearing.
- (2) A vehicle shall be deemed abandoned, pursuant to paragraph (1) herein, if an owner:
- (a) Has not removed the vehicle from storage within ten (10) days of obtaining an order of release pursuant to Section 31-116(C), (E) or (G)(7)(i) herein; or
 - (b) Has not paid the fines, if any, and towing and storage fees within ten (10) days of a hearing determination of violation pursuant to Section 31-116(E)(2) herein, or within ten (10) days after notice of a default determination of violation was mailed to the owner pursuant to Section 31-116(E)(5) herein; or
 - (c) Has not paid the fines, if any, and towing and storage fees within ten (10) days of denial of a motion to vacate a default determination pursuant to Section 31-116(E)(5); or
 - (d) Has not paid the fines, if any, and towing and storage fees within ten (10) days after a notice was mailed by the CSD to the owner that the County will not pursue the remedy of forfeiture pursuant to Section 31-116 herein.
- (3) In the event that a vehicle has been deemed abandoned pursuant to paragraphs (1) and (2) of this subsection (H), the CSD shall mail to the owner a notice that the vehicle has been recovered by CSD as an abandoned vehicle and that, if unclaimed, its ownership shall vest in Dade County and it will be sold at public auction or by bid after ten (10) days from the date such notice was mailed. Such notice shall also be mailed to any lienholder or mortgagee shown in the records of the jurisdiction which issued the number of license plates on the vehicle.
- (4) An owner, lienholder or mortgagee may claim the vehicle within ten (10) days from the date that the notice described in paragraph (3) of this subsection (H) was mailed, by paying the towing and storage fees due and any fine(s).
- (5) In the event that an abandoned vehicle is not claimed within ten (10) days after the

notice described in paragraph (3) of this subsection (H) was mailed, ownership of the abandoned vehicle shall vest in CSD after a duly noticed hearing and declaration of abandonment by a circuit court judge. The CSD may sell an abandoned vehicle at public auction or by bid. Proceeds shall be paid into the Enforcement Trust Fund.

(Ord. No. 93-77, § 1, 7-29-93)

Secs. 31-117—31-200. Reserved.

ARTICLE IV. SPECIAL TRANSPORTATION SERVICE CARRIERS

Sec. 31-201. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Dade County, the Commission hereby enacts the following regulations pertaining to the operation of special transportation service carriers operating in Dade County pursuant to contracts with Metropolitan Dade County to provide Metro-Dade Transit Agency services. (Ord. No. 91-130, § 2, 11-5-91)

Sec. 31-202. Definitions.

For the purposes of this article, the following definitions shall apply:

- (a) *Special transportation services certificate of transportation* means the holder thereof may engage in providing the special transportation services described thereon and consistent with the terms and restrictions contained in the applicable Metropolitan Dade County contract relating thereto.
- (b) *Chauffeur* means a duly licensed driver registered with and authorized by the Consumer Services Department to operate a special transportation services vehicle.
- (c) *Commission* means the Board of County Commissioners of Dade County, Florida.
- (d) *Common carrier* means any motor carrier who holds his services out to the public.

(e) *Special transportation services* means any transportation services provided by a motor carrier, for compensation, to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services, pursuant to a written contract with Metropolitan Dade County for the provision of Metro-Dade Transit Agency services or pursuant to a written contract with a broker which has a written contract with Metropolitan Dade County for the provision of Metro-Dade Transit Agency services.

- (f) *County Manager* means the chief executive officer and head of the administrative branch of the County government as provided in Article III of the Home Rule Charter of Metropolitan Dade County, Florida.
- (g) *Director* means the Dade County Consumer Services Department director.
- (h) *For compensation* means for money, property, service or anything else of value.
- (i) *Operate* means providing transportation services for compensation utilizing a special transportation services motor vehicle pursuant to a contract with Metropolitan Dade County for the provision of Metro-Dade Transit Agency services.
- (j) *Operator* means any person who has been issued a special transportation services certificate of transportation in accordance with the provisions of this article.
- (k) *CSD* means the Dade County Consumer Services Department.
- (l) *Special transportation services motor carrier or motor carrier* means any person owning, controlling, operating or managing any motor vehicle used in the business of providing special transportation services for compensation pursuant to a contract with Metropolitan Dade County for the provision of Metro-Dade Transit Agency services.
- (m) *Permit* means an operating permit authorizing the holder thereof to utilize the mo-



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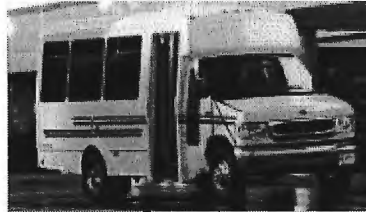
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Concept to Expand Jitney

*Miami-Dade County
Metropolitan Planning Organization (MPO)*

**Comments regarding the draft prepared by MDT on a
“Concept for Public/Private Partnership
to Expand Transit Services”
June 2001**

I. GENERAL COMMENTS:

1. The proposed concept is different to the one discussed at the MPO Subcommittee meetings and supported by CTAC.
2. The proposed concept is based on a subcontract with MDT.
3. It is not clear that in the public/private partnership, MDT provides the vehicles at no charge to the operators and the private sector provides the operation and maintenance of the vehicles, or if the private company will provide the vehicles and the operation.
4. Although the proposed plan is at “no direct cost to the county”, the federal and state funds used for the purchasing of vehicles, if this is the case, may jeopardize transit operations.
5. Basically, the proposed plan is an extension of MDT services.
6. This approach will allow jitneys and bus service providers to participate in the demonstration project. Jitney companies have to compete with bigger companies.
7. If the vehicles are provided by MDT, private sector has to comply with federal and state requirements.
8. There is no incentive for private operators to succeed in this demonstration project.
9. The proposed service is basically controlled by government. The government’s approach is to provide service and cost is not a main factor. For private operators, service is an important factor, but profit is their ultimate goal. This implies that they have to maximize profit and minimize capital and operating costs.

II. DETAILED COMMENTS:

1. *“Whatever the outcome, the details of the demonstration must maintain 1. A zero direct cost to the County; and 2. Must abide by all provisions of County Code, and MDT’s Collective Bargaining Agreement with the Transport Workers’ Union while providing new and/or expanded transit service to our customers.”*

- a. Zero direct cost to the county is relative, because federal or state funds usually require matching funds, unless state funds are using as matching funds or state provides 100% funding for the purchase of equipment.

- b. Are there indirect costs that could be paid by the county?
- c. Does the Transport Worker's Union get involved in all this process?
- d. What would be the participation of the union? In the past, the union has been against this type of project.

2. "Eligible private sector providers: Any transportation provider currently holding a Passenger Motor Carrier certificate or any provider who can obtain such a certificate as part this demonstration."

- a. For a demonstration project, is better to have only one provider with a current Passenger Motor Carrier Certificate.
- b. For a long term project, the door should be open to any individual that may apply for a certificate of transportation.

3. "Routes: There should be at least two routes, preferably more, in different parts of the County. At least one should demonstrate how private sector transportation can alleviate over-crowding on existing Metrobus routes without impinging on ridership/revenue; and at least one route should demonstrate how private sector transportation can provide service where there is little or no MDT bus service. Provisions shall be made for route adjustments."

- a. Providing contracting services in well-served routes will reduce MDT farebox revenues. To alleviate over-crowding routes, MDT should provide more service with articulated or regular buses within the overcrowded routes.
- b. MDT should reduce service in areas that are not suitable for regular buses. These are the areas that should be given to private sector.

4. "Service: All scheduled service must be provided. Schedules may be provided for service as demand warrants. If no schedule is provided for all or part of a day, then the contractor shall provide service at least every 10 minutes. The span of service shall be negotiated. Provisions shall be made schedule adjustments. The provider must have enough equipment and operators to provide the service and back-up equipment and drivers to account for breakdowns, sick calls, etc. In peak periods, there must be enough service to prevent overcrowded buses and pass-ups. Where appropriate, contracted service will use assigned bus bays at MDT terminals and Metrorail stations."

- a. If MDT does not provide 10 minutes headway in the areas to be served by private sector, How they can request and impose that service (10 minutes headway)?
- b. Clarification is required in this aspect, because if the private company provides the vehicles, then it is a totally different scenario that if MDT provides the vehicles.
- c. MDT should make schedule adjustments to let the private company to provide full service in areas and routes that are not appropriate for MDT service.

5. "Vehicles: The vehicles must be of a size to be consistent with the service standards outlined in the previous paragraph. Options for procuring vehicles include purchase, lease, or having MDT

provide the vehicles. All vehicles must meet ADA requirements for handicapped access."

- a. The size of the vehicle must be determined by the provider, according to the ridership and physical characteristics of the routes to be served.
- b. Regular buses should be maximized by using them in routes with enough patronage.
- c. Based on a pilot or demonstration project no imposition should be made regarding compliance with ADA, unless the vehicles to be used by the provider are already accessible.

6. "Maintenance: *The vehicles must be maintained at the contractor's expense to avoid missing service. If and as negotiated, contractor vehicles may obtain fuel at the same price at which MDT obtains fuel and perhaps at MDT facilities. If the vehicles are to be MDT-provided, they must be maintained to the manufacturer's standards. Vehicles must be permitted and drivers must be licensed as detailed in the County Code."*

- a. No comments.

7. "Insurance: *Vehicles must be insured to the standards stated in the County Code. If the vehicles are to be MDT-provided, the cost of insurance can be negotiated."*

- a. No comments.

8. "Fares: *To be collected by the private sector operator and retained to cover expenses and profits. What media are accepted is negotiable."*

- a. No comments.

9. "Administration: *The cost to process certificates and have vehicles inspected for safety by the Consumer Service Department shall be borne provider. The cost to administer the County's contract with the private provider, including maintenance inspections, will be borne by MDT. Contractor shall provide NTDB (Section 15) data as required by federal regulations at the expense of the contractor. Other costs, as suggested in the preceding paragraphs, are to be negotiated."*

- a. Provider should pay for safety inspections. As an incentive, CSD should do it at no charge.
- b. Additionally, provider has to collect Section 15 Data at his own cost for the benefit of MDT. Some incentive should be established for the provider or MDT should obtain the data. The data is based on a sample that has to be statistically correct using a method approved by FTA.

10. "Marketing: *Marketing of new contracted routes shall be the sole responsibility of the contractor. MDT will, however, include such contracted routes on its published transit map and will provide route and schedule information on those routes when customers call MDT Transit Information."*

- a. No comments.

III. RECOMMENDATIONS

1. Coordination:

- a. Based on a demonstration project, current companies holding transportation certificates may participate in this project. However, CSD should consider individual applications for the expansion of transit services into other areas.
- b. CSD should contact all private transportation providers to get their input in the process.
- c. MPO should lead this effort.

2. Routes:

- a. MDT should evaluate those routes that are not productive for their operation and establish standards to determine which routes they will be considering for this demonstration project. As an example, MDT could define the minimum number of passengers per trip. Any route under this standard could be placed in a pool of routes for further evaluation.
- b. Allowing private operators in overcrowding routes will create problems with the union and an unfair situation with MDT at this moment. The idea of the concept is to integrate private operators to the existing service not to compete with them. Therefore, recommendation is made to concentrate in those routes selected in the step "a" before.
- c. At least three routes should be selected for implementation.
- d. Areas not served by MDT should also be determined.
- e. Private operators should provide input at this phase to include any proposed route that may supplement existing transit services.

3. Service:

- a. Minimum standards for service should be mutually agreed. Private operators are for profit not for service.
- b. Minimum standards may include service from 5:00 am to 7:00 pm on weekdays, and weekend from 6:00 am to 6:00 pm.
- c. Connection to main activity centers and metrorail stations should be coordinated.
- d. Service provided on MDT routes should use existing bus stops. In those areas that service is not provided by MDT, operator may stop at any place, taking into consideration all safety aspects for the appropriate stop.

4. Vehicles:

MDT should decide which way to go regarding the vehicles. There are three options:

- a. Vehicles will be provided by the operator:
 - i. The operator will use existing vehicles in his fleet.
 - ii. Based on the fact, that this is a demonstration project, vehicles do not need to comply with ADA, unless the operator has vehicles fully equipped. STS will continue providing supplemental service in the selected routes or areas for handicapped customers.

- iii. Regular buses are not recommended because maneuverability of vehicles in residential areas to be serviced, appearance, passenger volumes, fuel consumption, etc...
- iv. Size of the vehicles should be determined by the operator, based on his/her experiences.

b. Vehicles will be provided by MDT:

- i. If this is the case, it's strongly recommended to use mini-buses or maxi-vans. This will allow MDT to add regular buses in other routes that require additional services.
- ii. In other cities, collective bargaining agreements do not allow anybody to drive the equipment (buses) unless supervisory personnel and workers of the appropriate unit (drivers and mechanics). This aspect has to be considered.
- iii. A situation like this should be evaluated in detail for further consequences, regarding contract negotiations.
- iv. Drivers provided by private operator will require full training regarding the use of the equipment (wheelchair lift).

c. Combination of "a" and "b":

- i. If a combination of options "a" and "b" is decided, recommendation is made that one route use option "a" and other route use option "b".
- ii. Both options should not be combined in the same route.

5. **Maintenance:**

- a. Private operator should be responsible for the maintenance of the equipment.
- b. If the equipment is provided by the operator, maintenance should be conducted according to his/her standards. However, minimum standards should be required regarding the appearance and cleanness of the buses.
- c. If equipment is provided by MDT, then maintenance should be conducted according to MDT standards.
- d. Additionally to the standards, MDT should have a method to verify that the maintenance of their equipment has been conducted as appropriate. For example, there are companies (labs) that can determine the mechanical condition of the equipment by oil samples.
- e. MDT should take other actions to guarantee the conditions of the buses once the demonstration project be finished. For example, additional insurance or cash deposited in a separate account for contingencies.

6. **Insurance:**

- a. In this regard, Risk Management should be contacted.

7. **Fares:**

- a. Fare should be determined by the operator, but never can be higher than the actual fare.

8. **Administration:**

- a. Safety inspection should be conducted by CSD as indicated in the current regulations.
- b. The costs involved in these inspections should be covered by CSD.
- c. MDT should verify that the service is provided as contracted by using checkers along the routes.
- d. Section 15 Data should be negotiated with the operator, drivers should be trained in collecting the data.

9. **Marketing:**

- a. MDT should provide some marketing materials, specially in those routes to be operated by the private sector. Usually, private operators do not have those capabilities.
- b. A marketing plan should be developed to promote the new approach or concept delineated in this document.

10. **Other Considerations:**

- a. An objective process should be developed to determine the selection of routes/areas for servicing and the companies that will provide the proposed service.
- b. MDT should consider for this demonstration project the implementation of a transfer fare system to facilitate the movement of passengers from different modes.
- c. If this demonstration project is a success, How it may affect future contract negotiations. In this aspect, considerations should be given to:
 - i. Vehicles own by MDT to be operated by private sector.
 - ii. A legal opinion should be requested regarding the possible displacement or reduction of drivers under Rule 13(c) (Dept. of Labor).

PUBLIC/PRIVATE PARTNERSHIPS FOR PUBLIC TRANSPORTATION
Hosted by
METROPOLITAN PLANNING ORGANIZATION
In conjunction with
MIAMI-DADE TRANSIT (MDT) AND CONSUMER SERVICES DEPARTMENT (CSD)

MEETING OF FRIDAY, OCTOBER 19, 2001
2:00 P.M.
CONFERENCE ROOM

SUMMARY MINUTES

The meeting was called to order at 2:00 p.m. by, Ms. Sheila Rushton.
The following staff members were present:

1. Jose-Luis Mesa, Director, MPO Secretariat,
2. Danny Alvarez, Director, Miami-Dade Transit (MDT)
3. Sheila Rushton, Director Consumer Services Department (CSD)
4. Raul Gonzalez, CSD
5. Carmen Quinn, CSD
6. Clinton Forbes, MPO
7. Jesus Guerra, MPO
8. Dalphane Brown, CSD
9. Zainab Salim, MPO

The sign-in sheet is on file at the MPO Secretariat Office listing staff and other visitors present at the meeting. A recorded tape of the meeting is also available at the MPO Secretariat Office.

I. OVERVIEW OF PANEL

Ms. Rushton introduced the panelist; Mr. Jose-Luis Mesa MPO, and Mr. Danny Alvarez, Miami-Dade Transit.

Mr. Mesa explained that the Governing Board was interested to see if the private operated services offered in Miami-Dade County could be expanded.

Mr. Alvarez distributed a handout titled; *Miami-Dade Transit Concept for Public/Private Partnership To Expand Transit Services.*

Mr. Alvarez briefly notified the group that the concept proposed is for a demonstration project to contract with private sector transportation providers at no direct cost to the County. He mentioned that this concept is in an early stage of development, all aspects of the concept are open for discussion. Mr. Alvarez advised the group to refrain from submitting proposals that require Miami-Dade County to bear a direct cost.

Mr. Alvarez explained that the Department needs the input of the industry so that something can be tailored that the industry can buy into which will allow the County to offer better public transportation to the citizens of Miami-Dade County.

Ms. Rushton asked Mr. Alvarez to elaborate more on what type of services they are looking to acquire from the private sector.

Mr. Alvarez briefly went over the routes section of the handout from which he explained that they are looking for at least two types of pilot services to be offered. The first service would demonstrate how private sector transportation can alleviate overcrowding on existing Metrobus routes without impinging on ridership/revenue. The second service should demonstrate how private sector transportation can provide service where there is little or no MDT bus service.

II. OPEN DISCUSSION

Ms. Rushton opened the floor up for comments.

Mr. Mark Levitt of Super Shuttle South Florida suggested that a program like Broward County be implemented. Mr. Levitt stated that Broward County pays the cities and help them develop bus routes. In addition, the cities have the option of contracting the services out to the private sector or providing the service themselves. The contracts are renewed annually with a minimal passenger per hour stipulation.

Mr. Alvarez responded that Miami-Dade County has similar programs in place without offering subsidies. In addition, Mr. Alvarez stated that some cities are offering the same services on their own such as the Miami Beach Electrowave project.

Mr. Alphe Willingham, Tri-Rail Bus Connection, expressed his concerns about the concept. He stated that companies will be interested in running routes only if the ridership is there. If there is no ridership then there is no interest.

Mr. Benedique Hyppolite, Sunshine Jitney, stated his drivers complain of the Metrobus service overlapping with their service schedule. He expressed concerns that the Metrobus schedule of service on certain routes has appeared to increase.

Mr. Alvarez stated that the amount of buses have not changed in ten (10) years.

Mr. Levitt reiterated his point on the need to get subsidized in order to operate off peak hours. He explained that this is necessary primarily because the cost of living has increased dramatically.

Mr. Frank Kreutzer, Attorney, believes the Miami-Dade County should adopt the concept of having one public vehicle alongside a private vehicle which will allow citizens to have a choice on whether to ride a large or small vehicle.

Mr. Alvarez asked the entire group, if they would agree to a contractual agreement where there is a controlled amount of private sector vehicles.

Mr. Kreutzer agreed generally with the concept as long as no more permits are issued.

Mr. Rene Gil, Conchita's Transit Express proposed that if Miami-Dade County provided him with vehicles he will offer the service at no additional cost. Mr. Gil also noted that he will offer the service every thirty (30) minutes instead of every 70 minutes as currently being offered by the existing MDT service. In addition, Mr. Gil request control of the entire route.

Ms. Rushton asked Mr. Gil if he would provide the maintenance service on the bus and he said yes.

Mr. Mesa inquired if the buses would be some type of loan or permanent transfer of ownership.

Mr. Gil responded that if the transfer of vehicles were long term arrangement then it would recommend ot to be a permanent transfer. He further stated that if the transfer is short term, that they could possibly work out some type of lease program. He also suggested trying this as a pilot program.

Mr. Alvarez addressed Ms. Rocio Castro, IDEAL Transport, concerns about a transportation system needed at Miami International Airport. Mr. Alvarez informed the group that a kiosk system is being installed at MIA which will inform passengers on companies available to offer service of transportation.

Mr. Alvarez stated that another meeting is not necessary, however, they will take the comments received and reflect them against the concept and put it in a report format with recommendations to give to the MPO Governing Board Transportation Subcommittee.

Ms. Rushton concluded the meeting by informing the audience to send any questions or comments related to this proposal to the Consumer Services office.

III. ADJOURNMENT

The meeting adjourned at 3:30 p.m.

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Miami-Dade County Metropolitan Planning Organization (MPO)

Expansion of Public Transit: A Jitney Approach

I. OBJECTIVE:

To develop detailed scenarios to promote increased participation of the private sector in the provision of public transportation services within Miami-Dade County. These services would be aimed to supplement existing services provided by Miami-Dade Transit (MDT). Demonstration projects may be identified for implementation.

II. PREVIOUS WORK:

Several policy-oriented studies have been conducted in the past. However, this study is directed towards evaluating the feasibility of implementing an operational plan and promoting the implementation of additional services.

III. HIGHLIGHTS OF PROJECT ELEMENTS:

- Participation of the private sector
- Cost feasibility of proposals
- Focus on poorly served areas with potential for cost effective service
- Maximization of resources to serve a given area
- Compliance with federal requirements, such as ADA and Environmental Justice
- Provision of additional non-subsidized transportation services
- Improving accessibility to Metrorail and to major activity centers

IV. TIME SCHEDULE:

This study should be tentatively completed by June 2002.

V. METHODOLOGY:

A. Study Coordination

A Study Advisory Committee (SAC) will be composed of representatives from:

- Metropolitan Planning Organization (The MPO will provide the Project Manager)
- Miami-Dade Transit (MDT)

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- Florida Department of Transportation (FDOT)
- Miami-Dade County Consumer Services Department (CSD)
- Citizens' Transportation Advisory Committee (CTAC)
- Representatives of transit labor unions
- Private transportation industry representatives will be also invited to participate as well

B. Develop Conceptual Plan

The purpose of this task is to define a conceptual plan for expanding transit services using jitneys or minibuses in areas that require improving existing public transportation services. These improvements will be considered in terms of transit level of service improvements: providing service where none exists and a need exists/has been demonstrated, increasing frequencies by decreasing headways, and increasing service spans will be the primary factors evaluated.

Specific factors including but not limited to accessibility to Metrorail stations and major activity centers, productivity (probable costs incurred vs. prospective patronage), feasibility of implementation, integration with other transportation providers (Metrobus, Tri-Rail, jitneys, shuttles/circulators, etc...) and implementation costs will be considered.

For the purpose of facilitating the implementation of a demonstration/pilot project at the end of the study, several scenarios will be evaluated, among them:

- a. Contracting services
- b. Providing temporary passenger motor carriers permits to individuals interested

During the study, other strategies may also be proposed and evaluated.

To obtain input, planning sessions will be conducted at different levels of participation:

TECHNICAL LEVEL

- CSD
- MDT
- FDOT
- Planning Department

SERVICE LEVEL

- CTAC
- Jitney Representatives and Operators
- Other Authorized Providers
- Labor Unions Representatives

Other groups and departments will be contacted as appropriate.

Additionally, public hearings could be conducted, as necessary, to obtain comments from the general public. With the input of these groups, the consultant will develop a transit service

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integration proposal that includes consideration of concerns and recommendations obtained during this process.

C. Develop Criteria

Based on the conceptual plan, the consultant will recommend criteria to identify potential areas and/or routes suitable for expanding public transit services using jitneys or minibuses. This task shall take into consideration the data required and analytical tools needed to implement the proposed plan.

D. Data Development

1. Institutional Information

There are some areas that need to be researched to provide an additional element in the development of an eventual service plan. Compliance with federal, state and county regulations will be evaluated. Based on the findings in this task, different scenarios may be developed, as appropriate. This research will include, but not be limited to: Federal requirements regarding ADA, Section 15 and Section 13(c); County procedures for permitting and licensing transportation services, including ordinances and resolutions; and State statutes that may apply for transportation carriers.

2. Operations and Performance Data

The consultant will compile and collect the necessary data to proceed with the required analyses. The MPO, MDT and CSD will play a major role in this task by providing available data to the consultant to conduct the technical analyses.

This data should include, but not be limited to:

- a. Jitneys: authorized providers, description of routes, number of vehicles/route, fare, ridership, trip length, hours of operation, number of trips, etc...,
whenever available
- b. MDT: description of routes, number of vehicles/route, fare, ridership, trip
length, hours of operation, number of trips, headways, etc...

3. Other Area Experiences

Finally, the consultant will also obtain brief information from other cities where jitneys currently operate or have been operated in the past to compare and implement similar measures in Miami-Dade County. Special attention will be considered in how those areas comply with federal requirements (ADA, Section 15 and Section 13(c)).

E. Analysis

1. Institutional

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In this subtask, the consultant will analyze and evaluate existing procedures for authorizing transportation services and will prepare a matrix table of the benefits and limitations, including but not limited to: technical process, legal considerations, compliance with county, state and federal requirements, contracting labor, third party contracting, etc... Additionally, the consultant will take into consideration any requirement included in the transportation element of the and any issue or implications that may be included in the Comprehensive Development Master Plan (CDMP).

The consultant will prepare a set of recommendations to improve and/or facilitate the expedition of permits for providing these services and/or develop another set of recommendations to enter into a contract with an authorized provider. This approach does not prohibit the consultant to recommend other options that may arise during analysis.

2. Operations and Performance Analysis

Using the criteria previously developed and established, the consultant will analyze socioeconomic, travel, and transit data to determine and identify the potential areas and/or routes for introducing supplementary jitney services. Consideration will also be given to compliance with ADA requirements, as well as Environmental Justice.

3. Other Area Experience Analysis

While information and data will have been collected from other areas that may provide appropriate guidance and useful lessons learned, they will only be summarized here. The most applicable information will be incorporated into analyses conducted in the two preceding tasks.

F. Develop Implementation Plan

Based on the previous tasks, the consultant will develop three scenarios to test different possibilities. These scenarios may include enhancing established routes, implementing new routes and/or services within a specific area, or various combinations of both, using jitneys. For each scenario, the plan shall include:

1. Operational requirements
2. Advantages and Disadvantages (Opportunities and Constraints)
3. Implementation Costs

G. Develop an Evaluation Program

To measure the effectiveness of any proposed demonstration program, the consultant will prepare an evaluation program to be conducted before and after implementing the proposed plan for each scenario. This evaluation will be based on service characteristics and public acceptance.

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VI. END PRODUCTS

1. Executive Summary Report (100 copies)
2. Final Report (50 copies)
3. Power Point Presentation

Copies of the Executive Summary, the Final Report, and the Power Point presentation shall be made available in electronic format on CDs. The Executive Summary and Final Report will be provided in a popularly used word processing format. Graphics used in the report shall be made separately available on disk as well. An unbound copy of the Final Report will also be provided for further reproduction.

VII.FUNDING:

To be determined.

VIII.PROJECT MANAGEMENT:

The MPO will take the lead, and will keep a close coordination with representatives of the FDOT, MDT, CSD and CTAC, as well as with private sector providers and labor unions representatives.

. The authority citation for Title 49, Part 27 Code of Federal Regulations, is revised to read as follows:

AUTHORITY: Sec. 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); secs. 16(a) and 16(d) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 16(a) and 16(d)); sec. 165(b) of the Federal-aid Highway Act of 1973 (49 U.S.C. 142 nt.); the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 - 12213 and 47 U.S.C. 225 and 611, and 49 U.S.C. 322.

2. Section 27.19 of 49 CFR Part 27 is amended by revising paragraph (a) to read as follows:

§27.19 Compliance with Americans with Disabilities Act Requirements and UMTA Policy.

(a) Recipients subject to this Part (whether public or private entities as defined in 49 CFR Part 37) shall comply with all applicable requirements of the Americans with Disabilities Act (ADA) of 1990 including the Department's ADA regulations (49 CFR Parts 37 and 38), the regulations of the Department of Justice implementing Titles II and III of the ADA (28 CFR Parts 35 and 36), and the regulations of the Equal Employment Opportunity Commission (EEOC) implementing Title I of the ADA (29 CFR Part 1630). Compliance with the EEOC Title I regulations is required as a condition of compliance with section 504 for DOT recipients even for organizations which, because they have fewer than 25 or 15 employees, would not be subject to the EEOC regulation in its own right. Compliance with all these regulations is a condition of receiving Federal financial assistance from the Department of Transportation. Any recipient not in compliance with this requirement shall be subject to enforcement action under Subpart C of this Part.

3 Subparts B (ee27.31 - 27.37), C (ee27.61 - 27.67), E (ee27.81 - 27.103) and the Appendix to Subpart E of 49 CFR Part 27 are removed, and e27.73 and Appendix A to Subpart D thereof are removed.

4. Subpart F (ee27.121 - 27.129) thereof is redesignated as Subpart C and Subpart D (ee27.71 and 27.75) is redesignated as Subpart B.

5. Removed from e27.5 thereof are the definitions of "accessible," "closed station," "commuter rail," "fixed route bus system," "flag stop," "light rail," "mass transportation," "open station," "passenger," "public paratransit system," "rapid rail," "transportation improvement program," and "urbanized area."

6. Section 27. 67 is amended by adding a new paragraph (d) to read as follows:

e 27.67 New facilities and alterations.

(d) Accessibility Modifications. Design, construction, or alteration of buildings or other fixed facilities by public entities subject to part 37 of this title shall be in conformance with Appendix A to Part 37 of this title. All other entities subject to section 504 shall design, construct or alter a building or other fixed facilities shall be in conformance with either Appendix A to Part 37 of this title or the Uniform Federal Accessibility Standards, 41 CFR 101-196, Appendix A.

7 Title 49, Code of Federal Regulations, Part 37, is revised to read as follows:

49 CFR PART 37 - TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (ADA)

Subpart A

Sec.

37.1 Purpose.

37.3 Definitions

37.5 Nondiscrimination.

37.7 Standards for accessible vehicles.

37.9 Standards for accessible transportation facilities.

37.11 Administrative enforcement.

37.13 Effective date for certain vehicle lift specifications.

37.15 - 37.19 [Reserved]

Subpart B - Applicability

37.21 Applicability - general.

37.23 Service under contract.

37.25 University transportation systems.

37.27 Transportation for elementary and secondary education systems.

37.29 Private providers of taxi service.

37.31 Vanpools.

37.33 Airport transportation systems.

- 37.35 Supplemental service for other transportation modes.
- 37.37 Other applications.
- 37.39 [Reserved]
- 37.41 Construction of transportation facilities by public entities.
- 37.43 Alteration of transportation facilities by public entities.
- 37.45 Construction and alteration of transportation facilities by private entities.
- 37.47 Key stations in light and rapid rail systems.
- 37.49 Designation of responsible person(s) for intercity and commuter rail stations.
- 37.51 Key stations in commuter rail systems.
- 37.53 Exception for New York and Philadelphia.
- 37.55 Intercity rail station accessibility.
- 37.57 Required cooperation.
- 37.59 Differences in accessibility completion dates.
- 37.61 Public transportation programs and activities in existing facilities.
- 37.63 - 37.69 [Reserved]

Subpart D - Acquisition of accessible vehicles by public entities.

- 37.71 Purchase or lease of new non-rail vehicles by public entities operating fixed route systems.
- 37.73 Purchase or lease of used non-rail vehicles by public entities operating fixed route systems.
- 37.75 Remanufacture of non-rail vehicles and purchase or lease of remanufactured non-rail vehicles by public entities operating fixed route systems.
- 37.77 Purchase or lease of new non-rail vehicles by public entities operating demand responsive systems for the general public.
- 37.79 Purchase or lease of new rail vehicles by public entities operating rapid or light rail systems.

37.81 Purchase or lease of used rail vehicles by public

entities operating rapid or light rail systems.

37.83 Remanufacture of rail vehicles and purchase or lease of remanufactured rail vehicles by public entities operating rapid or light rail systems.

37.85 Purchase or lease of new intercity and commuter rail cars.

37.87 Purchase or lease of used intercity and commuter rail cars.

37.89 Remanufacture of intercity and commuter rail cars and

purchase or lease of remanufactured intercity and

commuter rail cars.

37.91 Wheelchair locations and food service on intercity rail trains.

37.93 One car per train rule.

37.95 Ferries and other passenger vessels operated by public entities. [Reserved]

37.97 - 37.99 [Reserved]

Subpart E - Acquisition of accessible vehicles by

private entities.

37.101 Purchase or lease of vehicles by private entities not primarily engaged in the business of transporting people.

37.103 Purchase or lease of non-rail vehicles by private entities primarily engaged in the business of transporting people.

37.1054 Equivalent service standard.

37.107 Acquisition of passenger rail cars by private entities primarily engaged in the business of transporting people.

37.109 Ferries and other passenger vessels operated by private entities.[Reserved]

37.111 - 37.119 [Reserved]

Subpart F -Paratransit as a complement to fixed route

service

37.121 Requirement for comparable complementary paratransit service

37.123 ADA paratransit eligibility - Standards

37.125 ADA paratransit eligibility - Process

37.127 Complementary paratransit for Visitors

37.129 Types of service

37.131 Service criteria for complementary paratransit

37.133 Subscription service

37.135 Submission of paratransit plan.

37.137 Paratransit plan development

37.141 Requirements for a joint paratransit plan.

37.143 Paratransit plan implementation.

37.145 State comment on plans.

37.147 Considerations during UMTA review.

37.149 Disapproved plans.

37.151 Waiver for undue financial burden.

37.153 UMTA waiver determination.

37.155 Factors in decision to grant undue financial burden waiver.

37.157-37.159 [Reserved]

Subpart G - Provision of service.

37.161 Maintenance of accessible features - general

37.163 Keeping vehicle lifts in operative condition - public entities

37.165 lift and securement use

37.167 Other service requirements

37.169 Interim requirements for over-the-road bus service operated by private entities.

37.171 Equivalency requirement for demand responsive service by private entities not primarily engaged in the business of transporting people.

37.173 Training requirements.

Appendix A - Standards for Accessible Transportation Facilities.

Appendix B - UMTA Regional Offices.

Appendix C - Certifications.

Appendix D - Explanations and Interpretations of Provisions. of 49 CFR Part 37

AUTHORITY: Americans with Disabilities Act of 1990, 42 U.S.C. 12101 - 12213 and 47 U.S.C. 225 and 611; 49 U.S.C. 322.

SUBPART A

e37.1 Purpose.

The purpose of this Part is to implement the transportation and related provisions of Titles II and III of the Americans with Disabilities Act of 1990.

e37.3 Definitions

As used in this Part:

"Accessible" means, with respect to vehicles and facilities, complying with the accessibility requirements of Parts 37 and 38 of this title.

"Administrator" means Administrator of the Urban Mass Transportation Administration, or his or her designee.

"Alteration" means a change to an existing facility, including, but not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical or electrical systems are not alterations unless they affect the usability of the building or facility.

"The Act" or "ADA" means the Americans with Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327, 42 U.S.C. 12101-12213 and 47 U.S.C. 225 and 611), as it may be amended from time to time.

"Automated guideway transit system" or "AGT" means a fixed-guideway transit system which operates with automated (driverless) individual vehicles or multi-car trains. Service may be on a fixed schedule or in response to a passenger-activated call button.

"Auxiliary aids and services" includes:

(1) Qualified interpreters, notetakers, transcription services, written materials, telephone headset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, closed and open captioning, text telephones (also known

as telephone devices for the deaf, or TDDs), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(3) Acquisition or modification of equipment or devices; or

(4) Other similar services or actions.

"Bus" means any of several types of self-propelled vehicles, generally rubber-tired, intended for use on city streets, highways, and busways, including but not limited to minibuses, forty- and thirty- foot buses, articulated buses, double-deck buses, and electrically powered trolley buses, used by public entities to provide designated public transportation service and by private entities to provide transportation service including, but not limited to, specified public transportation services. Self-propelled, rubber-tired vehicles designed to look like antique or vintage trolleys are considered buses.

"Commerce" means travel, trade, transportation, or

communication among the several states, between any foreign country or any territory or possession and any state, or between points in the same state but through another state or foreign country.

"Commuter authority" means any state, local, regional

authority, corporation, or other entity established for purposes of providing commuter rail transportation (including, but not necessarily limited to, the New York Metropolitan Transportation Authority, the Connecticut Department of Transportation, the Maryland Department of Transportation, the Southeastern Pennsylvania Transportation Authority, the New Jersey Transit Corporation, the Massachusetts Bay Transportation Authority, the Port Authority Trans-Hudson Corporation, and any successor agencies) and any entity created by one or more such agencies for the purposes of operating, or contracting for the operation of, commuter rail transportation.

"Commuter bus service" means fixed route bus service, characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation.

"Commuter rail transportation" means short-haul rail passenger service operating in metropolitan and suburban areas, whether within or across the geographical boundaries of a state, usually characterized by reduced fare, multiple ride, and commutation tickets and by morning and evening peak period operations. This term does not include light or rapid rail transportation.

"Commuter rail car" means a rail passenger car obtained by a commuter authority for use in commuter rail transportation.

"Demand responsive system" means any system of transporting individuals, including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including but not limited to specified public transportation service, which is not a fixed route system.

"Designated public transportation" means transportation provided by a public entity (other than public school transportation) by bus, rail, or other conveyance (other than transportation by aircraft or intercity or commuter rail transportation) that provides the general public with general or special service, including charter service, on a regular and continuing basis.

"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(1)(i). The phrase "physical or mental impairment" means -

(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine;

(B) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) The term "physical or mental impairment" includes, but is not limited to, such contagious or noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease, tuberculosis, drug addiction and alcoholism.

(iii) The phrase "physical or mental impairment" does not include homosexuality or bisexuality.

(2) The phrase "major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; or

(3) The phrase "has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities; or

(4) The phrase "is regarded as having such an impairment" means --

(i) Has a physical or mental impairment that does not substantially limit major life activities, but which is treated by a public or private entity as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such an impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public or private entity as having such an impairment.

(5) The term "disability" does not include --

(i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) Compulsive gambling, kleptomania, or pyromania;

(iii) Psychoactive substance abuse disorders resulting from the current illegal use of drugs.

"Facility" means all or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

"Fixed route system" means a system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule.

"High speed rail" means a rail service having the characteristics of intercity rail service which operates primarily on a dedicated guideway or track not used, for the most part, by freight, including, but not limited to, trains on welded rail, magnetically levitated (maglev) vehicles on a special guideway, or other advanced technology vehicles, designed to travel at speeds in excess of those possible on other types of railroads.

"Individual with a disability" means a person who has a disability, but does not include an individual who is currently engaging in the illegal use of drugs, when a public or private entity acts on the basis of such use.

"Intercity rail passenger car" means a rail car, intended for use by revenue passengers, obtained by Amtrak for use in intercity rail transportation.

"Intercity rail transportation" means transportation provided by the National Railroad Passenger Corporation (Amtrak).

"Light rail" means a streetcar-type vehicle operated on city streets, semi-exclusive rights of way, or exclusive rights of way. Service may be provided by step-entry vehicles or by level boarding.

"New vehicle" means a vehicle which is offered for sale or lease after manufacture without any prior use.

"Operates" includes, with respect to a fixed route or demand responsive system, the provision of transportation service by a public or private entity itself or by a person under a contractual or other arrangement or relationship with the entity.

"Over-the-road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment.

"Paratransit" means comparable transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems.

"Private entity" means any entity other than a public entity.

"Public entity" means:

(a) Any state or local government;

(b) Any department, agency, special purpose district,

or other instrumentality of one or more state or local governments; and

(c) The National Railroad Passenger Corporation (Amtrak)

and any commuter authority.

"Purchase or lease," with respect to vehicles, means the time at which an entity is legally obligated to obtain the vehicles, such as the time of contract execution.

"Public school transportation" means transportation by schoolbus vehicles of schoolchildren, personnel, and equipment to and from a public elementary or secondary school and school-related activities.

"Rapid rail" means a subway-type transit vehicle railway operated on exclusive private rights of way with high level platform stations. Rapid rail also may operate on elevated or at grade level track separated from other traffic.

"Remanufactured vehicle" means a vehicle which has been structurally restored and has had new or rebuilt major components installed to extend its service life.

"Secretary" means the Secretary of Transportation or his/her designee.

"Section 504" means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112, 87 Stat. 394, 29 U.S.C. 794), as amended.

"Service animal" means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

"Solicitation" means the closing date for the submission of bids or offers in a procurement.

"Specified public transportation" means transportation by bus, rail, or any other conveyance (other than aircraft) provided by a private entity to the general public, with general or special service (including charter service) on a regular and continuing basis.

"Station" means, with respect to intercity and commuter rail transportation, the portion of a property located appurtenant to a right of way on which intercity or commuter rail transportation is operated, where such portion is used by the general public and is related to the provision of such transportation, including passenger platforms, designated waiting areas, restrooms, and, where a public entity providing rail transportation owns the property, concession areas, to the extent that such public entity exercises control over the selection, design, construction, or alteration of the property, but this term does not include flag stops (i.e., stations which are not regularly scheduled stops but at which trains will stop board or detrain passengers only on signal or advance notice).

"Transit facility" means, for purposes of determining the number of text telephones needed consistent with e10.3.1(12) of Appendix A to this Part, a physical structure the primary function of which is to facilitate access to and from a transportation system which has scheduled stops at the structure. The term does not include an open structure or a physical structure the primary purpose of which is other than providing transportation services.

"UMT Act" means the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. App. e1601 et seq.).

"Used vehicle" means a vehicle with prior use.

"Vanpool" means a voluntary commuter ridesharing arrangement, using vans with a seating capacity greater than 7 persons (including the driver) or buses, which provides transportation to a group of individuals traveling directly from their homes to their regular places of work within the same geographical area, and in which the commuter/driver does not receive compensation beyond reimbursement for his or her costs of providing the service.

"Vehicle", as the term is applied to private entities, does not include a rail passenger car, railroad locomotive, railroad freight car, or railroad caboose, or other rail rolling stock described in section 242 or Title III of the Act.

"Wheelchair" means a mobility aid belonging to any class of three or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. A "common wheelchair" is such a device which does not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied.

§37.5 Nondiscrimination.

(a) No entity shall discriminate against an individual with a disability in connection with the provision of transportation service.

(b) Notwithstanding the provision of any special transportation service to individuals with disabilities, an entity shall not, on the basis of disability, deny to any individual with a disability

the opportunity to use the entity's transportation service for the general public, if the individual is capable of using that service.

(c) An entity shall not require an individual with a disability to use designated priority seats, if the individual does not choose to use these seats.

(d) An entity shall not impose special charges, not authorized by this Part, on individuals with disabilities, including individuals who use wheelchairs, for providing services required by this Part or otherwise necessary to accommodate them.

(e) An entity shall not require that an individual with disabilities be accompanied by an attendant.

(f) Private entities that are primarily engaged in the business of transporting people and whose operations affect commerce shall not discriminate against any individual on the basis of disability in the full and equal enjoyment of specified transportation services. This obligation includes, with respect to the provision of transportation services, compliance with the requirements of the rules of the Department of Justice concerning eligibility criteria, making reasonable modifications, providing auxiliary aids and services, and removing barriers (28 CFR e36.301 -- 36.306).

(g) An entity shall not refuse to serve an individual with a disability or require anything contrary to this Part because its insurance company conditions coverage or rates on the absence of individuals with disabilities or requirements contrary to this Part.

(h) It is not discrimination under this Part for an entity to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct. However, an entity shall not refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons.

§37.7. Standards for accessible vehicles

(a) For purposes of this Part, a vehicle shall be considered to be readily accessible to and usable by individuals with disabilities if it meets the requirements of this Part and the standards set forth in Part 38 of this title.

(b)(1) For purposes of implementing the equivalent facilitation provision in e38.2 of this title, the following parties may submit to the Administrator of the applicable operating administration a request for a determination of equivalent facilitation:

(i) A public or private entity that provides transportation services and is subject to the provisions of subpart D or subpart E of this part; or

(ii) The manufacturer of a vehicle or a vehicle component or subsystem to be used by such entity to comply with this part.

(2) The requesting party shall provide the following information with its request:

- (i) Entity name, address, contact person and telephone;
- (ii) Specific provision of Part 38 with which the entity is unable to comply;
- (iii) Reasons for inability to comply;
- (iv) Alternative method of compliance, with demonstration of how the alternative meets or exceeds the level of accessibility or usability of the vehicle provided in Part 38; and
- (v) Documentation of the public participation used in developing an alternative method of compliance.

(3) In the case of a request by a public entity that provides transportation services subject to the provisions of subpart D of this part, the required public participation shall include the following:

- (i) The entity shall contact individuals with disabilities and groups representing them in the community. Consultation with these individuals and groups shall take place at all stages of the development of the request for equivalent facilitation. All documents and other information concerning the request shall be available, upon request to members of the public.
- (ii) The entity shall make its proposed request available for public comment before the request is made final or transmitted to DOT. In making the request available for public review, the entity shall ensure that it is available, upon request, in accessible formats.
- (iii) The entity shall sponsor at least one public hearing on the request and shall provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements.

(4) In the case of a request by a private entity that provides transportation services subject to the provisions of subpart E of this part or a manufacturer, the private entity or manufacturer shall consult, in person, in writing, or by other appropriate means, with representatives of national and local organizations representing people with those disabilities who would be affected by the request.

(5) A determination of compliance will be made by the Administrator of the concerned operating administration on a case-by-case basis, with the concurrence of the Assistant Secretary for Policy and International Affairs.

(6) Determinations of equivalent facilitation are made only with respect to vehicles or vehicle components used in the provision of transportation services covered by subpart D or subpart E of this part, and pertain only to the specific situation concerning which the determination is made. Entities shall not cite these determinations as indicating that a product or method constitute equivalent facilitations in situations other than those to which the determination is made. Entities shall not claim that a determination of equivalent facilitation indicates approval or endorsement of any product or method by the Federal government, the Department of Transportation, or any of its operating administrations.

(c) Over-the-road buses acquired by public entities (or by a contractor to a public entity as provided in §37.23 of this part) shall comply with e38.23 and subpart G of part 38 of this title.

§37.9 Standards for accessible transportation facilities.

(a) For purposes of this Part, a transportation facility shall be considered to be readily accessible to and usable by individuals with disabilities if it meets the requirements of this Part and the standards set forth in Appendix A to this Part.

(b) Facility alterations begun before January 26, 1992, in a good faith effort to make a facility accessible to individuals with disabilities may be used to meet the key station requirements set forth in §§37.47 and 37.51 of this Part, even if these alterations are not consistent with the standards set forth in Appendix A to this Part, if the modifications complied with the Uniform Federal Accessibility Standard (UFAS) or ANSI A117.1(1980) (American National Standards Specification for Making Buildings and Facilities Accessible to and Usable by, the Physically Handicapped). This paragraph applies only to alterations of individual elements and spaces and only to the extent that provisions covering those elements or spaces are contained in UFAS or ANSI A117.1, as applicable.

(c) Public entities shall ensure the construction of new bus stop pads are in compliance with section 10.2.1(1) of appendix A to this part, to the extent construction specifications are within their control.

(d)(1) For purposes of implementing the equivalent facilitation provision in section 2.2 of appendix A to this part, the following parties may submit to the Administrator of the applicable operating administration a request for a determination of equivalent facilitation:

(i)(A) A public or private entity that provides transportation services subject to the provisions of subpart C of this part, or any other appropriate party with the concurrence of the Administrator;

(ii) With respect to airport facilities, an entity that is an airport operator subject to the requirements of 49 CFR part 27 or regulations implementing the Americans with Disabilities Act, an air carrier subject to the requirements of 14 CFR part 382, or other appropriate party with the concurrence of the Administrator.

(B) The manufacturer of a product or accessibility feature to be used in the facility of such entity to comply with this part.

(2) The requesting party shall provide the following information with its request:

(i) Entity name, address, contact person and telephone;

(ii) Specific provision of appendix A to this part with which the entity is unable to comply;

(iii) Reasons for inability to comply;

(iv) Alternative method of compliance, with demonstration of how the alternative meets or exceeds the level of accessibility or usability of the vehicle provided in appendix A to this part; and

(v) Documentation of the public participation used in developing an alternative method of compliance.

(3) In the case of a request by a public entity that provides transportation facilities (including an airport operator), or a request by an air carrier with respect to airport facilities, the required public participation shall include the following:

(i) The entity shall contact individuals with disabilities and groups representing them in the community. Consultation with these individuals and groups shall take place at all stages of the development of the request for equivalent facilitation. All documents and other information concerning the request shall be available, upon request to members of the public.

(ii) The entity shall make its proposed request available for public comment before the request is made final or transmitted to DOT. In making the request available for public review, the entity shall ensure that it is available, upon request, in accessible formats.

(iii) The entity shall sponsor at least one public hearing on the request and shall provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements.

(4) In the case of a request by a manufacturer or a private entity other than an air carrier, the private entity or manufacturer shall consult, in person, in writing, or by other appropriate means, with representatives of national and local organizations representing people with those disabilities who would be affected by the request.

(5) A determination of compliance will be made by the Administrator of the concerned operating administration on a case-by-case basis, with the concurrence of the Assistant Secretary for Policy and International Affairs.

(6) Determinations of equivalent facilitation are made only with respect to vehicles or vehicle components used in the provision of transportation services covered by subpart D or subpart E of this part, and pertain only to the specific situation concerning which the determination is made. Entities shall not cite these determinations as indicating that a product or method constitute equivalent facilitations in situations other than those to which the determination is made. Entities shall not claim that a determination of equivalent facilitation indicates approval or endorsement of any product or method by the Federal government, the Department of Transportation, or any of its operating administrations.

§37.11 Administrative Enforcement.

(a) Recipients of Federal financial assistance from the Department of Transportation are subject to administrative enforcement of the requirements of this Part under the provisions of 49 CFR Part 27, Subpart B.

(b) Public entities, whether or not they receive Federal financial assistance, also are subject to enforcement action as provided by the Department of Justice.

(c) Private entities, whether or not they receive Federal financial assistance, are also subject to enforcement action as provided in the regulations of the Department of Justice implementing Title III of the ADA (28 CFR Part 36).

§37.13 Effective date for certain vehicle lift specifications.

The vehicle lift specifications identified in ee38.23(b)(6) 38.83(b)(6), 38.95(b)(6), and 38.125(b) apply to solicitations for vehicles under this Part after January 25, 1992.

§§37.15 Temporary suspension of certain detectable warning requirements.

The requirements contained in sections 4.7.7, 4.29.5, and 3.29.6 of Appendix A to this part are suspended temporarily until July 26, 1996.

§§37.17 - 37.19 [Reserved]

SUBPART B - APPLICABILITY

§37.21 Applicability - General

(a) This Part applies to the following entities, whether or not they receive Federal financial assistance from the Department of Transportation:

(1) Any public entity that provides designated public transportation or intercity or commuter rail transportation;

(2) Any private entity that provides specified public transportation; and

(3) Any private entity that is not primarily engaged in the business of transporting people but operates a demand responsive or fixed route system.

(b) For entities receiving Federal financial assistance from the Department of Transportation, compliance with applicable requirements of this Part is a condition of compliance with section 504 of the Rehabilitation Act of 1973 and of receiving financial assistance.

(c) Entities to which this Part applies also may be subject to ADA regulations of the Department of Justice (28 CFR Parts 35 or 36, as applicable). The provisions of this Part shall be interpreted in a manner that will make them consistent with applicable Department of Justice regulations. In any case of apparent inconsistency, the provisions of this Part shall prevail.

§37.23 Service under contract

(a) When a public entity enters into a contractual or other arrangement or relationship with a private entity to operate fixed route or demand responsive service, the public entity shall ensure that the private entity meets the requirements of this Part that would apply to the public entity if the public entity itself provided the service.

(b) A private entity which purchases or leases new, used, or remanufactured vehicles, or remanufactures vehicles, for use, or in contemplation of use, in fixed route or demand responsive service under contract or other arrangement or relationship with a public entity, shall acquire accessible vehicles in all situations in which the public entity itself would be required to do so by this Part.

(c) A public entity which enters into a contractual or other arrangement or relationship with a private entity to provide fixed route service shall ensure that the percentage of accessible vehicles operated by the public entity in its overall fixed route or demand responsive fleet is not diminished as a result.

(d) A private entity that provides fixed route or demand responsive transportation service under contract or other arrangement with another private entity shall be governed, for purposes of the transportation service involved, by the provisions of this Part applicable to the other entity.

§37.25 University transportation systems

(a) Transportation services operated by private institutions of higher education are subject to the provisions of this Part governing private entities not primarily engaged in the business of transporting people.

(b) Transportation systems operated by public institutions of higher education are subject to the provisions of this Part governing public entities. If a public institution of higher education operates a fixed route system, the requirements of this Part governing commuter bus service apply to that system.

§37.27 Transportation for elementary and secondary education systems

(a) The requirements of this Part do not apply to public school transportation.

(b) The requirements of this Part do not apply to the transportation of school children to and from a private elementary or secondary school, and its school-related activities, if the school is a recipient of Federal financial assistance, subject to the provisions of section 504 of the Rehabilitation Act of 1973, and is providing transportation service to students with disabilities equivalent to that provided to students without disabilities. The test of equivalence is the same as that provided in §37.105. If the school does not meet the criteria of this paragraph for exemption from the requirements of this Part, it is subject to the requirements of this Part for private entities not primarily engaged in transporting people.

§37.29 Private entities providing taxi service

(a) Providers of taxi service are subject to the requirements of this Part for private entities primarily engaged in the business of transporting people which provide demand responsive service.

(b) Providers of taxi service are not required to purchase or lease accessible automobiles. When a provider of taxi service purchases or leases a vehicle other than an automobile, the vehicle is required to be accessible unless the provider demonstrates equivalency as provided in §37.105 of

this Part. A provider of taxi service is not required to purchase vehicles other than automobiles in order to have a number of accessible vehicles in its fleet.

(c) Private entities providing taxi service shall not discriminate against individuals with disabilities by actions including, but not limited to, refusing to provide service to individuals with disabilities who can use taxi vehicles, refusing to assist with the stowing of mobility devices, and charging higher fares or fees for carrying individuals with disabilities and their equipment than are charged to other persons.

§37.31 Vanpools.

Vanpool systems which are operated by public entities, or in which public entities own or purchase or lease the vehicles, are subject to the requirements of this Part for demand responsive service for the general public operated by public entities. A vanpool system in this category is deemed to be providing equivalent service to individuals with disabilities if a vehicle that an individual with disabilities can use is made available to and used by a vanpool in which such an individual chooses to participate.

§37.33 Airport transportation systems

(a) Transportation systems operated by public airport operators, which provide designated public transportation and connect parking lots and terminals or provide transportation among terminals, are subject to the requirements of this Part for fixed route or demand responsive systems, as applicable, operated by public entities. Public airports which operate fixed route transportation systems are subject to the requirements of this Part for commuter bus service operated by public entities. The provision by an airport of additional accommodations (e.g., parking spaces in a close-in lot) is not a substitute for meeting the requirements of this Part.

(b) Fixed-route transportation systems operated by public airport operators between the airport and a limited number of destinations in the area it serves are subject to the provisions of this Part for commuter bus systems operated by public entities.

(c) Private jitney or shuttle services that provide transportation between an airport and destinations in the area it serves in a route-deviation or other variable mode are subject to the requirements of this Part for private entities primarily engaged in the business of transporting people which provide demand responsive service. They may meet equivalency requirements by such means as sharing or pooling accessible vehicles among operators, in a way that ensures the provision of equivalent service.

§37.35 Supplemental service for other transportation modes.

(a) Transportation service provided by bus or other vehicle by an intercity commuter or rail operator, as an extension of or supplement to its rail service, and which connects an intercity rail station and limited other points, is subject to the requirements of this Part for fixed route commuter bus service operated by a public entity.

(b) Dedicated bus service to commuter rail systems, with through ticketing arrangements and which is available only to users of the commuter rail system, is subject to the requirements of this Part for fixed route commuter bus service operated by a public entity.

§37.37 Other applications.

(a) A private entity does not become subject to the requirements of this Part for public entities, because it receives an operating subsidy from, is regulated by, or is granted a franchise or permit to operate by a public entity.

(b) Shuttle systems and other transportation services operated by privately-owned hotels, car rental agencies, historical or theme parks, and other public accommodations are subject to the requirements of this Part for private entities not primarily engaged in the business of transporting people. Either the requirements for demand responsive or fixed route service may apply, depending upon the characteristics of each individual system of transportation.

(c) Conveyances used by members of the public primarily for recreational purposes rather than for transportation (e.g., amusement park rides, ski lifts, or historic rail cars or trolleys operated in museum settings) are not subject to the requirements of this Part. Such conveyances are subject to Department of Justice regulations implementing Title II or Title III of the ADA, as applicable.

(d) Transportation services provided by an employer solely for its own employees are not subject to the requirements of this Part. Such services are subject to the regulations of the Equal Employment Opportunity Commission under Title I of the ADA and, with respect to public entities, the regulations of the Department of Justice under Title II of the ADA.

(e) Transportation systems operated by private clubs or establishments exempted from coverage under Title II of the Civil Rights Act of 1964 (42 U.S.C. 2000-a(e)) or religious organizations or entities controlled by religious organizations are not subject to the requirements of this Part.

(f) If a parent private company is not primarily engaged in the business of transporting people, or is not a place of public accommodation, but a subsidiary company or an operationally distinct segment of the company is primarily engaged in the business of transporting people, the transportation service provided by the subsidiary or segment is subject to the requirements of this Part for private entities primarily engaged in the business of transporting people.

(g) High-speed rail systems operated by public entities are subject to the requirements of this Part governing intercity rail systems.

(h) Private rail systems providing fixed route or specified public transportation service are subject to the requirements of §37.107 with respect to the acquisition of rail passenger cars. Such systems are subject to the requirements of the regulations of the Department of Justice implementing Title III of the ADA (28 CFR Part 36) with respect to stations and other facilities.

§37.39 [Reserved]

SUBPART C - TRANSPORTATION FACILITIES

§37.41 Construction of transportation facilities by public entities.

A public entity shall construct any new facility to be used in providing designated public transportation services so that the facility is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. This requirement also applies to the construction of a new station for use in intercity or commuter rail transportation. For purposes of this section, a facility or station is "new" if its construction begins (i.e., issuance of notice to proceed) after January 25, 1992, or, in the case of intercity or commuter rail stations, after [Insert effective date of this Part]

§37.43 Alteration of transportation facilities by public entity.

(a) (1) When a public entity alters an existing facility or a

part of an existing facility used in providing designated public transportation services in a way that affects or could affect the usability of the facility or part of the facility, the entity shall make the alterations (or ensure that the alterations are made) in such a manner, to the maximum extent feasible, that the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon the completion of such alterations.

(2) When a public entity undertakes an alteration that affects or could affect the usability of or access to an area of a facility containing a primary function, the entity shall make the alteration in such a manner that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of the alterations. Provided, that alterations to the path of travel, drinking fountains, telephones and bathrooms are not required to be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, if the cost and scope of doing so would be disproportionate.

(3) The requirements of this paragraph also apply to the alteration of existing intercity or commuter rail stations by the responsible person for, owner of, or person in control of the station.

(4) The requirements of this section apply to any alteration which begins (i.e., issuance of notice to proceed or work order, as applicable) after January 25, 1992, or, in the case of intercity and commuter rail stations, after [INSERT effective date of this section.]

(b) As used in this section, the phrase "to the maximum extent feasible" applies to the occasional case where the nature of an existing facility makes it impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the entity shall provide the maximum physical accessibility feasible. Any altered features of the facility or portion of the facility that can be made accessible shall be made accessible. If providing accessibility to certain individuals with disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to individuals with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).

(c) As used in this section, a "primary function" is a major activity for which the facility is intended. Areas of transportation facilities that involve primary functions include, but are not necessarily limited to, ticket purchase and collection areas, passenger waiting areas, train or bus platforms, baggage checking and return areas and employment areas (except those involving non-occupiable spaces accessed only by ladders, catwalks, crawl spaces, very narrow passageways, or freight [non-passenger] elevators which are frequented only by repair personnel).

(d) As used in this section, a "path of travel" includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, parking areas, and streets), an entrance to the facility, and other parts of the facility. The term also includes the restrooms, telephones, and drinking fountains serving the altered area. An accessible path of travel may include walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps, clear floor paths through corridors, waiting areas, concourses, and other improved areas, parking access aisles, elevators and lifts, bridges, tunnels, or other passageways between platforms, or a combination of these and other elements.

(e) (1) Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20 percent of the cost of the alteration to the primary function area (without regard to the costs of accessibility modifications).

(2) Costs that may be counted as expenditures required to provide an accessible path of travel include:

(i) Costs associated with providing an accessible entrance and an accessible route to the altered area (e.g., widening doorways and installing ramps);

(ii) Costs associated with making restrooms accessible (e.g., grab bars, enlarged toilet stalls, accessible faucet controls);

(iii) Costs associated with providing accessible telephones (e.g., relocation of phones to an accessible height, installation of amplification devices or TDDs);

(iv) Costs associated with relocating an inaccessible drinking fountain.

(f) (1) When the cost of alterations necessary to make a path

of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, then such areas shall be made accessible to the maximum extent without resulting in disproportionate costs;

(2) In this situation, the public entity should give priority to accessible elements that will provide the greatest access, in the following order:

(i) An accessible entrance;

(ii) An accessible route to the altered area;

(iii) At least one accessible restroom for each sex or a single unisex restroom (where there are one or more restrooms);

(iv) Accessible telephones;

(v) Accessible drinking fountains;

(vi) When possible, other accessible elements (e.g., parking, storage, alarms).

(g) If a public entity performs a series of small alterations to the area served by a single path of travel rather than making the alterations as part of a single undertaking, it shall nonetheless be responsible for providing an accessible path of travel.

(h)(1) If an area containing a primary function has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alteration to the primary function areas on that path of travel during the preceding three year period shall be considered in determining whether the cost of making that path of travel is disproportionate;

(2) For the first three years after January 26, 1992, only alterations undertaken between that date and the date of the alteration at issue shall be considered in determining if the cost of providing accessible features is disproportionate to the overall cost of the alteration.

(3) Only alterations undertaken after January 26, 1992, shall be considered in determining if the cost of providing an accessible path of travel is disproportionate to the overall cost of the alteration.

§37.45 Construction and alteration of transportation facilities by private entities.

In constructing and altering transit facilities, private entities shall comply with the regulations of the Department of Justice implementing Title III of the ADA (28 CFR Part 36).

§37.47 Key stations in light and rapid rail systems.

(a) Each public entity that provides designated public transportation by means of a light or rapid rail system shall make key stations on its system readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. This requirement is separate from and in addition to requirements set forth in §37.43 of this Part.

(b) Each public entity shall determine which stations on its system are key stations. The entity shall identify key stations, using the planning and public participation process set forth in paragraph (d) of this section, and taking into consideration the following criteria:

(1) Stations where passenger boardings exceed average station passenger boardings on the rail system by at least fifteen percent, unless such a station is close to another accessible station;

(2) Transfer stations on a rail line or between rail lines;

(3) Major interchange points with other transportation modes, including stations connecting with major parking facilities, bus terminals, intercity or commuter rail stations, passenger vessel terminals, or airports;

(4) End stations, unless an end station is close to another accessible station; and

(5) Stations serving major activity centers, such as employment or government centers, institutions of higher education, hospitals or other major health care facilities, or other facilities that are major trip generators for individuals with disabilities.

(c) (1) Unless an entity receives an extension under paragraph (c)(2) of this section, the public entity shall achieve accessibility of key stations as soon as practicable, but in no case later than July 26, 1993, except that an entity is not required to complete installation of detectable warnings required by section 10.3.2(2) of appendix A to this part until July 26, 1994.

(2) The UMTA Administrator may grant an extension

of this completion date for key station accessibility for a period up to July 26, 2020, provided that two-thirds of key stations are made accessible by July 26, 2010. Extensions may be granted as provided in paragraph (e) of this section.

(d) The public entity shall develop a plan for compliance for this section. The plan shall be submitted to the appropriate UMTA regional office by July 26, 1992. (See Appendix B to this part for list.)

(1) The public entity shall consult with individuals with disabilities affected by the plan. The public entity also shall hold at least one public hearing on the plan and solicit comments on it. The plan submitted to UMTA shall document this public participation, including summaries of the consultation with individuals with disabilities and the comments received at the hearing and during the comment period. The plan also shall summarize the public entity's responses to the comments and consultation.

(2) The plan shall establish milestones for the achievement of required accessibility of key stations, consistent with the requirements of this section.

(e) A public entity wishing to apply for an extension of the July 26, 1993, deadline for key station accessibility shall include a request for an extension with its plan submitted to UMTA under paragraph (d) of this section. Extensions may be granted only with respect to key stations which need extraordinarily expensive structural changes to, or replacement of, existing facilities (e.g., installations of elevators, raising the entire passenger platform, or alterations of similar magnitude and cost). Requests for extensions shall provide for completion of key station accessibility within the time limits set forth in paragraph (c) of this section. The UMTA Administrator may approve, approve with conditions, modify, or disapprove any request for an extension.

§37.49 Designation of responsible person(s) for intercity and commuter rail stations.

(a) The responsible person(s) designated in accordance with this section shall bear the legal and financial responsibility for making a key station accessible in the same proportion as determined under this section.

(b) In the case of a station more than fifty percent of which is owned by a public entity, the public entity is the responsible party.

(c) In the case of a station more than fifty percent of which is owned by a private entity the persons providing commuter or intercity rail service to the station are the responsible parties, in a proportion equal to the percentage of all passenger boardings at the station attributable to the service of each, over the entire period during which the station is made accessible.

(d) In the case of a station of which no entity owns more than fifty percent, the owners of the station (other than private entity owners) and persons providing intercity or commuter rail service to the station are the responsible persons.

(1) Half the responsibility for the station shall be assumed by the owner(s) of the station. The owners shall share this responsibility in proportion to their ownership interest in the station, over the period during which the station is made accessible.

(2) The person(s) providing commuter or intercity rail service to the station shall assume the other half of the responsibility. These persons shall share this responsibility for the station in a proportion equal to the percentage of all passenger boardings at the station attributable to the service of each, over the period during which the station is made accessible.

(e) Persons who must share responsibility for station accessibility under paragraph (c) and (d) of this section may, by agreement, allocate their responsibility in a manner different from that provided in this section.

§37.51 Key stations for commuter rail systems.

(a) The responsible person(s) shall make key stations on its system readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. This requirement is separate from and in addition to requirements set forth in §37.43 of this Part.

(b) Each commuter authority shall determine which stations on its system are key stations. The commuter authority shall identify key stations, using the planning and public participation process set forth in paragraph (d) of this section, and taking into consideration the following criteria:

(1) Stations where passenger boardings exceed average station passenger boardings on the rail system by at least fifteen percent, unless such a station is close to another accessible station;

(2) Transfer stations on a rail line or between rail lines;

(3) Major interchange points with other transportation modes, including stations connecting with major parking facilities, bus terminals, intercity or commuter rail stations, passenger vessel terminals, or airports;

(4) End stations, unless an end station is close to another accessible station; and

(5) Stations serving major activity centers, such as employment or government centers, institutions of higher education, hospitals or other major health care facilities, or other facilities that are major trip generators for individuals with disabilities.

(c) (1) Except as provided in this paragraph, the responsible person(s) shall achieve accessibility of key stations as soon as practicable, but in no case later than July 26, 1993, except that an entity is not required to complete installation of detectable warnings required by section 10.3.2(2) of appendix A to this part until July 26, 1994.

(2) The UMTA Administrator may grant an extension of this deadline for key station accessibility for a period up to July 26, 2010. Extensions may be granted as provided in paragraph (e) of this section.

(d) The commuter authority and responsible person(s) for stations involved shall develop a plan for compliance for this section. This plan shall be completed and submitted to UMTA by July 26, 1992.

(1) The commuter authority and responsible person(s) shall consult with individuals with disabilities affected by the plan. The commuter authority and responsible person(s) also shall hold at least one public hearing on the plan and solicit comments on it. The plan shall document this public participation, including summaries of the consultation with individuals with disabilities and the comments received at the hearing and during the comment period. The plan also shall summarize the responsible person(s)

responses to the comments and consultation.

(2) The plan shall establish milestones for the achievement of required accessibility of key stations, consistent with the requirements of this section.

(3) The commuter authority and responsible person(s) of each key station identified in the plan shall, by mutual agreement, designate a project manager for the purpose of undertaking the work of making the key station accessible.

(e) Any commuter authority and/or responsible person(s) wishing to apply for an extension of the July 26, 1993, deadline for key station accessibility shall include a request for extension with its plan submitted to under paragraph (d) of this section. Extensions may be granted only in a case where raising the entire passenger platform is the only means available of attaining accessibility or where other extraordinarily expensive structural changes (e.g., installations of elevators, or alterations of magnitude and cost similar to installing an elevator or raising the entire passenger platform) are necessary to attain accessibility.

Requests for extensions shall provide for completion of key station accessibility within the time limits set forth in paragraph (c) of this section. The UMTA Administrator may approve, approve with conditions, modify, or disapprove any request for an extension.

§37.53 Exception for New York and Philadelphia.

(a) The following agreements entered into in New York, New York, and Philadelphia, Pennsylvania, contain lists of key stations for the public entities that are a party to those agreements for those service lines identified in the agreements. The identification of key stations under these agreements is deemed to be in compliance with the requirements of this Subpart.

(1) Settlement Agreement by and among Eastern Paralyzed Veterans Association, Inc., James J. Peters, Terrance Moakley, and Denise Figueroa, individually and as representatives of the class of all persons similarly situated (collectively, "the EPVA class representatives"); and Metropolitan Transportation Authority, New York City Transit Authority, and Manhattan and Bronx Surface Transit Operating Authority (October 4, 1984).

(2) Settlement Agreement by and between Eastern Paralyzed Veterans Association of Pennsylvania, Inc., and James J. Peters, individually; and Dudley R. Sykes, as Commissioner of the Philadelphia Department of Public Property, and his successors in office and the City of Philadelphia (collectively "the City") and Southeastern Pennsylvania Transportation Authority (June 28, 1989).

(b) To comply with §§37.47 (b) and (d) or 37.51 (b) and (d) of this part, the entities named in the agreements are required to use their public participation and planning processes only to develop and submit to the UMTA Administrator plans for timely completion of key station accessibility, as provided in this Subpart.

(c) In making accessible the key stations identified under the agreements cited in this section, the entities named in the agreements are subject to the requirements of §37.9 of this Part.

§37.55 Intercity rail station accessibility.

All intercity rail stations shall be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable, but in no event later than July 26, 2010. This requirement is separate from and in addition to requirements set forth in §37.43 of this Part.

§37.57 Required cooperation.

An owner or person in control of an intercity or commuter rail station shall provide reasonable cooperation to the responsible person(s) for that station with respect to the efforts of the responsible person to comply with the requirements of this subpart.

§37.59 Differences in accessibility completion date requirements.

Where different completion dates for accessible stations are established under this Part for a station or portions of a station (e.g., extensions of different periods of time for a station which serves both rapid and commuter rail systems), accessibility to the following elements of the station shall be achieved by the earlier of the completion dates involved:

(a) Common elements of the station;

(b) Portions of the facility directly serving the rail system with the earlier completion date; and

(c) An accessible path from common elements of the station to portions of the facility directly serving the rail system with the earlier completion date.

§37.61 Public transportation programs and activities in existing facilities.

(a) A public entity shall operate a designated public transportation program or activity conducted in an existing facility so that, when viewed in its entirety, the program or activity is readily accessible to and usable by individuals with disabilities.

(b) This section does not require a public entity to make structural changes to existing facilities in order to make the facilities accessible by individuals who use wheelchairs, unless and to the extent required by §37.43 (with respect to alterations) or §§37.47 or 37.51 of this part (with respect to key stations). Entities shall comply with other applicable accessibility requirements for such facilities.

(c) Public entities, with respect to facilities that, as provided in paragraph (b) of this section, are not required to be made accessible to individuals who use wheelchairs, are not required to provide to such individuals services made available to the general public at such facilities when the individuals could not utilize or benefit from the services.

§§37.63 - 37.69 [Reserved]

SUBPART D - ACQUISITION OF ACCESSIBLE VEHICLES BY PUBLIC ENTITIES.

§37.71 Purchase or lease of new non-rail vehicles by public entities operating fixed route systems.

(a) Except as provided elsewhere in this section, each public entity operating a fixed route system making a solicitation after August 25, 1990, to purchase or lease a new bus or other new vehicle for use on the system, shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) A public entity may purchase or lease a new bus that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, if it applies for, and the UMTA Administrator grants, a waiver as provided for in this section.

(c) Before submitting a request for such a waiver, the public entity shall hold at least one public hearing concerning the proposed request.

(d) The UMTA Administrator may grant a request for such a waiver if the public entity demonstrates to the UMTA Administrator's satisfaction that --

(1) The initial solicitation for new buses made by the public entity specified that all new buses were to be lift-equipped and were to be otherwise accessible to and usable by individuals with disabilities;

(2) Hydraulic, electromechanical, or other lifts for such new buses could not be provided by any qualified lift manufacturer to the manufacturer of such new buses in sufficient time to comply with the solicitation; and

(3) Any further delay in purchasing new buses equipped with such necessary lifts would significantly impair transportation services in the community served by the public entity.

(e) The public entity shall include with its waiver request a copy of the initial solicitation and written documentation from the bus manufacturer of its good faith efforts to obtain lifts in time to comply with the solicitation, and a full justification for the assertion that the delay in bus procurement needed to obtain a lift-equipped bus would significantly impair transportation services in the community. This documentation shall include a specific date at which the lifts could be supplied, copies of advertisements in trade publications and inquiries to trade associations seeking lifts, and documentation of the public hearing.

(f) Any waiver granted by the UMTA Administrator under this section shall be subject to the following conditions:

(1) The waiver shall apply only to the particular bus delivery to which the waiver request pertains;

(2) The waiver shall include a termination date, which will be based on information concerning when lifts will become available for installation on the new buses the public entity is purchasing. Buses delivered after this date, even though procured under a solicitation to which a waiver applied, shall be equipped with lifts;

(3) Any bus obtained subject to the waiver shall be capable of accepting a lift, and the public entity shall install a lift as soon as one becomes available;

(4) Such other terms and conditions as the UMTA Administrator may impose.

(g) (1) When the UMTA Administrator grants a waiver under this section, he/she shall promptly notify the appropriate committees of Congress.

(2) If the UMTA Administrator has reasonable cause to believe that a public entity fraudulently applied for a waiver under this section, the UMTA Administrator shall:

(i) Cancel the waiver if it is still in effect; and

(ii) Take other appropriate action.

§37.73 Purchase or lease of used non-rail vehicles by public entities operating a fixed route system.

(a) Except as provided elsewhere in this section, each public entity operating a fixed route system purchasing or leasing, after August 25, 1990, a used bus or other used vehicle for use on the

system, shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) A public entity may purchase or lease a used vehicle for use on its fixed route system that is not readily accessible to and usable by individuals with disabilities if, after making demonstrated good faith efforts to obtain an accessible vehicle, it is unable to do so.

(c) Good faith efforts shall include at least the following steps:

(1) An initial solicitation for used vehicles specifying that all used vehicles are to be lift-equipped and otherwise accessible to and usable by individuals with disabilities, or, if an initial solicitation is not used, a documented communication so stating;

(2) A nationwide search for accessible vehicles, involving specific inquiries to used vehicle dealers and other transit providers; and

(3) Advertising in trade publications and contacting trade associations.

(d) Each public entity purchasing or leasing used vehicles that are not readily accessible to and usable by individuals with disabilities shall retain documentation of the specific good faith efforts it made for three years from the date the vehicles were purchased. These records shall be made available, on request, to the UMTA Administrator and the public.

§37.75 Remanufacture of non-rail vehicles and purchase or lease of remanufactured non-rail vehicles by public entities operating fixed route systems.

(a) This section applies to any public entity operating a fixed route system which takes one of the following actions:

(1) After August 25, 1990, remanufactures a bus or other vehicle so as to extend its useful life for five years or more or makes a solicitation for such remanufacturing; or

(2) Purchases or leases a bus or other vehicle which has been remanufactured so as to extend its useful life for five years or more, where the purchase or lease occurs after August 25, 1990, and during the period in which the useful life of the vehicle is extended.

(b) Vehicles acquired through the actions listed in paragraph (a) of this section shall, to the maximum extent feasible, be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) For purposes of this section, it shall be considered feasible to remanufacture a bus or other motor vehicle so as to be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless an engineering analysis demonstrates that including accessibility features required by this part would have a significant adverse effect on the structural integrity of the vehicle.

(d) If a public entity operates a fixed route system, any segment of which is included on the National Register of Historic Places, and if making a vehicle of historic character used solely on

such segment readily accessible to and usable by individuals with disabilities would significantly alter the historic character of such vehicle, the public entity has only to make (or purchase or lease a remanufactured vehicle with) those modifications to make the vehicle accessible which do not alter the historic character of such vehicle, in consultation with the National Register of Historic Places.

(e) A public entity operating a fixed route system as described in paragraph (d) of this section may apply in writing to the UMTA Administrator for a determination of the historic character of the vehicle. The UMTA Administrator shall refer such requests to the National Register of Historic Places, and shall rely on its advice in making determinations of the historic character of the vehicle.

§37.77 Purchase or lease of new non-rail vehicles by public entities operating a demand responsive system for the general public.

(a) Except as provided in this section, a public entity operating a demand responsive system for the general public making a solicitation after August 25, 1990, to purchase or lease a new bus or other new vehicle for use on the system, shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) If the system, when viewed in its entirety, provides a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service it provides to individuals without disabilities, it may purchase new vehicles that are not readily accessible to and usable by individuals with disabilities.

(c) For purposes of this section, a demand responsive system, when viewed in its entirety, shall be deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (1) Response time;
- (2) Fares;
- (3) Geographic area of service;
- (4) Hours and days of service;
- (5) Restrictions or priorities based on trip purpose;
- (6) Availability of information and reservations capability; and
- (7) Any constraints on capacity or service availability.

(d) A public entity receiving UMTA funds under section 18 or a public entity in a small urbanized area which receives UMTA funds under Section 9 from a state administering agency

rather than directly from UMTA, which determines that its service to individuals with disabilities is equivalent to that provided other persons shall, before any procurement of an inaccessible vehicle, file with the appropriate state program office a certificate that it provides equivalent service meeting the standards of paragraph (c) of this section. Public entities operating demand responsive service receiving funds under any other section of the UMT Act shall file the certificate with the appropriate UMTA regional office. A public entity which does not receive UMTA funds shall make such a certificate and retain it in its files, subject to inspection on request of UMTA. All certificates under this paragraph may be made and filed in connection with a particular procurement or in advance of a procurement; however, no certificate shall be valid for more than one year. A copy of the required certificate is found in Appendix C to this Part.

(e) The waiver mechanism set forth in §37.71(b)-(g) (unavailability of lifts) of this Subpart shall also be available to public entities operating a demand responsive system for the general public.

§37.79 Purchase or lease of new rail vehicles by public entities operating rapid or light rail systems.

Each public entity operating a rapid or light rail system making a solicitation after August 25, 1990, to purchase or lease a new rapid or light rail vehicle for use on the system shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

§37.81 Purchase or lease of used rail vehicles by public entities operating rapid or light rail systems.

(a) Except as provided elsewhere in this section, each public entity operating a rapid or light rail system which, after August 25, 1990, purchases or leases a used rapid or light rail vehicle for use on the system shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) A public entity may purchase or lease a used rapid or light rail vehicle for use on its rapid or light rail system that is not readily accessible to and usable by individuals if, after making demonstrated good faith efforts to obtain an accessible vehicle, it is unable to do so.

(c) Good faith efforts shall include at least the following steps:

(1) The initial solicitation for used vehicles made by the public entity specifying that all used vehicles were to be accessible to and usable by individuals with disabilities, or, if a solicitation is not used, a documented communication so stating;

(2) A nationwide search for accessible vehicles, involving specific inquiries to manufacturers and other transit providers; and

(3) Advertising in trade publications and contacting trade associations.

(d) Each public entity purchasing or leasing used rapid or light rail vehicles that are not readily accessible to and usable by individuals with disabilities shall retain documentation of the specific

good faith efforts it made for three years from the date the vehicles were purchased. These records shall be made available, on request, to the UMTA Administrator and the public.

§37.83 Remanufacture of rail vehicles and purchase or lease of remanufactured rail vehicles by public entities operating rapid or light rail systems.

(a) This section applies to any public entity operating a rapid or light rail system which takes one of the following actions:

(1) After August 25, 1990, remanufactures a light or rapid rail vehicle so as to extend its useful life for five years or more or makes a solicitation for such remanufacturing;

(2) Purchases or leases a light or rapid rail vehicle which has been remanufactured so as to extend its useful life for five years or more, where the purchase or lease occurs after August 25, 1990, and during the period in which the useful life of the vehicle is extended.

(b) Vehicles acquired through the actions listed in paragraph (a) of this section shall, to the maximum extent feasible, be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) For purposes of this section, it shall be considered feasible to remanufacture a rapid or light rail vehicle so as to be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless an engineering analysis demonstrates that doing so would have a significant adverse effect on the structural integrity of the vehicle.

(d) If a public entity operates a rapid or light rail system any segment of which is included on the National Register of Historic Places and if making a rapid or light rail vehicle of historic character used solely on such segment readily accessible to and usable by individuals with disabilities would significantly alter the historic character of such vehicle, the public entity need only make (or purchase or lease a remanufactured vehicle with) those modifications that do not alter the historic character of such vehicle.

(e) A public entity operating a fixed route system as described in paragraph (d) of this section may apply in writing to the UMTA Administrator for a determination of the historic character of the vehicle. The UMTA Administrator shall refer such requests to the National Register of Historic Places and shall rely on its advice in making a determination of the historic character of the vehicle.

§37.85 Purchase or lease of new intercity and commuter rail cars.

Amtrak or a commuter authority making a solicitation after August 25, 1990, to purchase or lease a new intercity or commuter rail car for use on the system shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

§37.87 Purchase or lease of used intercity and commuter rail cars.

(a) Except as provided elsewhere in this section, Amtrak or a commuter authority purchasing or leasing a used intercity or commuter rail car after August 25, 1990, shall ensure that the car is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) Amtrak or a commuter authority may purchase or lease a used intercity or commuter rail car that is not readily accessible to and usable by individuals if, after making demonstrated good faith efforts to obtain an accessible vehicle, it is unable to do so.

(c) Good faith efforts shall include at least the following steps:

(1) An initial solicitation for used vehicles specifying that all used vehicles accessible to and usable by individuals with disabilities;

(2) A nationwide search for accessible vehicles, involving specific inquiries to used vehicle dealers and other transit providers; and

(3) Advertising in trade publications and contacting trade associations.

(d) When Amtrak or a commuter authority leases a used intercity or commuter rail car for a period of seven days or less, Amtrak or the commuter authority may make and document good faith efforts as provided in this paragraph instead of in ways provided in paragraph (c) of this section:

(1) By having and implementing, in its agreement with any intercity railroad or commuter authority that serves as a source of used intercity or commuter rail cars for a lease of seven days or less, a provision requiring that the lessor provide all available accessible rail cars before providing any inaccessible rail cars.

(2) By documenting that, when there is more than one source of intercity or commuter rail cars for a lease of seven days or less, the lessee has obtained all available accessible intercity or commuter rail cars from all sources before obtaining inaccessible intercity or commuter rail cars from any source.

(e) Amtrak and commuter authorities purchasing or leasing used intercity or commuter rail cars that are not readily accessible to and usable by individuals with disabilities shall retain documentation of the

specific good faith efforts that were made for three years from the date the cars were purchased. These records shall be made available, on request, to the Federal Railroad Administration or UMTA Administrator, as applicable. These records shall be made available to the public, on request.

§37.89 Remanufacture of intercity and commuter rail cars and purchase or lease of remanufactured intercity and commuter rail cars.

(a) This section applies to Amtrak or a commuter authority which takes one of the following actions:

(1) Remanufactures an intercity or commuter rail car so as to extend its useful life for ten years or more;

(2) Purchases or leases an intercity or commuter rail car which has been remanufactured so as to extend its useful life for ten years or more.

(b) Intercity and commuter rail cars listed in paragraph (a) of this section shall, to the maximum extent feasible, be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) For purposes of this section, it shall be considered feasible to remanufacture an intercity or commuter rail car so as to be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless an engineering analysis demonstrates that remanufacturing the car to be accessible would have a significant adverse effect on the structural integrity of the car.

§37.91 Wheelchair locations and food service on intercity rail trains.

(a) As soon as practicable, but in no event later than July 26, 1995, each person providing intercity rail service shall provide on each train a number of spaces --

(1) To park wheelchairs (to accommodate individuals who wish to remain in their wheelchairs) equal to not less than one half of the number of single level rail passenger coaches in the train; and

(2) To fold and store wheelchairs (to accommodate individuals who wish to transfer to coach seats) equal to not less than one half the number of single level rail passenger coaches in the train.

(b) As soon as practicable, but in no event later than July 26, 2000, each person providing intercity rail service shall provide on each train a number of spaces -

(1) To park wheelchairs (to accommodate individuals who wish to remain in their wheelchairs) equal to not less than the total number of single level rail passenger coaches in the train; and

(2) To fold and store wheelchairs (to accommodate individuals who wish to transfer to coach seats) equal to not less than the total number of single level rail passenger coaches in the train.

(c) In complying with paragraphs (a) and (b) of this section, a person providing intercity rail service may not provide more than two spaces to park wheelchairs nor more than two spaces to fold and store wheelchairs in any one coach or food service car.

(d) Unless not practicable, a person providing intercity rail transportation shall place an accessible car adjacent to the end of a single level dining car through which an individual who uses a wheelchair may enter.

(e) On any train in which either a single level or bi-level dining car is used to provide food service, a person providing intercity rail service shall provide appropriate aids and services to

ensure that equivalent food service is available to individuals with disabilities, including individuals who use wheelchairs, and to passengers traveling with such individuals. Appropriate auxiliary aids and services include providing a hard surface on which to eat.

(f) This section does not require the provision of securement devices on intercity rail cars.

§37.93 One car per train rule.

(a) The definition of accessible for purposes of meeting the one car per train rule is spelled out in the applicable subpart for each transportation system type in part 38 of this title.

(b) Each person providing intercity rail service and each commuter rail authority shall ensure that, as soon as practicable, but in no event later than July 26, 1995, that each train has one car that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) Each public entity providing light or rapid rail service shall ensure that each train, consisting of two or more vehicles, includes at least one car that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in no case later than July 25, 1995.

§37.95 Ferries and other passenger vessels operated by public entities. [Reserved]

§§37.97 - 37.99 [Reserved]

SUBPART E - ACQUISITION OF ACCESSIBLE VEHICLES BY PRIVATE ENTITIES.

§37.101 Purchase or lease of vehicles by private entities not primarily engaged in the business of transporting people.

(a) Application. This section applies to all purchases or leases of vehicles by private entities which are not primarily engaged in the business of transporting people, in which a solicitation for the vehicle is made after August 25, 1990.

(b) Fixed Route System, Vehicle Capacity Over 16. If the entity operates a fixed route system and purchases or leases a vehicle with a seating capacity of over 16 passengers (including the driver) for use on the system, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) Fixed Route System, Vehicle Capacity of 16 or Fewer. If the entity operates a fixed route system and purchases or leases a vehicle with a seating capacity of 16 or fewer passengers (including the driver) for use on the system, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the system, when viewed in its entirety, meets the standard for equivalent service of §37.105 of this Part.

(d) Demand Responsive System, Vehicle Capacity Over 16. If the entity operates a demand responsive system, and purchases or leases a vehicle with a seating capacity of over 16

passengers (including the driver) for use on the system, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the system, when viewed in its entirety, meets the standard for equivalent service of §37.105 of this Part.

§37.103 Purchase or lease of new non-rail vehicles by private entities primarily engaged in the business of transporting people.

(a) Application. This section applies to all acquisitions of new vehicles by private entities which are primarily engaged in the business of transporting people and whose operations affect commerce, in which a solicitation for the vehicle is made (except as provided in paragraph (d) of this section) after August 25, 1990.

(b) Fixed Route Systems. If the entity operates a fixed route system, and purchases or leases a new vehicle other than an automobile, a van with a seating capacity of less than eight persons (including the driver), or an over-the-road bus, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) Demand Responsive Systems. If the entity operates a demand responsive system, and purchases or leases a new vehicle other than an automobile, a van with a seating capacity of less than eight persons (including the driver), or an over-the-road bus, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the system, when viewed in its entirety, meets the standard for equivalent service of §37.105 of this Part.

(d) Vans with a Capacity of Fewer than 8 Persons: If the entity operates either a fixed route or demand responsive system, and purchases or leases a new van with a seating capacity of fewer than eight persons including the driver (the solicitation for the vehicle being made after February 25, 1992), the entity shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the system, when viewed in its entirety, meets the standard for equivalent service of §37.105 of this Part.

§37.105 Equivalent service standard.

For purposes of §§37.101 and 37.103 of this Part, a fixed route system or demand responsive system, when viewed in its entirety, shall be deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

(a) (1) Schedules/headways (if the system is fixed route);

(2) Response time (if the system is demand responsive);

(b) Fares;

(c) Geographic area of service;

- (d) Hours and days of service;
- (e) Availability of information;
- (f) Reservations capability (if the system is demand responsive)
- (g) Any constraints on capacity or service availability;
- (h) Restrictions priorities based on trip purpose (if the system is demand responsive).

§37.107 Acquisition of passenger rail cars by private entities primarily engaged in the business of transporting people.

(a) A private entity which is primarily engaged in the business of transporting people and whose operations affect commerce, which makes a solicitation after February 25, 1992, to purchase or lease a new rail passenger car to be used in providing specified public transportation, shall ensure that the car is readily accessible to, and usable by, individuals with disabilities, including individuals who use wheelchairs. The accessibility standards in Part 38 which apply depend upon the type of service in which the car will be used.

(b) Except as provided in paragraph (c) of this section, a private entity which is primarily engaged in transporting people and whose operations affect commerce, which remanufactures a rail passenger car to be used in providing specified public transportation to extend its useful life for ten years or more, or purchases or leases such a remanufactured rail car, shall ensure that the rail car, to the maximum extent feasible, is made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. For purposes of this paragraph, it shall be considered feasible to remanufacture a rail passenger car to be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless an engineering analysis demonstrates that doing so would have a significant adverse effect on the structural integrity of the car.

(c) Compliance with paragraph (b) of this section is not required to the extent that it would significantly alter the historic or antiquated character of a historic or antiquated rail passenger car, or a rail station served exclusively by such cars, or would result in the violation of any rule, regulation, standard or order issued by the Secretary under the Federal Railroad Safety Act of 1970. For purposes of this section, a historic or antiquated rail passenger car means a rail passenger car --

- (1) which is not less than 30 years old at the time of its use for transporting individuals;
- (2) the manufacturer of which is no longer in the business of manufacturing rail passenger cars; and
- (3) which --
- (i) has a consequential association with events or

persons significant to the past; or

(ii) embodies, or is being restored to embody,

the distinctive characteristics of a type of rail passenger car used in the past, or to represent a time period which has passed.

§37.109 Ferries and other Passenger vessels operated by private entities. [Reserved]

§37.111 - 37.119 [Reserved]

SUBPART F PARATRANSIT AS A COMPLEMENT TO FIXED

ROUTE SERVICE

§37.121 Requirement for comparable complementary paratransit service.

(a) Except as provided in paragraph (c) of this section, each public entity operating a fixed route system shall provide paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system.

(b) To be deemed comparable to fixed route service, a complementary paratransit system shall meet the requirements of §§37.123 - 37.133 of this Subpart. The requirement to comply with §37.131 may be modified in accordance with the provisions of this Subpart relating to undue financial burden.

(c) Requirements for complementary paratransit do not apply to commuter bus, commuter rail, or intercity rail systems.

§37.123 ADA paratransit eligibility - standards.

(a) Public entities required by §37.121 of this subpart to provide complementary paratransit service shall provide the service to the ADA paratransit eligible individuals described in paragraph (e) of this section.

(b) If an individual meets the eligibility criteria of this section with respect to some trips but not others, the individual shall be ADA paratransit eligible only for those trips for which he or she meets the criteria.

(c) Individuals may be ADA paratransit eligible on the basis of a permanent or temporary disability.

(d) Public entities may provide complementary paratransit service to persons other than ADA paratransit eligible individuals. However, only the cost of service to ADA paratransit eligible individuals may be considered in a public entity's request for an undue financial burden waiver under §§37.151 - 37.155 of this part.

(e) The following individuals are ADA paratransit eligible:

(1) Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities.

(2) Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route.

(i) An individual is eligible under this paragraph with respect to travel on an otherwise accessible route on which the boarding or disembarking location which the individual would use is one at which boarding or disembarking from the vehicle is precluded as provided in §37.167(g) of this Part.

(ii) An individual using a common wheelchair is eligible under this paragraph if the individual's wheelchair cannot be accommodated on an existing vehicle (e.g., because the vehicle's lift does not meet the standards of Part 38 of this title), even if that vehicle is accessible to other individuals with disabilities and their mobility wheelchairs.

(iii) With respect to rail systems, an individual is eligible under this paragraph if the individual could use an accessible rail system, but

(A) there is not yet one accessible car per train on the system; or

(B) key stations have not yet been made accessible.

(3) Any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system.

(i) Only a specific impairment-related condition which prevents the individual from traveling to a boarding location or from a disembarking location is a basis for eligibility under this paragraph. A condition which makes traveling to boarding location or from a disembarking location more difficult for a person with a specific impairment-related condition than for an individual who does not have the condition, but does not prevent the travel, is not a basis for eligibility under this paragraph.

(ii) Architectural barriers not under the control of the public entity providing fixed route service and environmental barriers (e.g., distance, terrain,

weather) do not, standing alone, form a basis for eligibility under this paragraph. The interaction of such barriers with an individual's specific impairment-related condition may form a basis for

eligibility under this paragraph, if the effect is to prevent the individual from traveling to a boarding location or from a disembarking location.

(f) Individuals accompanying an ADA paratransit eligible individual shall be provided service as follows:

(1) One other individual accompanying the ADA paratransit eligible individual shall be provided service.

(i) If the ADA paratransit eligible

individual is traveling with a personal care attendant, the entity shall provide service to one other individual in addition to the attendant who is accompanying the eligible individual.

(ii) A family member or friend is regarded as a person accompanying the eligible individual, and not as a personal care attendant, unless the family member or friend registered is acting in the capacity of a personal care attendant;

(2) Additional individuals accompanying the ADA paratransit eligible individual shall be provided service, provided that space is available for them on the paratransit vehicle carrying the ADA paratransit eligible individual and that transportation of the additional individuals will not result in a denial of service to ADA paratransit eligible individuals.

(3) In order to be considered as "accompanying" the eligible individual for purposes of this paragraph, the other individual(s) shall have the same origin and destination as the eligible individual.

§37.125 ADA paratransit eligibility - process.

Each public entity required to provide complementary paratransit service by §37.121 of this Part shall establish a process for determining ADA paratransit eligibility.

(a) The process shall strictly limit ADA paratransit eligibility to individuals specified in §37.123 of this Part.

(b) All information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility shall be made available in accessible formats, upon request.

(c) If, by a date 21 days following the submission of a complete application, the entity has not made a determination of eligibility, the applicant shall be treated as eligible and provided service until and unless the entity denies the application.

(d) The entity's determination concerning eligibility shall be in writing. If the determination is that the individual is ineligible, the determination shall state the reasons for the finding.

(e) The public entity shall provide documentation to each eligible individual stating that he or she is "ADA Paratransit Eligible." The documentation shall include the name of the eligible individual, the name of the transit provider, the telephone number of the entity's paratransit

coordinator, an expiration date for eligibility, and any conditions or limitations on the individual's eligibility including the use of a personal care attendant.

(f) The entity may require recertification of the eligibility of ADA paratransit eligible individuals at reasonable intervals.

(g) The entity shall establish an administrative appeal process through which individuals who are denied eligibility can obtain review of the denial.

(1) The entity may require that an appeal be filed within 60 days of the denial of an individual's application.

(2) The process shall include an opportunity to be heard and to present information and arguments, separation of functions (i.e., a decision by a person not involved with the initial decision to deny eligibility), and written notification of the decision, and the reasons for it;

(3) The entity is not required to provide paratransit service to the individual pending the determination on appeal. However, if the entity has not made a decision within 30 days of the completion of the appeal process, the entity shall provide paratransit service from that time until and unless a decision to deny the appeal is issued.

(h) The entity may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA eligible individuals who establish a pattern or practice of missing scheduled trips.

(1) Trips missed by the individual for reasons beyond his or her control (including, but not limited to, trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice exists.

(2) Before suspending service, the entity shall take the following steps:

(i) Notify the individual in writing that the entity proposes to suspend service, citing with specificity the basis of the proposed suspension and setting forth the proposed sanction.

(ii) Provide the individual an opportunity to be heard and to present information and arguments;

(iii) Provide the individual with written notification of the decision and the reasons for it.

(3) The appeals process of paragraph (g) of this section is available to an individual on whom sanctions have been imposed under this paragraph. The sanction is stayed pending the outcome of the appeal.

(i) In applications for ADA paratransit eligibility, the entity may require the applicant to indicate whether or not he or she travels with a personal care attendant.

§37.127 Complementary paratransit service for visitors.

(a) Each public entity required to provide complementary paratransit service under §37.121 of this part shall make the service available to visitors as provided in this section.

(b) For purposes of this section, a visitor is an individual with disabilities who does not reside in the jurisdiction(s) served by the public entity or other entities with which the public entity provides coordinated complementary paratransit service within a region.

(c) Each public entity shall treat as eligible for its complementary paratransit service all visitors who present documentation that they are ADA paratransit eligible, under the criteria of §37.125 of this Part, in the jurisdiction in which they reside.

(d) With respect to visitors with disabilities who do not present such documentation, the public entity may require the documentation of the individual's place of residence and, if the individual's disability is not apparent, of his or her disability. The entity shall provide paratransit service to individuals with disabilities who qualify as visitors under paragraph (b) of this section. The entity shall accept a certification by such individuals that they are unable to use fixed route transit.

(e) A public entity is not required to provide service to a visitor for more than 21 days from the date of the first paratransit trip used by the visitor. The entity may require that such an individual, in order to receive service beyond this period, apply for eligibility under the process provided for in §37.125 of this part.

§37.129 Types of service

(a) Except as provided in this section, complementary paratransit service for ADA paratransit eligible persons shall be origin-to-destination service.

(b) Complementary paratransit service for ADA paratransit eligible persons described in §37.123(e)(2) of this part may also be provided by on-call bus service or paratransit feeder service to an accessible fixed route, where such service enables the individual to use the fixed route bus system for his or her trip.

(c) Complementary paratransit service for ADA eligible persons described in §37.123 (e)(3) of this part also may be provided by paratransit feeder service to and/or from an accessible fixed route.

§37.131 Service criteria for complementary paratransit.

The following service criteria apply to complementary paratransit required by §37.121 of this part.

(a) Service Area.

(1) Bus.

(i) The entity shall provide complementary paratransit service to origins and destinations within corridors with a width of three-fourths of a mile on each side of each fixed route. The corridor shall include an area with a three-fourths of a mile radius at the ends of each fixed route.

(ii) Within the core service area, the entity also shall provide service to small areas not inside any of the corridors but which are surrounded by corridors.

(iii) Outside the core service area, the entity may designate corridors with widths from three fourths of a mile up to one and one half miles on each side of a fixed route, based on local circumstances.

(iv) For purposes of this paragraph, the core service area is that area in which corridors with a width of three-fourths of a mile on each side of each fixed route merge together such that, with few and small exceptions, all origins and destinations within the area would be served.

(2) Rail

(i) For rail systems, the service area shall consist of a circle with a radius of 3/4 of a mile around each station.

(ii) At end stations and other stations in outlying areas, the entity may designate circles with radii of up to 1 1/2 miles as part of its service area, based on local circumstances.

(3) Jurisdictional Boundaries. Notwithstanding any other provision of this paragraph, an entity is not required to provide paratransit service in an area outside the boundaries of the jurisdiction(s) in which it operates, if the entity does not have legal authority to operate in that area. The entity shall take all practicable steps to provide paratransit service to any part of its service area.

(c) Response Time. The entity shall schedule and provide paratransit service to any ADA paratransit eligible person at any requested time on a particular day in response to a request for service made the previous day. Reservations may be taken by reservation agents or by mechanical means.

(1) The entity shall make reservation service available during at least all normal business hours of the entity's administrative offices, as well as during times, comparable to normal business hours, on a day when the entity's offices are not open before a service day.

(2) The entity may negotiate pickup times with the individual, but the entity shall not require an ADA paratransit eligible individual to schedule a trip to begin more than one hour before or after the individual's desired departure time.

(3) The entity may use real-time scheduling in providing complementary paratransit service.

(4) The entity shall permit advance reservations to be made up to 14 days in advance of an ADA paratransit eligible individual's desired trip.

(d) Fares. The fare for a trip charged to an ADA paratransit eligible user of the complementary paratransit service shall not exceed twice the fare that would be charged to an individual paying full fare (i.e., without regard to discounts) for a trip of similar length, at a similar time of day, on the entity's fixed route system.

(1) In calculating the full fare that would be paid by an individual using the fixed route system, the entity may include transfer and premium charges applicable to a trip of similar length, at a similar time of day, on the fixed route system.

(2) The fares for individuals accompanying ADA paratransit eligible individuals, who are provided service under §37.123 (f) of this part, shall be the same as for the ADA paratransit eligible individuals they are accompanying.

(3) A personal care attendant shall not be charged for complementary paratransit service.

(4) The entity may charge a fare higher than otherwise permitted by this paragraph to a social service agency or other organization for agency trips (i.e., trips guaranteed to the organization).

(f) Trip Purpose Restrictions. The entity shall not impose restrictions or priorities based on trip purpose.

(g) Hours and Days of Service. The complementary paratransit service shall be available throughout the same hours and days as the entity's fixed route service.

(h) Capacity Constraints. The entity shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:

(1) Restrictions on the number of trips an individual will be provided;

(2) Waiting lists for access to the service; or

(3) Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.

(i) Such patterns or practices include, but are not

limited to, the following:

(A) Substantial numbers of significantly untimely pickups for initial or return trips;

(B) Substantial numbers of trip denials or missed trips;

(C) Substantial numbers of trips with excessive trip lengths.

(ii) Operational problems attributable to causes beyond the control of the entity (including, but not limited to, weather or traffic conditions affecting all vehicular traffic that were not anticipated at the time a trip was scheduled) shall not be a basis for determining that such a pattern or practice exists.

(i) Additional Service. Public entities may provide complementary paratransit service to ADA paratransit eligible individuals exceeding that provided for in this section. However, only the cost of service provided for in this section may be considered in a public entity's request for an undue financial burden waiver under §§37.151 - 37.155 of this Part.

§37.133 Subscription Service.

(a) This part does not prohibit the use of subscription service by public entities as part of a complementary paratransit system, subject to the limitations in this section.

(b) Subscription service may not absorb more than fifty percent of the number of trips available at a given time of day, unless there is excess non-subscription capacity.

(c) Notwithstanding any other provision of this Part, the entity may establish waiting lists or other capacity constraints and trip purpose restrictions or priorities for participation in the subscription service only.

§37.135 Submission of paratransit plan.

(a) General. Each public entity operating fixed route transportation service, which is required by §37.121 to provide complementary paratransit service, shall develop a paratransit plan.

(b) Initial Submission. Except as provided in §37.141 of this part, each entity shall submit its initial plan for compliance with the complementary paratransit service provision by January 26, 1992, to the appropriate location identified in paragraph (f) of this section.

(c) Annual Updates. Each entity shall submit an annual update to the plan on January 26 of each succeeding year.

(d) Phase-in of Implementation. Each plan shall provide for full compliance by no later than January 26, 1997, unless the entity has received a waiver based on undue financial burden. If the date for full compliance specified in the plan is after January 26, 1993, the plan shall include milestones, providing for measured, proportional progress toward full compliance.

(e) Plan Implementation. Each entity shall begin implementation of its plan on January 26, 1992.

(f) Submission Locations. An entity shall submit its plan to one of the following offices, as appropriate:

(1) The individual state administering agency, if it is --

(i) A section 18 recipient;

(ii) A small urbanized area recipient of section 9 funds administered by the State.

(iii) A participant in a coordinated plan, in which all of the participating entities are eligible to submit their plans to the State; or

(2) The UMTA Regional Office (as listed in Appendix B to this part) for all other entities required to submit a paratransit plan. This includes an UMTA recipient under section 9 of the UMT Act;

entities submitting a joint plan (unless they meet the requirements of paragraph (f)(1)(iii) of this section), and a public entity not an UMT Act recipient.

§37.137 Paratransit plan development.

(a) Survey of existing services. Each submitting entity shall survey the area to be covered by the plan to identify any person or entity (public or private) which provides a paratransit or other special transportation service for ADA paratransit eligible individuals in the service area to which the plan applies.

(b) Public participation.

Each submitting entity shall ensure public participation in the development of its paratransit plan, including at least the following:

(1) Outreach. Each submitting entity shall solicit participation in the development of its plan by the widest range of persons anticipated to use its paratransit service. Each entity shall develop contacts, mailing lists and other appropriate means for notification of opportunities to participate in the development of the paratransit plan.

(2) Consultation with individuals with disabilities. Each entity shall contact individuals with disabilities and groups representing them in the community. Consultation shall begin at an early stage in the plan development and should involve persons with disabilities in all phases of plan development. All documents and other information concerning the planning procedure and the provision of service shall be available, upon request, to members of the public, except where disclosure would be an unwarranted invasion of personal privacy.

(3) Opportunity for public comment. The submitting entity shall make its plan available for review before the plan is finalized. In making the plan available for public review, the entity shall ensure that the plan is available upon request in accessible formats.

(4) Public hearing. The entity shall sponsor at a minimum one public hearing and shall provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements; and

(5) Special requirements. If the entity intends to phase-in its paratransit service over a multi-year period, or request a waiver based on undue financial burden, the public hearing shall afford the opportunity for interested citizens to express their views concerning the phase-in, the request, and which service criteria may be delayed in implementation.

(c) Ongoing requirement. The entity shall create an ongoing mechanism for the participation of individuals with disabilities in the continued development and assessment of services to persons with disabilities. This includes, but is not limited to, the development of the initial plan, any request for an undue financial burden waiver, and each annual submission.

§37.139 Plan contents.

Each plan shall contain the following information:

(1) Name and address; and

(2) Contact person for the plan, with telephone number and facsimile telephone number (FAX), if applicable.

(b) A description of the fixed route system as of January 26, 1992 (or subsequent year for annual updates), including -

(1) A description of the service area, route structure, days and hours of service, fare structure, and population served. This includes maps and tables, if appropriate;

(2) The total number of vehicles (bus, van, or rail) operated in fixed route service (including contracted service), and percentage of accessible vehicles and percentage of routes accessible to and usable by persons with disabilities, including persons who use wheelchairs.

(3) Any other information about the fixed route service that is relevant to establishing the basis for comparability of fixed route and paratransit service.

(c) A description of existing paratransit services, including:

(1) An inventory of service provided by the public entity submitting the plan;

(2) An inventory of service provided by other agencies or organizations, which may in whole or in part be used to meet the requirement for complementary paratransit service; and

(3) A description of the available paratransit services in paragraphs (c)(2) and (c)(3) of this section as they relate to the service criteria described in §37.131 of this part of service area, response time, fares, restrictions on trip purpose, hours and days of service, and capacity constraints; and to the requirements of ADA paratransit eligibility.

(d) A description of the plan to provide comparable paratransit, including:

(1) An estimate of demand for comparable paratransit service by ADA eligible individuals and a brief description of the demand estimation methodology used;

(2) An analysis of differences between the paratransit service currently provided and what is required under this part by the entity(ies) submitting the plan and other entities, as described in paragraph (c) of this section;

(3) A brief description of planned modifications to existing paratransit and fixed route service and the new paratransit service planned to comply with the ADA paratransit service criteria;

(4) A description of the planned comparable paratransit service as it relates to each of the service criteria described in §37.131 of this part - service area, absence of restrictions or priorities based on trip purpose, response time, fares, hours and days of service, and lack of capacity constraints. If the paratransit plan is to be phased in, this paragraph shall be coordinated with the information being provided in paragraphs (d)(5) and (d)(6) of this paragraph.

(5) A timetable for implementing comparable paratransit service, with a specific date indicating when the planned service will be completely operational. In no case may full implementation be completed later than January 26, 1997. The plan shall include milestones for implementing phases of the plan, with progress that can be objectively measured yearly.

(6) A budget for comparable paratransit service, including capital and operating expenditures over five years.

(e) A description of the process used to certify individuals with disabilities as ADA paratransit eligible. At a minimum, this must include -

(1) A description of the application and certification process, including -

(i) The availability of information about the process and application materials in accessible formats;

(ii) The process for determining eligibility according to the provisions of §§37.123 - 37.125 of this part and notifying individuals of the determination made;

(iii) The entity's system and timetable for processing applications and allowing presumptive eligibility; and

(iv) The documentation given to eligible individuals..

(2) A description of the administrative appeals process for individuals denied eligibility.

(3) A policy for visitors, consistent with §37.127 of this part.

(f) Description of the public participation process including -

(1) Notice given of opportunity for public comment, the date(s) of completed public hearing(s), availability of the plan in accessible formats, outreach efforts, and consultation with persons with disabilities.

(2) A summary of significant issues raised during the public comment period, along with a response to

significant comments and discussion of how the issues were resolved.

(g) Efforts to coordinate service with other entities subject to the complementary paratransit requirements of this part which have overlapping or contiguous service areas or jurisdictions.

(h) The following endorsements or certifications:

(1) A resolution adopted by the board of the entity authorizing the plan, as submitted. If more than one entity is submitting the plan there must be an authorizing resolution from each board. If the entity does not function with a board, a statement shall be submitted by the entity's chief executive;

(2) In urbanized areas, certification by the Metropolitan Planning Organization (MPO) that it **has** reviewed the plan and that the plan is in conformance with the transportation plan developed under the Urban Mass Transportation/Federal Highway Administration joint planning regulation (49 CFR part 613 and 23 CFR part 450). In a service area which is covered by more than one

MPO, each applicable MPO shall certify conformity of the entity's plan. The provisions of this paragraph do not apply to non-UMTA recipients;

(3) A certification that the survey of existing paratransit service was conducted as required in §37.137(a) of this part;

(4) To the extent service provided by other entities is included in the entity's plan for comparable paratransit service, the entity must certify that:

(i) ADA paratransit eligible individuals have access to the service;

(ii) The service is provided in the manner represented; and

(iii) Efforts will be made to coordinate the provision of paratransit service by other providers.

(i) A request for a waiver based on undue financial burden, if applicable. The waiver request should include information sufficient for UMTA to consider the factors in §37.155 of this part. If a request for an undue financial burden waiver is made, the plan must include a description of additional paratransit services that would be provided to achieve full compliance with the requirement for comparable paratransit in the event the waiver is not granted, and the timetable for the implementation of these additional services.

(j) Annual plan updates.

(2) If the paratransit service is being phased in over more than one year, the entity must demonstrate that the milestones identified in the current paratransit plans have been achieved. If the milestones have not been achieved, the plan must explain any slippage and what actions are being taken to compensate for the slippage.

(3) The annual plan must describe specifically the means used to comply with the public participation requirements, as described in §37.137 of this Part.

§37.141 Requirements for a joint paratransit plan.

(a) Two or more entities with overlapping or contiguous service areas or jurisdictions may develop and submit a joint plan providing for coordinated paratransit service. Joint plans shall identify the participating entities and indicate their commitment to participate in the plan.

(b) To the maximum extent feasible, all elements of the coordinated plan shall be submitted on January 26, 1992. If a coordinated plan is not completed by January 26, 1992, those entities intending to coordinate paratransit service must submit a general statement declaring their intention to provide coordinated service and each element of the plan specified in §37.139 to the extent practicable. In addition, the plan must include the following certifications from each entity involved in the coordination effort:

(1) A certification that the entity is committed to providing ADA paratransit service as part of a coordinated plan.

(2) A certification from each public entity participating in the plan that it will maintain current levels of paratransit service until the coordinated plan goes into effect.

(c) Entities submitting the above certifications and plan elements in lieu of a completed plan on January 26, 1992, must submit a complete plan by July 26, 1992.

(d) Filing of an individual plan does not preclude an entity from cooperating with other entities in the development or implementation of a joint plan. An entity wishing to join with other entities after its initial submission may do so by meeting the filing requirements of this section.

§37.143 Paratransit plan implementation.

(a) Each entity shall begin implementation of its complementary paratransit plan, pending notice from UMTA. The implementation of the plan shall be consistent with the terms of the plan, including any specified phase-in period.

(b) If the plan contains a request for a waiver based on undue financial burden, the entity shall begin implementation of its plan, pending a determination on its waiver request.

§37.145 State comment on plans.

Each state required to receive plans under §37.135 of this part shall:

(a) Ensure that all applicable section 18 and section 9 recipients have submitted plans.

(b) Certify to UMTA that all plans have been received.

(c) Forward the required certification with comments on

each plan to UMTA. The plans, with comments, shall be submitted to UMTA no later than April 1, 1992, for the first year and April 1 annually thereafter.

(d) The State shall develop comments on each plan, responding to the following points:

(1) Was the plan filed on time?

(2) Does the plan appear reasonable?

(3) Are there circumstances that bear on the ability of the grantee to carry out the plan as represented? If yes, please elaborate.

(4) Is the plan consistent with statewide planning activities?

(5) Are the necessary anticipated financial and capital resources identified in the plan accurately estimated?

§37.147 Considerations during UMTA review.

In reviewing each plan, at a minimum UMTA will consider the following:

(a) Whether the plan was filed on time;

- (b) Comments submitted by the state, if applicable;
- (c) Whether the plan contains responsive elements for each component required under §37.139 of this part;
- (d) Whether the plan, when viewed in its entirety, provides for paratransit service comparable to the entity's fixed route service; and
- (e) Whether the entity complied with the public participation efforts required by this part.
- (f) The extent to which efforts were made to coordinate with other public entities with overlapping or contiguous service areas or jurisdictions.

§37.149 Disapproved plans.

- (a) If a plan is disapproved in whole or in part, UMTA will specify which provisions are disapproved. Each entity shall amend its plan consistent with this information and resubmit the plan to the appropriate UMTA Regional Office within 90 days of receipt of the disapproval letter.
- (b) Each entity revising its plan shall continue to comply with the public participation requirements applicable to the initial development of the plan (set out in §37.137 of this part).

§37.151 Waiver for undue financial burden.

If compliance with the service criteria of §37.131 of this part creates an undue financial burden, an entity may request a waiver from all or some of the provisions if the entity has complied with the public participation requirements in §37.137 of this Part and if the following conditions apply;

- (a) At the time of submission of the initial plan on January 26, 1992,
 - (1) The entity determines that it cannot meet all of the service criteria by January 26, 1997; or
 - (2) The entity determines that it cannot make measured progress toward compliance in any year before full compliance is required. For purposes of this part, measured progress means implementing milestones as scheduled, such as incorporating an additional paratransit service criterion or improving an aspect of a specific service criterion.
- (b) At the time of its annual plan update submission, if the entity believes that circumstances have changed since its last submission, and it is no longer able to comply by January 26, 1997, or make measured progress in any year before 1997, as described in paragraph (a)(2) of this section.

§37.153 UMTA waiver determination.

- (a) The Administrator will determine whether to grant a waiver for undue financial burden on a case-by-case basis, after considering the factors identified in §37.155 of this part and the information accompanying the request. If necessary, the Administrator will return the application with a request for additional information.

(b) Any waiver granted will be for a limited and specified period of time.

(c) If the Administrator grants the applicant a waiver, the Administrator will do one of the following:

(1) Require the public entity to provide complementary paratransit to the extent it can do so without incurring an undue financial burden. The entity shall make changes in its plan that the Administrator determines are appropriate to maximize the complementary paratransit service that is provided to ADA paratransit eligible individuals. When making changes to its plan, the entity shall use the public participation process specified for plan development and shall consider first a reduction in number of trips provided to each ADA paratransit eligible person per month, while attempting to meet all other service criteria.

(2) Require the public entity to provide basic complementary paratransit services to all ADA paratransit eligible individuals, even if doing so would cause the public entity to incur an undue financial burden. Basic complementary paratransit service shall include at least complementary paratransit service in corridors defined as provided in §37.131(a) along the public entity's key routes during core service hours.

(i) For purposes of this section, key routes are defined as routes along which there is service at least hourly throughout the day.

(ii) For purposes of this section, core service hours encompass at least peak periods, as these periods are defined locally for fixed route service, consistent with industry practice.

(3) If the Administrator determines that the public entity will incur an undue financial burden as the result of providing basic complementary paratransit service, such that it is infeasible for the entity to provide basic complementary paratransit service, the Administrator shall require the public entity to coordinate with other available providers of demand responsive service in the area served by the public entity to maximize the service to ADA paratransit eligible individuals to the maximum extent feasible.

§37.155 Factors in decision to grant an undue financial burden waiver.

(a) In making an undue financial burden determination, the UMTA Administrator will consider the following factors:

(1) Effects on current fixed route service, including reallocation of accessible fixed route vehicles and potential reduction in service, measured by service miles;

(2) Average number of trips made by the entity's general population, on a per capita basis, compared with the average number of trips to be made by registered ADA paratransit eligible persons, on a per capita basis.

(3) Reductions in other services, including other special services;

(4) Increases in fares;

(5) Resources available to implement complementary paratransit service over the period covered by the plan.

(6) Percentage of budget needed to implement the plan, both as a percentage of operating budget and a percentage of entire budget.

(7) The current level of accessible service, both fixed route and paratransit;

(8) Cooperation/coordination among area transportation providers;

(9) Evidence of increased efficiencies, that have been or could be effectuated, that would benefit the level and quality of available resources for complementary paratransit service; and

(10) Unique circumstances in the submitting entity's area that affect the ability of the entity to provide paratransit, that militate against the need to provide paratransit, or in some other respect create a circumstance considered exceptional by the submitting entity.

(b)(1) Costs attributable to complementary paratransit shall be limited to costs of providing service specifically required by this part to ADA paratransit eligible individuals, by entities responsible under this part for providing such service. (2) If the entity determines that it is impracticable to distinguish between trips mandated by the ADA and other trips on a trip-by-trip basis, the entity shall attribute to ADA complementary paratransit requirements a percentage of its overall paratransit costs. This percentage shall be determined by a statistically valid methodology that determines the percentage of trips that are required by this Part. The entity shall submit information concerning its methodology and the data on which its percentage is based with its request for a waiver. Only costs attributable to ADA-mandated trips may be considered with respect to a request for an undue financial burden waiver.

(3) Funds to which the entity would be legally entitled, but which, as a matter of state or local funding arrangements, are provided to another entity and used by that entity to provide paratransit service which is part of a coordinated system of paratransit meeting the requirements of this Part, may be counted in determining the burden associated with the waiver request.

SUBPART G - PROVISION OF SERVICE

§37.161 Maintenance of accessible features - general.

(a) Public and private entities providing transportation services shall maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible to and usable by individuals with disabilities. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, elevators, signage and systems to facilitate communications with persons with impaired vision or hearing. '

(b) Accessibility features shall be repaired promptly if they are damaged or out of order. When an accessibility feature is out of order, the entity shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature.

(c) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

§37.163 Keeping vehicle lifts in operative condition - public entities.

(a) This section applies only to public entities with respect to lifts in non-rail vehicles.

(b) The entity shall establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

(c) The entity shall ensure that vehicle operators report to the entity, by the most immediate means available, any failure of a lift to operate in service.

(d) Except as provided in paragraph (e) of this section, when a lift is discovered to be inoperative, the entity shall take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service.

(e) If there is no spare vehicle available to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service will reduce the transportation service the entity is able to provide, the public entity may keep the vehicle in service with an inoperable lift for no more than five days (if the entity serves an area of 50,000 or less population) or three days (if the entity serves an area of over 50,000 population) from the day on which the lift is discovered to be inoperative.

(f) In any case in which a vehicle is operating on a fixed route with an inoperative lift, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the entity shall promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work.

§37.165 Lift and securement use.

(a) This section applies to public and private entities.

(b) All common wheelchairs and their users shall be transported in the entity's vehicles or other conveyances. The entity is not required to permit wheelchairs to ride in places other than designated securement locations in the vehicle, where such locations exist.

(c) (1) For vehicles complying with Part 38 of this title, the entity shall use the securement system to secure wheelchairs as provided in that Part.

(2) For other vehicles transporting individuals who use wheelchairs, the entity shall provide and use a securement system to ensure that the wheelchair remains within the securement area.

(3) The entity may require that an individual permit his or her wheelchair to be secured.

(d) The entity may not deny transportation to a wheelchair or its user on the ground that the device cannot be secured or restrained satisfactorily by the vehicle's securement system.

(e) The entity may recommend to a user of a wheelchair that the individual transfer to a vehicle seat. The entity may not require the individual to transfer.

(f) Where necessary or upon request, the entity's personnel shall assist individuals with disabilities with the use of securement systems, ramps and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so.

(g) The entity shall permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle. Provided that an entity is not required to permit such individuals to use a lift Model 141 manufactured by EEC, Inc. If the entity chooses not to allow such individuals to use such a lift, it shall clearly notify consumers of this fact by signage on the exterior of the vehicle (adjacent to and of equivalent size with the accessibility symbol).

§37.167 Other service requirements

(a) This section applies to public and private entities.

(b) On fixed route systems, the entity shall announce stops as follows:

(1) The entity shall announce at least at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location.

(2) The entity shall announce any stop on request of an individual with a disability.

(c) Where vehicles or other conveyances for more than one route serve the same stop, the entity shall provide a means by which an individual with a visual impairment or other disability can identify the proper vehicle to enter or be identified to the vehicle operator as a person seeking a ride on a particular route.

(d) The entity shall permit service animals to accompany individuals with disabilities in vehicles and facilities.

(e) The entity shall ensure that vehicle operators and other personnel make use of accessibility-related equipment or features required by Part 38 of this title.

(f) The entity shall make available to individuals with disabilities adequate information concerning transportation services. This obligation includes making adequate communications capacity available, through accessible formats and technology, to enable users to obtain information and schedule service.

(g) The entity shall not refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the entity, preclude the safe use of the stop by all passengers.

(h) The entity shall not prohibit an individual with a disability from traveling with a respirator or portable oxygen supply, consistent with applicable Department of Transportation rules on the transportation of hazardous materials.

(i) The entity shall ensure that adequate time is provided to allow individuals with disabilities to complete boarding or disembarking from the vehicle.

(j)(1) When an individual with a disability enters a

vehicle, and because of a disability, the individual needs to sit in a seat or occupy a wheelchair securement location, the entity shall ask the following person to move in order to allow the individual with a disability to occupy the seat or securement location:

(i) Individuals, except other individuals with a disability or elderly persons, sitting in a location designated as priority seating for elderly and handicapped persons (or other seat as necessary);

(ii) Individuals sitting in or a fold-down or other movable seat in a wheelchair securement location.

(2) This requirement applies to light rail, rapid rail, and commuter rail systems only to the extent practicable.

(3) The entity is not required to enforce the request that other passengers move from priority seating areas or wheelchair securement locations.

(4) In all signage designating priority seating areas for elderly persons or persons with disabilities, or designating wheelchair securement areas, the entity shall include language informing persons sitting in these locations that they should comply with requests by transit provider personnel to vacate their seats to make room for an individual with a disability. This requirement applies to all fixed route vehicles when they are acquired by the entity or to new or replacement signage in the entity's existing fixed route vehicles.

§37.169 Interim requirements for over-the-road bus service operated by private entities.

(a) Private entities operating over-the-road buses, in addition to compliance with other applicable provisions of this Part, shall provide accessible service as provided in this section.

(b) The private entity shall provide assistance, as needed, to individuals with disabilities in boarding and disembarking, including moving to and from the bus seat for the purpose of boarding and disembarking. The private entity shall ensure that personnel are trained to provide this assistance safely and appropriately.

(c) To the extent that they can be accommodated in the areas of the passenger compartment provided for passengers' personal effects, wheelchairs or other mobility aids and assistive devices used by individuals with disabilities, or components of such devices, shall be permitted in the passenger compartment. When the bus is at rest at a stop, the driver or other personnel shall assist individuals with disabilities with the stowage and retrieval of mobility aids, assistive devices, or other items that can be accommodated in the passenger compartment of the bus.

(d) Wheelchairs and other mobility aids or assistive devices that cannot be accommodated in the passenger compartment (including electric wheelchairs) shall be accommodated in the baggage compartment of the bus, unless the size of the baggage compartment prevents such accommodation.

(e) At any given stop, individuals with disabilities shall have the opportunity to have their wheelchairs or other mobility aids or assistive devices stowed in the baggage compartment before other baggage or cargo is loaded, but baggage or cargo already on the bus does not have to be off-loaded in order to make room for such devices.

(f) The entity may require up to 48 hours' advance notice only for providing boarding assistance. If the individual does not provide such notice, the entity shall nonetheless provide the service if it can do so by making a reasonable effort, without delaying the bus service.

§37.171 Equivalency requirement for demand responsive service operated by private entities not Primarily engaged in the business of transporting people.

A private entity not primarily engaged in the business of transporting people which operates a demand responsive system shall ensure that its system, when viewed in its entirety, provides equivalent service to individuals with disabilities, including individuals who use wheelchairs, as it does to individuals without disabilities. The standards of §37.105 shall be used to determine if the entity is providing equivalent service.

§37.173 Training

Each public or private entity which operates a fixed route or demand responsive system shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the differences among individuals with disabilities.

APPENDIX A TO PART 37 - Standards for Accessible Transportation Facilities

APPENDIX B TO PART 37 - UMTA REGIONAL OFFICES

Region I

Urban Mass Transportation Administration

206 Federal Plaza

Suite 2940

New York, NY 10278

Region II

Urban Mass Transportation Administration

Transportation Systems Center

Kendall Square

55 Broadway

Suite 921

Cambridge, MA 02142

Region III

841 Chestnut Street

Suite 714

Philadelphia, PA 19107

Region IV

Urban Mass Transportation Administration

Suite 400

Atlanta, GA 30309

Region V

Urban Mass Transportation Administration

55 East Monroe Street

Room 1415

Chicago, IL 60603

Region VI

Urban Mass Transportation Administration

819 Taylor Street

Suite 9A32

Ft. Worth, TX 76102

Region VII

Urban Mass Transportation Administration

6301 Rockville Road

Suite 303

Kansas City, MS 64131

Region VIII

Urban Mass Transportation Administration

Federal Office Building

1961 Stout Street, 5th Floor

Denver, CO 80294

Region IX

Urban Mass Transportation Administration

211 Main Street, Room 1160

San Francisco, CA 94105

Region X

Urban Mass Transportation Administration

3142 Federal Building

915 Second Avenue

Seattle, WA 98174

APPENDIX C TO PART 37- CERTIFICATIONS

Certification of Equivalent Service

The _____ certifies that its

(name of agency)

demand responsive service offered to individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to:

- (1) Response time;
- (2) Fares;
- (3) Geographic service area;
- (4) Hours and days of service;

- (5) Restrictions on trip purpose;
- (6) Availability of information and reservation capability; and
- (7) Constraints on capacity or service availability.

In accordance with 49 CFR 37.27, public entities operating demand responsive systems for the general public which receive financial assistance under sections 16(b)(2) or 18 of the Urban Mass Transportation Act) must file this certification with the appropriate state program office before procuring any inaccessible vehicle. Such public entities not receiving UMTA funds shall also file the certification with the appropriate state program office. Such public entities receiving UMTA funds under any other section of the UMT Act must file the certification with the appropriate UMTA regional office. This certification is valid for no longer than one year from its date of filing.

(name of authorized official) (signature)

(title) (date)

MPO Certification of Paratransit Plan

The (name of Metropolitan Planning Organization) hereby certifies that it has reviewed the ADA paratransit plan prepared by (name of submitting entity (ies)) as required under 49 CFR 37.139(h) and finds it to be in conformance with the transportation plan developed under 49 CFR part 613 and 23 CFR part 450 (the UMTA/FHWA joint planning regulation). This certification is valid for one year.

signature

name of authorized official

title

date

Existing Paratransit Service Survey

This is to certify that (name of public entity (ies)) has conducted a survey of existing paratransit services as required by 49 CFR 37.137 (a).

signature

name of authorized official

title

date

Included Service Certification

This is to certify that service provided by other entities but included in the ADA paratransit plan submitted by (name of submitting entity (ies)) meets the requirements of 49 CFR part 37 subpart F providing that ADA eligible individuals have access to the service; the service is provided in the manner represented; and, that efforts will be made to coordinate the provision of paratransit service offered by other providers.

signature

name of authorized official

title

date

Joint Plan Certification I

This is to certify that (name of entity covered by joint plan) is committed to providing ADA paratransit service as part of this coordinated plan and in conformance with the requirements of 49 CFR part 37 subpart F.

signature

name of authorized official

title

date

Joint Plan Certification II

This is to certify that (name of entity covered by joint plan) will, in accordance with 49 CFR 37.141, maintain current levels of paratransit service until the coordinated plan goes into effect.

signature

name of authorized official

title

date

State Certification that Plans have been Received

This is to certify that all ADA paratransit plans required under 49 CFR 37.139 have been received by (state DOT) _____

signature

name of authorized official

CTAC Special Subcommittee Meeting:

Integration of Jitney service with MDT

111 NW 1st Street, 18th Floor Conference Room (18-10)

3:00 PM

Thursday, May 10, 2001

Main Issues:

1. *Norman Wartman: "Problem providing adequate transit transportation in Miami-Dade County. There are not enough buses to go around, a lot of areas that are not served and a lot of areas that are under served. The idea is to find a way to bring the existing Jitneys and additional new companies and allow them to expand and fill the gaps."*

This comment has to be documented based on a study or measurable facts. According to MDT, they are providing a good service. This is an area that the MPO can not enter into discussion, but can help by coordinating with MDT which areas they consider need complimentary service or which areas are not served by MDT that could be served by jitneys.

2. *Norman Wartman: "Allow them to feed to and from the existing main-haul transit routes, Metrorail, Metromover."*

The main issue regarding this alternative is to create a transfer system that can be used by both (MDT and jitneys) without increasing the fare for the passengers. This is not an easy task. A potential alternative to solve this issue is allowing jitneys to get a larger part of the fare and for MDT, get the jitney's mileage and passengers for incorporating them into the Section 15 Report.

3. *Norman Wartman: "Currently, there are currently 500 buses on the road (w/ 20% in reserve) which is the same number since the 70s."*

FTA standard requires 80% of the fleet in service, 10% spare and 10% in maintenance.

4. *Norman Wartman: "Assign a senior MPO Staff person to coordinate this review and the options and to help start up the program."*

Mr. José-Luis Mesa, MPO Director will consider this option if needed.

5. *Mac Glasgow: "Vehicles used in public transportation must be fully accessible, if they are going to provide governmental services. Suggest that the first thing to do is to get a legal opinion on this issue."*

A legal opinion is in process. However, as I understand, jitney is a transportation mode that is regulated by a governmental entity, but is not part of the government. Therefore, they are not required to comply with ADA. They operate like the taxi industry. Jitneys do not provide service as STS and are not regulated by FTA. Additionally, regarding the equipment, FTA's regulation requires full accessibility when vehicles used for public transportation has a capacity over 22 passengers. This is the reason why jitneys are usually no more than 15-18 passengers van. In Puerto Rico, due to the popularity of this service there are minibuses specially built under FTA's requirement to provide jitney's services.

6. *Gayle Krause, ADA Office: "it does not matter whether a company is federally funded, the ADA requirement still applies."*

If that is the case why taxis and jitneys are not handicap accessible? FTA's regulation provides for special cases.

7. *Danny Alvarez: "the regulations today allow for Jitneys to exist and they are exempt from ADA requirements and could run a route in an unserved or under served area of the county (e.g. Krome Avenue). The minute that the county allows the Jitneys to provide the service that MDT is currently providing, whether it is an investment or a compliment, they must comply with rule 1490 of the State Statutes. Also must comply with respect to training, system safety, etc."*

I have tried to get a copy of the above referred Rule 1490, unsuccessfully. Therefore, I don't have any grounds to respond to this issue. The Consumer Services Department regulates the operation of the jitneys in Miami-Dade and actually there are jitney's routes that share MDT routes.

8. *Danny Alvarez: "It goes beyond the local regulatory issues. In fact, under certain circumstances MDT can contract with the private sector at no cost to the county (limited certificate of transportation) Jitneys are exempt from the ADA only in a certain environment, however, the minute that you allow them to basically provide the service that MDT is currently providing, they have to comply with all of the requirements that MDT has to comply with regardless if they are subsidized."*

Jitneys are ADA's exempt without restrictions, unless there is a local or state regulation that establish a requirement in this regard. Definitely, it's important to obtain a copy of Rule 1490. If

that is the case, jitneys would not operate in any place. In Puerto Rico, jitneys are not required to comply with ADA unless go over a certain seating capacity, as indicated before. Additionally, they provide service along transit routes without comply with the federal requirements that applies to transit.

9. Sheila Rushton: "A Jitney applicant will seek a route that they think they are interested in operating. They will work with the MDT in terms of reviewing the route to asses whether it conflicts with the code provisions. If there is no conflict with this provision then the applicant has to complete all of the documentation. Issue notices to municipalities and there are opportunities for protest. When the application is completed it goes to the County Commission. Process takes usually six months. Consumer Services Department is currently in the process of amending the entire section of the Code: Passenger Motor Carriers, which includes Jitneys. Part of the process is to streamline and enhance standards. Make it more of an administrative process rather than all of the noticing that is currently required. There are 12 certificates (Jitneys) currently."

If the CSD is in the process of amending the entire code, they should consider to provide certificates only to potential jitney owners that will work the vehicle. Actually, there are only 12 certificates and individuals are making a business out of this. Regarding permitting, jitneys should be operated like taxis. There are other recommendations that should be later provided.

10. Danny Alvarez: "The Jitney Service should compliment transit and should not be competing with one another. It needs to be done in an orderly fashion so that the number one priority (customers) do not get injured economically, courtesy, safety or in the point of reliability. Bus drivers also do not want to have their livelihood threatened by the private sector."

Bus driver should not be affected. Jitneys will not replace transit services. If a transit route is not productive for a bus operation, it could be suitable for jitneys. In this case, the buses and drivers servicing that route will be relocated to another route improving the service. With the limited transit resources, transit should concentrate in those routes that require better service and integrate jitneys in those routes with low ridership.

11. Danny Alvarez: "If an agreement is established to integrate the Jitney service, where ever they provide service now becomes a part of where they must provide complimentary Paratransit Service (STS). This is a Federal requirement."

STS is a federal requirement for transit providers not for jitneys. STS is an additional service provided or contracted by transit companies to comply with ADA requirements, specially in those areas that transit services are not adequate. Additionally, many transit companies implemented such services to comply with ADA because their fleet was not fully ADA accessible. In some other cases, transit companies provided that services to cover the service area.

12. Gayle Krause: Quote from 37.23 (under contract) "A private entity which purchases or leases new, used or re-manufactured vehicles or re-manufacture vehicles for use or contemplation of use in fixed routes, or demand responsive service under contract or other arrangement or any relationship with a public entity, shall acquire accessible vehicles in all situations in which the public entity itself would be required to do so"

Jitneys are self-employers and providers. They don't have any contract or agreement with transit companies, they don't receive any payment from any governmental agency, nor even federal funds. They are a separate transportation mode, like taxis or water services. The main function of the government in jitney services is as a regulatory entity to control the permitting, operation, safety and enforcement of the service.

13. Alphe Willingham, Tri-Rail Mini Bus: "Definitely would need government compensation to share routes or take over routes of MDT so that the private sector would be able to expand their operation. 30% headway percentage should be changed."

Jitneys should not receive government compensation (local, state or federal), if so, they have to comply with all federal, state and local requirements. Actually, MDT is responsible for this service. If jitneys are allowed to operate in some areas that they are not actually serving should be on their own risk. This is the beauty about jitneys. They provide service without affecting existing budgetary sources. MDT should keep the control regarding the areas to be served to avoid duplicity.

14. Danny Alvarez: "Whatever analysis that is done on any recommendation needs to include, on the private side, what would be the cost of their investment and on MDT's side, the fiscal impact. While there may not be a direct subsidy, when the duplication level is increased from 30 to 50 percent, and a Jitney shows up picks up customers, that's a \$1.25 that's being taken from MDT."

Duplication of service is not an option. Integration of services is the key word. Transit should consider to re-evaluate their service area by concentrating in those routes that have the potential of growth to maximize resources (drivers and vehicles), improve frequencies and increase ridership, allowing jitneys to operate in other areas that can be profitable for their type of operation. This is not a given, a lot of work should be done before taking the next step.

DRAFT

June 2001

Miami-Dade Transit

Concept for Public/Private Partnership To Expand Transit Services

The ability to finance an expansion of the Miami-Dade Transit (MDT) system, including its bus component, has not kept up with the growth of the County's population and the expansion of urban and suburban development. The demand for service to areas without service and for increased service on existing over-crowded routes has not been able to be met because of the lack transit funding.

Although there is limited private sector transit service available in niche markets in the County, the mechanisms to expand such service is limited. Therefore, a new approach is being sought which will provide additional transit service to the public, which would be attractive to the private sector, and which would not impinge upon the limited resources of MDT.

The concept proposed is for a demonstration project to contract with private sector transportation providers at no direct cost to the County. Because this concept is in an early stage of development, all aspects of the concept are open for discussion. MDT is seeking input from all interested parties with respect to the form and details of this demonstration. Whatever the outcome, the details of the demonstration must maintain 1. A zero direct cost to the County; and 2. Must abide by all provisions of County Code, and MDT's Collective Bargaining Agreement with the Transport Workers' Union while providing new and/or expanded transit service to our customers.

Elements of the demonstration and possible alternatives are set forth below:

- Eligible private sector providers: Any transportation provider currently holding a Passenger Motor Carrier certificate or any provider who can obtain such a certificate as part this demonstration.
- Routes: There should be at least two routes, preferably more, in different parts of the County. At least one should demonstrate how private sector transportation can alleviate over-crowding on existing Metrobus routes without impinging on ridership/revenue; and at least one route should demonstrate how private sector transportation can provide service where there is little or no MDT bus service. Provisions shall be made for route adjustments.

- Service: All scheduled service must be provided. Schedules may be provided for service as demand warrants. If no schedule is provided for all or part of a day, then the contractor shall provide service at least every 10 minutes. The span of service shall be negotiated. Provisions shall be made schedule adjustments. The provider must have enough equipment and operators to provide the service and back-up equipment and drivers to account for breakdowns, sick calls, etc. In peak periods, there must be enough service to prevent over-crowded buses and pass-ups. Where appropriate, contracted service will use assigned bus bays at MDT terminals and Metrorail stations.
- Vehicles: The vehicles must be of a size to be consistent with the service standards outlined in the previous paragraph. Options for procuring vehicles include purchase, lease, or having MDT provide the vehicles. All vehicles must meet ADA requirements for handicapped access.
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- Marketing: Marketing of new contracted routes shall be the sole responsibility of the contractor. MDT will, however, include such contracted routes on its published transit map and will provide route and schedule information on those routes when customers call MDT Transit Information.

The next steps in developing this concept are to meet with all interested parties to receive input and to refine elements of this concept. When agreement is reached on the concept elements, MDT will issue a Request for Proposal. Proposals will be evaluated based on what is best for the County, and, a contract will be awarded to implement service.

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*Miami-Dade County
Metropolitan Planning Organization (MPO)*

**Comments regarding the draft prepared by MDT on a
“Concept for Public/Private Partnership
to Expand Transit Services”
June 2001**

I. GENERAL COMMENTS:

1. The proposed concept is different to the one discussed at the MPO Subcommittee meetings and supported by CTAC.
2. The proposed concept is based on a subcontract with MDT.
3. It is not clear that in the public/private partnership, MDT provides the vehicles at no charge to the operators and the private sector provides the operation and maintenance of the vehicles, or if the private company will provide the vehicles and the operation.
4. Although the proposed plan is at “no direct cost to the county”, the federal and state funds used for the purchasing of vehicles, if this is the case, may jeopardize transit operations.
5. Basically, the proposed plan is an extension of MDT services.
6. This approach will allow jitneys and bus service providers to participate in the demonstration project. Jitney companies have to compete with bigger companies.
7. If the vehicles are provided by MDT, private sector has to comply with federal and state requirements.
8. There is no incentive for private operators to succeed in this demonstration project.
9. The proposed service is basically controlled by government. The government’s approach is to provide service and cost is not a main factor. For private operators, service is an important factor, but profit is their ultimate goal. This implies that they have to maximize profit and minimize capital and operating costs.

II. DETAILED COMMENTS:

1. *“Whatever the outcome, the details of the demonstration must maintain 1. A zero direct cost to the County; and 2. Must abide by all provisions of County Code, and MDT’s Collective Bargaining Agreement with the Transport Workers’ Union while providing new and/or expanded transit service to our customers.”*
 - a. Zero direct cost to the county is relative, because federal or state funds usually require matching funds, unless state funds are using as matching funds or state provides 100% funding for the purchase of equipment.

- b. Are there indirect costs that could be paid by the county?
 - c. Does the Transport Worker's Union get involved in all this process?
 - d. What would be the participation of the union? In the past, the union has been against this type of project.
2. *"Eligible private sector providers: Any transportation provider currently holding a Passenger Motor Carrier certificate or any provider who can obtain such a certificate as part this demonstration."*
- a. For a demonstration project, is better to have only one provider with a current Passenger Motor Carrier Certificate.
 - b. For a long term project, the door should be open to any individual that may apply for a certificate of transportation.
3. *"Routes: There should be at least two routes, preferably more, in different parts of the County. At least one should demonstrate how private sector transportation can alleviate over-crowding on existing Metrobus routes without impinging on ridership/revenue; and at least one route should demonstrate how private sector transportation can provide service where there is little or no MDT bus service. Provisions shall be made for route adjustments."*
- a. Providing contracting services in well-served routes will reduce MDT farebox revenues. To alleviate over-crowding routes, MDT should provide more service with articulated or regular buses within the overcrowded routes.
 - b. MDT should reduce service in areas that are not suitable for regular buses. These are the areas that should be given to private sector.
4. *"Service: All scheduled service must be provided. Schedules may be provided for service as demand warrants. If no schedule is provided for all or part of a day, then the contractor shall provide service at least every 10 minutes. The span of service shall be negotiated. Provisions shall be made schedule adjustments. The provider must have enough equipment and operators to provide the service and back-up equipment and drivers to account for breakdowns, sick calls, etc. In peak periods, there must be enough service to prevent overcrowded buses and pass-ups. Where appropriate, contracted service will use assigned bus bays at MDT terminals and Metrorail stations."*
- a. If MDT does not provide 10 minutes headway in the areas to be served by private sector, How they can request and impose that service (10 minutes headway)?
 - b. Clarification is required in this aspect, because if the private company provides the vehicles, then it is a totally different scenario that if MDT provides the vehicles.
 - c. MDT should make schedule adjustments to let the private company to provide full service in areas and routes that are not appropriate for MDT service.
5. *"Vehicles: The vehicles must be of a size to be consistent with the service standards outlined in the previous paragraph. Options for procuring vehicles include purchase, lease, or having MDT provide the vehicles. All vehicles must meet ADA requirements for handicapped*

access.”

- a. The size of the vehicle must be determined by the provider, according to the ridership and physical characteristics of the routes to be served.
 - b. Regular buses should be maximized by using them in routes with enough patronage.
 - c. Based on a pilot or demonstration project no imposition should be made regarding compliance with ADA, unless the vehicles to be used by the provider are already accessible.
6. “Maintenance: *The vehicles must be maintained at the contractor’s expense to avoid missing service. If and as negotiated, contractor vehicles may obtain fuel at the same price at which MDT obtains fuel and perhaps at MDT facilities. If the vehicles are to be MDT-provided, they must be maintained to the manufacturer’s standards. Vehicles must be permitted and drivers must be licensed as detailed in the County Code.*”
- a. No comments.
7. “Insurance: *Vehicles must be insured to the standards stated in the County Code. If the vehicles are to be MDT-provided, the cost of insurance can be negotiated.*”
- a. No comments.
8. “Fares: *To be collected by the private sector operator and retained to cover expenses and profits. What media are accepted is negotiable.*”
- a. No comments.
9. “Administration: *The cost to process certificates and have vehicles inspected for safety by the Consumer Service Department shall be borne provider. The cost to administer the County’s contract with the private provider, including maintenance inspections, will be borne by MDT. Contractor shall provide NTDB (Section 15) data as required by federal regulations at the expense of the contractor. Other costs, as suggested in the preceding paragraphs, are to be negotiated.*”
- a. Provider should pay for safety inspections. As an incentive, CSD should do it at no charge.
 - b. Additionally, provider has to collect Section 15 Data at his own cost for the benefit of MDT. Some incentive should be established for the provider or MDT should obtain the data. The data is based on a sample that has to be statistically correct using a method approved by FTA.
10. “Marketing: *Marketing of new contracted routes shall be the sole responsibility of the contractor. MDT will, however, include such contracted routes on its published transit map and will provide route and schedule information on those routes when customers call MDT Transit Information.*”
- a. No comments.

III. RECOMMENDATIONS

1. Coordination:

- a. Based on a demonstration project, current companies holding transportation certificates may participate in this project. However, CSD should consider individual applications for the expansion of transit services into other areas.
- b. CSD should contact all private transportation providers to get their input in the process.
- c. MPO should lead this effort.

2. Routes:

- a. MDT should evaluate those routes that are not productive for their operation and establish standards to determine which routes they will be considering for this demonstration project. As an example, MDT could define the minimum number of passengers per trip. Any route under this standard could be placed in a pool of routes for further evaluation.
- b. Allowing private operators in overcrowding routes will create problems with the union and an unfair situation with MDT at this moment. The idea of the concept is to integrate private operators to the existing service not to compete with them. Therefore, recommendation is made to concentrate in those routes selected in the step "a" before.
- c. At least three routes should be selected for implementation.
- d. Areas not served by MDT should also be determined.
- e. Private operators should provide input at this phase to include any proposed route that may supplement existing transit services.

3. Service:

- a. Minimum standards for service should be mutually agreed. Private operators are for profit not for service.
- b. Minimum standards may include service from 5:00 am to 7:00 pm on weekdays, and weekend from 6:00 am to 6:00 pm.
- c. Connection to main activity centers and metrorail stations should be coordinated.
- d. Service provided on MDT routes should use existing bus stops. In those areas that service is not provided by MDT, operator may stop at any place, taking into consideration all safety aspects for the appropriate stop.

4. Vehicles:

MDT should decide which way to go regarding the vehicles. There are three options:

- a. Vehicles will be provided by the operator:
 - i. The operator will use existing vehicles in his fleet.

- ii. Based on the fact, that this is a demonstration project, vehicles do not need to comply with ADA, unless the operator has vehicles fully equipped. STS will continue providing supplemental service in the selected routes or areas for handicapped customers.
 - iii. Regular buses are not recommended because maneuverability of vehicles in residential areas to be serviced, appearance, passenger volumes, fuel consumption, etc...
 - iv. Size of the vehicles should be determined by the operator, based on his/her experiences.
- b. Vehicles will be provided by MDT:
 - i. If this is the case, it's strongly recommended to use mini-buses or maxi-vans. This will allow MDT to add regular buses in other routes that require additional services.
 - ii. In other cities, collective bargaining agreements do not allow anybody to drive the equipment (buses) unless supervisory personnel and workers of the appropriate unit (drivers and mechanics). This aspect has to be considered.
 - iii. A situation like this should be evaluated in detail for further consequences, regarding contract negotiations.
 - iv. Drivers provided by private operator will require full training regarding the use of the equipment (wheelchair lift).
- c. Combination of "a" and "b":
 - i. If a combination of options "a" and "b" is decided, recommendation is made that one route use option "a" and other route use option "b".
 - ii. Both options should not be combined in the same route.

5. **Maintenance:**

- a. Private operator should be responsible for the maintenance of the equipment.
- b. If the equipment is provided by the operator, maintenance should be conducted according to his/her standards. However, minimum standards should be required regarding the appearance and cleanness of the buses.
- c. If equipment is provided by MDT, then maintenance should be conducted according to MDT standards.
- d. Additionally to the standards, MDT should have a method to verify that the maintenance of their equipment has been conducted as appropriate. For example, there are companies (labs) that can determine the mechanical condition of the equipment by oil samples.
- e. MDT should take other actions to guarantee the conditions of the buses once the demonstration project be finished. For example, additional insurance or cash deposited in a separate account for contingencies.

6. **Insurance:**

- a. In this regard, Risk Management should be contacted.

7. **Fares:**

- a. Fare should be determined by the operator, but never can be higher than the actual fare.

8. **Administration:**

- a. Safety inspection should be conducted by CSD as indicated in the current regulations.
- b. The costs involved in these inspections should be covered by CSD.
- c. MDT should verify that the service is provided as contracted by using checkers along the routes.
- d. Section 15 Data should be negotiated with the operator, drivers should be trained in collecting the data.

9. **Marketing:**

- a. MDT should provide some marketing materials, specially in those routes to be operated by the private sector. Usually, private operators do not have those capabilities.
- b. A marketing plan should be developed to promote the new approach or concept delineated in this document.

10. **Other Considerations:**

- a. An objective process should be developed to determine the selection of routes/areas for servicing and the companies that will provide the proposed service.
- b. MDT should consider for this demonstration project the implementation of a transfer fare system to facilitate the movement of passengers from different modes.
- c. If this demonstration project is a success, How it may affect future contract negotiations. In this aspect, considerations should be given to:
 - i. Vehicles own by MDT to be operated by private sector.
 - ii. A legal opinion should be requested regarding the possible displacement or reduction of drivers under Rule 13(c) (Dept. of Labor).

“Smart Jitney Pilot Program”



This message is intended solely for the person to whom it is addressed.

Miami-Dade County
Office of the County Manager
Metropolitan Planning Organization
Secretariat



Stephen P. Clark Center
111 NW First Street
Suite 910
Miami, Florida 33128-1999

Phone: 305-375-4507
SunCom: 445-4507
Fax: 305-375-4950
E-mail: mpo@co.miami-dade.fl.us
visit our Website at:
www.co.miami-dade.fl.us/mpo/

To: CRAIG Miller
Company: Miller Consulting
Fax #: (954) 979-4818
From: JESSE GUERRA
Date: 07/29/02
Subject: "Smart Sitway Pilot Gm."

Message:

FYI.
This is the proposal that
Rene Gil mentioned in the
meeting.

Pages: 4, (Including this page)

**Smart Jitney Pilot Program Service Proposal
The Right Direction for Miami-Dade Transit**

Monday, October 22, 2001

TO: Mr. Jose Luis Mesa, Director
Metropolitan Planning Organization for the Miami Urbanized Area
111 N.W. First Street
Suite 910
Miami, Florida 33128-1999

HAND DELIVERED

We opine that the ultimate goal of our local government is to develop systems that stimulate economic development and improve the quality of life in rural, urban and suburban areas at a low cost, or no cost, to taxpayers. In order to assist the County in satisfying increasing demands in an area with relatively meager and scant service, we are willing to offer jitney service at no additional expense to the taxpayer.

We are proposing the utilization of a zero subsidy "smart jitney" service in on Route 29 that would cater to Hialeah's transportation needs spurred by an exponential growth rate.

We will now address each of the elements set forth in your draft *in re* Concept for Public/Private Partnership to Expand Transit Services. Please consider our thoughts as we attempt to provide you with the information that you have requested.

1. Eligible private sector providers: Miami Transit Systems, Inc., hereafter referred to as the "Company," is a Miami-Dade County transportation provider in possession of a current Passenger Motor Carrier certificate and has perfected proven processes and techniques in its 13-years of service to the area to achieve results.
2. Routes: The Company can provide service on Route 29, an area notoriously unprofitable for the County. The Company's smart jitneys are designed not to compete and rival conventional transit vehicles, but rather to complement and supplement the system while providing the County with more cost-effective solution to a unique problem.
3. Service: The Company's transportation infrastructure is equipped and ready to meet any and all exigent demands for scheduled service. Further, the Company is prepared to double the scheduled service immediately.
4. Vehicles: The Company's vehicles conform to the County's specifications and will meet the required ADA requirements for handicapped access.
5. Maintenance: All vehicles will be maintained at the Company's expense.
6. Insurance: All vehicles will be insured in accordance with the law as stipulated in the County Code.

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OCT 22 2001

**COUNTY MANAGER'S OFFICE
MPO SECRETARIAT**

7. **Fares:** The Company will collect an established fare, and will retain the earnings to offset operating expenses.
8. **Administration:** The costs associated with processing the certificates, as well as any and all inspections for safety by the Consumer Service Department, will be paid by the Company. The Company is willing to negotiate other costs suggested in the original draft with Miami-Dade Transit.
9. **Risks:** The Company accepts all risks inherent in this proposal, and understands that the Company may even operate at a deficit equal to the entire duration of this project. Our risks are offset by the Company's ability and preparedness to give back to the community that has welcomed us with open arms since our inception. Kudos for this idea goes to County Commissioner Natasha Milian.
10. **Marketing:** Marketing of any new contracted routes shall be the responsibility of the Company. We are closely associated with JitneyAds.com, a separate Florida corporation, whose focus and expertise lies specifically in conceptualizing and producing exceptional marketing ideas for mass transit.
11. **Discussion:** Let us define "smart jitney." A smart jitney is versatile, adaptable to new situations, and adept in solving problems associated with mass transit. The advantages to the County are as follows:
 - a. The safety and quality of service will be retained.
 - b. Public agencies will closely monitor our compliance with the contract. A private contractor has every incentive to strive for safety, and improve it wherever possible. Safety will remain the number one concern.
 - c. By contracting the Company's service, the County will be able to avoid costly capital outlays for new buses, equipment, maintenance, radios, and dispatchers. This frees the County from having to make large capital expenditures in the future, particularly as the state's aging bus fleet needs to be replaced.
 - d. Private contractors can achieve economy of scale in purchasing, and can spread the cost of specialized personnel over an entire area. Government has an obligation to provide its services for the lowest possible cost. Whenever contracting saves money without compromising safety or quality, the County should privatize.
 - e. The County obtains a fixed cost for bus service by contracting. In this particular case, **there is no cost whatsoever.** Any cost fluctuations or unexpected expenses are borne by the contractor. This allows the County to remain within the budget, and provides a realistic estimate for future budget costs.
 - f. Liability insurance is extremely costly. The Company shall be required to provide this insurance, which reduces the County's potential liability for lawsuits and settlements. By requiring adequate levels of insurance by the Company, the County has greater insurance protection.
 - g. Privatization allows the County to maintain direction and control of the route without having to spend precious time on the day to day functions. By saving money and reducing administrative burdens, the state can devote more precious resources to more pending matters.

- h. **The County risks nothing with privatization of Route 29.** If the County can provide better services at a lower cost through privatization, this is the route to follow.
- i. Transit vouchers or passes for senior citizens will be honored by the Company.
- j. Proximity to rail transit enhances the value of residential property and increases the opportunity for fostering community and development partnerships.

Conclusion: The Company's goal is to be awarded a contract to implement service on Route 29 based on our merits. The Company understands that this pilot project is in its infancy, and welcomes any opinion or suggestion that the County may wish to offer to reach an accord that is in the best interest of the community.

Respectfully,

A handwritten signature in black ink, appearing to read "R. A. Gil, pres".

Rene Gil, President
Miami Transit, Inc.
Rosnick Building
383 East 1st Avenue
Hialeah, FL 33010-4807

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OCT 22 2001

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MPO SECRETARIAT

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Respectfully,

A handwritten signature in dark ink, appearing to read "R. A. Gil, President". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rene Gil, President
Miami Transit, Inc.
Rosnick Building
383 East 1st Avenue
Hialeah, FL 33010-4807

Jitney Route/Bus Productivity Analysis

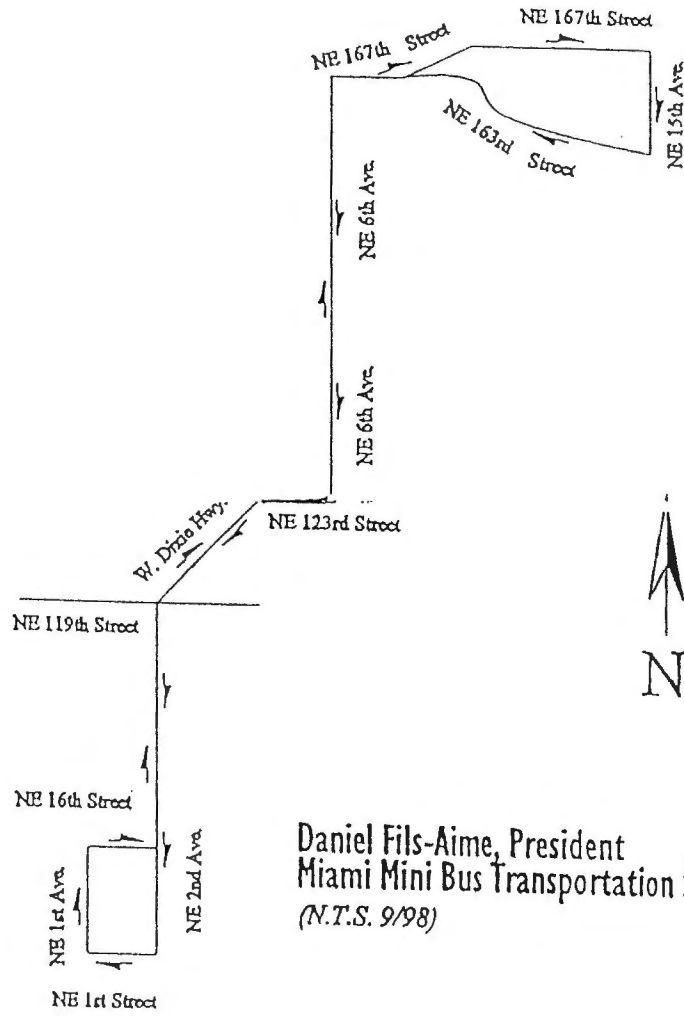
Jitney Routes

	Company Name	Certificate Numbers	Number of Vehicles
1	Dade Jitney	30002	2
2	King Jitney, Inc.	30004	2
3	Liberty City Jitney	30005*	1
4	Liberty City Jitney	30006*	1
5	Liberty City Jitney	30007*	1
6	Liberty City Jitney	30008*	1
7	Liberty City Jitney	30009*	1
8	Liberty City Jitney	30010*	2
9	Liberty City Jitney	30011*	1
10	Liberty City Jitney	30012*	1
11	Sun Jitney	30033	17
12	Miami Mini Service	30044	1
13	Conchita's Transit Express	30108	20
14	Excel Transportation, Inc.	30123	4
15	American Jitney, Inc.	30152	3
16	Metro Miami Bus	30155	5
17	Tri-Rail Bus Connection	30305	14
18	Miami Mini Bus	30306	59**
		TOTAL = 136	

* One route - grandfathered

** May only operate 40 vehicles at one time per resolution

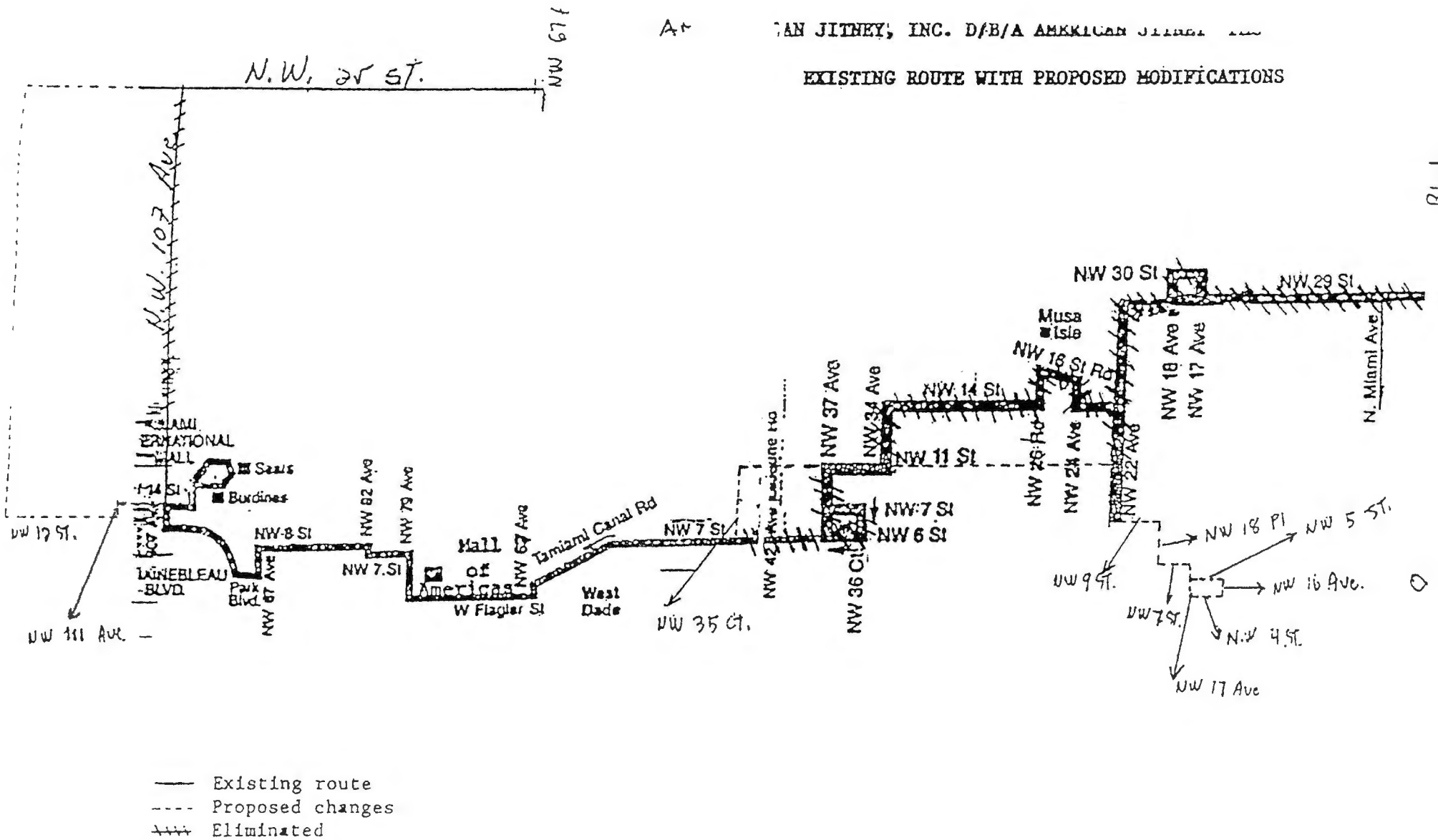
* Update Info in the report.
& the presentation
* Effective April 2002



At

TAN JITNEY, INC. D/B/A AMERICAN JITNEY

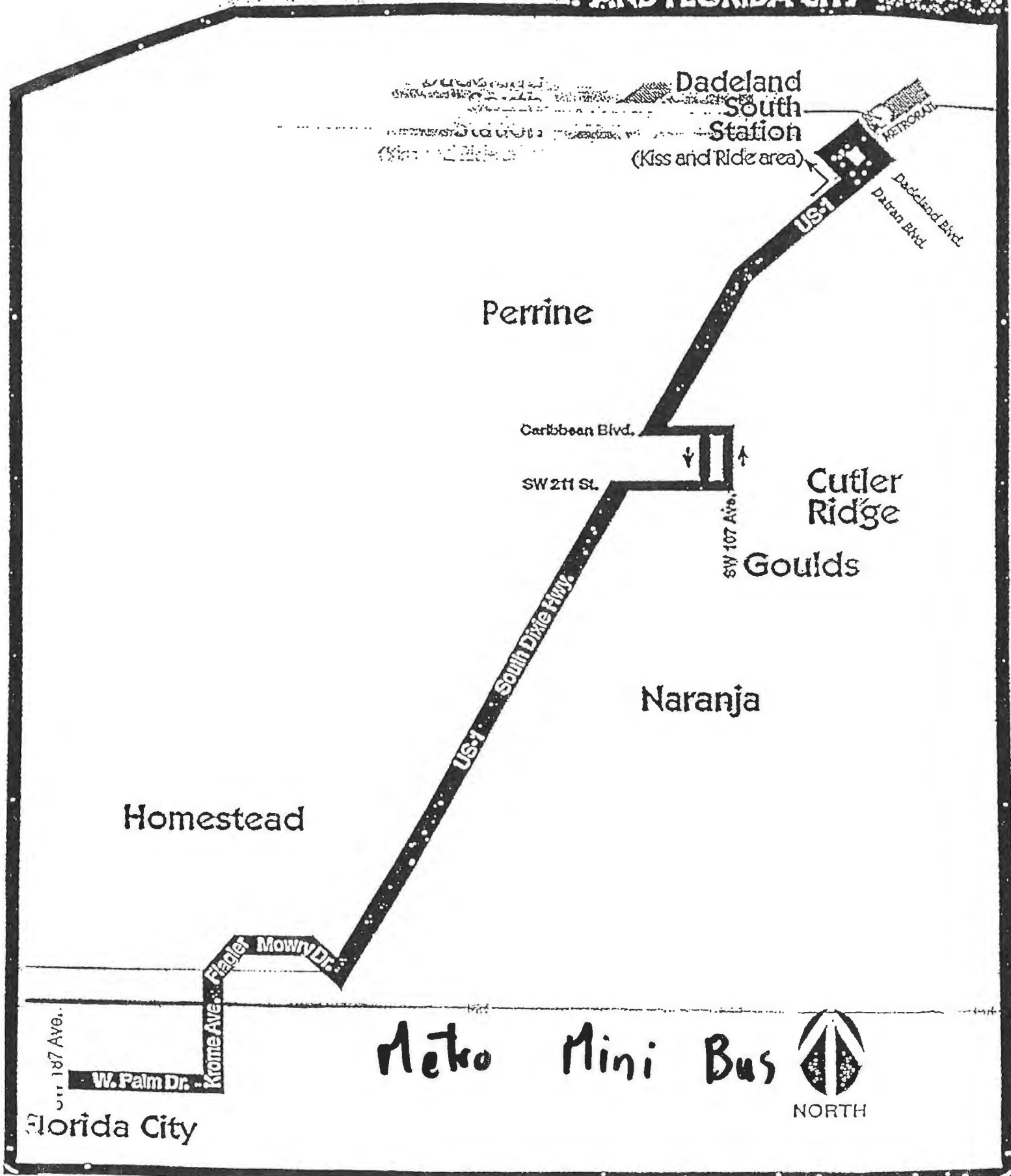
EXISTING ROUTE WITH PROPOSED MODIFICATIONS

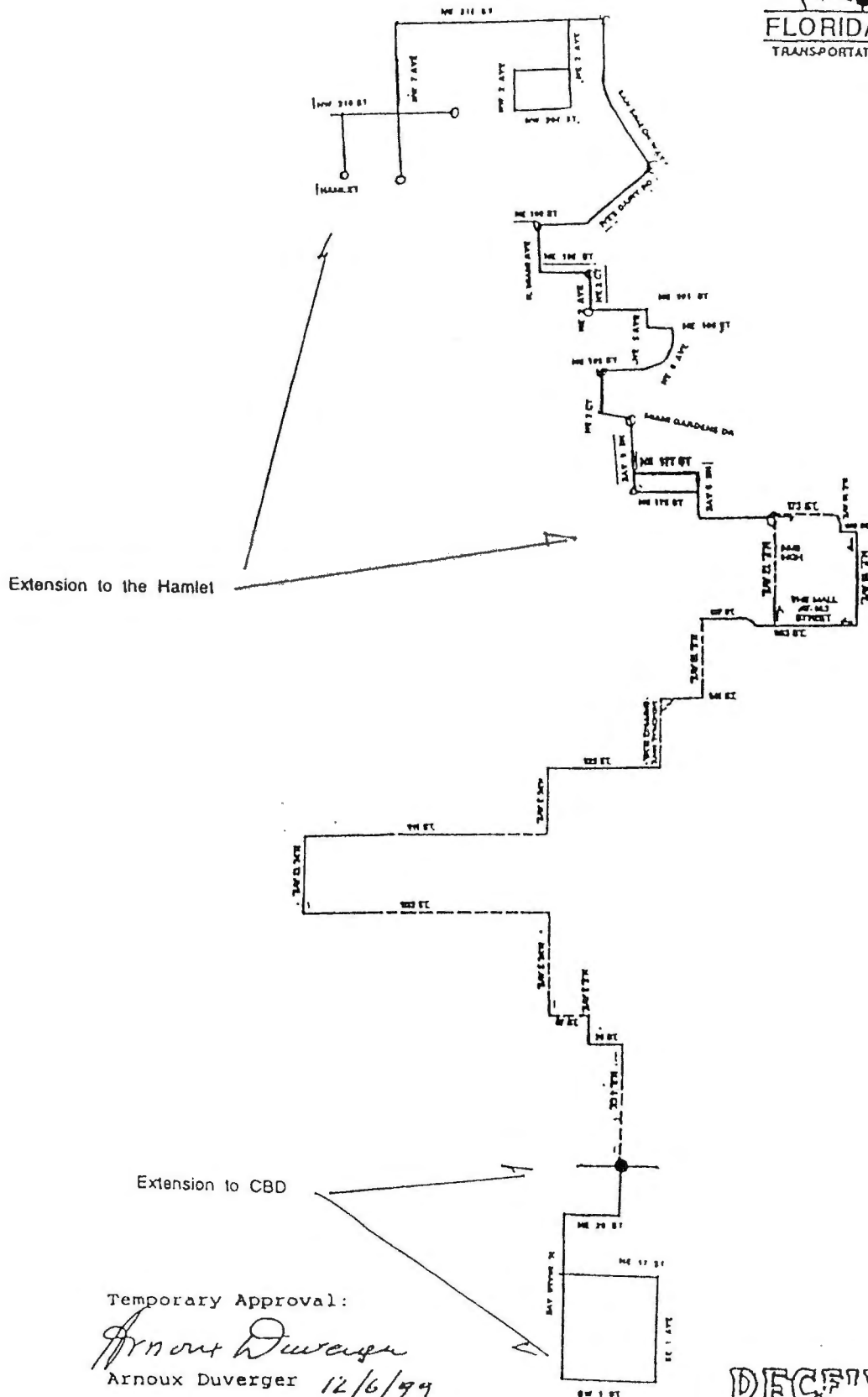


AMERICAN JITNEY

M.D.T.A. DESIGNATED PRIVATE BUS ROUTE
NUMBER 1

ROUTE 1 DADELAND SOUTH STATION AND FLORIDA CITY





Temporary Approval:

Arnoux Duverger
Arnoux Duverger 12/6/99
~~Location~~ Existing route.

RECEIVED

DEC 10 1999

PASSENGER TRANSPORTATION
REGULATORY

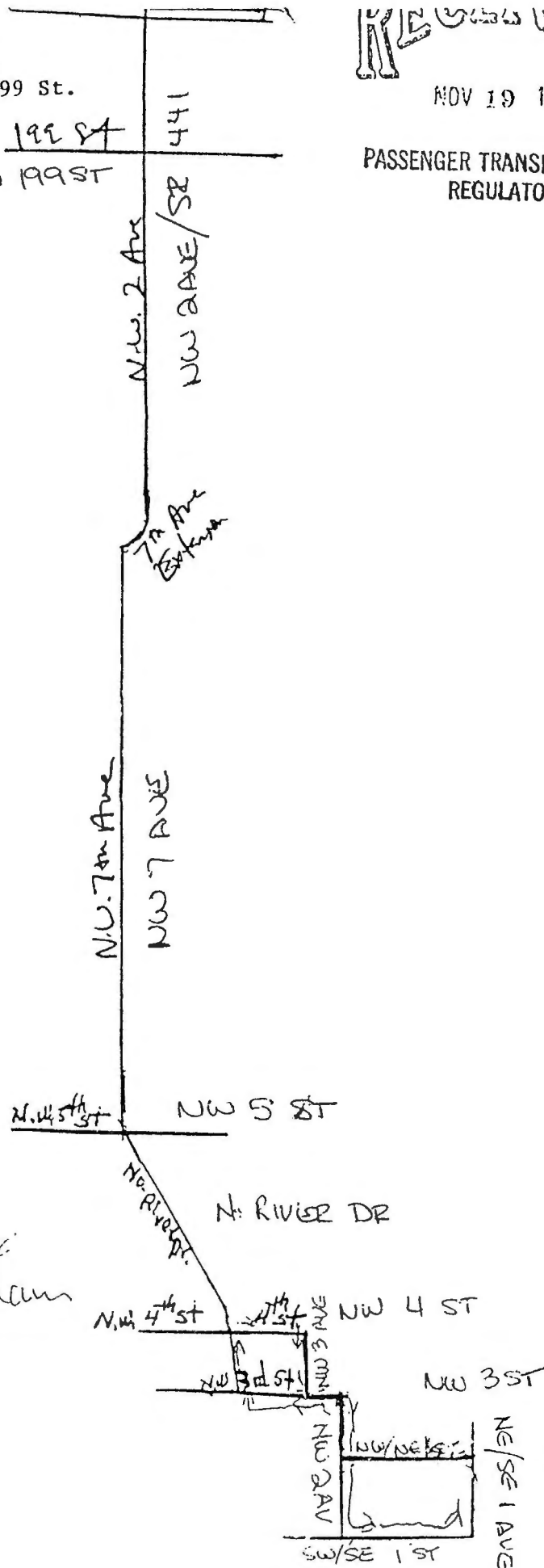
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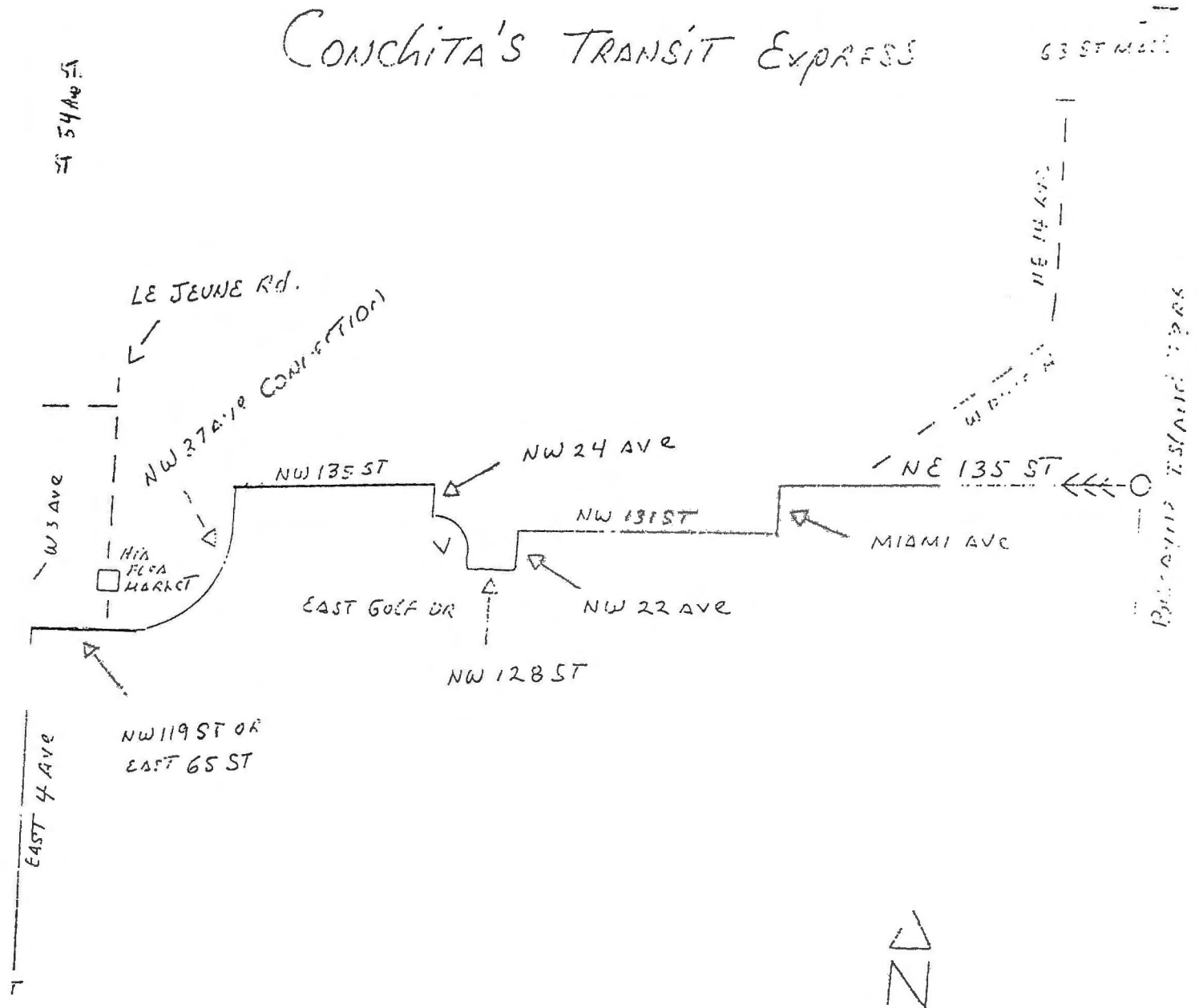
NOV 19 1998

PASSENGER TRANSPORTATION
REGULATORY



Tri-Rail

CONCHITA'S TRANSIT EXPRESS



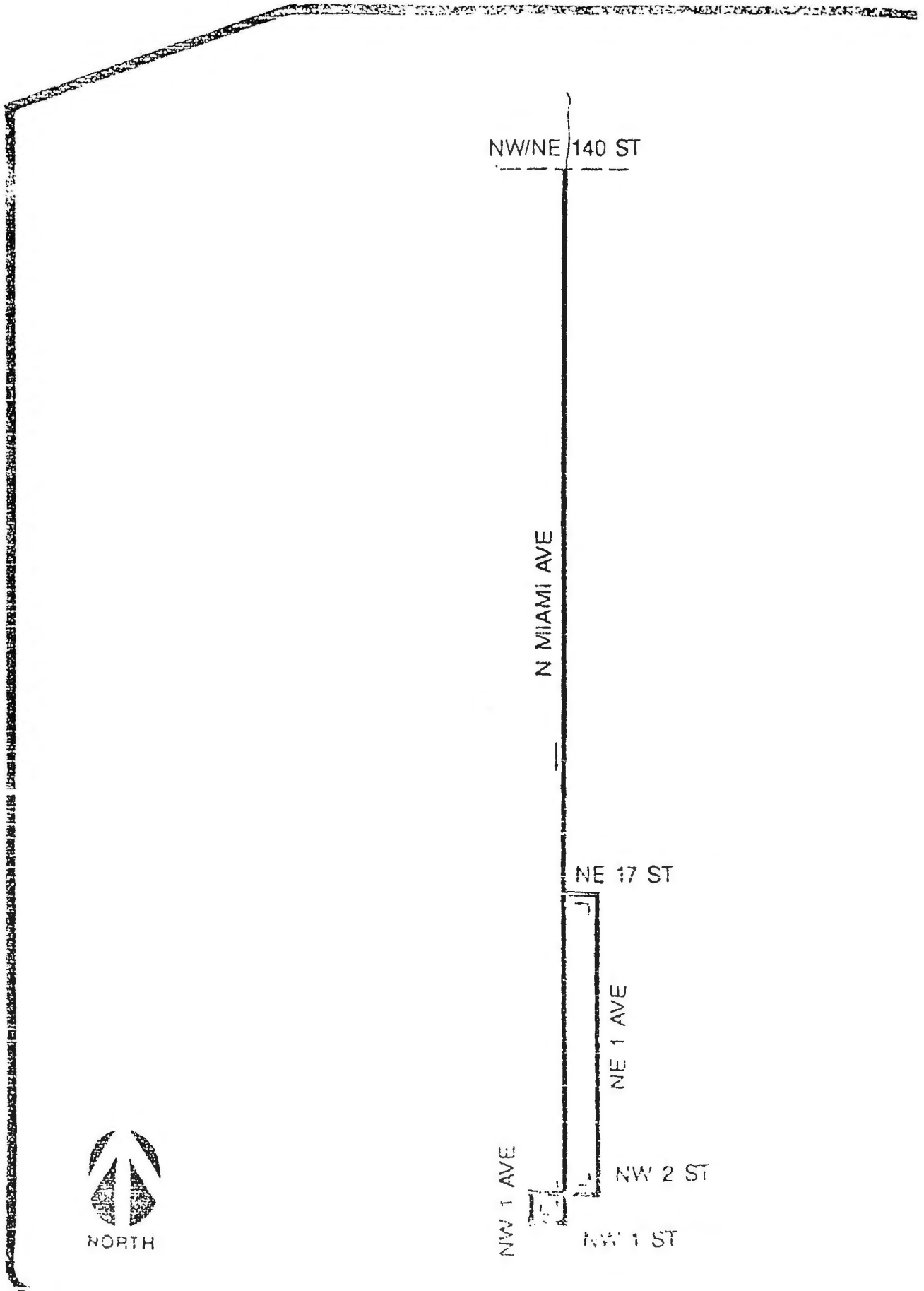
ED

8

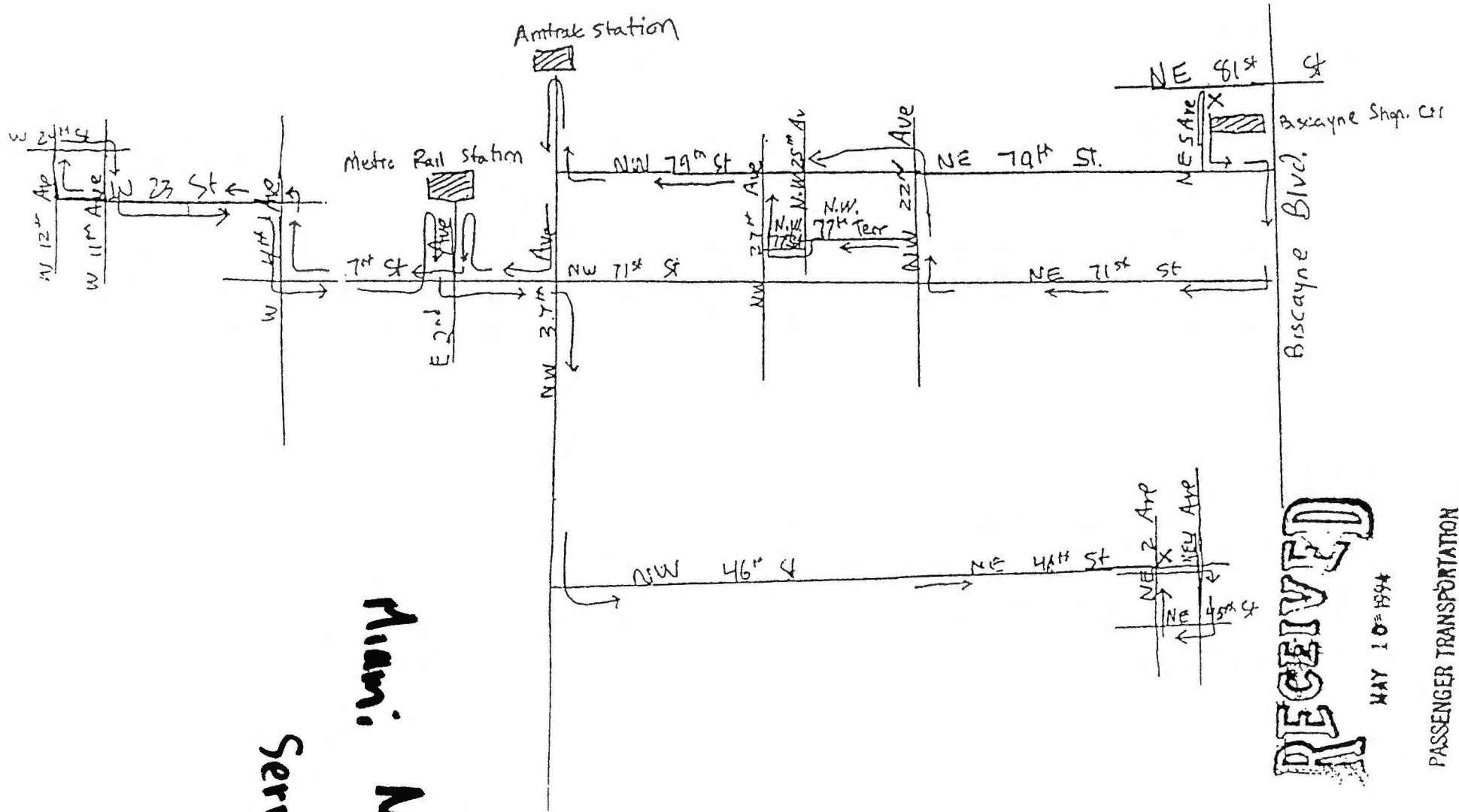
Ridgely

MARCELLO JIMENEZ

EXHIBIT 7



Route #44 - ONE WAY
 (Showing complete one way operation, so as not
 to confuse with multiple arrows)



Miami Mini
 Service.

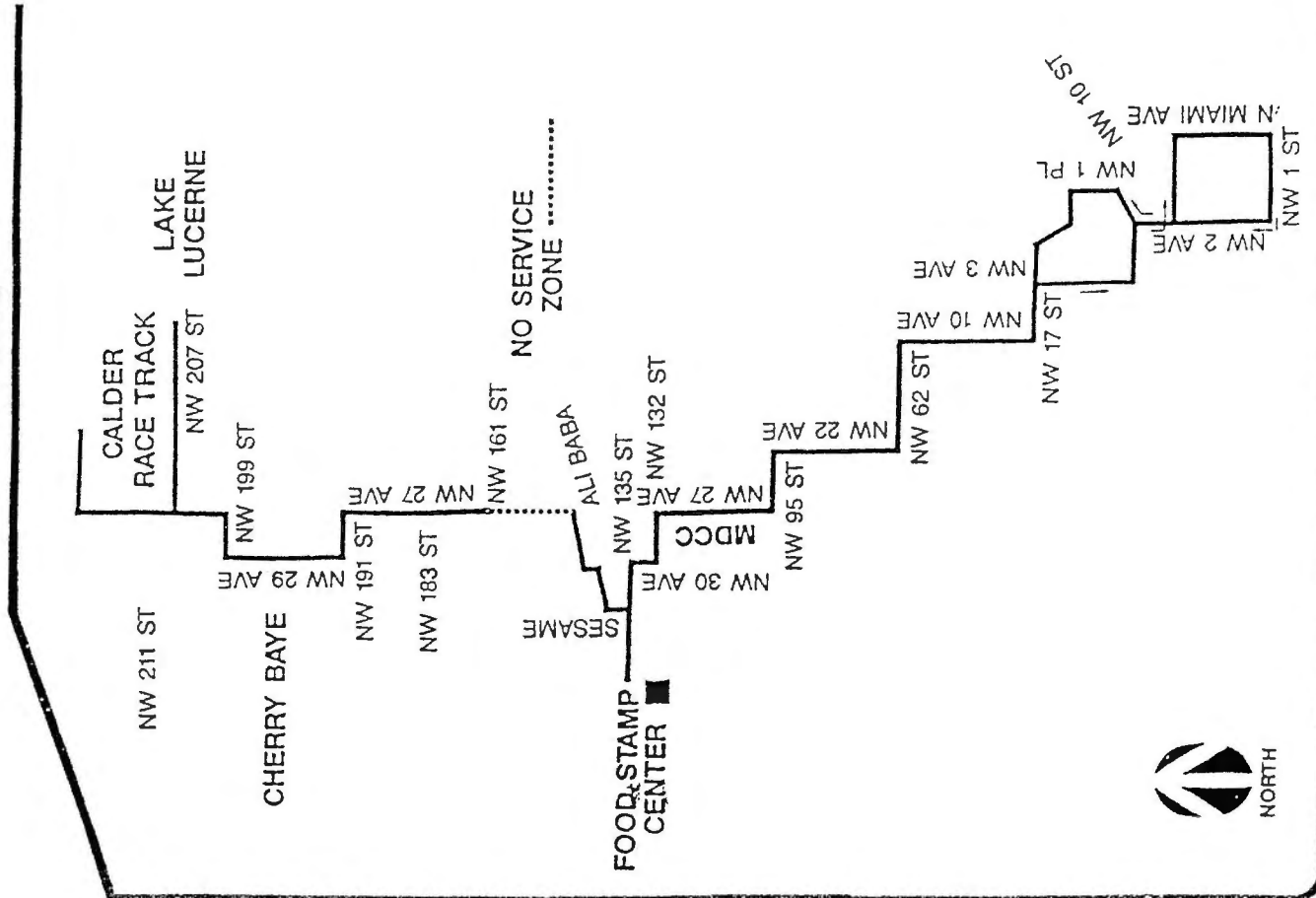
* weekends and holidays
 5-10-94

SUN JITNEY - CONTINUATION OF ROUTE DESCRIPTION

north on NW 27 Avenue to NW 132 Street, west on NW 132 Street to NW 30 Avenue, north on NW 30 Avenue to NW 135 Street, west on NW 135 Street to Food Stamp Center, east on NW 135 Street to Sesame Street to Ali-Baba Avenue, northeast on Ali-Baba Avenue to NW 27 Avenue, north on NW 27 Avenue to NW 207 Street, (**NON-STOP** between NW 132 Street and NW 161 Street), east on NW 207 street to NW 17 Avenue (turnaround), west on NW 207 Street to NW 27 Avenue, North on NW 27 Avenue to Calder Race Track and end of route. Return via same route. FROM 7:00 P.M. TO 10:00 P.M. Beginning at Miami Dade Community College on NW 119 Street, north on NW 27 Avenue to NW 207 Street (**NON-STOP** between NW 132 Street and NW 161 Street), east on NW 207 street to NW 17 Avenue (turnaround), west on NW 207 Street to NW 27 Avenue, and return via same route. FROM 10:00 P.M. TO 6:00 A.M. Beginning at Miami Dade Community College on NW 119 Street, PROVIDING FULL SERVICE NORTH ON NW 27 AVENUE to NW 207 Street, east on NW 207 street to NW 20 Avenue (turnaround), west on NW 207 Street to NW 27 Avenue, and return via same route.

SUN JITNEY

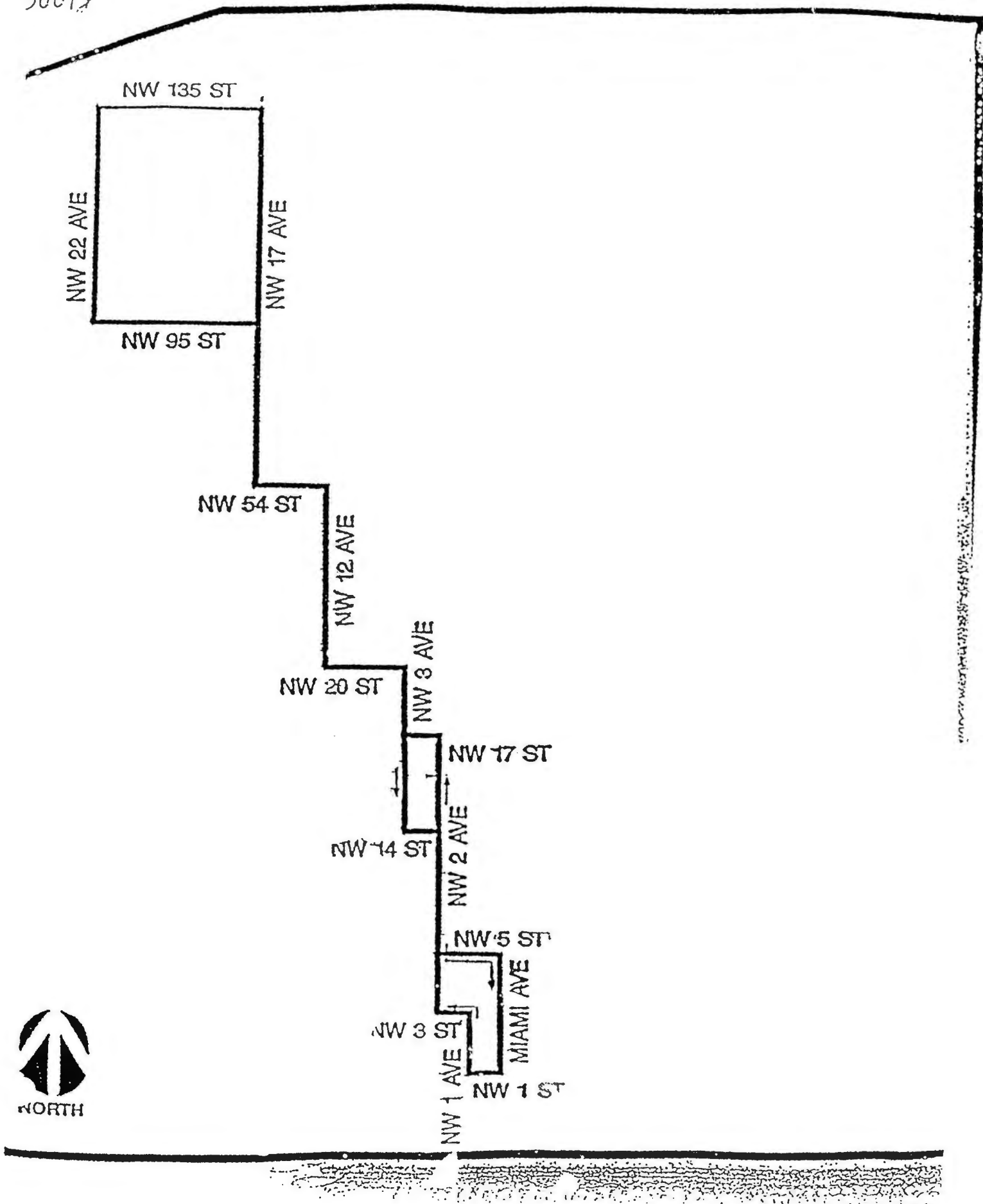
EXHIBIT 4



LIBERTY CITY JITNEY

EXHIBIT 3

30012



KING JITNEY

EXHIBIT 2

KING
JITNEY

NW 27 AVE

NW 79 ST

NW 7 AVE

NW 17 ST

NW 8 AVE

NW 14 ST

NW 2 AVE

NW 5 ST

NW 3 ST

MIAMI AVE

NW 1 ST



DADE JITNEY

NW 103 ST

NW 27 AVE

NW 54 ST

NW 17 AVE

NW 20 ST

NW 102 AVE

NW 17 ST

NW 2 AVE

NW 5 ST

NW 3 ST

NW 1 AVE

MIAMI AVE

NW 1 ST



To: File

From: Craig Miller

Notes from Telecon with Bob Pearsall, MDT:

1. Non-overlapping routes best.
2. Of jitney provides suggestions, he liked 29, 17 and possibly 91, the best.
3. Even better routes: "A", 33, 73, 75.
4. 33 (on 103rd Street) was run by Greyhound as part of Private Enterprise Participation experiment. Greyhound "gave up" on it. 33 has a 38% farebox recovery. May not want 2 privatization deals in Hialeah (29&33).
5. 73 runs from Miami Lakes to Dadeland on Ludlam Rd. 27% recovery.
6. 75 has 35 bds/rev. hr. – lot of schools/student ridership. Might overwhelm minibuses with shock loads – unless extras are dispatched.
7. "A" is beach shuttle. May not get as much TWU backlash on this minibus route. 2 minis.

**MIAMI-DADE TRANSIT
BUS PRODUCTIVITY ANALYSIS
FEBRUARY 2002**

WEEKDAY SERVICE, AM PEAK HEADWAY 0 - 15 MINUTES

ROUTE	REVENUE MILES	TOTAL MILES	REVENUE HOURS	TOTAL HOURS	DIRECT OP. COST	AVERAGE REVENUE	DIRECT OP. REC. RATIO	EST BDGS	NET COST /BDG	BDGS/ REV HR	REV/ T MILE
11	2,555.2	2,876.8	241.3	258.9	\$13,774	\$9,152	66.4%	12,371	\$0.37	51.3	\$3.18
S	3,721.5	4,177.1	285.0	302.3	\$17,179	\$11,251	65.5%	13,080	\$0.45	45.9	\$2.69
L	2,791.6	3,033.7	240.0	251.4	\$13,986	\$8,801	62.9%	10,662	\$0.49	44.4	\$2.90
3/16	3,683.6	3,901.9	299.8	309.8	\$17,740	\$10,959	61.8%	12,915	\$0.53	43.1	\$2.81
77	2,461.8	2,560.5	197.4	202.5	\$11,899	\$7,306	61.4%	9,437	\$0.49	47.8	\$2.85
27	2,259.5	2,442.1	197.6	205.1	\$11,408	\$6,466	56.7%	8,523	\$0.58	43.1	\$2.65
62	1,330.0	1,439.9	125.5	131.0	\$7,189	\$4,065	56.5%	5,183	\$0.60	41.3	\$2.82
9	1,499.6	1,639.0	123.7	130.7	\$7,444	\$4,070	54.7%	5,074	\$0.66	41.0	\$2.48
2	987.1	1,155.2	103.4	112.3	\$5,704	\$3,095	54.3%	4,008	\$0.65	38.8	\$2.68
88	848.1	1,011.5	67.0	73.9	\$4,111	\$2,042	49.7%	2,660	\$0.78	39.7	\$2.02
17	1,771.8	1,961.7	138.7	146.6	\$8,431	\$4,160	49.3%	5,672	\$0.75	40.9	\$2.12
8	2,037.8	2,158.6	179.0	185.7	\$10,458	\$5,081	48.6%	7,419	\$0.72	41.4	\$2.35
36	1,156.8	1,283.1	101.0	106.2	\$5,976	\$2,681	44.9%	3,436	\$0.96	34.0	\$2.09
24	1,698.5	1,769.3	159.1	162.5	\$9,010	\$2,906	32.2%	3,991	\$1.53	25.1	\$1.64
B	985.6	1,132.9	57.3	64.0	\$3,940	\$1,160	29.5%	1,472	\$1.89	25.7	\$1.02
40	1,335.1	1,469.0	98.4	104.7	\$6,131	\$1,425	23.2%	2,091	\$2.25	21.2	\$0.97
TOTAL	31,124	34,012	2,614	2,748	\$154,381	\$84,622	54.8%	107,995	\$0.65	41.3	\$2.49

**MIAMI-DADE TRANSIT
BUS PRODUCTIVITY ANALYSIS
FEBRUARY 2002**

WEEKDAY SERVICE, AM PEAK HEADWAY 16 - 30 MINUTES

ROUTE	REVENUE MILES	TOTAL MILES	REVENUE HOURS	TOTAL HOURS	DIRECT OP. COST	AVERAGE REVENUE	DIRECT OP. REC. RATIO	EST BDGS	NET COST /BDG	BDGS/ REV HR	REV/ T MILE
A	251.1	361.7	27.5	31.1	\$890	\$649	73.0%	839	\$0.29	30.5	\$1.80
75	1,377.3	1,501.0	108.6	113.7	\$6,526	\$3,524	54.0%	4,208	\$0.71	38.8	\$2.35
21	793.5	851.9	74.7	77.1	\$4,217	\$2,210	52.4%	2,676	\$0.75	35.8	\$2.59
G	1,226.5	1,460.9	94.5	104.3	\$5,769	\$2,948	51.1%	3,379	\$0.83	35.8	\$2.02
83	1,397.6	1,526.5	110.0	115.3	\$6,654	\$3,394	51.0%	4,550	\$0.72	41.4	\$2.22
C	1,086.0	1,190.3	108.7	113.6	\$6,013	\$2,968	49.4%	4,017	\$0.76	37.0	\$2.49
J	1,757.5	1,982.2	138.8	149.0	\$8,370	\$4,045	48.3%	4,940	\$0.88	35.6	\$2.04
12	873.6	928.4	88.2	91.0	\$4,880	\$2,327	47.7%	3,232	\$0.79	36.7	\$2.51
33	710.4	969.1	62.1	71.0	\$3,666	\$1,741	47.5%	2,181	\$0.88	35.1	\$1.80
10	777.8	823.4	66.2	68.5	\$3,926	\$1,859	47.3%	2,457	\$0.84	37.1	\$2.26
7	1,288.7	1,552.5	113.7	126.0	\$6,568	\$2,885	43.9%	3,769	\$0.98	33.1	\$1.86
54	1,035.8	1,194.8	99.9	107.9	\$5,698	\$2,466	43.3%	3,305	\$0.98	33.1	\$2.06
K	1,955.4	2,256.8	148.4	159.1	\$9,084	\$3,910	43.0%	4,762	\$1.09	32.1	\$1.73
22	1,617.5	1,738.7	127.2	132.4	\$7,720	\$3,291	42.6%	4,201	\$1.05	33.0	\$1.89
H	2,123.7	2,224.7	162.4	166.9	\$9,825	\$3,917	39.9%	4,692	\$1.26	28.9	\$1.76
T	1,119.9	1,271.4	84.4	90.4	\$5,185	\$1,991	38.4%	2,367	\$1.35	28.1	\$1.57
32	1,811.7	2,081.6	136.0	145.3	\$8,357	\$3,080	36.9%	3,832	\$1.38	28.2	\$1.48
37	1,478.3	1,609.0	126.5	132.0	\$7,341	\$2,618	35.7%	3,857	\$1.22	30.5	\$1.63
57/72	905.5	1,030.8	65.2	70.6	\$4,097	\$1,362	33.2%	1,858	\$1.47	28.5	\$1.32
73	990.9	1,160.0	83.2	90.1	\$4,933	\$1,499	30.4%	2,031	\$1.69	24.4	\$1.29
71	639.1	802.9	57.9	64.3	\$3,355	\$991	29.5%	1,262	\$1.87	21.8	\$1.23
87	696.9	825.9	56.7	62.6	\$3,447	\$1,011	29.3%	1,387	\$1.76	24.5	\$1.22
M	965.7	1,025.0	89.6	93.2	\$5,083	\$1,460	28.7%	1,802	\$2.01	20.1	\$1.42
W	152.9	227.3	23.4	26.4	\$1,182	\$163	13.8%	434	\$2.35	18.6	\$0.71
TOTAL	27,033	30,597	2,253	2,402	\$132,787	\$56,310	42.4%	72,036	\$1.06	32.0	\$1.84

**MIAMI-DADE TRANSIT
BUS PRODUCTIVITY ANALYSIS
FEBRUARY 2002**

WEEKDAY SERVICE, AM PEAK HEADWAY 31+ MINUTES

ROUTE	REVENUE MILES	TOTAL MILES	REVENUE HOURS	TOTAL HOURS	DIRECT OP. COST	AVERAGE REVENUE	DIRECT OP. REC. RATIO	EST BDGS	NET COST /BDG	BDGS/ REV HR	REV/ T MILE
104	471.2	551.4	32.1	35.3	\$2,017	\$1,326	65.8%	1,506	\$0.46	47.0	\$2.41
28	386.4	432.2	26.7	28.6	\$1,683	\$590	35.1%	726	\$1.51	27.2	\$1.36
91	721.9	776.0	47.2	49.4	\$3,060	\$1,003	32.8%	1,208	\$1.70	25.6	\$1.29
E	784.4	854.7	56.6	59.2	\$3,502	\$884	25.2%	1,118	\$2.34	19.8	\$1.03
48	429.8	517.8	44.1	47.3	\$1,423	\$331	23.2%	400	\$2.73	9.1	\$0.64
6	306.0	349.4	26.5	28.6	\$1,371	\$318	23.2%	375	1.89 \$2.81	14.2	\$0.91
42	774.8	851.3	58.2	61.1	\$3,545	\$820	23.1%	1,009	\$2.70	17.3	\$0.96
29	303.2	415.8	26.7	30.8	914 \$1,947	\$419	21.5%	435	1.14 \$3.51	16.3	\$1.01
R	431.9	474.8	26.1	27.8	\$1,736	\$284	16.4%	405	\$3.58	15.5	\$0.60
V	348.3	379.5	26.3	27.7	\$1,649	\$168	10.2%	204	\$7.26	7.8	\$0.44
TOTAL	4,958	5,603	370	396	\$21,934	\$6,143	28.0%	7,385	\$2.14	19.9	\$1.10

**MIAMI-DADE TRANSIT
BUS PRODUCTIVITY ANALYSIS
FEBRUARY 2002**

WEEKDAY SERVICE, EXPRESS/LIMITED SERVICE

ROUTE	REVENUE MILES	TOTAL MILES	REVENUE HOURS	TOTAL HOURS	DIRECT OP. COST	AVERAGE REVENUE	DIRECT OP. REC. RATIO	EST BDGS	NET COST /BDG	BDGS/ REV HR	REV/ T MILE
KAT - KENDALL	432.4	556.8	23.2	29.1	\$949	\$614	64.6%	678	\$0.50	29.2	\$1.10
KAT - SUNSET	709.8	901.6	42.0	51.1	\$1,480	\$854	57.7%	999	\$0.63	23.8	\$0.95
BISC MAX	805.2	1,050.0	54.4	64.6	\$3,667	\$2,020	55.1%	2,366	\$0.70	43.5	\$1.92
KAT - KILLIAN	1,020.0	1,311.6	49.4	61.1	\$2,411	\$934	38.8%	1,151	\$1.28	23.3	\$0.71
95EX	1,069.6	1,977.8	56.7	89.2	\$4,647	\$1,644	35.4%	1,550	\$1.94	27.3	\$0.83
FLAG MAX	1,059.3	1,588.7	71.9	98.1	\$4,929	\$1,529	31.0%	1,763	\$1.93	24.5	\$0.96
27 MAX	443.8	559.4	27.1	31.6	\$1,920	\$537	28.0%	678	\$2.04	25.0	\$0.96
236-AIRPORT OWL	381.5	448.7	26.0	27.7	\$845	\$200	23.7%	190	\$3.40	7.3	\$0.45
240-BIRD ROAD MAX	664.6	809.2	43.2	50.6	\$1,811	\$422	23.3%	556	\$2.50	12.9	\$0.52
267-LUDLUM MAX	255.6	447.6	23.5	32.4	\$1,053	\$234	22.2%	225	\$3.63	9.6	\$0.52
246-NIGHT OWL M-TH	550.3	675.9	28.2	32.3	\$1,008	\$211	21.0%	242	\$3.29	8.6	\$0.31
246-NIGHT OWL FRI	708.2	918.2	40.3	47.1	\$1,335	\$224	16.8%	257	\$4.32	6.4	\$0.24
237-DOUGLAS BRIDGE	100.8	110.0	8.1	8.6	\$329	\$25	7.7%	68	\$4.48	8.4	\$0.23
300	91.6	192.8	7.2	3.9	\$307	\$11	3.7%	14	\$20.97	2.0	\$0.06
TRI-MIA	55.5	69.1	15.4	16.5	\$691	\$2	0.3%	371	\$1.86	24.1	\$0.03
TR-36 ST	65.2	84.6	5.5	6.8	\$349	\$0	0.1%	94	\$3.71	17.0	\$0.00
302-AHEPA APT	17.6	55.2	4.0	5.2	\$197	\$0	0.0%	46	\$4.34	11.3	\$0.00
303-SIERA LAKE	24.0	67.2	3.9	5.3	\$199	\$0	0.0%	66	\$3.03	17.0	\$0.00
TOTAL	8,431	11,757	526	656	\$27,927	\$9,463	33.9%	11,247	\$1.64	21.4	\$0.80

NIGHT OWL
(COMBINED) 581.9 32.0 1,073 214 245 \$3.50 8.2

**MIAMI-DADE TRANSIT
BUS PRODUCTIVITY ANALYSIS
FEBRUARY 2002**

WEEKDAY SERVICE, SHUTTLE/CONNECTOR SERVICE

ROUTE	REVENUE MILES	TOTAL MILES	REVENUE HOURS	TOTAL HOURS	DIRECT OP. COST	AVERAGE REVENUE	DIRECT OP. REC. RATIO	EST BDGS	NET COST /BDG	BDGS/ REV HR	REV/ T MILE
137-WEST DADE CONN	1,049.2	1,323.5	63.3	72.4	\$2,443	\$870	35.6%	1,024	\$1.54	16.2	\$0.66
242-DORAL CONN	393.9	532.5	38.2	45.0	\$1,409	\$429	30.4%	544	\$1.80	14.3	\$0.80
248-BRICKELL KEY	245	308.2	23.5	26.2	\$817	\$222	27.2%	245	\$2.43	10.4	\$0.72
238-EAST/WEST CONN	585.0	805.5	50.1	60.7	\$1,870	\$356	19.0%	421	\$3.59	8.4	\$0.44
NORTH DADE CONN	702.8	978.0	45.5	55.4	\$1,764	\$332	18.8%	477	\$3.00	10.5	\$0.34
243-SEAPORT CONN	220.8	317.6	22.6	25.6	\$782	\$135	17.3%	147	\$4.39	6.5	\$0.43
245-OKEE CONN	312.8	440.2	29.5	36.3	\$1,085	\$126	11.6%	157	\$6.13	5.3	\$0.29
134 - RIVERSIDE SHUT	18.0	66.6	4.4	5.9	\$204	\$0	0.0%	30	\$6.72	6.9	\$0.00
TOTAL	3,528	4,772	277	328	\$10,374	\$2,471	23.8%	3,045	\$2.60	11.0	\$0.52

**MIAMI-DADE TRANSIT
BUS PRODUCTIVITY ANALYSIS
FEBRUARY 2002**

WEEKDAY SERVICE, SOUTH DADE CORRIDOR

ROUTE	REVENUE MILES	TOTAL MILES	REVENUE HOURS	TOTAL HOURS	DIRECT OP. COST	AVERAGE REVENUE	DIRECT OP. REC. RATIO	EST BDGS	NET COST /BDG	BDGS/ REV HR	REV/ T MILE
231-BUSWAY LOCAL	333.0	444.0	21.1	24.7	\$955	\$348	36.4%	476	\$1.28	22.5	\$0.78
31	414.0	599.8	27.2	33.8	\$1,874	\$674	36.0%	957	\$1.25	35.2	\$1.12
65EX	107.1	145.9	6.8	8.8	\$463	\$166	35.9%	208	\$1.42	30.7	\$1.14
38	2,393.5	3,241.2	137.5	163.3	\$9,402	\$3,325	35.4%	3,760	\$1.62	27.3	\$1.03
252-CORAL REEF MAX	797.1	951.2	46.7	52.2	\$1,968	\$590	30.0%	741	\$1.86	15.9	\$0.62
35/70	1,912.5	2,391.5	103.0	117.9	\$7,153	\$1,923	26.9%	2,080	\$2.51	20.2	\$0.80
1	927.4	1,116.8	68.0	74.9	\$4,233	\$1,130	26.7%	1,610	\$1.93	23.7	\$1.01
287-SAGA BAY MAX	268.5	377.9	18.0	21.9	\$853	\$216	25.3%	273	\$2.33	15.2	\$0.57
52/56	1,842.7	2,130.3	137.8	148.4	\$8,514	\$1,918	22.5%	2,491	\$2.65	18.1	\$0.90
TOTAL	8,996	11,399	566	646	\$35,417	\$10,291	29.1%	12,595	\$1.99	22.3	\$0.90
GRAND TOTAL	84,069	98,140	6,607	7,174	\$382,820	\$169,300	44.2%	214,303	\$1.00	32.4	\$1.73

Note: Route 57 is not included in corridor analysis because it is interlined with the Route 72 (which is not part of the South Dade Corridor) and unable to extract data

MIAMI-DADE TRANSIT
BUS PRODUCTIVITY ANALYSIS
FEBRUARY 2002

SATURDAY SERVICE

ROUTE	REVENUE MILES	TOTAL MILES	REVENUE HOURS	TOTAL HOURS	DIRECT OP. COST	AVERAGE REVENUE	DIRECT OP. REC. RATIO	EST BDGS	NET COST /BDG	BDGS/ REV HR	REV/ T MILE
A	124.0	182.0	13.2	15.1	\$434	\$336	77.5%	362	\$0.27	27.5	\$1.85
77	1,385.9	1,420.8	101.3	103.2	\$6,234	\$3,977	63.8%	5,164	\$0.44	51.0	\$2.80
11	2,159.8	2,371.4	189.4	199.0	\$10,991	\$6,922	63.0%	9,744	\$0.42	51.5	\$2.92
S	3,714.7	4,186.2	276.7	293.7	\$16,822	\$10,263	61.0%	11,909	\$0.55	43.0	\$2.45
88	613.6	683.6	48.9	51.7	\$2,901	\$1,751	60.3%	2,225	\$0.52	45.5	\$2.56
L	2,012.4	2,162.4	174.0	181.2	\$10,108	\$5,768	57.1%	7,045	\$0.62	40.5	\$2.67
27	1,647.3	1,883.0	120.5	130.0	\$7,401	\$4,036	54.5%	5,329	\$0.63	44.2	\$2.14
3	3,000.1	3,526.5	220.8	243.3	\$13,586	\$7,043	51.8%	8,295	\$0.79	37.6	\$2.00
16	937.2	991.2	71.2	74.5	\$4,324	\$2,238	51.8%	2,604	\$0.80	36.6	\$2.26
E	397.2	548.9	27.1	32.1	\$1,105	\$561	50.8%	674	\$0.81	24.9	\$1.02
8	1,322.2	1,361.7	119.6	121.9	\$6,878	\$3,347	48.7%	4,715	\$0.75	39.4	\$2.46
2	524.6	636.6	54.1	60.2	\$2,987	\$1,428	47.8%	1,806	\$0.86	33.4	\$2.24
62	874.9	951.1	76.7	80.0	\$4,422	\$1,945	44.0%	2,528	\$0.98	33.0	\$2.04
83	1,078.7	1,143.4	83.0	85.6	\$5,027	\$2,158	42.9%	2,623	\$1.09	31.6	\$1.89
36	658.9	671.3	53.1	53.6	\$3,170	\$1,356	42.8%	1,720	\$1.06	32.4	\$2.02
54	467.2	545.8	43.6	47.7	\$2,471	\$1,051	42.6%	1,397	\$1.02	32.1	\$1.93
9/10	1,580.2	1,766.6	120.4	128.5	\$7,286	\$3,046	41.8%	3,879	\$1.09	32.2	\$1.72
C	1,089.8	1,309.8	108.3	118.9	\$6,005	\$2,499	41.6%	3,206	\$1.09	29.6	\$1.91
7	1,048.5	1,272.5	85.0	94.0	\$5,093	\$2,083	40.9%	2,723	\$1.11	32.0	\$1.64
71	525.5	651.9	42.4	48.0	\$1,578	\$640	40.5%	686	\$1.37	16.2	\$0.98
B	512.6	563.8	28.1	30.4	\$1,940	\$782	40.3%	959	\$1.21	34.1	\$1.39
12/21	808.4	851.2	80.9	83.1	\$4,469	\$1,784	39.9%	2,287	\$1.17	28.3	\$2.10
G	1,063.5	1,176.0	82.7	88.1	\$4,990	\$1,970	39.5%	2,191	\$1.38	26.5	\$1.68
246-NIGHT OWL	708.2	918.2	40.3	47.1	\$1,335	\$521	39.1%	557	\$1.46	13.8	\$0.57
J	1,307.0	1,393.6	89.2	93.1	\$5,625	\$2,173	38.6%	2,695	\$1.28	30.2	\$1.56

**MIAMI-DADE TRANSIT
BUS PRODUCTIVITY ANALYSIS
FEBRUARY 2002**

SATURDAY SERVICE

ROUTE	REVENUE MILES	TOTAL MILES	REVENUE HOURS	TOTAL HOURS	DIRECT OP. COST	AVERAGE REVENUE	DIRECT OP. REC. RATIO	EST BDGS	NET COST /BDG	BDGS/ REV HR	REV/ T MILE
H	2,123.7	2,272.4	157.2	164.7	\$9,636	\$3,556	36.9%	4,244	\$1.43	27.0	\$1.56
33	412.4	508.8	31.9	35.1	\$1,915	\$676	35.3%	860	\$1.44	27.0	\$1.33
24	1,023.8	1,075.1	86.2	88.3	\$5,051	\$1,703	33.7%	2,423	\$1.38	28.1	\$1.58
K	1,403.8	1,725.4	103.6	114.8	\$6,345	\$2,128	33.5%	2,521	\$1.67	24.3	\$1.23
236-AIRPORT OWL	381.5	448.7	26.0	27.7	\$845	\$278	32.8%	270	\$2.10	10.4	\$0.62
17	1,397.5	1,445.2	92.0	94.1	\$5,873	\$1,917	32.7%	2,601	\$1.52	28.3	\$1.33
37/72	1,039.3	1,181.4	75.0	79.9	\$4,630	\$1,492	32.2%	2,191	\$1.43	29.2	\$1.26
32	1,039.8	1,099.4	71.7	74.0	\$4,509	\$1,430	31.7%	1,799	\$1.71	25.1	\$1.30
22	1,300.9	1,407.5	86.2	91.5	\$5,504	\$1,660	30.1%	2,077	\$1.85	24.1	\$1.18
137-WEST DADE	780.8	948.0	46.1	51.2	\$1,717	\$497	28.9%	611	\$2.00	13.3	\$0.52
75	366.0	386.4	29.4	30.1	\$1,748	\$476	27.2%	580	\$2.19	19.7	\$1.23
238-EAST/WEST CON	435.0	566.9	36.2	42.7	\$1,290	\$349	27.1%	407	\$2.31	11.3	\$0.62
T	682.8	767.7	45.4	49.2	\$2,890	\$723	25.0%	850	\$2.55	18.7	\$0.94
73	574.0	621.8	40.8	42.5	\$2,542	\$620	24.4%	857	\$2.24	21.0	\$1.00
40	938.2	1,005.4	54.8	58.4	\$3,689	\$828	22.4%	1,189	\$2.41	21.7	\$0.82
87	240.2	258.0	19.1	20.0	\$1,169	\$239	20.5%	398	\$2.34	20.8	\$0.93
91	568.8	636.2	39.8	42.9	\$2,499	\$507	20.3%	625	\$3.19	15.7	\$0.80
243-SEAPORT CONN	153.6	202.0	15.8	17.3	\$500	\$92	18.4%	161	\$2.54	10.2	\$0.46
M	558.6	633.4	51.3	55.2	\$2,899	\$502	17.3%	629	\$3.81	12.3	\$0.79
42	666.5	731.9	48.3	51.0	\$3,008	\$463	15.4%	629	\$4.05	13.0	\$0.63
W	152.9	227.3	23.4	26.4	\$1,182	\$143	12.1%	370	\$2.81	15.9	\$0.63
248-BRICKELL KEY	240.0	271.6	12.3	13.6	\$504	\$56	11.0%	61	\$7.32	5.0	\$0.21
237-DOUGLAS BRIDGE	100.8	110.0	8.1	8.6	\$329	\$30	9.2%	25	\$11.83	3.1	\$0.28
TRI-MIA	28.5	42.1	10.6	11.8	\$473	\$0	0.1%	179	\$2.65	16.9	\$0.01
304-FED GARD	40.0	58.2	4.0	4.7	\$214	\$0	0.0%	17	\$12.40	4.3	\$0.00
TOTAL	46,212	51,800	3,565	3,800	\$208,144	\$90,046	43.3%	113,889	\$1.04	31.9	\$1.74

**MIAMI-DADE TRANSIT
BUS PRODUCTIVITY ANALYSIS
FEBRUARY 2002**

SATURDAY SERVICE, SOUTH DADE CORRIDOR

ROUTE	REVENUE MILES	TOTAL MILES	REVENUE HOURS	TOTAL HOURS	DIRECT OP. COST	AVERAGE REVENUE	DIRECT OP. REC. RATIO	EST BDGS	NET COST /BDG	BDGS/ REV HR	REV/ T MILE
231-BUSWAY LOCAL	567.0	638.4	32.1	34.5	\$1,203	\$510	42.4%	797	\$0.87	24.8	\$0.80
38	1,709.0	2,305.7	93.4	109.6	\$6,433	\$2,534	39.4%	3,201	\$1.22	34.3	\$1.10
252-CORAL REEF MAX	533.0	596.8	26.2	28.3	\$1,191	\$376	31.6%	435	\$1.87	16.6	\$0.63
1	569.8	682.7	40.8	44.6	\$1,470	\$334	22.7%	523	\$2.17	12.8	\$0.49
35/52/70	2,298.8	2,894.1	140.7	158.6	\$9,278	\$1,652	17.8%	1,954	\$3.90	13.9	\$0.57
TOTAL	5,678	7,118	333	376	\$19,575	\$5,405	27.6%	6,908	\$2.05	20.7	\$0.76
GRAND TOTAL	51,889	58,918	3,898	4,175	\$227,719	\$95,451	41.9%	120,797	\$1.09	31.0	\$1.62

**MIAMI-DADE TRANSIT
BUS PRODUCTIVITY ANALYSIS
FEBRUARY 2002**

SUNDAY SERVICE

ROUTE	REVENUE MILES	TOTAL MILES	REVENUE HOURS	TOTAL HOURS	DIRECT OP. COST	AVERAGE REVENUE	DIRECT OP. REC. RATIO	EST BDGS	NET COST /BDG	BDGS/ REV HR	REV/ T MILE
11	1,604.9	1,745.9	136.4	143.1	\$7,951	\$5,165	65.0%	7,442	\$0.37	54.6	\$2.96
S	2,906.3	3,284.0	209.4	222.2	\$12,891	\$8,299	64.4%	9,918	\$0.46	47.4	\$2.53
L	1,528.0	1,665.8	127.2	133.6	\$7,489	\$4,445	59.4%	5,272	\$0.58	41.5	\$2.67
3	2,222.1	2,632.1	157.4	174.0	\$9,804	\$5,630	57.4%	6,385	\$0.65	40.6	\$2.14
C	699.9	819.9	62.8	68.6	\$3,590	\$1,929	53.7%	2,460	\$0.68	39.2	\$2.35
77	1,023.6	1,050.7	75.4	76.9	\$4,619	\$2,312	50.1%	2,931	\$0.79	38.9	\$2.20
16	738.4	781.6	50.1	52.8	\$3,192	\$1,552	48.6%	1,942	\$0.84	38.8	\$1.99
G	617.1	671.1	47.9	50.5	\$2,871	\$1,384	48.2%	1,472	\$1.01	30.8	\$2.06
8	904.0	923.2	76.9	78.3	\$4,519	\$2,069	45.8%	3,023	\$0.81	39.3	\$2.24
246-NIGHT OWL	572.9	705.7	33.5	4.3	\$1,002	\$458	45.7%	560	\$0.97	16.7	\$0.65
7	728.0	931.2	64.8	70.9	\$3,753	\$1,666	44.4%	2,221	\$0.94	34.3	\$1.79
A	124.0	182.0	13.1	15.2	\$433	\$186	43.0%	185	\$1.34	14.1	\$1.02
H	1,475.4	1,573.0	107.1	111.9	\$6,589	\$2,820	42.8%	3,228	\$1.17	30.2	\$1.79
88	613.6	683.6	48.6	51.5	\$2,892	\$1,212	41.9%	1,528	\$1.10	31.4	\$1.77
E	397.2	548.9	27.0	32.0	\$874	\$362	41.4%	426	\$1.20	15.8	\$0.66
9	631.8	682.2	45.4	47.9	\$2,805	\$1,147	40.9%	1,414	\$1.17	31.2	\$1.68
27	1,273.3	1,453.0	95.0	102.1	\$5,778	\$2,267	39.2%	3,054	\$1.15	32.2	\$1.56
J	744.0	789.3	50.1	51.9	\$3,158	\$1,233	39.0%	1,418	\$1.36	28.3	\$1.56
2	341.6	425.6	37.0	41.6	\$2,028	\$789	38.9%	1,061	\$1.17	28.7	\$1.85
B	488.8	540.0	26.7	29.0	\$1,850	\$714	38.6%	780	\$1.46	29.2	\$1.32
K	1,358.2	1,593.0	91.5	100.3	\$5,790	\$2,226	38.4%	2,803	\$1.27	30.6	\$1.40
236-AIRPORT OWL	381.5	448.7	25.4	27.1	\$835	\$311	37.2%	300	\$1.75	11.8	\$0.69
62	874.9	951.1	76.6	79.9	\$4,418	\$1,596	36.1%	2,018	\$1.40	26.4	\$1.68
10	367.9	410.5	25.3	27.3	\$1,604	\$535	33.4%	673	\$1.59	26.6	\$1.30
36	643.8	650.7	52.6	52.9	\$3,127	\$1,039	33.2%	1,315	\$1.59	25.0	\$1.60

**MIAMI-DADE TRANSIT
BUS PRODUCTIVITY ANALYSIS
FEBRUARY 2002**

SUNDAY SERVICE

ROUTE	REVENUE MILES	TOTAL MILES	REVENUE HOURS	TOTAL HOURS	DIRECT OP. COST	AVERAGE REVENUE	DIRECT OP. REC. RATIO	EST BDGS	NET COST /BDG	BDGS/ REV HR	REV/ T MILE
17	774.0	792.2	47.7	48.7	\$3,122	\$997	31.9%	1,351	\$1.57	28.3	\$1.26
12/21	808.4	851.2	77.6	79.8	\$4,347	\$1,341	30.8%	1,776	\$1.69	22.9	\$1.57
22	772.0	820.1	48.8	51.2	\$3,159	\$958	30.3%	1,163	\$1.89	23.8	\$1.17
71	350.1	415.5	30.6	33.0	\$1,132	\$342	30.2%	381	\$2.07	12.4	\$0.82
33	325.0	410.6	25.0	27.7	\$1,522	\$457	30.0%	604	\$1.76	24.2	\$1.11
83	680.1	722.5	56.1	57.6	\$3,314	\$985	29.7%	1,199	\$1.94	21.4	\$1.36
37/72	1,016.4	1,150.2	62.9	67.4	\$4,110	\$1,207	29.4%	2,041	\$1.42	32.4	\$1.05
54	467.2	545.8	43.7	47.7	\$2,475	\$693	28.0%	1,004	\$1.77	23.0	\$1.27
T	672.0	761.4	44.3	48.2	\$2,830	\$719	25.4%	946	\$2.23	21.4	\$0.94
137-WEST DADE	780.8	935.6	45.9	51.0	\$1,828	\$447	24.5%	564	\$2.45	12.3	\$0.48
M	407.1	456.4	36.2	39.5	\$2,106	\$499	23.7%	644	\$2.50	17.8	\$1.09
40	502.2	535.8	28.8	30.6	\$1,949	\$451	23.1%	660	\$2.27	22.9	\$0.84
238-EAST/WEST CON	435.0	566.9	36.0	42.6	\$1,287	\$295	22.9%	322	\$3.08	8.9	\$0.52
24	944.8	979.6	78.0	79.6	\$4,625	\$1,052	22.7%	1,524	\$2.34	19.6	\$1.07
87	240.2	258.0	19.1	20.0	\$1,169	\$261	22.3%	365	\$2.49	19.1	\$1.01
243-SEAPORT CONN	153.6	202.0	17.3	1.5	\$527	\$109	20.7%	125	\$3.34	7.2	\$0.54
32	766.1	796.0	48.1	49.3	\$3,123	\$627	20.1%	794	\$3.14	16.5	\$0.79
91	547.2	606.7	38.5	41.4	\$2,416	\$397	16.4%	504	\$4.01	13.1	\$0.65
75	366.0	386.4	29.4	30.1	\$1,748	\$267	15.3%	339	\$4.37	11.5	\$0.69
42	666.5	731.9	47.8	50.5	\$2,992	\$448	15.0%	555	\$4.59	11.6	\$0.61
73	369.0	416.8	26.1	27.8	\$1,674	\$208	12.4%	310	\$4.73	11.9	\$0.50
W	121.7	177.5	18.1	20.4	\$981	\$111	11.3%	323	\$2.70	17.9	\$0.63
TRI-MIA	25.5	39.1	8.6	9.8	\$395	\$2	0.4%	159	\$2.48	18.5	\$0.04
TOTAL	35,452	39,701	2,677	2,801	\$156,692	\$64,217	41.0%	81,475	\$1.14	30.4	\$1.62

**MIAMI-DADE TRANSIT
BUS PRODUCTIVITY ANALYSIS
FEBRUARY 2002**

SUNDAY SERVICE, SOUTH DADE CORRIDOR

ROUTE	REVENUE MILES	TOTAL MILES	REVENUE HOURS	TOTAL HOURS	DIRECT OP. COST	AVERAGE REVENUE	DIRECT OP. REC. RATIO	EST BDGS	NET COST /BDG	BDGS/ REV HR	REV/ T MILE
231-BUSWAY LOCAL	567.0	638.4	32.1	34.5	\$1,203	\$554	46.1%	720	\$0.90	22.4	\$0.87
38	1,709.0	2,305.7	93.3	109.4	\$6,428	\$2,300	35.8%	2,785	\$1.48	29.9	\$1.00
1	410.8	489.1	29.0	31.6	\$1,034	\$351	34.0%	450	\$1.52	15.5	\$0.72
252-CORAL REEF	533.0	596.8	26.2	28.4	\$1,076	\$325	30.2%	431	\$1.74	16.4	\$0.54
35/52/70	2,155.9	2,756.1	124.8	143.1	\$8,384	\$1,267	15.1%	1,493	\$4.77	12.0	\$0.46
TOTAL	5,376	6,786	305	347	\$18,126	\$4,797	26.5%	5,878	\$2.27	19.2	\$0.71
GRAND TOTAL	40,828	46,487	2,983	3,148	\$174,818	\$69,014	39.5%	87,353	\$1.21	29.3	\$1.48



Highlights of Jitney System in Puerto Rico

Highlights of Jitney System in Puerto Rico

I. INTRODUCTION

Puerto Rico has an area of 3,515 square miles and with a population of 3.7 million and over 3.2 million registered motor vehicles. San Juan is the capital of Puerto Rico with a population of 1.5 million. Like Miami-Dade County, the San Juan Metropolitan Region is composed of 12 municipalities. Contrary to Miami-Dade County, the government structure in Puerto Rico does not include a county definition. State and municipalities are the base for the governmental jurisdiction.

II. TRANSPORTATION IN SAN JUAN

In 1990, the modal split for person trips was:

Auto:	90.7 %
Public Transit:	2.5 %
Jitneys:	4.8 %
Other modes:	2.0 %

The current public transportation services in San Juan are provided by:

1. Ferry System
 - a. Three routes, six high speed catamaran ferries with a capacity of 167 passengers.
 - b. Headways: 15 minutes during peak hour and 30 minutes during midday.
2. Bus System
 - a. Metropolitan Bus Authority (MBA)
 - i. The agency serves eight municipalities with most of the routes concentrated in the central urbanized areas of San Juan.
 - ii. By 1990, the agency operates 42 routes with 175 buses during the peak period. Ridership was over 26 million passengers (1990).
 - iii. Fleet includes conventional buses and 60 articulated buses.
 - b. Metromovil Service
 - i. This service is provided by a private contractor along the contraflow bus lane (north-south corridor) on a previous MBA route. Other MBA routes continue sharing the exclusive contraflow lane with metromovil.

- ii.- Fleet of 30 standard buses with a daily 5 minutes headway Ridership averaged over 25,000 passengers per day.
 - iii. Mini-intermodal facilities (4) were built along the route to integrate jitneys and other MBA routes.
 - c. Private Bus Service
 - i. 10 intercity and suburban lines with over 30 buses in service.
- 3. Jitney System
See section III below.
- 4. Taxi System

III. JITNEY SYSTEM

In Puerto Rico, jitneys are regulated by the Public Service Commission (PSC). This Commission also regulates taxis, private buses, gas companies, cable companies and other related services. Jitneys serve the whole island, providing intercity and suburban services. Only in San Juan Metropolitan Area, there were over 3,000 vehicles serving 124 routes (1990).

A. Operation

1. Route: Jitneys operates on a semi-scheduled fixed route.
2. Vehicle: Regular vans with a maximum capacity of 18 passengers including the driver.
3. Permitting: The PSC has regulatory authority over the franchising of jitney routes, operators, inspection of vehicles, establishing vehicle capacity and fares, enforcement, and expansion of existing routes. Operator licensing and vehicle registration are regulated by the Department of Public Works (Motor Vehicle Division). As part of this process, the PSC requires a study for considering the need and public convenience for approving and authorizing the service.
4. Licensing: Jitneys are divided in two groups according to the license plate issued. Vehicles with "PD" plates indicate that the operator is the owner and he is the only person authorized to operate the vehicle. Vehicles with "P" plates indicate that the owner can lease the vehicle to other PSC authorized operator.
5. Organization: Almost all jitney operators are organized into collective units such as associations, unions, federations, cooperatives, etc...
6. Service: Jitney routes are made upon the initiative of the operators based on market demand, without entering in extensive analysis and planning. They operate for profit, which make them a real transportation option. In San Juan, the MBA has exclusive authority for providing public transportation, but the PSC has the authority to authorize jitney service in those areas that are not served or not appropriately served by the MBA. This has been a big issue since many years ago, due to the lack of definition regarding service. Therefore, this process is very subjective depending of the arbitrator which revise the case.

Jitneys usually do not provide service at night, exemption made in some specific routes. The level of service provided by the jitneys during weekends depends on service demand. In Puerto Rico, jitneys provide an excellent public transportation service.

7. Ridership: Over 176,665 passengers and 15,330 trips were carried on a daily basis by the jitneys in the San Juan Metropolitan Area (1990). An average of 11.5 passenger per vehicle per trip.
8. Subsidies: No operational subsidies are provided for jitneys in Puerto Rico. However, there are other indirect subsidies for the operators.
 - a. Owners that operate the vehicle ("PD" plates) are fully exempted from vehicle tax (approximately 6% of the vehicle cost).
 - b. Owners with a "P" plate have up to 20 % tax exemption of the vehicle tax.
 - c. Local governments provide terminal facilities for jitneys using federal funds.
 - d. As indicated before, jitneys in Puerto Rico are grouped in different organizations. Some of them, provide other benefits for jitneys such as discount prices for gas, tires, maintenance and other related items.
9. Federal Requirements:
 - a. Jitneys in Puerto Rico are not required to comply with any federal regulations based on the fact that they do not receive federal operating subsidy. Jitneys are self-employers and they work as a totally private entity.
 - b. Jitneys qualify for FTA Section 15 Reporting System, which increase the amount of federal funds for the region (not to the jitney owners).
 - c. Jitneys are not required to comply with ADA.

B. Integration of Services

Other than some demonstration and pilot projects, every transportation mode operates independently from each other. Facilities have been build, like the mini-intermodal terminals along the exclusive contraflow bus lane to integrate such services. Actually, with the construction of the "Tren Urbano" and the reduced service provided by the MBA, jitneys are in the process to be integrated to the transportation system.

Miller Consulting, Inc.

From: Guerra, Jesus (MPO) [GUERRAJ@miamidade.gov]
Sent: Wednesday, May 01, 2002 12:13 PM
To: 'millerco@gate.net'
Subject: Jitney Study

Craig:

Thank you for coming!!!

Attached please find the following files with information regarding jitneys. Some of these files were generated by me and others are information that I copied from the internet:

- FTAREg.doc - FTA regulations regarding ADA
- Jitney01.doc - Jitney information that I copied from several sites from the web, including Atlantic City
- Jitney02.doc - Report from the internet (info regarding jitneys)
- Jitney05.doc - Actual Miami-Dade process for autorizing jitneys (this document needs to be updated)
- Jitney06.doc - Outline re: jitneys
- Jitney07.doc - Comments re: MDT Proposal for contracting services
- Jitney16.doc - Scope of Work
- Jitney17.doc - Highlights of Puerto Rico (jitneys)
- JitneyCTAC01 - Comments regarding some concerns about jitneys
- PublicPrivateConcept - MDT Proposal for contracting services

later, I will e-mail you the report that I prepared from the trip to PR. This is a huge file (13.5 MB) because there are several pictures.

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B. Integration of Services

Other than some demonstration and pilot projects, transportation modes operate independently from each other. Facilities have been build, like mini-intermodal terminals along the exclusive contraflow bus lane to integrate such services. Currently, with the construction of the "Tren Urbano" and the reduced service provided by the MBA, jitneys are being integrated with the transportation system on a more substantial basis.

IV. BIBLIOGRAPHY

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- C. Transit Corridors Transitional Study - Jitney Report - 1992
Parsons Brinckerhoff Quade & Douglas, Inc.
- D. San Juan Metropolitan Area Transportation Alternative Study - 1983
Consultores Tecnicos Asociados, Inc.

Jitneys, Jitneys. Jitneys!

"Feds discover joys of the jitney" proclaimed the Star Ledger Wednesday, after Congressman Bill Pascrell announced \$3.5 million of federal transportation dollars for rail station jitneys in communities along the Bergen/Main, Boonton and Morris/Essex Lines. Pascrell delivered the news at a Tuesday Tri-State Campaign press conference, where he was joined by NJ Transit Director Shirley DeLibero, NJTPA Director Joel Weiner and officials from Montclair and Maplewood.

The money is intended to fund regional expansion of NJ Transit's "Community Rail Shuttle Challenge Grant" program along the commuter lines, with special consideration given to towns within the Congressman's district. Six towns along the Morris & Essex lines were awarded jitney "Challenge Grants" by NJ Transit in May to develop rail feeder transit programs. The jitneys can also be used for other purposes, such as senior citizen transport, between peak periods.

In Pascrell's words, "Now, communities throughout our region will be in a position to provide shuttle service to their residents. This is a creative, cost-effective solution that will ease traffic congestion, alleviate the need for new parking facilities, and help cut air pollution."

In July, Congressman Donald Payne announced \$2.5 million of federal funding for jitney programs and bike and pedestrian access improvements at urban stations along the Morris/Essex Line.

The jitney program has blossomed in a short time from a home-grown program that Maplewood, NJ was able to put together. Now, the spread of local feeder transit promises to revolutionize an area of suburban travel and save thousands of car trips and a considerable amount of auto emissions.

Where it began: Maplewood's borrowed senior citizen mini-bus

Atlantic City Jitneys run 24 hours a day, 365 days a year. For a convenient way to travel around town, everyone rides the Jitney. It's the Atlantic City Way! Jitneys travel the entire length of the city, from the inlet to Jackson Ave., from the Marina to the Casinos, servicing practically all major Atlantic City attractions. Jitney stops are located on the corner of every route and originate one block from the Boardwalk on Pacific Avenue. For your convenience, every sign located by each Casino Stop, will have color-coded numbers. Decide your route, then just look for the corresponding color coded number on each Jitney, hop on and enjoy the ride! What is a Jitney? A

Jitney is a 13 passenger mini bus. Cost is \$1.50 per person. For more information call 609-344-8642.

The Atlantic City Jitney Association
Since 1915, An Atlantic City Tradition

Officers

President - William J. Penman, Jr.
Vice President - Emmanuel Mathioudakis
Secretary - John Hull
Treasurer - Bruce O'Malley

History of the Jitney

The term jitney is an old English term which means nickel. Around the turn of the century, many Jitney services sprang up throughout the country. The Atlantic City Jitney Association was started in 1915. It quickly became very successful and today ranks as the longest running non-subsidized transit company in America. In fact, there is an Atlantic City Jitney in the Smithsonian Institute.

The first Jitney Buses arrived on the streets in 1947 and were large, black touring cars that used a rope and pulley system to open the back doors. Today's version is a thirteen seat mini-bus.

At one time, there was no standard Jitney color. Today, the Association has uniform colors of white and blue.

The Atlantic City Jitneys are individually owned and operated. They run 24 hours a day, 365 days per year. We have a total of 190 Jitneys.

The Atlantic City Jitney Association is committed to Atlantic City and is actively involved within the community. They also sponsor the Atlantic City Hall of Fame, honoring Atlantic City's finest citizens.

The Jitney, a signature element for the City of Atlantic City, is about to make a quantum leap into the 21st Century. Gone will be the white bread truck and in its place will be the sleek, powder blue, much improved version. Sporting high resolution graphics on its sides depicting the Absecon Lighthouse, a sunset, and seagulls.

Cash fare is \$1.50 each way. If you purchase tickets in advance, the price for Frequent Riders tickets is \$1.25. If you are a senior citizen, you can purchase tickets for \$.50. for more information about purchasing tickets.

We currently have 190 jitneys. They are all owner operated. We operate 24 hrs a day, 365 days a year.

Cost per customer is \$1.50. We also sell tickets : frequent riders which are 10 tickets for \$12.50, Seniors and disabled tickets sell ten tickets for \$5.00.

Tickets are savings per week.

We are governed by our Board of Trustees and also City Hall, we work together on the routes, ordinances.

We have a vice president who is in charge of the street. He works with the members in training to the different routes (4).

If you need additional information please contact Mike Long, President at 609-344-8642. Or you can do so in writing to the address below:

Thank you,
Atlantic City Jitney Association
201 Pacific Avenue
Atlantic City, N.J. 08401

Once they were a familiar part of getting around Detroit.

Jitneys ran along pre-set routes on main streets, picking up a half dozen or so short-haul passengers at a time. The fare for these private cars was a bit more than city buses and streetcars and a bit less than taxis.

Since 1928, however, they have been illegal in Detroit, just as they are in most large American cities, because they threaten the public transit monopoly.

But public transit appears incapable of sustaining service over an ever-widening geographic area. Some transportation experts are recommending the return of private jitneys (the word is old-time slang for a nickel) to fill these gaps.

"If there is any future for transit, it has to approximate the advantages of private autos," says

Peter Gordon of the University of Southern California. "It has to be flexible enough to connect points of origin and destinations that are increasingly unpredictable, and it should be managed by entrepreneurs instead of politicians."

A case in point is here in the metro area. The Detroit Department of Transportation (D-DOT) recently shut down bus service to many suburban areas, cutting off city residents from jobs. The Suburban Mobility Authority for Regional Transportation (SMART), which operates in the suburbs and runs some buses to and from downtown, says it will expand service soon to fill these gaps.

But even when D-DOT was running at capacity, there were more gaps than there were buses. "Public transit in Detroit has become nearly irrelevant," argues Wendell Cox, who did a study of Oakland County transportation in the mid-1980s and heads his own transportation consultation firm in St. Louis.

The situation seems made to order for jitneys.

"Jitneys are springing up spontaneously all over the place" in violation of the bans, says Chip Miller, president and general counsel of the Institute for Justice, a Washington-based group that has filed lawsuits seeking to remove bans on these vehicles.

These services could help relieve any overcrowding that may exist on some Detroit bus lines, Cox says. And they would help low-income residents get to jobs in the suburbs, he adds, at a time of low unemployment and welfare reform.

Such services already exist here, albeit in surreptitious form.

Informal jitneys operate in low-income areas of the city, admits Vivian Allison, deputy director of consumer affairs for the city of Detroit. They are especially prevalent at supermarkets, though drivers may not realize that they are opening themselves to a lot of potential liability if an accident occurs, she says.

Jitney operators sometimes get around the ban by not requiring a fee; they just ask for a voluntary donation. The office of consumer affairs is not contemplating any plan to make jitneys legal again, Allison says.

Other jitney-type services include limousine operators who offer personal service to Metro Airport for those who cannot or will not take scheduled transit.

Many private businesses routinely provide shuttle service to their homes for customers.

Enterprise Rental Cars has built its marketing strategy around the practice of getting customers whose cars are being repaired or who otherwise need transportation to and from their offices.

"It makes sense," says corporate spokesperson Christy Conrad in St. Louis. "When does anyone need a ride more than when they are going to pick up a car? Actually, the idea came from one of our employees and, because we are so decentralized, we could put it into effect in a hurry."

Ken Bell knows the frustrations of the business well. For the last 11 years, his limo service, Star of Elegance, based in Southfield, has carried travelers from the Oakland County suburbs to the airport.

"But Metro is giving us all kinds of problems now," Bell says. "They've barred us from picking up our customers at curbside. So we have to park in the deck and then walk them back across to our car with all their luggage. They restrict us to the Northwest Airlines section of the deck, too, so if we have a customer coming in on Delta or United, we have a long walk.

"We're not looking to take away business from Metro Cars (the licensed airport limo service). We don't want to solicit customers at the curb. All my business is conducted off airport grounds. But I guess they don't want any competition."

The problem is that the airport has very congested and limited curb-side space, says Michael Conway, director of public information at Metro airport. The airport supports itself through contracts with private companies and landing fees from the airlines, he says, so Metro Cars naturally receives a preference. To do otherwise would harm its own contractor.

The airport enforces its rules to ensure the area projects a good image, Conway says.

Other cities have experimented with jitneys. In the late 1980s, an entrepreneur figured out a loophole in Dade County, Fla.'s revised transportation rules, says Cal Marsella, who then worked for the Metro Dade transit agency, and "literally overnight, 300 jitneys appeared."

"The city was flooded with jitneys running at intervals of one to two minutes" at many major thoroughfare locations, he says. Marsella was so impressed that he quit his job, became a consultant and started a small bus company.

The county soon closed the loophole. It was relaxed in the early 1990s after Hurricane Andrew, but the county cracked back down as soon as the situation returned to normal, says Adrian Moore, director of economic studies for the Reason Foundation in Los Angeles.

Atlanta regulates legal jitneys. Because of litigation, Houston started a limited, privatized jitney service to supplement its service on its busiest bus lines and reformed its jitney rules, but has had mixed results. And the Dallas suburb of Arlington is considering a proposal to start up regular service.

A recently published book calls for mixing jitneys with public transit by giving them limited rights to pick up passengers at corners and times that are poorly served.

Authors Thomas Hopkins and Alan Pilarski argue that jitneys already are operating illegally in the poorer neighborhoods of most big cities "dramatizing the service shortfalls of public transit."

Columnist Bill Granger, writing in the Chicago Herald, argues that jitneys are the only alternative in some of that city's neighborhoods "because cab companies refuse to go there and even public transit is abandoning these areas."

The fight is a distant echo of legal battles that took jitneys (the word is old-time slang for a nickel) off Detroit's streets 70 years ago. Anyone who has ever visited Mexico City or major cities in Asia or Africa knows how they work. Jitneys cannot deviate from their route, and drivers hold up fingers to indicate how many more passengers there is room for.

In those cities, they function to take pressure off overburdened public transit in economies where relatively few can afford cars. That was pretty much the situation in the Detroit of the early 1920s.

"Cities argued then that the jitneys were skimming the cream from buses and streetcars," says author Pilarski. "But if you go back and examine the statistics, you find that their gross revenues far exceeded any possible loss of revenue by public transit. The jitneys were filling a market niche; inexpensive, short-haul trips that were faster than public transit."

Nonetheless, cities went to court to bar the jitneys, using the argument of public safety as a rationale for underlying economic motives. Safety wasn't an altogether unreasonable concern. Surface streets were much narrower in the 1920s and, prior to the freeway era, carried heavier traffic loads. Moreover, road space had to be shared with fixed rail, both local streetcars and Interurban lines.

The profile of Detroit has changed enormously since then, especially in the dispersal of jobs and residential patterns over a wider area than a planner of the 1920s could ever have imagined.

"Further complexities are added by considering the subsidies that conventional buses receive," says Southern California's Gordon. "There are always commuting patterns that are not served by

any bus routes."

And the advantage of jitneys is that they receive no subsidy, says Marsella, who is now general manager of the Denver Regional Transportation District. He supports the legalization of jitneys as long as there are vehicle standards, drivers are required to be licensed and possibly trained, and that a minimum amount of vehicle insurance is required.

Bell is typical of the entrepreneurs Gordon and Marsella might prefer in a privatized transit system. A retired disc jockey at WJLB-FM, Bell discovered an almost untapped market of transport to the airport from residences. He now operates four cars on this service.

Cab companies have argued that because jitneys don't have to buy costly medallions, they can undercut taxi fares and take passengers away. But when the issue was studied in Arlington, Yellow Cab spokesman Ed Dalheim said it was "unclear what the impact would be."

Still, jitneys, legal and illegal, have a loyal following--among the poor and the intellectual set.

"When I go to New York," says the Reason Foundation's Adrian, "I always try to sneak a ride on an illegal jitney."

Richard Burr contributed to this article.

INDIANA

Chapter 4.28 JITNEYS

4.28.010 Definitions.

"Jitney" as used in this chapter means any motor vehicle designed and constructed to accommodate and transport, not more than twenty passengers, not including the driver, and which is used for the purpose of group transportation of not more than twenty and not less than four primary passengers, as "primary passengers" are defined in this section. "Primary passengers" means those persons who embark at the origin of a jitney trip and determine the destination of each jitney trip, as "jitney trip" is defined in this section. "Jitney trip," as used in this chapter, means any distance traveled between the embarkation of the primary passengers and the discharge of all such passengers at their requested destination. The rate charged for each

jitney trip shall be a single rate per passenger as agreed upon by the primary passengers and the jitney operator prior to the commencement of the trip.

A jitney may also give transportation to secondary passengers, as "secondary passengers" are defined in this section, provided vacant seats are or will be available for such passengers.

"Secondary passenger," as used in this chapter, means any person who requests transportation of a passing jitney and who desires to travel in the general direction of, or to the destination as established by the primary passengers and who is willing to pay the rate for that trip as established by the primary passengers and the jitney operator.

Jitneys shall operate within the corporate limits of this city and the suburban territory thereof, as "suburban territory" is defined in this section. "Suburban territory," as used in this chapter, means any area outside the corporate limits of this city and not within the corporate limits of any other city or town. (Ord. 71-49 § 1, 1971).

4.28.020 Requirements for registration.

No motor vehicle shall be operated as a "jitney" within the definition in Section 4.28.010, until the owner has complied with all requirements of this chapter and has secured and affixed to such vehicle a valid city registration sticker and license as hereinafter provided.

(1) City registration stickers and licenses shall be issued by the board of public works, and shall be valid for a twelve month period from the date of issuance. Registration stickers and licenses shall be renewed thereafter upon compliance by the owner(s) with the terms and conditions of this chapter.

(2) The requirements for issuance of a city registration sticker and license for any motor vehicle to be used as a "jitney" as defined in Section 4.28.010, shall be as follows:

(A) Application. Any person desiring to operate a jitney or jitney service upon or along any of the streets, avenues or other highways in the city shall, before undertaking to do so, file a signed application form, in writing, for a sticker and license, duly sworn to by the applicant, with the board of public works, which application shall show the following:

(i) The name and address of the person, partnership, or corporation applying for the sticker or license,

(ii) The make, model, factory number, and license number of each vehicle to be operated as a jitney,

(iii) A verification of safety check approval by the police department.

(B) License Card. The license card shall be prominently displayed in the vehicle for which it is issued. The license card shall be kept corrected to date as to motor number, model, factory number, state license, name and address of the owner. Upon change being made, the old license

shall be delivered up and cancelled, and a new license card, with the necessary corrections made, issued in its place.

(C) Application Fee. The city controller shall issue to the applicant upon the approval of the board of public works as above, a sticker and license upon payment of a fee of ten dollars for the first jitney and two dollars for each additional jitney so operated, for any year of jitney operation.

(D) State Requirements. The vehicle shall be registered and licensed in compliance with all the laws of the state of Indiana.

(E) Inspection. The vehicle shall be inspected and approved by the police department within a one month period preceding the issuance of any city registration sticker and license for that vehicle. Prior to the issuance of any renewal sticker, such vehicle shall be reinspected and approved.

(F) Minimum Insurance Requirements. The minimum liability insurance requirements to cover the vehicle at all times shall be as follows:

Bodily injury

liability \$ 30,000.00 per person

300,000.00 per accident

Property damage 20,000.00

(G) Certificate of Insurance Coverage. The certificate of liability insurance coverage with ten day cancellation notice for the period to be covered by the city registration sticker shall be presented to the board of public works together with the application for the city registration sticker and license.

(H) Identification. The motor vehicle shall be clearly marked as a "jitney" at all times of operation with lettering which is a minimum of six inches in height of a contrasting color in two or more places. Such identification must also designate the person or company to which the vehicle belongs. (Ord. 71-49 § 2, 1971).

4.28.030 Requirements for operation.

Any motor vehicle operated as defined in this section shall be operated so as to comply with the terms of this section and with all the laws of this state and city.

(1) Evidence of Compliance. The motor vehicle shall have a valid city registration sticker attached to the vehicle at all times of operation. The registration sticker shall be affixed adjacent to the state inspection sticker. A license card shall also be issued as evidence of compliance. Such card shall be prominently displayed over the windshield to the right of the driver. It is unlawful to use such card on any other vehicle.

(2) Requirements of Operator's License. The operator of a "jitney" as defined in this section shall hold an unrestricted, valid public passenger chauffeur's license issued by the state of Indiana.

(3) Display of Destination and Price. Prior to the commencement of each trip, there shall be prominently displayed at least one sign which reveals the destination to persons outside the jitney. The lettering on each sign shall be of contrasting color and a minimum of four inches in height. The destination may be a specific location or a general area, such as a neighborhood.

Prior to the commencement of each trip, there shall be prominently displayed also, at least one sign which reveals the established rate per passenger for that trip to persons outside the jitney. The numerals on this sign shall be of contrasting color and a minimum of two inches in height.

(4) Public Notice of Commencement, Suspension or Discontinuation of Service. The operator of a jitney shall give public notice at least one week before the commencement of such service. The operator shall also give public notice at least one week before any foreseeable suspensions, such as holidays, vacations, etc., or discontinuations of such service. Public notice shall consist of publication in a newspaper widely distributed in this city. (Ord. 71-49 § 3, 1971).

4.28.040 Penalty for failure to comply.

The failure of a jitney owner to comply with the provisions of this chapter shall result in immediate revocation of the registration sticker and license and the right of such owner to operate a jitney, in addition to other penalties imposed by law. Any subsequent applications for a city registration sticker and license by such owner shall be submitted to the common council in writing and such owner shall receive the required approval only by vote of the common council. (Ord. 71-49 § 4, 1971).

Publication Date: Friday Mar 3, 1995

LAND USE: Palo Altans want jitneys, calmer streets

Residents air views on the city's long-range transportation plan

By Peter Gauvin

Palo Alto residents want "calmer" traffic, safer transit for school kids and a citywide "jitney bus" service. That was the clear message that resulted from a public discussion of the city's draft Comprehensive Plan's transportation section before the City Council Monday night.

The Transportation section is the third of six sections in a document that will serve as the city's planning blueprint for the next decade. The Council began in November with the Business and Economics section and completed discussion of the Housing section in a special day-long meeting on Saturday.

To keep things moving along as swiftly as possible, the Council is allowing public comment only at the beginning of each section.

The majority of the transportation section's goals, policies and programs emphasize providing efficient and reliable alternatives to cars while at the same time recognizing the continued reliance on them.

Resident Herb Borock said the transportation section is "essentially a fantasy document" given the potential for new development in the city identified in both the business and housing sections. He and others said transportation plans should be in place before large-scale development is allowed to occur.

"San Francisco was allowed to double its square footage after BART was built, not before," Borock said.

Another hot topic among speakers was Stanford's proposed extension of Sand Hill Road.

A handful of speakers said that if language is left in the plan endorsing the extension of Sand Hill Road to El Camino, it will be interpreted by Stanford as an entitlement. The city has yet to complete an environmental impact report on the road expansion and Stanford's development plans.

University Avenue residents argued for reduction of the 7-ton truck limit to three tons. Harlan Pinto said that since Menlo Park restricted trucks on Willow Road to three tons in 1992, University has become increasingly burdened with oversized trucks.

Steven Geiger, who lives on Embarcadero Road, said the number of lanes should be reduced on his street because all other measures to control excess speed and truck use have failed. People who exit Highway 101 after going 65 mph can't mentally adjust to the 25 mph to 35 mph speeds appropriate for Embarcadero, he said. Reducing the street to two lanes with a landscaped median, bike lanes and multiple left-hand turn lanes would calm traffic, he said.

Several people urged the city to be more aggressive in instituting a jitney bus or trolley service through the city, particularly in downtown, to reduce traffic and parking headaches.

Less progressive cities have gone forward with such systems, while "Palo Alto has sat on its collective hands," said Jocelyn P. Baum. "It could add a great deal to Palo Alto's so-called European flavor."

Andy Coe, Stanford University's director of community relations, said Stanford supports the Comp Plan's goals and would be receptive to cooperating with the city to expand its

free Marguerite bus system. Coe also noted that 45 percent of Stanford employees get to work by means other than the single-occupant vehicle.

Parents of Palo Alto school children pushed for a comprehensive, coordinated and creative effort to ensure a safer school commute and provide better options for the large number of parents who have to drive their kids to school.

Council members listened to public comment but did not discuss any of the section's recommendations themselves. Their next meeting on the Transportation section is scheduled for March 13.

Lets Give Jitney Customers a Ticket to Ride

Orange County Register, 31 January 1996

by Adrian T. Moore

The Orange County Transit Agency has recently initiated its "Bus System Improvement Plan" to reorganize its bus system. At the same time, OCTA is pondering the transportation needs of "The Corridor," a 28-mile long stretch between Fullerton and Irvine, through the densest part of the county. Despite the county's fiscal crunch, the county Board of Supervisors has only last month begun to consider what can be done to foster private transit services. Yet private entrepreneurship holds great promise for expanding the mass transportation market.

The private automobile is exceptionally convenient and pleasant. Transit has longer waits, slower travel, and less comfort. If transit services are to draw people from their cars, they must provide service more comparable to the personal auto. Rail transit and traditional bus services have proven unable to do so.

Private transit services, such as jitneys and shuttle vans, can compete with the private auto. Shuttle vans have been successful in serving the airports and major tourist attractions around the county. Alert entrepreneurs find opportunities where public transit agencies may not even be looking. They are bursting into the business of providing "kiddie kab" services: carrying children and teens to and from school, sports practice, music lessons, the beach, and the mall. Regulators from the state Public Utilities Commission, alas, have increasingly thrown up roadblocks to these private services.

Jitneys -- private vehicles running along a semi-fixed route but with no fixed schedule -- have a history of success in southern California and other cities in the US. They first appeared in Los Angeles in 1915, as soon as cars became widely available. Under pressure from the streetcar companies, regulators imposed restrictions that stamped out the jitneys. Years later, as the weight of the restrictions diminished, jitney services cropped up again in such places as Marina Del Rey

and Long Beach. As public transit became more heavily subsidized, however, it lowered its fares, and private jitneys could no longer compete. Yet today jitneys are able to compete with subsidized public transit in cities like New York and Miami, where they are mostly illegal, and San Diego, where they are legal.

The regulations that restrict the private provision of shuttles and jitneys are largely motivated by public transit's dislike of competition. Just as the LA streetcar companies clamored for protection from the jitneys in 1915, most modern transit agencies oppose the introduction of private transit service. California PUC regulations require an applicant for a jitney license to show a "public need" for the service. Of course, wherever there is public transit, there is no "need" for a private service. Application denied.

In New York and Miami, the transit agencies are in a constant uproar over illegal jitneys "stealing" their customers. Yet, many jitney riders would not otherwise ride city buses. A study in Miami found that only 25 percent of jitney passengers were would-be public transit riders. Riders prefer the jitneys to public buses for a variety of reasons. The jitney trip is quicker, there is always a seat, and the driver will not let disorderly or threatening passengers on the vehicle. Also, many minority riders enjoy a jitney whose driver speaks their native tongue. The fact is, these private carriers offer service and innovation that public transit firms cannot compete with.

To improve mobility and reduce solo car driving, public officials should encourage shuttles and jitneys, not harass entrepreneurs. Many at OCTA agree and would like to advance private transit services. Unfortunately, they appear to be fighting an uphill battle. The agency ought to try to convince state legislators and regulators to help free up the transit market. Together, they could work to assist private providers in forming associations to get insurance and provide maintenance. They should require minimal periodic safety inspections, and could offer additional safety inspection certificates and incentive programs to promote safety as a sales point.

Most important, the transit agency could arrange curb areas for jitneys to pick up and drop off passengers. The areas should be along the same routes that county buses ply, and along other routes that show promise. Experiments in Miami have shown that jitneys do not succeed if they are not allowed to operate along the busiest and densest routes. Jitneys should not, however, be permitted to stop at regular bus stops, a practice which creates conflict in New York. Rather, the jitney stops should be interspersed with the transit bus stops. As jitney services evolve and mature, the need for transit buses on some routes may be reduced or eliminated. This could allow the agency to make necessary cuts, or to focus its resources on areas dependent on scheduled transit services.

Steps like these will do far more than anything we have seen to date to ensure service in the dense central county. The debate must turn away from how the transit agency can rearrange or expand its services to cope with job and population growth. The focus needs to be on enabling private entrepreneurs to provide transit services, and reducing the agency's role to serving those whom the market would not.

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Free markets and the environment

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Posted by on October 13, 19100 at 23:18:25:

I'm often told by acquaintances (particularly in my church) that free markets are bad for the environment. Those who argue this point never feel the need to explain why countries that don't have free markets generally have terrible environmental records.

I got to thinking about ways that a change to a true free-market policy would be good for the environment. Here's my top ten list:

1. LEGALIZATION OF JITNEYS

Jitneys are essentially car pools where the passengers pay the drivers. Thanks to the taxicab lobbies, they're illegal pretty much everywhere.

In many big cities, the potential for a market is huge. Say Fred drives to work every day. He doesn't want to belong to a car pool, because of the inconvenience of having to be on a fixed schedule. But when he realizes he can find three people who will each pay him \$2 a day for a ride, he finds he can adjust his schedule after all. An additional \$1,500 a year will do that for people. And lots of people will pay \$2 a day for door-to-door service from home to work.

In this day and age of the Internet, the potential of Jitneys is huge. Internet companies could make a lot of money matching passengers to riders. Markets could form for "emergency jitney drivers." A jitney operator who finds he has to work late could scan the Internet in the morning for jitneys with extra spaces to pick up his passengers.

The net effect of all this is that lots of cars would get off the road and the air would be cleaner. Who is preventing this system from coming about? The liberal's best friend, the government.

2. ELIMINATION OF THE MORTGAGE INTEREST DEDUCTION

I know home owners get sensitive on this one. Sorry, but it's a distortion of the free market. The deduction encourages more homes to be built, thereby encouraging sprawl and wiping out the habitats of plants and animals.

3. PRIVATIZATION OF THE POSTAL SERVICE

If the Postal Service were privatized, rural customers would have to pay the true cost of mail to such places. Such a move would discourage businesses from locating in rural areas, and thereby keep down population growth in rural areas. The effect would be to preserve habitats for wildlife.

4. ELIMINATION OF SUBSIDIES FOR ISOLATED LIVING

Hate your neighbors? Want to move out by yourself in the big woods and cut down all the trees? Fine. It's your property. But if you had to pay the true cost for sewer and electric hookups, you might think twice about such an option.

5. ELIMINATION OF THE ESTATE TAX

The estate tax forces people to sell off large tracts of rural land to developers to pay Uncle Sam.

6. ELIMINATION OF ALL AGRICULTURAL SUBSIDIES

Subsidies encourage inefficient farming, thereby requiring more resources. A classic example is California farmers who grow rice in the desert, thereby using a great deal of water. If they had to pay market rates for the water, they would pick a more sensible crop for the region.

7. ELIMINATION OF SUBSIDIZED INSURANCE AND DISASTER RELIEF

These policies encourage people to develop ecologically sensitive areas. People might think twice about building on a sandbar and wiping out a prime habitat of sea birds if they had to pay the full cost of insurance and wouldn't get any money from the Federal government when the inevitable storm destroys the house.

8. PRIVATIZATION OF MOST PUBLIC LAND

When government is placed in charge of resource management, private companies have an incentive to use whatever means necessary to get the government to open up use of the resources. "Tragedy of the commons" then takes place as every company wants to use the resources as quickly as possible. Forest Service land gets clear-cut far more than land owned by timber companies, for example. Public lands get overgrazed far more than private lands.

9. DEREGULATION OF UTILITIES

If people had a choice of who could supply them power, companies would compete to provide the cheapest power. The competition would encourage efficient use of energy.

10. ELIMITATION OF FEDERAL SUBSIDIES FOR ROAD BUILDING

If those who live in an area can come up with the money to pay for a road, maybe that road doesn't have sufficient justification for existing. We've paved over enough of the country already.

When we consider the ways the government hurts the environment through regulation and subsidies, we have to ask why liberals look to the government as the solution for all environmental problems.

Thoughts?

Regards,

A Tribute to the Jitney

by Lawrence W. Reed

No person shall operate or cause to be operated any jitney upon any street, avenue, boulevard or other public place within the City of Detroit whether such jitney operates wholly within the City of Detroit, or from some point within the City of Detroit or to some point outside of the City of Detroit to some point within the City of Detroit.

So reads the official ban on one of the oldest illegal businesses that still operate openly in Detroit, Michigan. The rather emphatic language says, in effect, “We don’t want any part of this!” And yet on public bulletin boards at grocery, drug, and department stores all over the city, one can find notices that announce, “For Jitney Service, Call This Number.”

Just what is this “jitney” thing that the City of Detroit, in the name of protecting the public, officially declares verboten? It’s a very popular business in which mostly retired autoworkers, church deacons, widowers, and otherwise idle but able citizens charge a small fee to give poor people a ride from where they shop to where they live.

The crime is that jitneys do their good work without a taxi license from the city government—the same city government that wouldn’t authorize a single additional taxicab for 50 years. Getting a license to do just about anything in Detroit means endless delays, lengthy waiting lists, mounds of paperwork, and senseless rigmarole.

Thriving Business

Fortunately, the cops in Detroit look the other way and the jitney business is thriving. According to the Detroit Free Press, no one has filed a complaint against a jitney in at least 26 years and no jitney driver in recent memory has had to face the stipulated fine of \$500 and 90 days in jail. Nearly a third of Detroit’s households don’t have cars, and the city has one of the lowest per capita incomes of any urban area in the nation, so it’s likely that thousands of technically illegal jitney rides occur there every week. The drivers charge much less than the taxicabs (which many of their customers cannot afford), often carry their clients’ bags from the store to the vehicle, are easily accessible in any neighborhood, and are the primary means of transportation for Detroit’s poor.

The spontaneous order that Detroit's jitney system has produced is elaborate as well as efficient. According to a report from the Washington, D.C.-based Institute for Justice:

Although the jitney drivers in Detroit do not at first seem to be organized, the structure of jitney service is actually quite complex. While there is little camaraderie and no formal organization of jitney drivers, the market produces a structure of needs and services. . . . [They] operate mostly out of strip mall shopping centers. . . . Most jitney [p. 18] drivers will not service the whole shopping center but will attach themselves to one store. Thus, each driver has his territory. Well-known jitney drivers often will transport the store's employees to and from work as well.

Assurance of driver reliability is handled nicely by the market itself. Word of mouth directs store employees and customers to particular drivers, who tend to live in the areas they serve. Owners of stores vouch for certain drivers by issuing them cards that are placed prominently in windshields. Drivers seem to prefer this private certification of competence to licensing. "When asked about the possibility of jitney licenses," says the Institute for Justice, "many drivers are suspicious of what it would mean to have to deal with the bureaucracy at the City/County Building."

Jitneys aren't special to Detroit. They operate in most major American cities in direct but illegal competition with both the government-sanctioned taxi monopolies and government-run bus systems. In some places, they face a lot more harassment from the authorities than they do in Detroit.

In New York City, the police bust jitney drivers all the time. Writing in the New York Times Magazine of August 10, 1997, John Tierney tells the story of an immigrant from Barbados who spent years trying to go the legal route and get a license to transport residents around the city in his van. His application included more than 900 supporting statements from riders, business groups, and church leaders. He was approved by the City Taxi and Limousine Commission and supported by Mayor Rudy Giuliani. But in the end, the city council did what it has done with almost every such request: it rejected his application. Now this outlaw entrepreneur and thousands just like him in the Big Apple dodge the cops every day as they earn a living and their customers' approval.

Jitneys have a long and honorable tradition in America. According to two California economic historians writing in the October 1972 Journal of Law and Economics, the first one appeared in 1914 in Los Angeles, when L. P. Draper accepted a fare from a stranger in exchange for a brief ride in Draper's Ford Model T. The fare was a "jitney"—slang for a nickel—and it became the industry's standard fee for many years thereafter. By the autumn of 1915, a thriving jitney industry was providing inexpensive and reliable transportation in cities from San Francisco to Portland, Maine.

It didn't take long, however, for public officials and their friends in the electric streetcar industry to start piling on regulations with the aim of running the jitney competition out of business. The Electric Railway Journal called the jitneys "a menace," "a malignant growth," and "this Frankenstein of transportation."

During World War I, the American Electric Railway Association even suggested that jitney drivers be drafted into the military. It called for the War Industries Board to “suppress entirely all useless competition with existing electric railways” and argued that “men engaged in nonessential automobile service of this nature should be forced to obtain some useful occupations or compelled to enter the service.”

Electric railways aren’t around much anymore, but taxicab and city bus monopolies have taken their place in the war against jitneys. Laws against jitneys and the victimless crime of helping people get around town without a license, whether fully enforced or not, represent a cynical use of the police power of government by special interests. They are evidence of corrupt and stupid politicians who often express sympathy for the poor at the same time they make war on poor entrepreneurs.

The persistence of jitneys on America’s streets is an inspiration, a testimony to the power of the profit motive that fires up people to help people even when it’s illegal to do so. As to the war against them, Mr. Bumble’s famous line from Dickens’s *Oliver Twist* comes to mind: “The law is a ass.”



Chapter 5.84

TAXICABS AND OTHER VEHICLES

FOR HIRE

5.84.020 License/permit required.

A. Every owner and driver shall obtain a permit as required by this chapter. In addition, a separate license shall be obtained for every motor vehicle operated pursuant to this chapter.

B. The amount or rate of any permit, license or other fee shall be established and/or modified by resolution of the city council. The schedule for such fees shall remain on file and be available in the office of the city clerk. The city clerk shall review the fees charged at least once annually and shall, with the approval of the city manager, recommend changes to the council when appropriate. (Ord. 5048 ° 4, 1994: prior code ° 20-10) 5.84.030 Owner's permit and driver's permit required-Separate violations for noncompliance.

A. No person shall operate or cause to be operated at any point in the city any automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle, or taxicab, without having first procured a valid owner's permit and a valid driver's permit to the driver thereof as provided in this chapter.

B. The carrying on of any such operation without complying with all provisions of this chapter shall constitute a separate violation for each and every day that such operation is so carried on. (Ord. 5139 ° 2, 1996: prior code ° 20-34)

5.84.035 Civil penalty provision.

Any owner or driver requiring a license or permit pursuant to this chapter who does not obtain such license or permit shall be subject to a civil penalty equal to one and one-half times the applicable license or permit fee as provided in Section 5.84.020, or one hundred dollars, whichever is greater. The civil penalty shall be in addition to, and not in lieu of any other penalties provided by this code. This section shall not be construed so as to require the issuance of any permit or license under this chapter. (Ord. 5139 ° 3, 1996)

5.84.040 Permit-Exceptions.

No owner's permit shall be required of the owner of the following:

A. Any operations for which a certificate of convenience and necessity has been granted by the Public Utilities Commission of the state of California;

B. Any vehicle which only transports a passenger or passengers from a point outside of the city to a destination within the city;

C. Any vehicle which only transports a passenger or passengers through the city while en route to a destination outside of the city. (Ord. 5048 ° 16, 1994: prior code ° 20-34.1)

5.84.050 Permits nontransferable.

All permits and licenses granted or issued pursuant to this chapter shall be nontransferable. (Ord.

5139 ° 4, 1996: prior code ° 20-36)

5.84.060 Permit-Certificate.

When any permit is granted under this chapter, the city clerk shall issue to the grantee thereof a certificate, giving the name and address of such grantee, the nature of the permit granted, and the date when the same was granted. (Prior code ° 20-37)

5.84.070 Permit for additional vehicles-Application.

A. An owner having a permit for the operation of an automobile for hire, dial-a-ride vehicle, jitney or taxicab, desiring to operate additional motor vehicles of the same type and classification shall file an application therefor with the city clerk. The application shall be verified under oath and shall set forth the information required by this chapter in an original owner's permit application. The city clerk shall then issue a permit to operate up to a maximum of three such additional motor vehicles over and above the number of vehicles originally approved by the commission.

B. An owner, as described in subsection A of this section, desiring to operate more than three additional vehicles over and above the number originally approved by commission shall make application therefor to the commission setting forth all the information required by this chapter in an original owner's permit application. Pursuant to the procedure and conditions set forth in Sections 5.84.100 and 5.84.110, the commission shall schedule a hearing and may grant such permit in whole or in part, and may impose limitations on the number of additional vehicles to be permitted under subsection A of this section. (Ord. 5048 ° 17, 1994: prior code ° 20-38)

5.84.090 Owner's permit-Application.

A. Application Acceptance Period. Except as specified in this section, all applications for owner's permits shall be submitted to the city clerk for consideration by the commission during the application acceptance period which shall commence from the first day of January through and including the last day of March of each calendar year. Applications shall not be accepted after the expiration of this acceptance period unless the applicant demonstrates to the commission by a preponderance of the evidence that there is a current or immediate future anticipated need for new or additional service or that existing operators have failed to provide an adequate level of service. If the commission finds that there is good cause for accepting such an application, the commission may consider and grant the application for an owner's permit outside of the established time period.

B. Application Requirements. No owner's permit shall be issued until after the applicant: (1) has deposited with the city clerk a permit application fee and all other sums of money as may be required under this code; and (2) has submitted an application for an owner's permit verified

under oath to the city clerk. The application shall include but not be limited to the following information:

1. If the applicant is a sole proprietorship: the owner's name, age, citizenship, residence and business addresses, and residence and business telephone numbers. If the applicant is a partnership or limited partnership: the names, ages, citizenship and business and residence addresses and telephone numbers of each partner. If the applicant is a corporation: the corporate name, date and place of incorporation, addresses and telephone numbers of each officer and agent for service of process;
 2. A description of each motor vehicle the applicant proposes to use, including but not limited to: the number, make, model and type of vehicle(s), the seating capacity of each, according to its trade or factory rating, or if a truck, the actual carrying and seating capacity thereof; the vehicle license number(s); and the vehicle identification number(s) if available. If such information is not available at the time of application for an owner's permit, such information shall be required by the city clerk for certification prior to issuance of an owner's permit;
 3. A color scheme, name, monogram or insignia which is not in conflict with, and does not imitate any color scheme, name, monogram or insignia in current use by another entity;
 4. The street number and exact location of the public or private garage from which each such vehicle is to be operated;
 5. A schedule of the rates of fare to be charged for carrying passengers. In the case of dial-a-ride vehicles a map of fare zones shall also be filed, and in the case of jitneys, a map of the routes to be established shall also be filed;
 6. The past experience of the applicant relating to operation of the activity being requested and the name, address, telephone number and past experience of the person to be in charge of the premises or business;
 7. A statement as to any previous permit suspensions, denials, terminations, cancellations or revocations in any jurisdiction, and an explanation of the circumstances regarding same;
 8. Such further information as the city or the commission, may require;
 9. Applications for taxicab owners shall also contain a statement that each of the applicant's taxicabs shall be equipped with a taximeter which shall comply with Sections 5.84.00 through 5.84.230 of this chapter. (Ord. 5139 ° 6, 1996; Ord. 5048 ° 19, 1994; prior code °° 20-43, 20-44)
- 5.84.100 Owner's permit-Application-Hearing-Findings-Issuance.

A. Upon receipt of any application for an owner's permit referred to in Section 5.84.090 or application for additional vehicles pursuant to Section 5.84.104, the director of public works

shall make or cause to be made an investigation and shall set a date for hearing by the commission. Public notice of such hearing shall be given by publishing notice thereof once in the city's official newspaper, at least ten days before the time of the hearing. Notice of such hearing shall also be given to all persons who currently possess valid owner's permits.

B. The commission may grant an owner's permit pursuant to Sections 5.84.090 and 5.84.104B only if it finds:

1. That the applicant has complied with all the terms and conditions of this chapter;
2. That the applicant has proven by a preponderance of the evidence that public convenience and necessity, as defined in Section 5.84.010, requires the operation of the vehicle(s) listed in the permit application. The commission may consider such factors as set forth in Section 5.84.103. The commission shall have the power to deny the granting of an owner's permit if public convenience and necessity does not require the same or for any reasonable cause which, in the commission's sound discretion, is contrary to the public welfare;
3. That in the case of a taxicab, automobile for hire or nonemergency medical vehicle owner's permit applications, the vehicle(s) proposed for use by the applicant does not exceed the vehicle age requirements set forth in Section 5.84.363 of this chapter.

C. Owner's permits shall become effective subject to certification by the city clerk that the vehicle(s) listed under the application comply with the requirements Section 5.84.370.

D. Upon being granted an owner's permit, the applicant shall have ninety days to install the necessary equipment required by this chapter on the vehicle(s) listed under the application. The ninety-day time period granted to an applicant is solely for the purpose of permitting the applicant time to expend the funds necessary to properly outfit the vehicle(s) on and does not grant any right to operate the vehicle(s) prior to the city clerk's certification.

E. If, upon inspection, the vehicle(s) described in the application are found to comply with the requirements of this chapter, the city clerk shall issue an owner's permit for a period of time not to exceed five years and an annual license for each vehicle. Owners of taxicab and nonemergency medical vehicle operations holding valid city-issued permits on or before June 23, 1994 must reapply for an owner's permit within the application acceptance period, pursuant to Section 5.84.090, not later than five years from July 1, 1995. Owners of taxicab and nonemergency medical vehicle operations permitted on or after June 24, 1994 must reapply within the application acceptance period pursuant to Section 5.84.090, not later than five years from the date of issuance of the owner's permit.

F. If for any reason the city clerk denies certification of any vehicle(s) described in the applicant's application, said application shall be deemed denied pursuant to Section 5.84.110. (Ord. 5139 ° 7, 1996; Ord. 5048 ° 20, 23, 1994: prior code ° 20-45, 20-46)

5.84.103 Public convenience and necessity-Findings by commission.

A. The commission, when considering findings for public convenience and necessity as set forth in Section 5.84.100, may consider, but is not limited to the following factors:

1. The ability of the current operator(s) to perform the service in which the current operator(s) is permitted;
2. The effect of multiple service providers within the city;
3. The growth and development of the city at the present and in the future;
4. The scope of service to be provided by the applicant;
5. The reliability of the applicant's equipment;
6. The ability of the current operator(s) and applicants to provide efficient service to passengers;
7. The inability of the current operator(s) to handle the current demand for service;
8. Evidence from complaints on file with the city clerk registered against the current operator(s); and
9. Innovative proposals of service to the public presented by the applicant including, but not limited to, guaranteed ride home programs, special services for the elderly and nonambulatory persons and/or the use of vehicles utilizing clean fuel technology.

B. The commission shall have the power to deny the granting of an owner's permit if public convenience and necessity does not require the same or for any reasonable cause which, in the commission's sound discretion, is contrary to the public welfare.

(Ord. 5139 ° 8, 1996; Ord. 5048 ° 21, 1994; prior code ° 20-45.1)

5.84.104 Permit for additional vehicles-Application.

A. Any person possessing a valid owner's permit for the operation of one or more automobiles for hire, dial-a-ride vehicles, jitneys, nonemergency medical vehicles or taxicabs, may submit an application to the city clerk for a permit to operate up to a maximum of three such additional motor vehicles over and above the number of vehicles of the same type and classification as originally permitted by the commission. The application shall set forth the same information as is required in an original owner's permit application and shall be verified under oath.

B. Any owner, as described in subsection A of this section, desiring to operate more than three additional vehicles over and above the number originally approved by the commission shall

make application under oath therefor to the commission setting forth all the information required by this chapter in an original owner's permit application. Pursuant to Sections 5.84.100 through 5.84.110, the commission shall consider such application in whole or in part, and may impose limitations on the number of additional vehicles to be permitted under subsection A of this section. (Ord. 5139 ° 9, 1996)

5.84.107 Taxicabs-Special permits issued when.

A. Notwithstanding any provision of this chapter or any other ordinance of the city, this section shall apply to a taxicab owner who desires a taxicab owner's permit to operate before, during or after a special event or in the wake of a local or state declared disaster.

B. In the event of a local or state declared disaster or special event as described herein, a person may apply for a taxicab owner's permit pursuant to the procedure set forth under this chapter, except that such person applying for a special permit hereunder need only comply with the following sections of this code: Sections 5.84.020, 5.84.030, 5.84.035, 5.84.050, 5.84.060, 5.84.090B, 5.84.170 through 5.84.240, 5.84.290, 5.84.310, 5.84.360 and 5.84.380.

C. Any person desiring an owner's permit under this section shall submit an application therefor pursuant to Section 5.84.090(B), to the city clerk. Upon receipt of the application, a copy shall be forwarded to the director of public works and the city clerk shall then place the application on the next available agenda for city council consideration. In the case of a local or state declared disaster, the application may be considered for immediate action by the city council at an emergency meeting pursuant to California Government Code, Section 54956.5. Same shall be acted upon by the city council without the necessity of a public hearing. It shall be left to the discretion of the city council to grant or deny any such permit and to limit the length of time any such permit shall be deemed valid. However, in no event shall any such permit be valid for a period in excess of sixty days. Nothing contained herein shall preclude an applicant from reapplying for a permit in the event of a local or state declared disaster or special event hereunder, for additional periods of time for the same event or during or after the same local or state declared disaster.

2. For the purposes of this section, the determination of what constitutes a special event shall be left to the discretion of the council. However, in order to guide prospective applicants and the council, special events include, but are not limited to, regional or local events calculated to draw a large number of people to either the city or the region, such as the Rose Bowl, World Cup Soccer tournament, or other local or regional events deemed to be of sufficient magnitude to warrant, in the council's sole discretion, the temporary need for additional taxicabs.

D. Upon approval of a permit hereunder, the city clerk shall cause such vehicle to be inspected to determine if same is safe to operate as a taxicab in Glendale. A fee for such inspection shall be imposed as established by resolution of the council. Upon passing inspection, the city clerk shall issue a license for each vehicle. (Ord. 5139 ° 10, 1996; Ord. 5048 ° 24, 1994; prior code ° 20-46.1)

5.84.110 Owner's permit-Denial-Revocation-Suspension.

A. In addition to the failure of an owner's permit applicant to comply with all the terms and conditions of this chapter, the commission shall deny the application for an owner's permit, if it shall appear to its satisfaction that any motor vehicle proposed to be operated is inadequate or unsafe or that the applicant has been convicted of a felony, a violation of any narcotic law or any penal law involving moral turpitude.

B. The commission shall have the power to revoke, suspend or cancel any owner's permit if public convenience and necessity does not require the same or for any reasonable cause which, in its sound discretion, is contrary to the public welfare including but not limited to the dispatching of an unlicensed or unpermitted driver or vehicle. (Ord. 5139 ° 11, 1996: Ord. 5048 ° 25, 1994: prior code ° 20-48)

5.84.115 Appeal-Owner's permit.

Any person aggrieved by the denial of an owner's permit, or permit for operating additional vehicles pursuant to Section 5.84.104(B), or from the denial of an application filed outside the acceptance period pursuant to Section 5.84.090(A), may appeal the decision of the commission to the city council within the time and the manner provided in Chapter 2.88 of this code. (Ord. 5139 ° 12, 1996: Ord. 5048 ° 22, 1994: prior code ° 20-45.2)

5.84.120 Driver's permit-Application-Controlled substance and alcohol testing-Late fee-Renewal.

A. Any driver desiring to obtain a driver's permit required by Section 5.84.030 shall make application therefor to the city clerk as set forth in this Section 5.84.120. Nonemergency medical vehicle drivers shall meet the requirements of this chapter in addition to any other requirements or regulations pursuant to state law.

B. The application for such driver's permit shall be verified under oath and shall include the following information:

1. Three recent photographs (2? ? 2? head and shoulders) of applicant taken within one year immediately preceding the filing of the application;
2. The applicant's name, age, business and residence addresses and telephone numbers;
3. The applicant's past experience in operating automobiles;
4. The names and addresses of the applicant's current employer and previous employers during the preceding three years;

5. A copy of the applicant's valid California driver's license, and, for nonemergency medical vehicle drivers, a copy of the driver's current California Ambulance Driver Certificate issued by the California Department of Motor Vehicles;
6. A statement as to whether a driver's license has ever been issued to the applicant by any other state or governmental agency and whether any driver's license issued to the applicant has ever been suspended or revoked;
7. Convictions, if any, in any court of law;
8. A signed agreement to submit to a background investigation;
9. A set of fingerprints certified by the city clerk;
10. The name and address of the owner of the vehicle;
11. The endorsement of the applicant's employer if the applicant is not self-employed;
12. A copy of the applicant's driver's record from the California Department of Motor Vehicles;
13. Such additional information as may be required.

C. Prior to operation of a taxicab and as a condition for application approval and annual permit renewal, driver's permit applicants shall comply with the following mandatory controlled substances and alcohol testing certification program:

1. Applicants shall annually test negative for alcohol and for each of the controlled substances as specified in Government Code Section 53075.5(b)(3)(A). Except as set forth in subsection (C)(2) of this section, testing shall be completed within thirty days prior to the date of application at a certified drug testing laboratory acceptable to the city clerk. As used in this section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.
2. Any negative test result from another jurisdiction shall be accepted for one year from the date of the administration of the test as meeting the requirement for yearly permit renewal testing if the applicant has not tested positive subsequent to a negative result. However, a negative test result from another jurisdiction shall only be accepted from renewal applicants and not from new applicants.
3. In the case of a self-employed independent applicant, the test results shall be reported directly to the city clerk, who shall notify the taxicab owner or leasing company of record, if any, of the test results. In all other cases, the results shall be reported directly to the employing taxicab owner, who shall be required to notify the city in writing of all results.

D. A driver's permit shall be effective for one year from the date of issuance. Applications for renewal shall be made with the city clerk not later than thirty days prior to the expiration date. Fingerprinting shall be required upon initial application and every three years thereafter.

E. In addition to any other remedy or penalty provided in this code, any person or corporation which fails to submit an application for renewal of a driver's permit within the time limit prescribed in this Section shall be charged a late renewal fee, which fee shall be established by resolution of the city council pursuant to Section 5.84.020B. This fee shall be in addition to any other remedy or penalty provided for elsewhere in this code. (Ord. 5139 ° 13, 1996; Ord. 5048 ° 26, 1994; prior code ° 20-49)

5.84.130 Temporary driver's permit-Issuance.

Any person who has applied for a driver's permit pursuant to Section 5.84.120 and has tested negative on a controlled substance and alcohol test pursuant to Section 5.84.120(C), shall, upon request therefor, be permitted to temporarily operate a motor vehicle under this chapter for a period not to exceed one hundred twenty days. The temporary privilege shall be issued after a review of California Department of Motor Vehicles records, local police records and, when applicable, out-of-state motor vehicle operator records, to determine whether the applicant is properly licensed and a competent person to temporarily operate an automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab. Temporary permission to operate a motor vehicle pursuant to this chapter shall be evidenced by a person's application receipt marked by the city clerk as temporary. Any temporary driver's approval shall, for all purposes, have the same force and be subject to the same conditions as any driver's permit issued under this chapter. (Ord. 5139 ° 14, 1996; prior code ° 20-49.1)

5.84.140 Driver's permit-Issuance-Display.

Every driver's permit issued by the city clerk shall set forth the name of the driver, the driver's photograph and the name of the owner of the vehicle which the driver shall use. Such permit shall be valid only so long as the driver continues in the employ of or other business relationship as driver for such owner. Driver permits shall not be transferrable from one employer to another. Each driver's permit shall be displayed conspicuously in the rear passenger compartment of the vehicle used by the driver. Upon the termination of such employment or business relationship, the driver shall forthwith surrender his or her driver's permit to the city clerk. (Ord. 5139 ° 15, 1996; prior code ° 20-50)

5.84.150 Driver's permit-Suspension-Revocation-Administrative hearing.

A. Grounds for Denial, Suspension or Revocation. In addition to any other provision in this chapter, commission of the following offenses shall constitute grounds for denial, suspension or revocation of any temporary or permanent driver's permit issued pursuant to this chapter. Where

convictions are required, a plea of nolo contendere or a plea of guilty for the purposes of this chapter shall be deemed the same as a conviction. Nothing in this section shall prevent the chief of police, city manager or city clerk, or any designee thereof, from suspending, denying or revoking a driver's permit for reasons other than those listed within this section if, in his or her sound discretion, the exercise of such permit constitutes a substantial risk to the safety or welfare of the public.

1. The following offenses shall constitute grounds for immediate suspension as set forth in subsection (B)(2) of this section. There shall be no right of appeal:

- i. Status as a registered sex offender pursuant to Penal Code Section 290,
 - ii. Conviction of possession of any controlled substance or narcotic within the last ten years,
 - iii. Conviction of the following offenses within the last seven years: Vehicle Code Sections 14601.3, 14601.4, 14601.5, 20001, 20003, 20004, 23104, 23153, Penal Code Sections 118, 192, 529.5 and any felony listed in the Penal Code including those charged as misdemeanors pursuant to Penal Code Section 17(b)(4),
 - iv. Conviction of the following offenses within the last three years: Vehicle Code Sections 31, 12500, 14601, 14601.1, 14601.2, 20002, 23103, 23152 and 23220,
 - v. Conviction of any violation of this chapter within the last three years and no more than one such violation within twelve months prior to the date of application;
2. Conviction of any crime involving moral turpitude;
3. A driving history indicating convictions of three or more moving violations within the last three years with two or more of such convictions occurring within the last twelve months from the date of the application. There shall be no right of appeal;
4. Two or more accidents where the applicant was found to be at fault as indicated by records of the California Department of Motor Vehicles, and at least one such finding occurring within twelve months prior to the date of application. There shall be no right of appeal;
5. Physical or mental incapacity to safely operate any vehicle governed by this chapter. Such incapacity may include but shall not be limited to the driver's previous history of controlled substance or alcohol abuse, or both. The determination of physical or mental incapacity may be reconsidered upon a showing of sufficient proof, such as a written statement from a duly licensed physician or mental health professional, that the applicant or permittee is capable of operating the vehicle safely and performing such other duties as are required by this chapter;
6. Incomplete, incorrect or false information on a driver's permit application or renewal, whether or not the applicant intended to submit the application in such a manner. Such applicant shall not be entitled to reapply for a driver permit for a period of one year from the date of denial or

revocation;

7. Substantial evidence of facts of either physical or moral deficiencies of the applicant which in the sound discretion of the chief of police, city manager or the city clerk, or a designee thereof, would render such applicant not a competent person to operate an automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab.

B. Procedure for Denial, Suspension or Revocation.

1. The city manager, chief of police, city clerk, or any designee thereof, shall have the power to deny, suspend or revoke a driver's permit upon any of the grounds set forth in this chapter. Except as otherwise provided, the exercise of such power shall be subject to the affected applicant or permittee having been given adequate notice, pursuant to subsection (B)(3) of this section, of a hearing, the proposed action, the reasons therefor, and a copy of the charges upon which the action is based.

2. Immediate Suspension. The city manager, chief of police, city clerk or any designee thereof, may immediately suspend a driver's permit when it is determined that an emergency involving public health or safety requires such suspension. Immediate suspension shall remain in effect until such time as a disposition of the charge is reached.

3. Notice. The city clerk shall serve notification of the denial, suspension or revocation by United States mail to the last known address of the applicant or permittee. Such notice shall state the date of the denial, suspension or revocation, the reason therefor, and a statement that, in order to receive a hearing with regard to the denial, suspension or revocation, the applicant or permittee shall submit a request for such hearing in writing within fifteen days of the date appearing on the notice. Failure of applicant or permittee to respond to the notice of hearing is a waiver of the right to the hearing and appeal, and action may be taken without permittee being present.

4. Hearing. Any requested hearing shall be conducted within five days of receipt of the request for such hearing, excluding days when City Hall is closed, weekends and holidays, by the city clerk who shall designate a hearing officer. At the close of the hearing, the hearing officer shall determine whether clear and convincing evidence was shown for such denial, suspension or revocation. If such evidence is shown, the denial, suspension or revocation shall be affirmed for the period of time indicated in this Section 5.84.150.

5. Regulations during suspension or revocation period. Unless otherwise provided herein, from the time of the denial, suspension or revocation of any permit, no person whose permit is denied, suspended or revoked shall drive, operate or be in charge of any vehicle regulated herein for a period of one year from the date of denial, suspension or revocation. The city manager, chief of police, city clerk or any designate may invoke a longer denial period when a review of the facts warrants more than one year. In the event of such revocation or suspension of a driver's permit, such certificate as may be issued in connection therewith shall be, by the holder thereof, forthwith surrendered to the city clerk.

C. The provisions of this chapter are nonexclusive and supplementary to existing rights and remedies. Nothing in this chapter shall prevent the city from commencing any appropriate action with respect to enforcement of this chapter. This chapter shall supplement and be in addition to other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, state or any other legal entity or agency having jurisdiction. (Ord. 5139 ° 16, 1996: prior code ° 20-51)

5.84.160 Appeal-Driver's permit.

A. Unless an appeal is prohibited by this code, a decision regarding the denial, suspension or revocation of a driver's permit pursuant to this chapter shall become final fifteen days following the date of the decision unless an appeal to the transportation and parking commission is filed.

B. A decision of the transportation and parking commission shall become final fifteen days following the date of the decision unless an appeal to the city council is filed pursuant to the provisions of Chapter 2.88 relating to the uniform appeal procedure. (Ord. 5139 ° 17, 1996: prior code ° 20-52)

5.84.170 Operations generally.

A. No person shall drive or operate any dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab other than one bearing the color scheme, name, monogram or insignia set forth in the application for the permit as provided in Section 5.84.090. No person shall change the color scheme, name, monogram or insignia without first having filed a written petition with the director of public works requesting such change. The petition shall include the reason for the proposed change, an outline of the specific change(s) and a vehicle illustration. The new color scheme, name, monogram or insignia shall not conflict with or imitate any color scheme, name, monogram or insignia used by another person in such manner as would mislead, deceive or defraud the public.

B. No person shall drive or operate any automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab other than one bearing the vehicle identification number set forth in the application for the permit or license as provided in this chapter. No substitute vehicles shall be allowed.

C. All persons or corporations having an owner's permit pursuant to this chapter shall submit to the city clerk upon request of the city clerk a statement signed under penalty of perjury showing the make, model, year, vehicle license number and vehicle identification number of each vehicle which is to be available for hire commencing July 1st of that year. (Ord. 5139 ° 18, 1996: Ord. 5048 ° 18, 1994: prior code ° 20-41)

5.84.180 Schedule of fares.

The owner of every automobile for hire, dial-a-ride vehicle, jitney or taxicab operating in the city shall file with his or her application for an owner's permit a true and correct schedule of fares to be charged for the transportation of passengers in any and all vehicles operated by such owner, and such owner shall not change or amend the fares in any manner without first filing such changed or amended fares with the city clerk thirty days prior to the effective date of such change or amendment. No person shall charge, collect or receive any other or different compensation for the use of such automobile for hire, dial-a-ride vehicle, jitney or taxicab than that specified in the schedule of fares on file with the city clerk and at the time in effect. (Ord. 5139 ° 19, 1996: Ord. 5048 ° 5, 1994: prior code ° 20-12)

5.84.190 Certain items to be displayed.

A. Every automobile for hire, dial-a-ride vehicle, jitney and taxicab shall have displayed in plain view in the rear passenger compartment thereof at all times a sign stating in clearly legible characters the rates of fare charged for carrying passengers therein, the owner's name or the fictitious name under which the owner operates, the business address, and telephone number of such owner, and the license number furnished by the city clerk.

B. In addition to the sign required under subsection A of this section, every automobile for hire, dial-a-ride vehicle, jitney and taxicab shall have displayed in plain view in the rear passenger compartment thereof a permanently affixed printed sign not less than eight by five inches in size with lettering not less than three-sixteenths of an inch in height (or eighteen point Helvetica regular), which sign shall contain the minimum following language:

NOTICE TO PASSENGERS

This vehicle is regulated for your health, safety, and convenience. The regulations require:

1. This vehicle to be kept neat, clean and sanitary.
2. The driver shall be courteous and neat and clean in appearance.
3. Smoking by the driver or passengers is prohibited.

If you have any reason to believe that this vehicle has not been operated in compliance with these requirements or that the service provided has been unsatisfactory, please call the City of Glendale at (818) 548-2090 between 8:00 a.m. and 5:00 p.m. GMC Sec. 5.84.360.

The exact location of the signs required by this section shall be approved by the city clerk who shall be guided solely by the criteria set forth above. (Ord. 5048 ° 6, 1994: prior code ° 20-14)

5.84.200 Taximeters generally.

No owner or driver of any taxicab operated in the city pursuant to the terms of this chapter, shall have any such vehicle not equipped with a taximeter of such type and design as may be approved by the city manager or city clerk. The owner of such taxicab shall keep such meter accurate at all times. Such meter shall be subject to inspection from time to time. The city manager, city clerk or a designee thereof or any police officer of the city is authorized at his or her instance or upon the complaint of any person, to investigate such taximeter and upon discovery of any inaccuracy of such taximeter to remove or cause to be removed from service any such vehicle equipped with such taximeter until such taximeter shall have been repaired and accurately adjusted. (Ord. 5139 ° 20, 1996: prior code ° 20-15)

5.84.210 Taximeters-Display.

The charge for any service to all patrons of a taxicab shall be calculated and indicated by a taximeter, which shall be placed in each vehicle so operated so that the reading dial showing the amount to be charged shall be well lighted and readily discernible by the passenger riding in any such taxicab. (Prior code ° 20-16)

5.84.220 Taximeters-In-use flag display-Exception.

No driver of any taxicab shall display the "flag" attached to the taximeter in the "in use" position until the passenger has entered the taxicab, except in the case of a request for a taxicab at a specified time and location in which case the "flag" may be placed in the "in-use" position at the time and location requested by the customer, or at any time thereafter, after the driver has personally contacted such customer. No driver, while carrying passengers, shall display the "flag" in such position as to denote that such vehicle is not employed, or to fail to place the "flag" in the "home" or "for hire" position at the termination of each and every service. (Prior code ° 20-17)

5.84.230 Taximeters-Fare receipt.

No driver of any taxicab, upon receiving full payment for a fare as indicated by the taximeter, shall refuse to give a receipt upon the request of any passenger making such payment. Such receipt shall indicate the amount of the fare, the date, the initial location and destination of the trip, the taxicab number, and the name of the driver. (Prior code ° 20-18)

5.84.240 Taxicab-Hiring procedure.

A. The services of a taxicab operating pursuant to any permit granted under this chapter shall be available only upon telephone call, engagement of the taxicab when parked at a taxicab stand or when hailed, but not otherwise. No taxicab driver, owner, or his or her agent shall solicit passengers from or about the vehicle.

B. No owner or driver of any taxicab shall park or stand the same upon any public highway in the city for any period of time longer than is necessary to discharge or receive passengers. (Ord. 5139 ° 21, 1996: prior code ° 20-20)

5.84.250 Taxicab-Service.

All persons engaged in the taxicab business in the city operating under this chapter shall render an overall service to the public desiring to use taxicabs and shall keep open twenty-four hours a day for the purpose of receiving orders and dispatching vehicles. They shall answer and dispatch all calls received as soon as possible, and if service cannot be rendered within a reasonable time, they shall so notify the prospective passenger the approximate time that service can be rendered and give the reason therefor. The holder of any owner's permit who refuses to accept a call anywhere within the corporate limits of the city at any time when such owner has available vehicles or who fails or refuses to give service without reasonable cause relating to the health, safety or welfare of the driver, shall be deemed to be in violation of this chapter and his or her owner's permit shall be subject to revocation procedures. (Prior code ° 20-20.5)

5.84.260 Automobiles for hire-Hiring procedure.

The services of an automobile for hire operating pursuant to any permit granted under this chapter shall be available only upon telephone call or upon engagement at the public or private garage from which such vehicle is operated. No person shall cruise or cause or permit to be cruised any automobile for hire. An automobile for hire shall be deemed to be cruising when it solicits or takes on any passenger other than in response to an order given at its garage, or in response to a telephone call requesting transportation. (Prior code ° 20-21)

5.84.270 Dial-a-ride vehicles-Hiring procedure.

The services of a dial-a-ride vehicle operating pursuant to any permit granted under the provisions of this chapter shall be available only upon telephone call. No dial-a-ride vehicle driver, owner, or his or her agent shall solicit passengers from or about the vehicle. (Ord. 5139 ° 22, 1996: Ord. 5048 ° 7, 1994: prior code ° 20-21.4)

5.84.280 Jitneys-Hiring procedure.

The services of a jitney operating pursuant to any permit granted under this chapter shall be available only upon engagement of the jitney at locations along its fixed route, but not otherwise. No jitney driver, owner or his or her agent shall solicit passengers from or about the vehicle. (Ord. 5139 ° 23, 1996: prior code ° 20-21.6)

5.84.290 Taxicabs and automobiles for hire-Passenger compartment exclusive.

When a taxicab or automobile for hire is engaged, the occupants shall have the exclusive right to the full and complete use of the passenger compartment, and no owner or driver of such taxicab shall solicit or carry additional passengers therein. (Prior code ° 20-22)

5.84.300 Passenger obligated to pay legal fare.

No person shall refuse to pay the legal fare of any of the vehicles mentioned in this chapter, after having hired the same, and any person who shall hire any such vehicle with the intent to defraud the person from whom it is hired shall be punishable as provided in Chapter 1.20. (Prior code ° 20-23)

5.84.310 Direct route taken-Exception.

Any driver employed to carry passengers to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to the passenger's destination; except that in the case of dial-a-ride vehicles the driver shall proceed as expeditiously as possible in the general direction of all of the passengers, taking into consideration requests from additional customers, leaving such passengers at their prescribed destinations; and in the case of jitneys the driver shall travel a fixed route. (Ord. 5048 ° 8, 1994: prior code ° 20-24)

5.84.320 Vehicle stand-Application-Location-Dimensions.

A. No private ownership of stands in any public street or alley shall be permitted. The director of public works shall establish taxicab stands and determine the dimensions and locations thereof on any public street or alley. No stand shall be of a size or at a location other than that approved by the director of public works. The commission shall make any regulations which it deems necessary for the designation and use of stands upon public property. Nothing in this chapter shall prevent the private ownership of stands on private property.

B. All taxi driver permit holders may park any permitted taxicab in any taxicab stand, while awaiting employment. A driver may not use any stand where a vehicle from the same operator is already parked. Only the driver who is located in the first space of the stand may receive passengers. A driver shall occupy a stand only when available for immediate hire.

C. Any driver who fails to comply with this Section 5.84.320 shall be guilty of an infraction as set forth in Chapter 1.20 of this code. In addition to the fines imposed therein, upon the third conviction for a violation of this section, the driver's permit shall be revoked for a period of one year from the date of conviction pursuant to the procedure set forth in Section 5.84.150(B). (Ord. 5139 ° 24, 1996; Ord. 5048 ° 9, 1994; prior code ° 20-26)

5.84.330 Vehicle stand-Change in location.

The director of public works shall have the power to change or propose a new location for an existing stand. (Ord. 5139 ° 25, 1996; Ord. 5048 ° 10, 1994; prior code ° 20-27)

5.84.360 Vehicle and driver appearance and other requirements.

A. Every automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab shall be maintained in a safe, neat, clean and sanitary condition.

B. Every automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab shall be equipped with an air conditioning unit. These air conditioning units are to be in good working condition at all times.

C. The driver of all such vehicles shall be courteous and clean of body and wearing apparel.

D. Smoking by drivers or passengers in any such vehicle while same is available for, or actually hired for use, shall be prohibited.

E. All vehicle for hire operations shall have disabled accessible vehicles as required by federal law as it now exists or may hereafter be amended. (Ord. 5139 ° 28, 1996; Ord. 5048 ° 11, 1994; prior code ° 20-30)

5.84.363 Automobile for hire, taxicab and nonemergency medical vehicle age requirements.

No automobiles for hire or taxicabs, exceeding eight years of age from January 1st of the year of manufacture shall be allowed to operate within the city. No nonemergency medical vehicle exceeding fifteen years of age from January 1st of the year manufacture shall be allowed to operate within the city. Existing permittees shall comply with this section 5.84.363 no later than July 1, 1998. (Ord. 5139 ° 29, 1996; Ord. 5048 ° 12, 1994; prior code ° 20-30.1)

5.84.367 Vehicle identification-Decals.

A. No vehicle shall be permitted to operate pursuant to this chapter without identification decals,

issued by the city clerk, signifying authority to operate in the city. Automobiles for hire, dial-a-ride vehicles, jitneys, and nonemergency medical vehicles shall be identified by one decal permanently affixed to the left rear bumper of said vehicle. Taxicabs shall be identified by two annual vehicle license decals placed in the center of the taxicab identification decals permanently affixed to the upper front portion of the right and left front doors, respectively.

B. Decals shall be issued by the city clerk upon payment of a vehicle identification decal fee, as established by resolution of the city council pursuant to Section 5.84.020(B).

C. Vehicle identification decal(s) shall remain affixed to the vehicle(s) until such a time as the age of the vehicle(s) exceed the vehicle age limit pursuant to Section 5.84.363, in the event of revocation or suspension of the owner's permit under which the vehicle operates pursuant to Section 5.84.110, or in the event of accident in which the vehicle cannot be repaired. In the event of any of the aforementioned situations, all identification decals shall be removed completely from the vehicle, placed on backing paper, and returned to the city clerk. The fee for the decals shall not be refunded upon return of the decal. (Ord. 5139 ° 30, 1996: Ord. 5048 ° 13, 1994: prior code ° 20-30.2)

5.84.370 Vehicles-License fee-Inspections-Maintenance.

A. No owner or driver shall operate, or cause to be operated, any automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab until after the owner or driver: (1) has deposited with the city clerk a vehicle license fee and all other sums of money as may be required under this code; and (2) has been issued an annual vehicle license by the city clerk. Annual vehicle licenses and identification decals shall be issued by the city clerk upon successful completion of an annual safety and compliance inspection and certification by the city clerk at least sixty days prior to the expiration of said vehicle license. Annual identification decals shall be permanently affixed to licensed vehicles pursuant to Section 5.84.367. Taxicabs exceeding five years of age and nonemergency medical vehicles exceeding ten years of age shall pass an annual mechanical inspection by an outside city-approved mechanic, at applicant's sole expense, prior to renewal of vehicle licenses pursuant to this Section 5.84.370.

B. No owner or driver shall operate or cause to be operated any automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab while the same or any of the equipment used thereon or therewith shall be in a defective, unsafe or unsanitary condition. The owner or driver shall keep a maintenance log on each vehicle. Each vehicle and the maintenance log shall be available for inspection by the city at all times.

5.84.375 Vehicles-Child passenger restraint systems.

Upon request of a passenger, an owner of any automobile for hire, dial-a-ride vehicle, nonemergency medical vehicle or taxicab shall make a diligent effort to provide one or more child passenger restraint systems meeting applicable federal motor vehicle safety standards. (Ord. 5223 § 8, 1999)

5.84.380 Insurance requirements.

A. No owner or driver shall drive or operate any automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab, or cause the same to be driven or operated, unless there is on file with the city clerk and in full force and effect at all times while such vehicle is being operated, a policy of insurance. The city manager, chief of police, city clerk, or any designee thereof, may summarily suspend an owner's permit or driver's permit, or both, when it is determined that a violation of the insurance requirements of this section requires such suspension. Except as otherwise provided, the exercise of such power shall be subject to the provision of adequate notice to the affected applicant.

B. Insurance policies for all vehicles as defined in this chapter shall be evidenced by a certificate from an insurer licensed by the state of California to sell commercial automobile liability insurance or a foreign insurance carrier domiciled within the United States but outside California, with a minimum A.M. Best Rating, (or any other successor entity) of B+. Said policy shall insure and indemnify the owner and passengers riding in owner or driver's vehicle against liability for financial loss resulting from damage to property, or injury occurring to persons or passengers from the operation of such vehicles, in an amount not less than one hundred thousand dollars for bodily injury to any person, three hundred thousand dollars for any one accident and fifty thousand dollars for property damage.

C. Notwithstanding the insurance requirements under subsection B of this section, an owner of an automobile for hire, dial-a-ride vehicle, jitney, nonemergency vehicle or taxicab, may in lieu of a policy of automobile liability insurance with a deductible limit, provide a policy of automobile liability insurance in the same limits as set forth in subsection B of this section with a self-insured retention not to exceed fifty thousand dollars. Said policy shall include an endorsement which generally provides that such insurance provides full coverage and that the insurance carrier is obligated to pay in full, all valid liability claims notwithstanding any self-insured retention.

D. Any policy of insurance pursuant to subsections B or C of this section, and certificate evidencing same shall contain a statement of obligation on the part of the insurance carrier to notify the city of any cancellation, termination or reduction in coverage at least thirty days in advance of the effective date of any such cancellation, termination or reduction in coverage. Said policy shall include and identify any deductible limit, which limit shall be subject to approval by the city attorney. Said policy shall provide that the insurer shall pay and satisfy any and all judgments imposed upon the insured or the

operators of any of its vehicles, by operation of law for injuries to or death of persons other than employees of the insured or damages to property arising out of the operation of the motor vehicle of any kind or description for which a permit is required under this chapter. The policy of insurance and certificate evidencing same shall be subject to approval as to form by the city attorney.

If at any time any policy of insurance pursuant to subsections B or C of this section, shall be terminated, canceled, reduced in coverage, not renewed by the insurer issuing same, or the owner fails to comply with the provisions of this section, the owner shall replace such policy with another policy in full compliance with this section and show evidence of same to the city clerk no later than thirty days prior to such termination, cancellation, reduction in coverage, nonrenewal or failure to comply with the provisions of this chapter. In default thereof, the city clerk shall revoke the owner's permit and license to operate according to the procedure set forth in Section B.

E. The requirements of this section shall not apply to any bus service, dial-a-ride, or other transportation service which is under direct contract with the city to provide public transportation services. Any insurance requirements for such direct contract transportation services shall be set forth in the contract and shall be subject to approval by the city attorney. (Ord. 5223 § 10, 1999; Ord. 5139 § 32, 1996; Ord. 5048 § 15, 1994; Ord. 5007 § 1, 1993; Ord. 5000 § 1, 1992; prior code § 20-32)

5.84.390 Enforcement.

It shall be the duty of the chief of police and city clerk of the city to enforce this chapter. (Ord. 5139 § 33, 1996; Prior code § 20-33)

Alternative Transit Options on Burnaby Mountain

By: Feisal Sachedina

Introduction The new community on Burnaby Mountain will be beneficial to Simon Fraser University and will provide the university community and the new residents with many exciting opportunities. A chance to integrate the new community into the existing one to create a vibrant atmosphere on Burnaby Mountain is reason for excitement. Several issues, however, demand attention before the project can be deemed a success. Among these issues is the challenge of providing transportation options that are environmentally sound.

The proposed Burnaby Mountain Community will create new transportation challenges for the Burnaby Mountain Community Corporation (BMCC). When the development is

fully completed, it is expected that there will be approximately 10,000 new residents living in various areas on the mountain in 4,500 units of housing. Ideally all of the residential pockets should be fully integrated with the proposed commercial area, the university and the other facilities on the mountain. However, as this may be difficult to achieve, it is vital that transportation options, other than the use of single occupant vehicles, be available for all residents so that they may access any and all parts of the new and existing development. What methods of transportation should the BMCC study in order to prevent the majority of new residents from using their personal automobiles to travel from one area of the community to another?

The first objective of the BMCC is to make money for Simon Fraser University. An ideal way to do this would be to sell many units of market-rate housing, neglect alternative transportation options involving TransLink, construct an enormous parking structure and sell parking passes at outrageous rates, and accept the ensuing transportation problems as part of the business of development. Fortunately, the BMCC is not so narrow-minded and has included the ideal of developing a sustainable community as an important objective in their proposal. With an open mind and an adherence to values, there is no reason to believe that the final product cannot be a model, sustainable community.

The BMCC should work with Simon Fraser University to develop a transportation network for the new community and campus which is not centered around the use of a personal automobile, but instead, is focused on public transit and alternative forms of transportation. That would certainly be a giant first step in our quest for creating a sustainable model community.

Goals Formally Adopt a Goal That Reduces Single Occupancy Vehicle Use on the Mountain

To adopt a goal of developing a transportation system that devalues the single occupant vehicle is a difficult proposition to say the least. According to Roseland, "rather than try to eliminate cars altogether, an idea which few people consider realistic, we should focus on breaking our addiction to, or dependence upon, the automobile" (Roseland, 1998). With our reliance on and the convenience provided by personal automobiles, it is extremely difficult to change people's attitudes and force them out of their cars. With this community, however, we have an opportunity to develop a transportation network that places greater value on the use of alternative transportation methods. This requires a commitment from the BMCC and Simon Fraser University to adopt this goal as their own for this development project.

Removing people from their cars is very important. It allows for the university and the new community to be a safe and more enjoyable place for all. It will also reduce the amount of pollutants that are currently being emitted into the atmosphere from automobiles. According to Go Green, an organization that addresses Lower Mainland environment and transportation concerns, for every litre of gasoline you save, you reduce greenhouse gas emissions by 2.2 kilograms (www.gogreen.com). If we could reduce single occupant vehicle use by 20% on the

mountain - which is a realistic goal according to Rob Macdonald (1998) - we could reduce greenhouse gas emissions by thousands of kilograms when the new development is fully completed. Renner (1988, in Haughton and Hunter, 1994) indicated that in 1988, the hidden social and environmental costs of car driving were over \$300 billion per year, as measured by the Worldwatch Institute. These figures are from more than a decade ago. By now, these numbers have probably risen by many more billions of dollars. Automobiles also contribute to the decline in livability of a city as well as create an environment where noise, harsh lights and collisions are more likely. By reducing the use of single occupant vehicles, we have an ideal opportunity to solve two problems simultaneously. First, there is a chance to improve the University's inadequate transportation system. Second, we have the opportunity to develop a model system for the new community that is based on a balance of maximum efficiency and minimal environmental impact.

Improve Public Transit Opportunities on the Mountain

Encouraging the use of an alternative transportation system means increasing the convenience of the system to users. Historically urban centers throughout the Lower Mainland have failed to provide convenient and practical transit access to new neighbourhoods, and the effect has been to exacerbate the already serious traffic congestion and pollution problems throughout the city. In developing an alternative transportation network that is not as dependent on the single occupant vehicle, we can make Simon Fraser University and the new community a safer and more enjoyable place for all. To do this, it is vital for transit opportunities to be improved on Burnaby Mountain. This would require a high level of organization, communication and co-operation with the Greater Vancouver Transit Authority (GVTA) (which took over the operations of BC Transit in April 1999). They must be encouraged to step to the front and show commitment to the idea through improved access, efficiency, incentives and a high degree of involvement from the beginning of this process. However, according to a Burnaby planner, TransLink knows of the development that will occur on Burnaby Mountain but these ideas are still very vague. Therefore no resources have been devoted to the future development of this site. If all goes according to schedule, Burnaby should have an Area Transit Plan (see) by Spring 2001 (.

Improve Access to Transit Information

Any attempt to increase alternative transit ridership on Burnaby Mountain will require that transit patrons be exposed to a wide array of literature about the available means of alternative transportation and their times of service and frequency. A transit board should be set up in each neighbourhood detailing the times and frequency of different modes of transportation. Further, an Internet site should be established detailing this same information. Finally, real time data should also be available at the main bus loop which states the actual arrival time of buses, shuttle buses etc.

Maximize Access for Persons of all Abilities

Accessibility is a principle of sustainability that applies to persons of all abilities. Accessibility is also a fundamental element of promoting a high quality of life in the Burnaby Mountain community, improving the livability for a broader range of people. The principle of equity requires that persons of all abilities have the right to move about without undue hardship or expense. The road network on Burnaby Mountain which supports alternative modes of transport should also be flexible enough to allow for automobiles used by persons with special needs, such as TransLink's HandyDART buses. For more information regarding TransLink's HandyDART program please see .

Allow for Maximum Flexibility During Development

In addition to providing many transit opportunities, the development should also be designed to allow for maximum flexibility. Achieving a goal of flexibility will not only be important now, but it will be of vital importance in the future. The development should be designed so as to be flexible enough to accommodate any new transportation technologies that may be available in the next millennium. For example, SFU, UBC and many other institutions are researching to develop vehicles and transportation systems for the next millennium and beyond. Ballard Power Systems' hydrogen fuel cell-powered bus (see) is an example of this (). Any alterations to the existing network or new networks developed for the new community should be flexible enough to acknowledge and be prepared to accommodate new technologies.

Issues Community Shuttle Bus

TransLink's 1999 budget focuses on improved transit services and the implementation of new transportation programs (www.translink.bc.ca). One program that could work on Burnaby Mountain is Community Bus 2000 (CB2000). CB2000 is a TransLink initiative, currently in the design phase, to increase transit ridership for local travel in communities by offering services with greater flexibility in terms of vehicle size and route operation. This initiative is based on the density of an area. The denser the area, the more cost effective this program becomes. Depending on the population of the new development and the amount of users, vehicles could range in size from minivans to 30-foot buses. This community bus would travel through the new development stopping at various locations such as the bus loop, commercial center and residential areas among other locations. The key to this program is to limit the number of stops so as to make the ride around campus as efficient as possible. These shuttle buses would not leave the mountain. For more information about CB2000, please see .

Community Shuttle Bus to SkyTrain Station

An extension to the above idea would be to have some of the community shuttles leave the mountain and drive directly to the SkyTrain extension. These shuttles would still drive through the development but their final destination would be the proposed Production Way SkyTrain station west of Gagliardi (. According to Diane Yeager of Parking Services Campus Security, a 15-person shuttle travelling up and down the mountain every ten minutes (9am-5pm) would cost approximately \$6500 per month. This cost includes all maintenance, fuel and driver's salaries. Although this option is expensive, it is currently the only option available to transport people up and down the mountain from the proposed Production Way SkyTrain station. This further emphasizes the fact that TransLink must be involved in the development stage from the beginning of the process.

Personal Rapid Transit System

With the new development it will be important to have a reliable transit system that will provide services to an expanding community population and that will be inexpensive to operate. The main idea behind a Personal Rapid Transit System would be to connect all living quarters, retail facilities and education buildings regardless of their location on the mountain. At Simon Fraser University, a proposed personal rapid transit system would include five to seven stations and a fleet of ten to twelve driverless vehicles containing a maximum of forty people per car. These vehicles, which are all independent of each other, could run well into the night so as to provide transportation for those students who stay on campus at night. This option would be implemented only after development is at or near completion. This would allow for greater ridership, which would result in lower per rider fares. Development of a personal rapid transit system would only occur after a public debate. The reason for this is that funding for this type of project would most likely require public funding. In the United States, West Virginia University uses a personal rapid transit system that consists of five stations and a fleet of 71 driverless vehicles. This system was implemented in 1975 at a cost of US\$135 million (Bates and Kangas, in Lynch et al, 1998). Since 1980, the total operating costs have peaked around US\$2.5 million annually. Daily ridership is about 15,000 people per day and these riders are charged a fee of 85 cents.

Jitneys

Jitney service is another option that should be considered on Burnaby Mountain. Jitneys can be any type of vehicle however, most jitneys are usually minivans and they can run a gamut of service options such as point-to-point services, fixed-route services and neighbourhood-based services. This option could be very popular because services tend to be flexible in terms of routing and scheduling. Throughout the development, designated stops can be constructed so that drivers know where people are potentially waiting. People can be dropped off anywhere on campus, in various parts of the development, or somewhere at the bottom of the hill. Jitney

service is different from the community shuttle idea in that jitneys do not have to stop at all stops. Ideally this concept should be used in conjunction with a community shuttle and not be a direct competitor. This can be achieved by having TransLink run this transportation option on Burnaby Mountain. Another option would be to have jitney service operated by the Simon Fraser Student Society (SFSS), by an appointed Burnaby Mountain community group, or some combination thereof. Initial costs, including purchasing automobiles, would be very expensive and the operating organization would require some capital in the form of grants or interest-free loans. Ideally these would come from the operating organization(s) as they would have the most to gain from such a service.

Dial-A-Ride

The distinguishing feature of dial-a-ride services is its demand responsiveness. Whenever a trip request is made (by phone, fax, email), a vehicle is dispatched within a relatively short period of time to serve the trip. Dial-a-ride is usually a door-to-door service. It is a popular service because people are taken from their door to their destination in a short period of time without the hassles of fighting traffic or struggling to find parking. Dial-a-ride could have a fleet of vehicles and more vehicles could be in operation during peak times. This initiative could be very popular, especially for students who stay at campus very late at night. These students could call for a ride and be dropped off at their door within a short time frame. Again, this service should be run by TransLink, the SFSS, an appointed Burnaby Mountain community group or some combination thereof. Most importantly, this service should not be in direct competition with any other form of transportation except the single occupant vehicle.

Options Maintain Status Quo

The first and easiest option available to the BMCC is to maintain the status quo. This option involves developing all the community as outlined in the Official Community Plan, and building more parking and increasing road infrastructure to accommodate the University and community growth. However, this is not a viable option, as it does nothing to solve the problem of increased vehicle traffic on Gaglardi, Hastings and University Drive. In addition, it does nothing to meet the Burnaby Mountain Community Corporation's goal of establishing a model community because the transportation system is still focused on the automobile. The BMCC cannot afford to maintain the status quo. To accept this option would be to have only a short-range vision for the community and University. This seems contrary to the 20-30 year vision established by the BMCC (Delcan Engineers Planners, 1996). If this option is selected, the resulting traffic problems will force people to look elsewhere for academic and residential opportunities. Driving people away is not a solution.

No Additional Parking

A second option is to offer no additional parking to new residents or students to replace the lost parking where the development will occur. This option would be achieved by developing on the existing parking lots, not offering any new parking or parking access to the community. While this option is certainly the most environmentally friendly, at this point in time it is not the most viable option because there are many residents that are still very dependent on their automobiles. Further, this may create public outrage as many residents of the Lower Mainland feel that public transit is not a viable solution to their personal travelling needs.

Implement Alternative Transit Option

A third option would be to implement some of the alternative transportation options that would be deemed the most useful. This could be debated at the university in conjunction with the municipal government and TransLink. Ideally a system should be in place for the first residents that move into the community. This would serve notice to all future residents that the BMCC is serious about living up to its mandate to make this development a truly 'model' community. This option, which would reduce the need for automobiles, is the most promising with respect to addressing the long-term vision for the community. It promises a balance between efficiency and impact, incorporating concepts of sustainability, and serves to not only please the current and future university population, but also attract people from around the world to live, work and study here. This option would also reduce costs associated with the health impacts of automobile use, it would also increase the livability of our community through quieter, safer, and healthier streets as well as reduce air emissions associated with single occupancy vehicles. To adopt this option would be to develop a truly 'model' community.

Recommendations In making recommendations to the BMCC, we must keep their mandate in mind. This includes making money for the University endowment fund, establishing a sense of community (between the University and the new community) and developing a 'model' community worthy of local and international acclaim (www.sfu.ca/bmcp). All of these goals are certainly attainable. With that in mind, we recommend that the following options should be considered:

Improve Transit Opportunities for People of all Abilities

TransLink should work with SFU and other agencies to enhance and improve transit service atop the mountain, implement shuttle services to transit nodes (proposed Production Way SkyTrain station) and encourage development and implementation of the other more viable proposed projects. All transit options must incorporate the needs of people of all abilities. These measures will go a long way toward achieving a goal of 20% reduction in SOV travel by the time the development is completed.

Create Toll Roads to Reduce Single Occupancy Vehicles

The Burnaby Mountain Corporation should implement toll roads within the community (as a pilot project) to reduce the amount of single occupant vehicle trips in order to reach the goal of reducing automobile use by 20%. The length of the trip will determine the rate the driver is charged. Only vehicles not used in some public transit capacity will be charged a toll. For example, minivans used as shuttle buses will not be charged a toll whereas a single occupant vehicle would be charged a toll. For more information regarding toll roads please see . Creating toll roads on Burnaby Mountain would be more effective if the corporation included Universal Transit Passes in the price of housing so that each resident could have access to public transit. For more information on the U-Pass see Richard Stewart's report.

Begin Process of Developing an Area Transit Plan

TransLink will implement an Area Transit Plan for Burnaby that will include the development on Burnaby Mountain. However, this Plan will not be implemented until Spring 2001. By this time, BMCC will already have begun designing the new community. It is vital to lobby TransLink so that they get involved in this process immediately. This will make implementation of transit options much smoother and it will ensure that the new community is indeed transit friendly.

Create Mandate Regarding Alternative Fuels

The Corporation should require that all forms of public transportation be operated by alternative fuels sources other than gasoline. Alternative sources could include electricity, fuel cells or solar power. By restricting the use of gasoline and limiting the use of automobiles, the ecological impact on the environment can be minimized.

These recommendations are certainly viable, because they involve alternatives to the single occupant vehicle. These recommendations will benefit the proposed community on Burnaby Mountain by creating a sustainable transportation model.

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TransLink ()

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JITNEYS, JITNEYS, JITNEYS! "Feds discover joys of the jitney" proclaimed the Star Ledger Wednesday, after Congressman Bill Pascrell announced \$3.5 million of federal transportation dollars for rail station jitneys in communities along the Bergen/Main, Boonton and Morris/Essex Lines. Pascrell delivered the news at a Tuesday Tri-State Campaign press conference, where he was joined by NJ Transit Director Shirley DeLibero, NJTPA Director Joel Weiner and officials from Montclair and Maplewood. The money is intended to fund regional expansion of NJ

Transit's "Community Rail Shuttle Challenge Grant" program along the commuter lines, with special consideration given to towns within the Congressman's district. Six towns along the Morris & Essex lines were awarded jitney "Challenge Grants" by NJ Transit in May to develop rail feeder transit programs. The jitneys can also be used for other purposes, such as senior citizen transport, between peak periods. In Pascarell's words, "Now, communities throughout our region will be in a position to provide shuttle service to their residents. This is a creative, cost-effective solution that will ease traffic congestion, alleviate the need for new parking facilities, and help cut air pollution." In July, Congressman Donald Payne announced \$2.5 million of federal funding for jitney programs and bike and pedestrian access improvements at urban stations along the Morris/Essex Line. The jitney program has blossomed in a short time from a home-grown program that Maplewood, NJ was able to put together. Now, the spread of local feeder transit promises to revolutionize an area of suburban travel and save thousands of car trips and a considerable amount of auto emissions.

BETTER WAYS TO REDUCE TRAFFIC CONGESTION & AIR POLLUTION

By John Semmens

The voters of Phoenix and Scottsdale, Arizona have rejected transit tax increases in the election a few weeks ago. This was despite a campaign for the tax that was aided by 1pro-tax biased ballot language, a virtual blackout on publishing opposing opinions in the largest newspaper, nearly unanimous support from the mayors and city council members, and a campaign spending advantage of fifty to one.

The focal point of the tax increase campaign was the claim that expanding transit would reduce traffic and air pollution. This claim did not stand up under scrutiny. Last year, an Arizona task force on alternative transportation listed options for dealing with traffic congestion and air pollution. Out of all these options, transit expansion was the least effective and most costly item on the list.

The repeated refrain from proponents of the transit tax increase was that "we have to do something." However, the choice of transit as their top priority defied logic and common sense.

Expanding public transit--busses or trains--is the least effective option for reducing traffic congestion and air pollution. If we really care about the quality of life in our cities, we need to reject the waste of scarce tax dollars on an ineffective transit scheme so we can use the money on an alternative that will have a bigger impact in reducing traffic congestion and air pollution.

During the transit tax campaign in Phoenix I was asked what I would do if I were the mayor. The solution for Phoenix and Denver are the same. Here is the six-point plan I suggested to reduce traffic congestion and air pollution without increasing taxes:

(1) As an example to all employers, I would put as many city employees as possible on a telecommuting schedule. Rather than compelling them to commute in traffic, their work could be done at home and transmitted over phone lines. It takes less energy, effort, time, and expense to move electrons over phone lines than it does to move human beings over roads or rails. In many government jobs, telecommuting is restricted to a maximum of one day per week and then, only if the supervisor approves. Thus far, too few supervisors have approved significant telecommuting.

(2) As an example to other businesses, I would put city employees who could not telecommute on a four-ten-hour-days weekly work schedule. This would reduce weekly work commute trips of these employees by 20%.

(3) Instead of pouring transit subsidies into the inefficient monopoly bus system, I would provide the subsidies directly to users via a "voucher" system. Transit providers would then need to earn their revenues by actually pleasing customers. Proponents of the transit tax spoke frequently of their goal to put busses on every street. They disdained the suggestion that the service ought to respond to customers' desired travel patterns. Running empty busses was feasible because the money to pay for them flowed to the transit bureaucracy regardless of how few riders there were. In fact, the Tempe (a suburb of Phoenix that implemented a transit tax increase last year) Transit service was held up as a model of what was possible for the rest of the metropolitan region. Tempe Transit has 0.7 passenger boardings per bus mile and an average of three persons per 45 bus seats.

(4) I would disband the monopoly bus system by selling the assets to competing private bus operators. Privately owned and operated busses typically cost 50% less to operate.

(5) I would encourage privately owned and operated jitneys (van-sized vehicles) to provide service in the most heavily traveled routes during peak periods. This will reduce passenger-waiting time.

(6) I would work more vigorously to get the 10% of the cars that cause 50% of the pollution either tuned-up or off the roads. I would use the savings from privatizing the bus system to fund "vouchers" to assist low income persons who may need to repair or replace high polluting vehicles.

As a traffic and air pollution reduction measure, more taxes for government monopoly transit is a poor choice.

Cities can do much more to reduce the traffic congestion and air pollution if they make intelligent choices. There is no need to waste billions of dollars to expand and perpetuate inefficient government monopoly transit systems.

by

For years, redevelopment has been pushing Austin's low-income Latinos eastwards. A couple decades ago, the culprit was a highway: IH35, a road that runs over the land where Mexican homes once stood. Now some noisy trains are poised to do the job. Capital Metro, Austin's transit authority, wants to lay tracks through East Austin, to carry commuters from the suburbs to the city center and back. They call the proposed system light rail, a phrase that once conjured images of streetcars but now seems to entail a much heftier, pricier system.

The allegedly light rail has its boosters in the area, mostly folks who expect their property values to jump once the trains start shooting by. (A speculative rumble has already begun, as people scramble to hold as much property as possible when the new development arrives.) But most of the support "seems to come from people who do not live in East Austin," comments Raul Garcia, a professor at Southwest Texas State University and member of El Concilio, a coalition of Mexican-American neighborhood associations. What benefits the project will bring, he suggests, will overwhelmingly favor outsiders. The costs, meanwhile, will fall on the less well-heeled folks who actually live in the community.

When the artificial inflation of property values starts, many people won't be able to pay their rent any more. Buildings will be knocked down, the neighborhood gentrified. Taxes will go up to pay for the government's new debt. Some property will probably be condemned to make way for the (not-so) light rail, much like when the government built the highway. Or — to use the comparison Garcia prefers — when the railroads cut through native lands in the last century, shunting the Indians into reservations.

"This is the only real Latino community left in Austin," comments Paul Hernandez, another Concilio activist. "The only one that has not been co-opted by the wannabe salsa-eaters, the people who think if they drink a Corona and eat a little salsa, they're part of the culture." If East Austin is gentrified, he warns, that last bit of authenticity will wash away.

On top of everything else, Capital Metro doesn't do a very good job serving East Austin travelers as it is. A transit plan meant to help East Austin's interests would be a lot simpler and cheaper than rail: just maintain the buses better, start routing them through the underserved parts of town, make sure they run on time, and give them a real incentive to improve service by letting private jitneys and minibuses compete with them.

But the city's rail scheme is designed to serve commuters and developers, not travelers within or from East Austin. As Hernandez puts it, "Someone benefits and someone pays. And the ones who are paying are the people who can least afford to lose."

The proposed railway isn't the only policy that's angered East Austin's neighborhood activists. There's the hike-and-bike trails the city wants to build, which also have people worried about eminent domain. (The city insists it will acquire the land only through voluntary purchase. Not everyone believes them.) Then there's the power plant and — more P.C. but no less annoying — the recycling center, which sit in residential areas. "Whenever they want to get rid of trash somewhere," Garcia complains, "they put it in East Austin."

Light rail, hike-and-bike trails, recycling — it all sounds so clean and green. The Austin authorities call it "smart growth," a cliché popular among proponents of compact, eco-friendly cities. There's a joke about that, down in the barrio: they say smart stands for Send the Mexicans Across the River Today.

You may have heard about a rebellion in land-use and transportation circles, about a new breed of planner who's declared war on the old order of suburbs, shopping centers, and sprawling, car-centered development. But there's another rebellion going on, one that's received far less attention: the revolt of the poor sods who've met the new boss and realized he's the same as the old. In Austin, Hernandez points out, "Downtown developers won a political battle over the suburban developers, and development shifted from the southwest to the east sector. It's being marketed as a battle between environmentalists and developers, but it's no such thing."

This wasn't supposed to happen. We were supposed to see an end to the rule of humorless, high-handed bureaucrats muttering managerial buzzwords. Instead, we just got a new set of buzzwords: "smart growth," "sustainable development," "regional governance," and a dozen more cloying bits of bureaucratese, spouted by career citicrats with the unique ability to use the word "vision" as a verb without blanching. In Austin and elsewhere — Seattle, Chattanooga — putative reforms have turned out to be just another flavor of business-as-usual. Those buzzwords should have served as a warning: If you want to escape the world of cookie-cutter development, why turn to a crew so addicted to cookie-cutter rhetoric?

You want to know how bad it's gotten? Last summer, speaking in Ashe County, North Carolina, Al Gore declared that "one of the environmental issues more counties like you are all taking on is this suburban sprawl issue, and we're going to have to tackle that as a nation." That was a rather odd thing to say, given that the vice president was in a rural Appalachian community with few people to speak of, let alone strip malls or Dairy Queens. But Al Gore wasn't reacting to the landscape around him; he was reciting from a boilerplate. (Of course, if you're tackling sprawl "as a nation," you're going to have a hard time coming up with policies appropriate for each specific place. Tysons Corner, Ashe County — what's the difference? Stick'em all in the Omnibus Sprawl Bill.)

There's nothing wrong with attacking the pork-heavy highway-industrial complex, or the malign designs fostered by earlier schools of zoning and planning, or the civic desolation wrought by urban renewal programs and ill-fitting freeways. But it's no revolution just to shift the pork in new directions, impose a new set of unwelcome designs, and shove railways through poor neighborhoods that somehow survived the earlier asphalt onslaught.

Real reform doesn't mean importing a new style of planning or a new breed of planner. It means bringing an end to top-down planning altogether, to this ridiculous cult of expertise, this idea that urban design is best left in the hands of a special caste of professionals. It means bringing back self-government and making the experts work for us instead of vice-versa. They may have superior technical knowledge, but that shouldn't give them the right to decide how that knowledge will be deployed.

After all, if you want to add on to your house, you'll probably hire an expert to design and build the addition. But the expert will have to do her work as per your specifications. She won't remodel your home according to her own ideas of healthy living, build a new driveway through the neighbors' front yard, then demand both families pony up for the privilege of living in her wonderland.

Real reform means restoring our control over our living environments. To libertarians and free-market conservatives, that means protecting property rights. To decentralists of the left, like the activists of East Austin, it might justify a little more government intervention, if that intervention is directed against absentee owners. Of course, it isn't always clear where the line between these two approaches might be: some "private" neighborhood associations have taken on coercive powers once reserved for the government, while some suburban governments are so small and young that they might as well be voluntary bodies.

And the decentralist left and right can join together to oppose measures like Austin's ridiculous railroad and the movement toward "regional governance," in which suburban governments cede authority to larger, less accountable authorities. Better to break up the cities, to allow neighborhoods more autonomy — if necessary, to let them secede.

That, really, should be the first demand of anyone out to undo the damage the planning class has done. Not to change power, but to disperse it: to break down the bureaucracies and boot out the buzzwords, and give neighborhoods like East Austin the rights now reserved for the wealthy suburbanites down the expressway.

For the past year, Jesse Walker was CEI's *Warren Brookes Fellow in Environmental Journalism*

How did the taxi subsidy come about?

This is one question the Foundation researchers will answer for you.

In the late 19th century, a single street railway company was granted a franchise to operate, creating a monopoly in virtually every American city. In 1914, the jitney bus came on the scene. A jitney was a modified model T Ford which carried up to a dozen passengers. It got its start in Los Angeles by offering higher speeds and more flexible routes than the street railway system. Jitneys became too popular for their own good. They began to take business from the streetcars—the same streetcars that city governments had come to depend on for tax revenues. Jitney's were outlawed and competition in urban transportation almost disappeared. For about 25 years streetcars had the urban transportation market pretty much to themselves.

By 1944, strictly regulated bus lines were carrying more passengers than streetcars. And then taxis came along. They were strictly regulated as to number, kind of service they were allowed to

provide, fares charged and the number and kind of passengers they could serve. But taxi companies welcomed the regulations which assured them monopoly privileges where fares were stabilized and part-time drivers were forbidden. Only the consumers were harmed. In New York City, the price of a taxi medallion, needed to do business, reached \$100,000 way back in 1985.

However jitneys are coming back in various disguises. Commuter vans have multiplied across the county, providing some of the flexibility and with about the same capacity of the old jitneys. In 1982, Indianapolis allowed the operation of seven 14-passenger jitney vans. San Diego, in 1983, placed 326 jitneys into service. Homeowner associations have started their own transportation services to supplement or avoid the local public-transit system. In some area apartment complexes charge each resident a small annual fee and operate shuttle buses. The El Segundo Employers Association in Los Angeles, has van pools searching local neighborhoods which transport the 65,000 employees of participating firms. This may be the transportation wave of the future.

(A-18) Do you think government officials could do a better job than you or your friends and family in determining who should or should not receive subsidies? Why or why not?

(A-19) State your opinion in the following instances and explain "why or why not".

Should a 2-earner family subsidize a 1-earner family by offering rebates on their taxes?

Should a 1-earner family subsidize a 2-earner family by offering child care credits?

Should artists be subsidized by tax dollars?

Should people without children subsidize education?

Should people without cars subsidize highways?

Should businesses provide the funds to subsidize their competitors?

Should wheat farmers in the Midwest subsidize the water of rice farmers in the far west?

This is not a clear cut area. You may have had some trouble deciding who should subsidize whom or what and why. The following quotes from Reinventing Government (RIG) will give you some idea of how our elected officials are coping with these decisions.

Overall, federal, state, and local governments buy nearly \$1 trillion worth of goods and services every year --18 percent of the gross national product. ... New York City buys payroll processing services from banks that make investments in low-income neighborhoods. Los Angeles gives preference to contractors who provide day-care facilities. Many governments set aside a percentage of their procurement for minority-owned firms or small businesses. _ The federal government seeks to prevent financial panics by providing insurance for depositors in banks and savings and loan institutions. It also administers systems of unemployment insurance, worker compensation insurance, and medical insurance for the elderly and poor. The state of Illinois fights racial segregation by

authorizing the creation of home equity districts in Chicago, which can offer insurance against price drops caused by sudden racial turnover. RIG p 337

The Michigan Strategic Fund has invested \$12 million to \$15 million in equity to catalyze the formation of private sector business and industrial development corporations.

Pennsylvania's Ben Franklin Partnership has invested in five private seed capital funds. Many states encourage their public pension funds to invest in venture capital. The federal government held stock in Chrysler during the bailout. RIG p. 341

(A-20) List five activities which the federal government subsidizes.

The following is the second fact sheet prepared by the LWV Greater Pittsburgh Transportation Study Committee for use by members in a study of transportation in Allegheny county to be undertaken in the Fall of 1995.

County Transportation Fact Sheet 2

Alternative Forms of Transportation

What are some of the alternatives to single occupancy cars (SOV) and conventional mass transit?

I. In the Pittsburgh Area

1. Shuttle Buses:

In Allegheny County, PAT, rather than the Public Utility Commission regulates shuttle buses, mainly documenting that the operator is reputable, safe and adequately insured. Transportation contractors, like Owens and Lenzer, run shuttles that are not open to the public, do not charge fares, and do not cover the same corridors as traditional mass transit. Pitt's four bus routes (three in 1995-96 because the Shadyside-Squirrel Hill route is in competition with PAT) carry more than 5500 riders per day. CMU also runs shuttle buses between the main campus and Oakland. Various hospitals operate shuttles for their patients, staff and parking lot patrons. A large number of private shuttles, operated by parking lots, hotels, restaurants, auto repair shops,

apartment complexes and large corporations, are currently exempt from regulation or reporting requirements.

2. Van Pools:

In 1994 the 74 van pools organized by Southwestern Pennsylvania Regional Planning Commission (SPRPC) served about 1000 downtown commuters. Oakland is served by 16 more coordinated by Pitt. SPRPC will go to a site, such as the RIDC, if requested, talk to employers about van pooling and collect information for its data base. A third party leasing agent, VPSI, provides the vehicles, is not PUC controlled, and cannot be a transportation provider. The drivers come from companies, institutions, etc., and are free to use most vans on evenings and weekends over reasonable distances, as well as commuting free. The agreements are for thirty days, and there is a driver's guide. Van pool passengers pay their drivers a monthly fee of \$65 to \$90/month, based on the van's lease price, fuel, parking and tolls. There are no guidelines for forming groups, and it may be possible to join an existing van pool rather than starting a new one.

3. Taxis:

Taxi service must be approved by the P.U.C. Yellow Cab is the main taxi company in the city of Pittsburgh. People's Cab is a second small cab company in the city. The P.U.C. has recently approved the operation of a third company to serve areas not being well-served by the existing companies and formerly relying on jitneys. Other companies, such as Colonial, operate outside the city.

4. Bicycling and Walking:

Fourteen bicycling projects totaling \$8.3 million are included in the SPRPC transportation plan. ISTEA legislation provides 80% of funds; local public or private money must provide the rest. SPRPC has a list of 110 miles of completed bicycle trails in the region and plans for 185 more miles. Among trails in the works is a riverfront biking/walking trail on the north and south sides, to be done by 1999. More immediate plans of the city include marking new bike lanes from eastern neighborhoods into Oakland and adding racks and lockers for more secure bike storage around Oakland. The County plans to add downtown storage facilities by 1996, and to create arrangements with clubs for cyclists to use shower facilities. A bike trail from the North Side to Marshall Township is planned. Other than biking/walking trails, there appear to be no organized improvements planned for pedestrians who are less well organized for lobbying than cyclists.

5. High Occupancy Vehicle (HOV) Lanes:

Expressway lanes open only to cars with more than one occupant exist on I 279, and HOV use is proposed for busways as a temporary method of easing congestion during the Fort Pitt Bridge and Tunnel repairs.

6. The Rivers:

Except for freight, excursion boats, private pleasure craft, and perhaps gambling boats, use of the rivers by water busses, taxis, or ferries, doesn't appear to be contemplated.

7. Maglev (magnetic levitation):

The Carnegie Mellon University High Speed Ground Transportation Center/ MAGLEV Inc. project includes a \$500-600 million demonstration system linking the Triangle with the International Airport as the first portion of a high-speed Mid-Atlantic Regional Maglev system linking the midwest to the east coast. MAGLEV Inc. is a private corporation formed in 1990 to create an industrial base here to market magnetic levitation systems worldwide. Its regional feasibility study concluded that a North American market could be developed; that the best current high-speed Maglev technology is German; and that substantial public investment would be required. The capital cost for the 1350-mile regional system is estimated as about \$40 billion (about the amount now spent yearly on roads, nationwide). During the construction lifetime 675,000 jobs, one third of them manufacturing, would be created, and over \$78 billion in direct economic benefits might result from manufacturing and construction of the regional system. A second project, the Western Pennsylvania Maglev Development Corp, has a \$250,000 grant from the state Commerce Dept. and \$165,000 from the Mellon Foundation to study construction by about 2000 of an elevated rail system from the former LTV site on the south side, where a 6500 car parking lot could be built, across an old steel mill railroad bridge to the Pittsburgh Technology Center, CMU, PITT, the medical center and other hospitals. It is unclear whether funding would be public or private. Sponsors are former Allegheny County Planning Dept. official David O'Loughlin, lawyer Paul Martha and accountant Robert T. Schwer. The city, which owns the LTV site, considers the site would be underutilized as a parking lot in this plan.

II. Example of Innovative Alternative Transportation Elsewhere

1. Portland, Oregon:

The city has old bikes leaning against street signs and poles in the city center for short trips. Bikes donated by the civic minded are painted bright yellow and use is free. The city started with 10, and eventually wants to have 1000, with corporate sponsors to help maintain the fleet. It works in Portland.

2. Boulder, Colorado:

The ECO Pass bus pass program encourages businesses to subsidize transit instead of parking and targets normally non-bus riding employees. Employers buy annual bus passes for all their employees at rates of \$25, \$35 or \$50 per year per employee, depending on the level of bus service at that location. Employees receive unlimited bus use throughout the six-county region. In the event of an unplanned emergency during the day, the Guaranteed Ride Home Program allows employees to take a taxi free by showing their pass, a service also available to van pool users. For employers the ECO Pass program is a tax deductible transportation service much cheaper than expanding parking lots. In the first ten months more than 350 companies employing

over 18,000 people signed up. New bus ridership increased 21%. There is a similar bus pass program for Colorado University students and staff. The bus pass programs pay for themselves. Rates charged employers cover labor, service, administration and the small additional capital costs of the ECO Pass system.

3. Curitiba, Brazil:

This city with a population of 1.6 million has gained the reputation of having the best planning and development program in the world by thinking small and cheap. It use express buses (at \$1 million/km) and streetcars (at \$10 million/km), not subways (at \$100 million/km). All forms of transit are integrated with comfortable transfer systems, such as "tube stations", cylinders of glass and steel. Passengers pay at a turnstile on entering station, then enter buses through sliding doors, like a metro system. Pedestrians have priority in the center city. New development is concentrated in existing urban space with emphasis on making the best use of developed area and careful integration of transportation and land use. Planners encourage higher densities around major transport corridors and try to ensure that each area includes a mix of homes, jobs and services.

Sources:

Interviews with staff at SPRPC and VPSI, the U. S. Census, an SPRPC publication Triangle Commuter News, a Carnegie Mellon University handout on their Maglev proposal, the Pittsburgh Post Gazette, the New York Times, the Christian Science Monitor Monthly for March 1992, Surface Transportation Policy Project Resource Guide and various City of Boulder planning documents.

Practical Steps to Implement an Ecosystem Approach in Great Lakes Management

Table 5

A summary of recommendations on practical steps to implement an ecosystem approach in the area of transportation.

Practical Step to Implement an Ecosystem Approach

Promote better intermodal and ecosystem-based planning (e.g. Portland, Oregon)

Responsibility

Partnerships among local governments, municipal planning organizations, and non-governmental organizations

Obstacles and Challenges

Reactive government; economic inertia (perceived losses, market downturns); "frontier" mentality; racism

Recommendations to Overcome Obstacles and Meet Challenges

Initiate demonstration projects which would foster coordinated intermodal and ecosystem-based planning and action; pass local ordinances which would establish bike parking, accessory apartments, corner stores, generic environmental impact statement for mixed used space, streamlined permits for downtown; evaluate existing successes and failures, and communicate broadly

Practical Step to Implement an Ecosystem Approach

Ensure bioregional coordination of transportation plans

Responsibility

Municipal planning organizations; International Joint Commission with academic support; state/provincial and federal transportation departments; Council of Great Lakes Governors

Obstacles and Challenges

Concern for who takes the first step; concern for insufficient resources; concern for how to institutionalize; information and planning gaps (e.g. no pedestrian plans)

Recommendations to Overcome Obstacles and Meet Challenges

Promote information exchanges through regional conferences and meetings; assign responsibility for bioregional coordination to regional planning bodies; send letter to U.S. Secretary of Transportation and their Canadian counterpart asking them to initiate bioregional coordination of transportation plans through Council of Great Lakes Governors, International Joint Commission, or other institutional structure

Practical Step to Implement an Ecosystem Approach

Achieve greater multi-modal balance within bioregions

Responsibility

Municipal planning organizations and local governments; state, provincial, and federal transportation departments; transit authorities; transportation activists, including the private sector

Obstacles and Challenges

Low priority for balance among transportation modes; liability perception; institutional biases of those who control money

Recommendations to Overcome Obstacles and Meet Challenges

Establish track record with "early" wins (bike rental shops, cops on bikes, bike signs, inter-city express lanes for buses; remove legal barriers for jitneys; establish more downtown crosswalks and transit stations for pedestrians; make greater use of existing rail and shipping modes); use Intermodal Surface Transportation Efficiency Act resources to overcome institutional barriers and develop flexible solutions; document and disseminate benefits

Practical Step to Implement an Ecosystem Approach

Ensuring democratic planning processes with ecosystem educational component (e.g. Toronto, Ontario)

Responsibility

All levels of government; regional planning organizations; professional societies; academia

Obstacles and Challenges

Perceived narrow mandates; limited cross-training of planners; institutional barriers in governmental transportation and environmental agencies

Recommendations to Overcome Obstacles and Meet Challenges

- Promote successes within Great Lakes region and across Canada and U.S.; target planning professors (designers, architects, transportation planners) to promote successes
- Translate Intermodal Surface Transportation Efficiency Act promise of integrating transportation and the environment into action (e.g. ensure cross-training of planners; establish regional media event to promote projects; establish joint training between governmental agencies responsible for transportation and agencies responsible for the environment)

- Ensure "sense of community" designs (design livable communities/neighborhoods, use design charettes, involve landscape architects with community groups and local planners; foster greater land use and transportation dialogue)

Practical Step to Implement an Ecosystem Approach

Explicitly address ecosystem - transportation interface in order to achieve ecosystem integrity

Responsibility

All levels of government; regional planning organizations

Obstacles and Challenges

Lack of community vision and goals; ecosystem - transportation interface not recognized as a problem; transportation centered around automobile

Recommendations to Overcome Obstacles and Meet Challenges

Ensure inclusive, democratic planning process; establish broad ecosystem vision for sustainable communities and translate into policy and local actions; ensure harmonized economic, environmental, and societal goals; promote broad-based education and integrated thinking/solutions; encourage sustainable community design as opposed to automobile centered design

Practical Step to Implement an Ecosystem Approach

Utilize economic and market incentives to ensure full cost accounting on transportation - environment issues

Responsibility

All levels of government; transportation and environment agencies

Obstacles and Challenges

Lack of mandate; institutional inertia (we have always done it this way); perception of economic loss for environmental gain

Recommendations to Overcome Obstacles and Meet Challenges

Implement a gas tax based on full cost accounting; implement congestion pricing; implement full cost parking; implement transportation demand management (e.g. employer sanctioned telecommuting, transit passes, car pools, cash out parking subsidies)

Oct. 18, 1999

GOVERNMENT TRANSIT:

SHOULD DENVER BUY MORE OF IT?

By John Semmens

EXECUTIVE SUMMARY

The Decline of Public Transit

Urban public transportation systems have been in decline since the end of World War II. At that time, public transit vehicles provided 50% of travel in urban regions. Last year, 2% of urban travel in America was provided by public transit.

This decline has occurred despite Herculean government efforts to prevent it. Non-riders are forced to pay two-thirds of the cost for every transit rider's transportation. Per person-mile of travel, government now spends twenty times as much on public transit as it does for roadways.

The decline of public transit is the result of powerful demographic forces that show no sign of reversal. Basically, the demand for public transit is inversely related to personal income. As people's incomes rise they can afford the more comfortable and convenient travel provided by owning and operating an automobile.

The "race" between the automobile and public transit is over. The auto has won. Nothing short of an economic debacle that drastically reduces urban standards of living can overturn this outcome.

Unwilling to face this reality, public transit's devotees are busy repackaging an early loser in the race (trolleys), hoping that a new name (light rail) and a new public relations campaign can persuade people that the tax increases needed to try to resuscitate this dinosaur are necessary.

Inefficient, Unfair, Ineffective

Of all the options in the current public transit mix, for most cities, light rail is probably the worst possible choice. It requires its own special track (at a cost of around \$40 million per mile to build), so it lacks the flexibility of buses which can be run over existing city streets. Yet, its carrying capacity is far less than that of heavy rail.

There isn't a single light rail transit system in America in which fares paid by passengers cover the cost of their own rides. The aggregate deficit for 1996 (the latest year for which complete data are available) was nearly a billion dollars. The average cost per passenger mile on Denver's light rail is around \$2.30. These costs are far higher than the average cost per bus passenger mile of around 65 cents. Of course, no transit option matches the average cost of automobile transportation, which is less than 50 cents per vehicle mile.

Light rail's inefficiency is matched by its unfairness. In Denver, taxpayers pay 90% of the cost of light rail passenger travel. This is worse than the 80% share Denver taxpayers must pay for bus service. Light rail compares even more unfavorably with auto transportation where, private passenger vehicles currently pay more than 100% of their share of the cost of the road system.

Light rail's inefficiency and unfairness aren't offset by effectiveness. In no city in America does light rail transit account for as much as one percent of the urban person-miles of travel. The average share of person-miles of travel was only three-tenths of one percent. In Denver, light rail's share of urban travel is less than one-tenth of one-percent.

Light rail is touted as a means of reducing urban traffic congestion. The claim is that it will lure drivers out of their cars and, thereby, reduce traffic congestion. If all of the light rail passengers in Denver would have otherwise been driving their own cars, light rail would, on average, be removing one car in 1,000 from the roads. However, studies have shown that about 80% of new light rail passengers were former bus passengers. Taking this into account, the real impact on traffic is for light rail to remove about one car in 5,000 from traffic.

The transit numbers tell a tale of inefficiency, inequity, and ineffectiveness. In no city is transit run on sound business principles. There is little effort to try to generate compensatory revenues from customers. Huge and unending losses are the result. Riders are asked to pay a pitifully small share of the costs. Despite generous subsidies, transit in city after city carries only a small fraction of the person miles of travel.

Modern urban travelers want convenience, comfort, and speed. The automobile best fits these requirements. This is why the auto is the choice for the overwhelming majority of urban travelers. The inconvenient, frequently uncomfortable, and slower transportation offered by public transit modes does not meet the needs of more than a small fraction of urban travelers. Given its inferior performance characteristics relative to other transit options, light rail is the most unappealing choice for trying to meet the needs of the small fraction of urban travelers who rely on public transportation.

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INTRODUCTION

Should taxpayers be asked to pay more to fund expansions in existing public transit? That is the question facing city governments throughout the Denver metropolitan region. While proponents of increased funding of transit are doing their best to promote such tax increases, municipal governments would do well to consider the implications before rushing to board the transit “bandwagon.” An objective analysis of these implications indicates that the costs appear to far outweigh the benefits.

Admittedly, the purported benefits of expanded public transit are, indeed, seductive. These benefits include the notion that expanded public transit will have a significant impact on reducing traffic congestion and, thereby, make a major contribution to improving urban air quality. Further, it is asserted that expanded public transit is a social welfare program, necessary to help ameliorate urban poverty. Finally, it is asserted that public transit is a “good investment” that will help promote a community’s prosperity. It would be great if public transit could make a cost-effective contribution to any of these objectives. Unfortunately, it cannot. In fact, it seems more likely that increasing taxes in order to expand public transit would work against the advancement of all of these objectives.

NATIONAL PERSPECTIVE

Our analysis will begin with a view from a national perspective. This is in recognition that the transit offered in Denver is not a totally unique undertaking. Observing how transit has done in the aggregate and in other cities will provide a foundation for evaluating circumstances and proposals in the Denver region.

A Declining Industry

Public transit is clearly a declining industry. Ridership peaked during the World War II period at 23 billion or so trips per year.[1] World War II provided optimal conditions for transit ridership. Over 10 million young men were away from home enlisted or drafted into the U.S. armed forces. Few of them owned or could use autos. Automobile manufacturing was discontinued and auto manufacturing plants converted to producing military vehicles. Gasoline was rationed--discouraging the use of autos by those persons who did own them. Under these conditions, public transit was able to capture 50% of the urban passenger miles of travel.[2]

As World War II came to an end and life returned to a more normal peacetime mode, public transit lost most of its market advantages. Ridership declined by about two-thirds, from 23 billion annual trips to between eight and nine billion in recent years[3] (see Figure 1: Number of Transit Trips). Public transit's share of urban passenger miles fell from 50% in 1945 to barely 2% by 1995[4] (see Figure 2: Transit Share of Urban Travel and Table 1: Transit's Share of Urban Travel).

Table 1: Transit's Share of Urban Travel

(in billions of trips and miles)

Transit	Auto
Year	
Trips	
Passenger miles	
Vehicle miles	
Transit share	
1945	
23.3	
112	
109	
51%	
1950	
17.2	
84	
183	
32%	
1955	
11.5	
56	
267	
17%	

1960
9.4
46
309
13%

1965
8.3
42
420
9%

1970
7.3
37
545
6%

1975
7.0
35
691
5%

1980
8.2
41
813
5%

1985
8.0
40
995
4%

1990
7.4
37
1217
3%

1995
7.0
35

1415

2%

1997

7.4

37

1481

2%

Sources: Alan Altshuler, "Changing Patterns of Policy: The Decision Making Environment of Urban Transportation," *Public Policy* (Spring 1977), pp. 171-203; Transit Fact Book (American Public Transit Association, various years) and Highway Statistics (Federal Highway Administration, various years) and Wendell Cox, "US Urban Public Transport Ridership from 1900" in Urban Transport Fact Book (<http://www.publicpurpose.com/ut-us1900.htm>).

Rising personal income increases the ability of families to own autos and houses. Residents without vehicles living in densely populated urban centers are likely customers for public transit. Auto-owning suburbanites are not. Public transit is what economists refer to as an "inferior" good. For a "normal" good, the quantity consumed rises as people's income rises. For an "inferior" good, the quantity consumed falls as people's income rises. Per capita personal income in the United States rose from a figure of \$1,223 in 1945 to \$22,788 by 1995. Adjusting for inflation of 750% between 1945 and 1995, real per capita purchasing power increased by about 120%.[5] As family incomes rose in the post World War II era, consumers shifted their demand from transit to automobiles as the preferred mode of travel. Once an auto is owned, the heavy fixed costs of ownership (depreciation, insurance, and financing) argue in favor of extending the use of the vehicle as much as possible. Consequently, it should not be surprising to observe that transit journeys[6] per capita fell from 142 in 1945 to 21 in 1997, a decline of over 80%.[7] Even in the central city, over 90% of the travel is in cars.[8] Even among the poorest segments of the U.S. population, a majority of the travel is in cars. In the \$15,000 and under annual income category, 80% of the travel is in cars. Less than 10% is via public transit.[9] Further, those with incomes under \$15,000 constitute a minority of transit riders.[10] The most costly and worst performing segments of most transit systems are the long-haul routes that extend into the suburbs to serve the more affluent employees of downtown businesses.[11] Far from being a program oriented toward helping the poor, most of the expense in public transit is incurred serving those who would appear quite capable of bearing the cost of their own transportation.[12]

A Financial Disaster

So powerful are these demographic trends that massive subsidies from the federal government have failed to stem the decline. In 1964, the first Urban Mass Transportation Act

was passed. At that time about 9% of urban person miles of travel were made on public transit. Today, only 2% of urban person miles of travel are made via transit (see Table 1: Transit's Share of Urban Travel). Since the federal government became involved in subsidizing local public transit in 1964, it has poured over \$70 billion into these systems. Over this same time period, local governments have put over \$110 billion into subsidizing these systems. Despite this massive investment, the aggregate financial performance of public transit is the worst it has ever been. The deficit between passenger revenues and the cost of owning and operating these systems has gotten larger since the first federal involvement (see Table 2: Transit Financial Performance Since 1965 and Figure 3: Federal Aid & Transit Deficits). By 1997, the aggregate annual loss for all public transit systems combined was over \$19 billion dollars. The cumulative loss over the whole 1965 through 1997 period was in excess of \$180 billion.[13]

Table 2: Transit Financial Performance Since 1965

(\$ in millions)

Federal Aid
Year Revenue
Costs
Net
Operating
Capital
Total
1965
\$1,340
\$1,454
(\$114)
\$51
\$51
1970
\$1,639
\$1,996
(\$357)
\$133

\$133

1975

\$1,860

\$3,752

(\$1,892)

\$142

\$1,287

\$1,429

1980

\$2,557

\$6,711

(\$4,154)

\$1,094

\$2,791

\$3,885

1985

\$4,575

\$14,077

(\$9,502)

\$940

\$2,510

\$3,450

1990

\$5,891

\$20,678

(\$14,787)

\$970

\$2,380

\$3,350

1995

\$6,801

\$25,079

(\$18,278)

\$817

\$5,481

\$6,298

1997

\$7,599

\$26,688

(\$19,089)
\$578
\$4,049
\$4,627

30 year Totals
\$98,987
\$281,688
(\$182,701)
\$17,152
\$54,399
\$71,551

Source: Transit Fact Book (American Public Transit Association, various years).

Federal subsidies of local transit have come attached to rules that have helped to increase the cost of running these systems. On the one hand, section 13(c) of the UMTA obstructs labor cost savings in federally subsidized transit. This federal rule prohibits changes in working conditions that would result in worsening the position of any employee. For example, federally subsidized transit systems may not attempt to save money by replacing full eight-hour per day employees with part time workers. Neither may federally subsidized transit systems substitute split shifts for straight eight-hour shifts.[14] The Davis-Bacon Act helps raise the cost of transit construction by prohibiting competitive bidding on labor costs for federally aided projects. All bidders on a federally assisted bus terminal or rail station construction project, for example, would be required to pay the “prevailing wage” in the region where the work takes place. Transportation economist Gabriel Roth estimates that Davis-Bacon rules make federally aided construction projects about 28% more costly than they otherwise would be.[15]

One consequence of this deteriorating financial performance is that taxpayers are being compelled to fund an increasingly inferior service at an increasingly higher cost. The cost per passenger trip on transit has risen from around 18 cents in 1965 to over three dollars by 1997 (see Figure 4: Transit Cost Per Rider). Monetary inflation has raised the general price level by about 400% since 1965.[16] However, transit’s per rider costs have risen by more than 1500% during

this period. The increase in transit costs has out-paced inflation, indicating that public transit has become increasingly inefficient in accomplishing the task of providing passenger transportation.

Before the federal government became involved in subsidizing public transit in 1965, riders used to pay 99% of the costs of their own transportation.[17] Since transit expenses have ballooned out of control, there is no way that the “customers” of public transit would have been willing to pay these soaring costs. This important point is often overlooked in assertions that deficit-ridden public transit is serving a “vital need.” The only objective measure of need that we can ever have is evidenced by the amount of money customers willingly pay for something. Revenue from paying customers stands as a measure of the value they place on the service. When these revenues are sufficient to cover the cost of providing this service we have proof that a need is being fulfilled. When the revenue from customers is insufficient to cover the cost of providing the service we lack proof that from the consumer’s perspective, a genuinely valued need is being fulfilled. The profit that a business makes is verification that it is efficiently meeting customer needs. The losses accruing to public transit are a verification that the assertions of a vital need being met are unsubstantiated. The unwillingness to ask transit riders to pay the full cost of the service is proof that those operating these systems do not really believe that the service is worth what it costs to provide.

The objective evidence is that neither transit riders nor transit providers value the service at more than it costs to provide it. Perpetual deficits mean that all of these public transit systems are converting resources from more valued uses into less valued uses. Individuals would not voluntarily waste their resources in this way. Consequently, the only way that public transit has been able to survive in its present form has been to force non-riders to bear increasingly larger shares of the cost. As it now stands, transit “fare box recovery ratios” average about 40%.[18] What this means is that if we exclude the costs of buying buses and trains and building tracks, stations, and stops, transit riders are paying about 40% of the cost of their rides. Taxpayers are compelled to pay the remaining 60% of the so-called operating costs. When we consider the total cost of providing public transit, the riders’ share of the payment drops to around 30%.[19] Non-riders are paying almost 70 cents of every dollar spent on public transit. Non-riders have to pay twice as much as riders do for their own transportation.

So inefficient is public transit that it now costs more per passenger mile to travel on transit than it does to travel by car. By the mid 1980s, the cost per passenger mile for transit rides began to exceed the full cost of owning and operating a car. Currently, the cost per passenger mile on transit is about 62 cents.[20] The full cost of operating a car is about 45 cents per vehicle mile (see Figure 5: Transit vs. Auto Costs).[21] So, not only does using transit require customers

to walk to stations, wait in the hot sun or driving rain, for a bus or train that may or may not be on time, and perhaps ride standing, this lower quality of service now has a greater total cost per person mile than the comfort and convenience of riding in a car.

Inconvenient & Uncompetitive

Financial inefficiency is but one unattractive attribute of public transit’s offering to the consumer. Using public transit is a time-intensive mode of travel. An American’s average commute to work driving alone in his car is about 21 minutes. The average commute to work by public transit bus is about 38 minutes. The average commute to work by light rail or subway transit is about 45 minutes.[22] Time has value. The subsidies poured into public transit have been unable to bring transit travel times into a range competitive with driving one’s own car. Consequently, the time-cost of using public transit makes it a relatively unattractive mode of travel for almost all except the very poor.

If we consider time costs of commuting by various modes, it quickly becomes clear why public transit’s share of the urban travel has been shrinking. Using the fully allocated costs of operating a car, we find that as income level and an individual’s implicit value of time rises, public transit becomes a more expensive mode of travel. (See Table 3: Time and Fare (Transit) or Operating (Auto) Cost of a Trip by Mode.) At all income levels, carpooling offers a lower total cost of travel. At income levels of \$30,000 and above, driving alone is less expensive than taking transit.

Table 3: Time and Fare(Transit) or Operating(Auto) Cost of a Trip by Mode

Income level
car*
carpool*
bus**
rail**
\$10,000
\$6.68
\$4.16
\$4.17
\$4.74

\$20,000

\$8.44

\$6.55

\$7.33

\$8.49

\$30,000

\$10.20

\$8.93

\$10.50

\$12.23

\$40,000

\$11.95

\$11.32

\$13.66

\$15.97

\$50,000

\$13.71

\$13.70

\$16.83

\$19.72

\$75,000

\$18.11

\$19.66

\$24.74

\$29.08

\$100,000

\$22.50

\$25.63

\$32.65

\$38.43

Sources: Commuting in America II (ENO Transportation Foundation, 1996), p. 85; Your Driving Costs (American Automobile Association, 1995), p. 5; 1996 Transit Fact Book (American Public Transit Association), p. 60.

*Auto cost/vehicle mile = 41 cents; travel time in minutes: drive alone 21.1; 3 person carpool 28.62.

**transit fare per passenger = \$1.00; travel time in minutes: bus 37.98; rail 44.92.

The table above tends to overstate the actual costs of using one's own car to commute. Unless taking transit means that one entirely gives up owning a car, a more relevant cost comparison would consider only the variable "out-of-pocket" costs of each auto commute trip. According to the American Automobile Association, this variable cost is about ten cents per vehicle mile. Using this as our frame of reference, we see that driving one's own car to work is a less costly mode of transportation at all income levels. This would be the case even if transit charged no fares to its riders. (See Table 4: Time and Out-of-Pocket Operating Cost of a Trip by Mode.) That is, the only cost to the rider is the time spent using the transit mode. Is it any wonder, then, that transit's share of urban travel has declined so persistently over the last fifty years? Inasmuch as no amount of money that could be spent on transit systems in the future is likely to have a significant impact on transit travel times, it is clear that transit will never again serve anything other than a very small portion of the urban travel.

Table 4: Time and Out-of-Pocket Operating Cost of a Trip by Mode

(using auto "out-of-pocket" costs and transit fares = 0)

Income level

car*

carpool*

bus**

rail**

\$10,000

\$2.96

\$2.79

\$3.17

\$3.74

\$20,000

\$4.72

\$5.17

\$6.33

\$7.49

\$30,000

\$6.48

\$7.56
\$9.50
\$11.23

\$40,000
\$8.23
\$9.94
\$12.66
\$14.97

\$50,000
\$9.99
\$12.33
\$15.83
\$18.72

\$75,000
\$14.39
\$18.29
\$23.74
\$28.08

\$100,000
\$18.78
\$24.25
\$31.65
\$37.43

Sources: Commuting in America II (ENO Transportation Foundation, 1996), p. 85 and Your Driving Costs (American Automobile Association, 1995), p. 5.

*Auto cost/vehicle mile = 10 cents; travel time in minutes: drive alone 21.1; 3 person carpool 28.62.

**transit fare per passenger = 0; travel time in minutes: bus 37.98; rail 44.92.

A Blight on the Economy

Some proponents of continued or expanded tax expenditures on public transit argue that spending money in this way is an “investment” that will revitalize a community. The American Public Transit Association has published a pair of reports purporting to show that money spent on public transit generates a return that more than offsets the poor financial performances of the transit systems themselves. In 1984, the APTA issued a report entitled National Impacts of

Transit Capital and Operating Expenditures on Business Revenues. This report asserted that for every dollar spent on rail transit, an additional \$3.15 in revenues to other businesses was produced. The figure for bus transit was even more impressive. In the case of money spent on bus transit, an additional \$3.50 in revenues to other businesses was generated.[23]

In 1991, APTA issued another report showing high ratios of benefits from transit expenditures. This report--Transportation Spending and Economic Growth: The Effects of Transit and Highway Expenditures--claimed that spending on transit had a long-term benefit/cost ratio of 3.29.[24] That is, every dollar spent on transit would generate \$3.29 in long term benefits. A press release accompanying the report asserted that a \$100 billion "investment" in public transit would yield improved worker output valued at \$521 billion over ten years.

In 1997, the "Campaign for Efficient Passenger Transportation" (a coalition of pro-transit organizations) published a report entitled Dollars and Sense: The Economic Case for Public Transportation in America.[25] The Dollars and Sense report says that public transit "pays a handsome return on investment to the taxpayer, to the business community, to the transit user, and even to the motorist who never uses transit." [26] If these types of returns were actually realized, the case for spending more money on transit would, indeed, be strong. A close examination of the evidence, however, reveals that these claims are false.

The touted benefits from transit expenditures sound impressive. However, the analysis suffers from neglecting to disclose two highly pertinent facts. First, the analyses are based on correlations of transit expenditures and historical growth of the economy. Correlations do not prove cause-and-effect. They merely demonstrate that two things seem to be happening simultaneously. The simultaneous growth of transit spending and the U.S. economy could be, and is more accurately explained by inverting APTA's presumed cause-and-effect. That is, rather than the growth of transit outlays explaining the growth in the economy, it is the growth in the economy that explains the growth in transit outlays. It is ludicrous to hypothesize that spending on trains and buses that have carried a dwindling share of urban travelers has played a significant role in the post-World War II growth of the U.S. economy. A more reasonable hypothesis is that the robust economic growth over the last 50 years has provided the means for both federal and local governments to indulge their transit fantasies. Growth of income, sales, and property values during this timeframe provided targets for the imposition of taxes with which to subsidize money-losing ventures in public transit. Far from being a source of economic prosperity, public transit has survived as a parasite, living off the wealth generated by more productive segments of the society.

The second highly pertinent fact overlooked by the APTA analyses is the issue of "opportunity cost." Opportunity cost is a term used by economists to account for the alternative uses of resources. Money spent on public transit can be shown to employ workers in the construction of rail lines, the driving of buses, etc. This first round of spending furthers subsequent rounds as these directly employed workers spend their wages at supermarkets, department stores, etc. This "ripple effect" is not unique to public sector outlays (though many government "analyses" and boasts appear to assume that it is). All economic activity generates "ripple effects." Before we can conclude that the "ripple effects" of public transit expenditures

are a plus for the economy, we need to consider them in comparison with the effects of alternative uses for the money spent on transit.

Taking the 30 years of “investment” in public transit of federal tax dollars as our starting point, we find that public transit spending since 1965 can be credited with assets and returns that currently support about 900,000 jobs.[27] This sounds pretty good until it is compared with the outcomes that might have been achieved if the funds poured into profitless public transit had been used in some other ways. If the \$180 billion in taxes that has been spent on public transit had been “spent” on a cut in corporate tax rates, the economy could theoretically have supported 20 million more jobs than it currently does. The outcomes of several possible alternatives to transit investments that could have been made are shown in Table 5: Impacts on the U.S. Economy of Alternative Investments.

Table 5: Impacts on the U.S. Economy of Alternative Investments

(\$ in billions)

Public Transit

Corporate Tax Cut

Capital Gains Tax Cut

Amount Invested

\$180

\$180

\$180

Current Value of Residual Assets

\$13

\$300

\$600

Impact on Gross Domestic Product

\$52

\$1,000

\$2,000

Number of Jobs

900,000

20 million

40 million

Federal Taxes Generated

\$10
\$200
\$400

Sources: Economic Report of the President (February 1996); Statistical Abstract of the U.S. (1995); 1996 Transit Fact Book (American Public Transit Association).

Analyses like these are exceedingly “rough” estimates. Everything except the “test variable,” in this case, the way \$180 billion could have been invested was “held constant.” In the real world everything cannot be “held constant.” The important point is the relative magnitudes of the impacts of each alternative. Given the sorry financial performance of public transit over this 30-year period, it seems clear that in terms of economic growth, we would have been considerably better off if a number of plausible alternatives to spending the \$180 billion in taxes on public transit had been implemented instead. Therefore, when opportunity cost is taken into account, there can be no question that putting money into public transit lowers the economic growth rate, consumes capital, exterminates job opportunities, and worsens the finances of federal and local governments.

A Failure Everywhere

An important part of the enthusiasm for transit in any particular city is the reputed success of transit elsewhere. Those who advocate expansion of public transit spending in their city are wont to boast about the success of transit in other cities. Yet, a more objective evaluation of transit in other cities yields little evidence in support of this enthusiasm. In city after city, public transit is a financial failure. As Table 6: Statistics for Major Transit Systems (1996) shows,[28] every single one of these transit systems operates at a loss. This requires taxpayers to contribute the majority of the funding to keep these systems running. In no case do riders pay even half of the cost of their own transportation. The highest rider shares of payment are achieved in New York at 46%. The “success” of public transit is not that it offers cost-effective transportation, but that it has been able to establish an ongoing parasitic relationship with federal and local taxpayers.

Table 6: Statistics for Major Transit Systems (1996)

financial data (\$in millions)
travel data

City	transit
------	---------

passenger

revenue
total

transit

expenses
net surplus/

(deficit)
%

paid

by riders
passenger miles

(millions)
passenger trips

(millions
mi/

transit trip
auto

vmt/yr

(millions
transit

share of travel

Atlanta

\$87

\$443

(\$356)

20%

688

148

4.7

32,678

2.1%

Baltimore

\$89

\$394

(\$305)

23%

501

107

4.7

15,408

3.1%

Boston

\$214

\$1,160

(\$946)

18%

1,338

308

4.3

21,026

6.0%

Buffalo

\$21

\$84

(\$62)

26%

82

28

3.0

7,201

1.1%

Chicago

\$569

\$1,788

(\$1,218)

32%

3,312

552

6.0

55,573

5.6%

Cleveland

\$44
\$257
(\$213)
17%
284
66
4.3
13,997
2.0%

Dallas
\$30
\$461
(\$431)
7%
325
64
5.1
36,599
0.9%

Denver
\$32
\$177
(\$146)
18%
298
70
4.3
13,601
2.1%

Detroit
\$37
\$210
(\$174)
17%
241
58
4.1
31,686
0.8%

Honolulu
\$32

\$127
(\$95)
25%
321
70
4.6
4,153
7.2%

Houston

\$44
\$324
(\$280)
14%
401
81
5.0
28,738
1.4%

Los Angeles

\$302
\$1,306
(\$1,003)
23%
2,169
501
4.3
96,703
2.2%

Miami

\$66
\$240
(\$174)
28%
374
81
4.6
13,225
2.8%

Milwaukee

\$37
\$128

(\$91)
29%
175
61
2.9
11,199
1.5%

Minneapolis

\$49
\$143
(\$94)
34%
250
62
4.0
18,960
1.3%

New Orleans

\$34
\$104
(\$70)
33%
184
63
2.9
5,251
3.4%

New York

\$3,462
\$7,554
(\$4,092)
46%
16,232
2645
6.1
90,142
15.3%

Philadelphia

\$285
\$959
(\$674)

30%
1,382
317
4.4
26,897
4.9%

Phoenix

\$21
\$74
(\$53)
29%
145
34
4.2
18,407
0.8%

Pittsburgh

\$56
\$286
(\$230)
20%
314
75
4.2
12,978
2.4%

Portland

\$34
\$393
(\$360)
9%
273
71
3.8
10,696
2.5%

Sacramento

\$16
\$76
(\$60)
21%

110
25
4.4
9,703
1.1%

San Diego

\$56
\$284
(\$228)
20%
415
78
5.4
20,302
2.0%

San Francisco

\$304
\$1,285
(\$981)
24%
2,029
400
5.1
29,573
6.4%

San Jose

\$22
\$169
(\$147)
13%
195
49
4.0
12,930
1.5%

Seattle

\$85
\$578
(\$493)
15%
759

115
6.6
17,423
4.2%

St. Louis
\$27
\$140
(\$114)
19%
234
52
4.5
20,470
1.1%

Tucson
\$6
\$35
(\$29)
16%
64
18
3.6
4,122
1.5%

Washington
\$337
\$1,119
(\$783)
30%
1,584
343
4.6
29,020
5.2%

Totals
\$6,398
\$20,298
(\$13,901)
32%
34,680
6,542

5.3
708,661
4.7%

Sources: Transit Profiles for the 1996 National Transit Database Report Year (Federal Transit Administration), various pages and 1996 Highway Statistics (Federal Highway Administration), p. V-80.

Oftentimes the enthusiasm for public transit is hitched to the notion that implementing a light rail component is the key to the future. While there may be some differences in each case, the record of light rail transit should not be a source of optimism regarding the future of public transit. The cities that have light rail transit collectively spend over a billion dollars per year on capital and operating expenses. In the aggregate, this amounts to over five dollars per passenger trip. Since the average passenger trip is under four miles, the cost per passenger mile is around \$1.30. These costs compare unfavorably with other modes of transportation. The average cost per transit passenger mile is between fifty and sixty cents. The average cost per vehicle mile of automobile transportation is between thirty and fifty cents.

Light rail's inefficiency is surpassed by its inequity. On average, taxpayers pay nearly 90% of the cost of light rail passenger travel. Riders are paying a decidedly minor share of the cost of their own transportation. Again, this is worse than the average for all transit modes. When all transit modes are considered, riders pay about one-third of the costs. Light rail compares even more unfavorably with auto transportation where highway users currently pay more than 100% of the cost of the road system.[29]

Light rail's inefficiency and inequity aren't offset by effectiveness. Light rail is touted as a means of reducing urban traffic congestion. The claim is that it will lure drivers out of their cars and, thereby, reduce traffic congestion. The low actual ridership attained by light rail transit systems overstates their impact on traffic congestion and air pollution. New rail lines are typically constructed along routes where bus ridership is already heavy. Since the advocates of rail transit want the best possible ridership results, this selection of routes certainly makes sense. However, it also means that a significant proportion of the rail transit riders will have been former bus riders. In Los Angeles, it is estimated that only 10% to 15% of the riders on the newly constructed rail lines are attracted from automobiles. The remaining 85% to 90% were formerly bus riders.[30] This phenomenon is not unique to Los Angeles. It is common wherever new rail lines are implemented.[31] Consequently, the actual impact of introducing new rail transit service into a community will be far smaller than it might appear from both the ridership forecasts and actual passenger trips involving the rail line. Even counting former bus passengers, though, light rail's share of the person-miles of travel is not even as much as one percent in any city in America. On average, light rail carries less than three-tenths of one-percent of the person-miles of travel in the cities where it operates.

Table 7: 1996 Light Rail Performance Statistics tells the sorry story of light rail's poor performance.

Table 7: 1996 Light Rail Performance Statistics

Financial Data

(\$ in millions)

Ridership

City

passenger revenue

operating costs

capital costs

total costs

net profit (loss)

passenger

share

taxpayer

share

passenger

miles

trips

mi/

trip

annual

auto vmt

in millions
rail % of
travel

in millions

Baltimore

\$7.2

\$20.3

\$58.1

\$78.5

(\$71.2)

9%

91%

40.7

6.3

6.5

15,408

0.26%

Boston

\$22.5

\$75.4

\$56.1

\$131.6

(\$109.1)

17%

83%

140.8

69.0

2.0

21,026

0.67%

Buffalo

\$4.1

\$14.2

\$0.4

\$14.6

(\$10.4)

28%

72%

15.9

7.1

2.2

7,201

0.22%

Cleveland

\$4.7

\$14.0

\$39.2

\$53.3

(\$48.6)

9%

91%

30.0

5.4

5.5

13,997

0.21%

Dallas

\$0.4

\$16.7

\$184.6

\$201.3

(\$200.9)

0%

100%

3.0

1.5

2.0

36,599

0.01%

Denver

\$1.2

\$6.4
\$6.9
\$13.3
(\$12.1)
9%
91%
11.5
4.1
2.8
13,601
0.08%

Los Angeles

\$22.9
\$64.8
\$3.2
\$68.0
(\$45.1)
34%
66%
154.8
19.1
8.1
96,703
0.16%

New Orleans

\$2.4
\$5.2
\$4.2
\$9.4
(\$7.0)
26%
74%
12.8
5.3
2.4
5,251
0.24%

Philadelphia

\$18.5
\$43.5
\$11.3
\$54.8

(\$36.3)
34%
66%
88.0
37.9
2.3
26,897
0.33%

Pittsburgh

\$7.3
\$26.0
\$12.2
\$38.2
(\$30.9)
19%
81%
39.5
7.4
5.4
12,978
0.30%

Portland

\$5.9
\$18.4
\$233.7
\$252.1
(\$246.2)
2%
98%
47.9
10.0
4.8
10,696
0.45%

Sacramento

\$5.5
\$14.2
\$6.4
\$20.6
(\$15.1)
27%
73%

37.3
7.7
4.9
9,703
0.38%

San Diego

\$14.1
\$20.8
\$112.6
\$133.4
(\$119.3)
11%
89%
111.5
16.8
6.7
20,302
0.55%

San Jose

\$3.2
\$25.1
\$0.7
\$25.8
(\$22.6)
13%
87%
28.4
6.2
4.6
12,930
0.22%

St. Louis

\$9.2
\$15.6
\$0.8
\$16.4
(\$7.2)
56%
44%
79.0
12.9
6.1

20,407
0.39%

Totals
\$129.1
\$380.6
\$730.4
\$1,111.3
(\$982.0)
12%
88%
841.1
216.7
3.9
323,699
0.26%

Sources: Transit Profiles for the 1996 National Transit Database Report Year (Federal Transit Administration); Highway Statistics 1996 (Federal Highway Administration).

Unfair Subsidies

Faced with the abysmal record of public transit, many of its advocates resort to claims that inequitable public policies favoring the automobile are the primary culprit. In absolute dollar terms, the amount of public sector expenditures on roads is substantially larger than for public transit. For 1997, we find government, at all levels, spending over \$100 billion on roads.[32] During this same year, we find government, at all levels, spending about \$27 billion on public transit.[33] Public sector spending on roads is nearly four times as large as its spending on transit. The ratio of spending may be four to one in favor of roads, but the ratio of use is far higher. In 1997, there were over 3.7 trillion person-miles of travel.[34] For this same year, there were 43 billion passenger miles of travel on public transit.[35] So, of government expenditures on roads and transit combined, transit receives about 20% of the outlays, but provides barely 1% of the total passenger travel. On a total government outlay basis, public transit appears to be the recipient of far more than a fair share.

Beyond the issue of total outlays is that of the source of the outlays. As we have seen, the beneficiaries of public transit pay only about 30% of the cost of their trips.[36] Highway users, on the other hand, pay about 70% of the amount governments spend on roads.[37] This figure for highway users does not include taxes levied on vehicle owners that are deposited in “general funds” at the state and local levels. For example, the sales taxes paid for the purchase of autos

and auto supplies go into state and local general funds. In addition, some states (Colorado included, at the county level) levy taxes on the value of autos. In most states, no more than a portion of this tax goes into highway users funds; the rest goes into the general funds. When these other taxes assessed on autos are considered, it appears that road users pay over 100% of the cost of roads.[38] Public transit systems are not similarly burdened with these types of taxes. Once again the equity issue seems to indicate that transit is disproportionately favored when it comes to public policy.

Refuted on the financial cost issue, many transit advocates turn to claims that on a total “social cost” basis, transit is more cost effective. The idea is that once we include the “externalities” (these are the costs imposed on the rest of society, for example: traffic congestion and air pollution) arising from the use of autos and transit, it would be shown that transit is the better overall choice. Unfortunately for transit proponents, this hope also appears doomed to unfavorable comparisons. An analysis of costs and subsidies by mode of travel in urban regions conducted by the Natural Resource Defense Council (no fan of the automobile) shows transit receiving greater subsidies when all costs, including externalities are considered.[39] When we combine all costs, we find that, once again, transit is the option favored with larger subsidies (see Table 8: Natural Resource Defense Council Estimates of Costs & Subsidies).

Table 8: Natural Resource Defense Council Estimates of Costs & Subsidies

(cents/person-mile)

Costs

Auto

Bus

Rail

Facilities & Services

3.1-3.7

50.1

44.1

Externalities

10.2-19.2

2.5-7.4

2.7-7.1

User Payments

.7

14

14

Net Subsidy
12.6-22.2
38.6-43.5
32.8-38.2

Source: Jose Gomez-Ibanez, Pitfalls in Estimating Whether Transport Users Pay Their Way (Kennedy School of Government, Harvard University, July 1996).

Environmental Impact

But isn't public transit good for the environment? Given the higher carrying capacity per bus or train, it would certainly seem that transit could provide some environmental benefits. The problem is the gap between theoretical capacity and actual ridership. Public transit is so inconvenient and unattractive that its actual ridership falls far short of its theoretical capacity. Average load factors of 20% are typical.[40] As a result, the energy efficiency of public transit doesn't seem to be any better than driving a car (see Table 9: Energy Efficiency by Mode).

Table 9: Energy Efficiency by Mode

Mode

BTU/Person-Mile¹
BTU/Person-Mile²

Automobile

3,598
4,096

Transit Bus

3,415
4,143

Transit Rail

3,585
5,278

Sources:

¹ David Shen and Jer-Wei Wu, Commuter Rail: State-of-the-Art (Federal Transit Administration, December 1992).

2 Wendell Cox, et al., and *The Livable American City: Toward an Environmentally Friendly Dream* (American Legislative Exchange Council, August 1993). Figure is for light rail. Heavy rail would be 3,046 BTUs.

If transit doesn't save energy, it can't make much of a contribution to the reduction of urban air pollution. While many are under the impression that urban air quality has been getting worse, objective measures show improvements over the last two decades. In terms of ambient carbon monoxide, parts per million have dropped by about 50% since 1975.[41] Broader measures that include carbon monoxide, ozone, nitrogen oxide, sulfur dioxide and PM-10 also show improvement--dropping by about 60% since the early 1980s.[42] The improvement made in air quality over the last two decades owes little to public transit. Public transit ridership has remained near the 8 billion trips per year level for the last three decades. The credit must go to improvements made in automobiles and the fuels they use. On a per vehicle mile basis, a car built today emits 97% less hydrocarbons, 97% less carbon monoxide, and 90% less nitrogen oxide than a car built in 1970.[43] As newer vehicles have replaced older, more polluting vehicles, this has led to total vehicle emission reductions of hydrocarbons (down 66%), carbon monoxide (down 59%), and nitrogen oxide (down 21%) between 1970 and 1991.[44] With fleet turnover and existing employed technology, urban air should continue to improve despite an expected increase in vehicle miles of travel.[45] But wait, the news may be even better still. New "cold start" emissions devices may reduce vehicle emissions by another 70% below the levels projected under existing technology.[46]

Expanding Service to Tap Latent Demand

Many transit advocates contend that ridership would be greatly expanded if hours or locations served could be expanded. In this argument it is usually conceded that public transit is inconvenient and uncompetitive...as currently structured. Would-be transit passengers are deterred by the lack of service to selected areas of the city or by the lack of service at selected times. It is argued that if transit service were expanded these would-be passengers would use transit. This argument is not without plausibility. It is theoretically possible that an unserved latent demand for public transit is out there waiting for the proper threshold of transit service before venturing onto a bus or train.

Unfortunately, for this theory, though, actual expansions of transit service have been followed by decreasing passenger load factors. Since 1965, the quantity of transit service has been increased. Bus miles of service rose from 1500 million to around 2300 million in 1997. Heavy rail vehicle miles of service rose from under 400 million to over 550 million. Light rail vehicle miles of service were around 40 million in 1965 and around 40 million in 1997.[47] If adding more service were the key to improving the performance of public transit, we should have seen the number of passengers increase by a percentage larger than the percentage increase in

vehicle miles of service. We did not. In 1965, there were 6.8 billion passenger journeys on these transit modes. In 1997 there were 5.7 billion passenger journeys.[48] The theory that adding more public transit service would stimulate demand has not been borne out by the evidence.

The evidence supports a contrary theory. Namely, the public transit that already exists is serving the highest demand segments of its potential market. Expansion of service to other times and locations will inevitably be aimed at market segments with lower inherent demand for transit. Consequently, it would be hypothesized that the number of passengers per vehicle mile would decline as transit service is expanded. This is, in fact, what has happened. In 1965, there were 4.0 passenger boardings per vehicle mile. By 1997, passenger boardings per vehicle mile had fallen below 3.0.[49]

Cities contemplating expanding public transit services should not do so under the expectation that the gain in riders will exceed the increase in quantity of service. It will not. Transit expansions will produce dwindling load factors, more empty seats per mile, and increasing costs per passenger served.

DENVER PERSPECTIVE

Transit's Share of Local Travel

Long term statistics are not as readily available for Denver's transit system as they are for the nation as a whole, it is still clear that transit's share of travel in the Denver metropolitan region is not growing. Data indicate that transit's share has hovered around 2% of the total travel over the last decade.[50] (See Figure 7: Transit's Share of Denver Travel). Rising family income and the relative inconvenience of transit for most trips work against the system's achieving a growing share of the travel.

Endless Deficits

The financial performance of Denver transit shows a pattern of rising deficits over the last decade (see Figure 8: Denver Transit Operating Deficits and Table 10 Denver Transit Operating Statement). As we can see, the system has consistently lost money. Deficits have reached a cumulative total of over a billion dollars in the 1991 through 1997 period.[51]

Table 10: Denver Transit Operating Statement

(\$ in millions)

1991
1992
1993
1994
1995
1996
1997
totals
Passenger Revenue
\$23
\$23
\$24
\$27

\$30
\$32
\$37
\$195

Total Expenses

\$158
\$175
\$243
\$225
\$179
\$166
\$226
\$1,371 :

Net

(\$136)
(\$152)
(\$219)
(\$199)
(\$149)
(\$135)
(\$189)
(\$1,180)

Source: Transit Profiles: Agencies in Urbanized Areas Exceeding 200,000 Population (Federal Transit Administration, various years).

Light Rail in Denver

As is the case in most American cities with light rail systems, the light rail element of the Denver transit mix has the worst performance characteristics. Taking the three criteria of efficiency, equity, and effectiveness, we find that light rail produces worst results than either bus transit or automobile transportation. (See Table 11: Relative Performance).

Table 11: Relative Performance
Denver Transportation Options
(data from 1997)

Efficiency

Equity
Effectiveness

Mode
Cost/

rider mile
Cost/

5 mile trip
Rider share

of cost
Non-rider share of cost
Share of

regional travel
Cost per

1% of travel

Light Rail
\$2.29
\$11.45
5%
95%
0.1%
\$340 Mil.

Bus
\$0.66
\$3.30
18%
82%
2.0%
\$100 Mil.

Road/Auto
\$0.44
\$2.20
100%
0%
97.9%

\$60 Mil.

Sources:

Transit Profiles for the 1997 National Transit Database Report Year (Federal Transit Administration).

Highway Statistics 1997 (Federal Highway Administration).

Our Nation's Highways: Selected Facts and Figures (Federal Highway Administration, <http://www.fhwa.dot.gov/ohim/>)

Jack Mallinckrodt, Highway Subsidies. <http://home.earthlink.net/~malli/hwysub.htm> (1998) and Jason Carey, 1999 Update of the Arizona Highway Cost Allocation Study (Arizona Department of Transportation, August 1999).

Efficiency deals with the cost of providing transportation. The lower the cost per person-mile of travel provided, the more efficient the mode of transportation. While those who promote light rail transit are wont to boast of the great theoretical carrying capacity of this mode, it is clear that Denver's light rail does not operate near this limit. When all costs are considered, Denver's light rail is considerably more expensive per person-mile than either bus or auto. For 1997 (the latest figures reported by the Federal Transit Administration), the cost of light rail in Denver was over two dollars per person-mile. This is worse than the national average for light rail of around \$1.30 per person-mile. It is three times as costly as Denver's existing bus service. It is five times more expensive than the full cost of owning and operating a car—including the cost of building and maintaining the roads. For a typical five mile transit trip, the cost of light rail is over \$11. It is clear that light rail is not an efficient method for trying to provide urban transportation in Denver.

Equity deals with the question of fairness in the distribution of costs. Generally speaking, we consider it fair if each person pays his or her own way. Some exceptions may be made in cases where individuals are too poor to handle their own costs of living. Public transit violates this concept of fairness by requiring those who do not ride buses and trains to pay more for the cost of the rides than those who do. In Denver, bus passengers pay less than 20% of the cost of their own rides. Even worse, light rail passengers in Denver pay only about 5% of the cost of their own rides. In contrast, auto drivers are paying a much larger share of their costs. According to the Federal Highway Administration's figures, highway users pay about 70% of the cost of the roads.[52] This estimate, though, does not account for fees and taxes levied on vehicles that are channeled into non-highway public spending. Neither does it account for the fact that heavier vehicles usually underpay their fair share of highway expenses. When these factors are taken into account, it appears likely that passenger vehicles (with the exception of transit buses) pay more

than 100% of their cost of using the roads.[53] It is clear that light rail is not an equitable means of providing transportation.

In terms of cost-effectively moving traffic and reducing traffic congestion, light rail again comes up short. There isn't going to be much traffic congestion relief from a light rail system that handles only a tiny fraction of the region's travel. Figures for Denver's light rail indicate that it handles about one-tenth of one-percent of the urban region's travel. Denver's bus system handles twenty times as much of the travel in the region. Denver's road system and the automobiles that use it handle about a thousand times more of the travel in the region. Light rail just does not make a significant dent in traffic. The effort to try to build light rail in order to reduce traffic congestion will be very costly. For light rail to achieve a one-percent impact on traffic it would cost over \$300 million. It would be more cost-effective to rely on buses (\$100 million per one-percent impact) or road improvements (\$60 million per one-percent impact).

Inequitable Subsidies

Transit proponents routinely complain that transit is on the short end of tax expenditures for transportation. However, the projected spending for the Denver region over the next two decades indicates that plans call for more to be spent on transit than on highways. Over this twenty year period, \$7.7 billion is earmarked for transit, while \$6.2 billion is slated for roads. This gives transit a 55% share of the outlays (see Table 12: Denver Regional Transportation Plan Spending Through 2020). This share of transportation spending is far out of proportion to the expected shares of travel by transit vs. by highways. Transit is expected to account for about 2% of the travel in the Denver region over this time period. In terms of the person-miles of transportation provided over these years, fifty times as much will be spent on transit as is spent on the roads.

Table 12: Denver Regional Transportation Plan Spending Through 2020

(\$ in millions)

Element
Operating
Capital
Total
Share
Transit
\$5,319
\$2,423
\$7,742
55%

Other (Mainly Highway)

\$1,611

\$4,623

\$6,234

45%

Total

\$6,930

\$7,045

\$13,975

100%

Source: The Public Purpose (<http://www.publicpurpose.com/ut-denrpt.htm>)

Environmental Impact

Transit's contributions to air quality both in retrospect and the future are exceedingly small. Though one would not know it from the media accounts, air quality in the nation's metropolitan regions has improved over the last 25 years. During this whole period of air quality improvement, transit's single-digit share of urban travel has had minimal impact. The big factor was the improvement in automobiles.[54]

Future improvements in air quality will also have to come from some source other than expanded public transit. In the last few years, two Arizona studies evaluated the probable air quality impacts of a variety of options. In terms of both magnitude of impact and cost-effectiveness, transit fared poorly when compared to other alternatives. In a report prepared for the Arizona Department of Transportation, transit ranked near the bottom of the list in terms of cost-effectiveness in reducing air pollution. Rail transit ranked dead last, costing hundreds of thousands of dollars per ton of pollution reduction.[55] The magnitude of the impacts for transit measures were also small. Regardless of whether bus or rail is employed, the impacts are all projected to be less than 1%.

Transit showed similarly poor comparisons in the Alternative Transportation System Task Force Report to Governor Fife Symington.[56] An interesting aspect of this report to the governor is that in its "grab bag" agglomeration of recommendations produced by a desire for a "consensus" task force conclusion diluted the core finding of the research. The core finding was that we could have a substantial impact on air pollution at a very low cost from a program that targets high emitting vehicles. Consider the following statistics from the final report. Measures aimed at high pollution emitters would reduce 35,598 tons of pollution per year; the figure is 65% of the total projected impact of all the recommended options. (In other words, about 2/3 of the pollution reduction which all the Task Force recommended could be accomplished just by cracking down on unusually dirty automobiles.) There were four different recommendations to

deal with unusually dirty autos, and the total cost of all these measures was only \$5 million/year—about 7% of the total state and local government cost of the total package of recommendations. Thus, 7% of the total cost got rid of 65% of the total pollution. In contrast, expanding the bus system would reduce pollution by only 900 tons—less than 2% of the total pollution reduction. Yet, the bus option’s net annual cost of \$45 million is 66% of the total state and local government cost of the package of recommendations.[57] Sixty-six percent of the money would yield only 2% of the benefits.

Table 13: Traffic Reduction Measures Ranked by Cost-Effectiveness shows the relative effectiveness of a variety of possible congestion reduction measures. The inescapable conclusion is that as an environmental measure, investments in public transit have a poor ratio of benefit to cost. A lot of money would be expended for very meager results.

Table 13: Traffic Reduction Measures Ranked by Cost-Effectiveness

Traffic
Air Quality

option

timing of impact
additional cost/year

(millions)

traffic impact

cost/1%

(millions)

pollution reduction

(tons/year)

cost/ton

Proximate Commuting

near term

none

3.0%

none

11,000

none

4day/10hour per day Work Week

near term

none

1.4%

none

5,000

none

Jitneys

near term

none

0.5%

none

1,900

none

Flex Time

near term

none

0.3%

none

1,000

none

Privatize Buses

near term

none

0.2%

none
750
none

Guaranteed Ride Home

near term
\$0.4
0.4%
\$1.0
1,500
\$270

Telecommuting

near term
\$3.4
2.0%
\$1.7
7,500
\$450

HOV to HOT Lanes

near term
\$4.0
2.0%
\$2.0
7,500
\$530

Synchronize Signals

near term
\$16.0
8.0%
\$2.0
30,000
\$530

Congestion Pricing

near term
\$20.0
10.0%
\$2.0
37,000
\$540

Freeway Management

near term

\$17.0

2.0%

\$8.5

7,500

\$2,300

Complete Freeways

long term

\$100.0

8.0%

\$12.5

30,000

\$3,300

Bus Expansion

near term

\$138.0

0.8%

\$172.5

3,000

\$46,000

Light Rail

long term

\$57.0

0.2%

\$285.0

750

\$76,000

Air Quality Measures Ranked by Cost-Effectiveness

Super Emitter Measures

near term

\$8.4

N/A

N/A

36,000

\$230

Mobile Emissions

near term

\$23.0

N/A

N/A
90,000
\$260

Sources: Matthew Rowell, et al., The Cost Effectiveness and Magnitude of Potential Impact of Various Congestion Management Measures (Arizona Department of Transportation, March 1997) and Alternative Transportation System Task Force Report to Governor Fife Symington (November 15, 1996).

MORE COST-EFFECTIVE ALTERNATIVES

Improving urban transportation is a goal virtually everyone can support. The key issue is how can we achieve the best results at the least cost? With this in mind, let's take a brief look at a number of more promising answers to urban travel needs and air pollution problems.

Improve the Road System

While much maligned in fashionable circles, the auto/road transportation combination has been a great success. The freedom and mobility that this combination provides is the explanation for its domination of the urban travel environment. In Denver, cars provide more passenger transportation in a day than the transit system provides in a month.[58] As good as the road system is, it can always be made better. Some of the options for improvement include the following:

Build More Freeways

The mantra of transit advocates is that we cannot build our way out of congestion. Strictly speaking, this is not true. We could, if we were willing to spend the money, build enough freeway capacity to handle growing traffic. Whether we would want to spend the money is a different question. New urban freeways typically cost \$30 million per mile to build. This cost is comparable to what would be required to build a mile of new light rail transit track. So, both options are expensive. The key distinction is that the freeway would likely carry five to ten times as many person-miles of travel as the light rail line. So, if transit advocates are suggesting that the community ought to spend large sums to improve traffic, it would be far more cost-effective to build freeways than new rail lines.

Improve Traffic Signal Coordination

For city streets, a main focus is on improving the traffic flow by optimizing the coordination among traffic signals. Often this optimization is referred to as traffic signal synchronization. The simplest type of traffic signal synchronization is to time the cycle of red/green to correspond to the normal speed of the vehicles moving in the peak volume direction. Modern electronics permit more sophisticated techniques for controlling and improving traffic flow. Poorly timed traffic signals can increase traffic delay and fuel consumption by 40%.[59]

States that have pursued improvements in traffic signal coordination have reported good results. The benefits to highway users in terms of saved time and fuel have been substantial. A traffic signal coordination program in California reported a reduction in traffic delay of 14%.[60] A study in Texas reported a reduction in traffic delay of 30%.[61] In Arizona, the "Rhodes" study found reductions in traffic delay of 27% when traffic monitoring computerized signals were used.[62] If similar results could be achieved throughout the area, traffic congestion in the Denver metropolitan region could be reduced by about 8%. It would affect all traffic at all hours of the day. It would also save drivers the cost of unnecessarily burned fuel.

Replace Existing Highway Taxes With Congestion-Based Pricing

Roads are subject to wide fluctuations in demand. As a result, road capacity that is inadequate during some hours of the day is grossly excessive at other times of the day. Private sector businesses faced with this type of fluctuation in demand often resort to peak/off-peak pricing structures to try to smooth out fluctuations and make more efficient use of their existing capacity. Businesses that have used this strategy to good effect include movie theaters, airlines, electric power companies, hotels, and phone companies. Congestion pricing should replace rather than be added on top of existing highway user taxes in order to avoid the inequities of enforcing double payments for the same service and the inefficiencies of the existing tax structure.

We are used to thinking of peak period traffic as commuters driving to and from work. However, not all peak period trips are work commutes. In Southern California over 60% of peak period trips are not work related.[63] Another estimate of non-work trips during the peak traffic periods placed the figures at 50% for the a.m. peak and nearly 70% for the p.m. peak.[64]

Diverting some of this discretionary travel to off-peak periods by way of a pricing differential would reduce traffic congestion and improve the efficiency of the road system. Private sector businesses faced with this type of fluctuation in demand often resort to peak/off-peak pricing structures to try to smooth out fluctuations and make more efficient use of their existing capacity. Businesses that have used this strategy to good effect include movie theaters, airlines, electric power companies, hotels, and phone companies. In fact, the widespread use of prices that vary according to the volume of demand is more aptly termed "commercial pricing," according to one eminent transportation economist.[65]

Economists of various ideological leanings who have dealt with the issue of traffic congestion are virtually unanimous in their support of pricing as the most effective solution.[66] Non-pricing methods of attempting to reduce traffic congestion have limited effectiveness. Their

impact is frequently measured in the fractions of a percentage reduction of peak period traffic.[67] In contrast, congestion pricing could readily reduce peak traffic volume by 25% or more.[68] For example, congestion pricing in Singapore is estimated to have reduced peak period traffic by 65%.[69] The evidence appears persuasive that congestion pricing can be an effective method of matching urban traffic to roadway capacity. So persuasive is the evidence that one researcher has called the implementation of congestion pricing “inevitable.”[70]

In the past, we lacked the technology to employ efficient road pricing. Such road pricing as exists in most places still employs the cumbersome “stop-pay-toll” methods that give many people nightmares of traffic jams and irate motorists. Fortunately, stopping vehicles to collect payment for use of the roads is no longer necessary. Modern technology has overcome this difficulty. Technology employed in the Hong Kong experiment with electronic road use pricing included on-board transponders (also known as “electronic license plates”), roadside toll readers, video recorders, and computerized billing.[71] This process was assessed as technically feasible and cost-effective.[72] Inexpensive transponders make charging for highway use as simple as charging for long distance telephone use. Using this technology will improve both equity and efficiency.

Encourage Cost-Effective Alternatives to Driving Alone

Traditional transit buses and trains are an inflexible and inefficient means of attempting to provide alternatives to the “drive-alone” auto trip. Trains are the epitome of inflexibility as an expensive track infrastructure is dedicated to one sole use. Standard transit buses, while not inherently as inflexible as trains, are often operated as if they were confined to a fixed track. The inconvenience of this style of service limits its appeal to potential customers. Limited appeal leads to limited use and unjustifiably high per-passenger costs. Some less costly alternatives include the following:

Carpooling and HOV/HOT Lanes

Nationally, carpooling accounts for about 16% of commuter trips. This is about five times as many person-trips as is accounted for by transit.[73] One factor that deters many from carpooling is the inflexibility that it often imposes on participating members. On the one hand, participants do not want to inconvenience their fellow carpool members by making them wait in the event work demands run past the normal quitting time. On the other hand, participants have a fear of being stranded and miss the carpool connection (or last bus) if they must work overtime. A remedy for this that has been fairly successful is the “guaranteed ride home” program employed by some companies. A guaranteed ride home program would encourage carpooling by ensuring that participants would not have to either inconvenience fellow carpool members or risk being stranded. Under these programs, employers bear the expense of a taxi for the employee’s ride home. On a per ride basis, this sounds expensive--averaging \$53 in one study. However, since the guaranteed rides are infrequently used they may be more appropriately viewed as a cost-effective “insurance” premium.[74]

Currently, the high-occupancy-vehicle (HOV) lanes on the freeways are underutilized. Despite a higher potential person-mile carrying capacity, HOV lanes actually accommodate only about half as many passengers per lane per hour as the abutting general use lanes during congested periods.[75] Some have suggested that traffic congestion could be eased by simply converting HOV lanes into general purpose lanes. If the only choice were this conversion or keeping them as they now are, operating way below capacity, we might as well do it. There may, though, be another choice. Instead of letting the unused HOV capacity go to waste, it has been suggested that it be “rented” to single occupant vehicles (SOVs). Drivers of SOVs who were willing to pay a fee for the privilege would be permitted to drive in the underutilized HOV lanes during the periods when the general purpose lanes are congested. Thus, the previously exclusively HOV lanes would be converted into HOT (high occupancy/toll) lanes.[76] The State Route 91 tollway in California is, in fact, a HOT facility--high occupancy vehicles travel free while SOVs pay a toll based upon the amount of congestion in the parallel general use lanes. This strategy provides some traffic congestion relief, not only for the SOVs paying to get into the HOV lane, but also for the SOVs left behind in the general purpose lanes. It would also generate some revenue that could be used to build more HOV lanes.

Restructure Public Transportation to Accommodate Private Sector Competition by Jitneys

Rather than trying to jealously preserve transit stops as an exclusive monopoly for traditional public transit buses, they could be made accessible to competing transit vendors. This would create more opportunity for purveyors of “jitney” type transit service. A jitney would typically be a van or small bus that would follow a semi-fixed route. It could offer more door-to-door service than a larger bus. Both waiting time and in-vehicle travel time for passengers would be reduced. Jitney riders report that they feel safer on jitneys than on city buses because jitney drivers are more apt to refuse to pick-up disorderly or dangerous passengers. Jitneys are also most popular in corridors that serve the transit dependent.[77] Jitneys have been successful in a number of U.S. and foreign cities, often offering a higher quality, yet lower priced service than public transit buses.[78]

The potential of jitneys has not been fully realized for two fundamental reasons. First, in most cities, local ordinances make the operation of jitneys illegal. This forces jitneys into the “informal” (or “underground”) economy. Serving the market while dodging police hampers and deters all but the most daring operators. The successes achieved in places like New York City and Miami were achieved despite city efforts to suppress jitneys.[79] Second, even when jitneys are not illegal, they are disadvantaged by having to compete with heavily subsidized municipal bus systems.[80] Since private sector jitney operators would have to cover 100% of their costs from earned revenue, the private operators would have to be three to four times as efficient as municipal bus operators (who, because of local and federal government subsidies, must cover only one-third to one-fourth of costs from earned revenue) in order to break even by charging the same fares as the municipal operators.

A second component of the proposed jitney concept would be to modify the existing transit subsidy program. Ideally, there ought not to be any subsidies. However, until we are ready to implement this ideal we may have to settle for a less damaging method of dispensing the subsidy. Currently, the subsidies from federal, state, and local taxes flow directly to the transit system operators. What I am proposing here is to shift the focus of the subsidies to the riders. This could be accomplished by selling public transportation “tokens” to prospective riders at a price comparable to current fares. These tokens would be used to purchase rides on buses and jitneys. The bus and jitney operators would redeem these tokens for amounts comparable to the current per trip cost of the Denver’s Regional Transportation District. Discounts from the normal fares would be handled through social service agencies. Social service agencies wanting to provide even larger subsidies for certain categories of public transportation users (like the indigent or elderly) could buy the tokens at the regular price and resell them at a lower price (or give them away) to their clients.

The “flat” fare structures typically employed by transit systems is both inefficient and inequitable. Those traveling longer distances are undercharged relative to those traveling shorter distances. This discourages the more cost-effective shorter trips and encourages the more costly longer trips. The buses incur more empty seat-miles venturing further from the central core of the city. This worsens the performance of the total system. Fares should not, therefore, be structured to reward or induce passengers to demand these longer trips. Fares should be structured to facilitate more cost-effective usage of public transportation. A method for implementing a more efficient and equitable fare structure would be to institute some sort of fare-zone system. Trips within one zone would cost one token. Trips involving travel in two zones would be priced at two tokens, etc. Inasmuch as the average trip length on the current transit system is only four miles, most trips in our reconstituted public transportation environment would not involve more than one “zone.” By using a zone-based fare structure, use of public transportation in the most congested areas would be encouraged, while use of public transportation for costly and inefficient long distance trips would be discouraged.

The public transportation tokens could be sold through city offices, convenience markets, vending machines or other outlets along or near public transportation routes. The tokens would be redeemable only by bonafide public transportation operators. To qualify as a bonafide public transportation operator, a business would have to have appropriate vehicles and keep financial and operating records documenting the number of passengers served. Audits of these records and spot checks of on-the-road operations would need to be conducted to ensure that the redeemed tokens were, indeed, acquired by actually providing transportation.

Since the subsidies provided by federal, state, and local taxes are for designated public transportation purposes, operators redeeming the tokens would be required to demonstrate that the appropriate portions of the subsidy funds received from redeeming the tokens were being deployed as required by law for capital and operating expenses. Basically, 50 cents of every dollar’s worth of tokens redeemed would be subject to the requirement that federal aid for “capital” expenditures (about 20 to 25% of the total government subsidy) and operations (about 10% of the total government subsidy) be reinvested by the recipient public transportation firm in capital and operating expenditures. Another alternative would be for the city to own the vehicles

financed via federal aid, and to lease the vehicles to private sector operators. Such leases should be structured to accommodate competition. Since the amounts that private sector firms would be willing to pay to lease the vehicles would be directly related to the functionality and efficiency with which the vehicles could be operated, the city would have a strong incentive to procure the types of vehicles needed in the public transportation marketplace.

Inasmuch as it seems likely that privately operated buses as well as jitneys could make a profit under this system (after all, privately operated transit has been shown to operate at costs considerably lower than municipally owned transit),^[81] competition may well become quite robust. We would be moving toward a more self-sustaining public transportation system and away from the growing deficits and tax increases that have plagued the traditional municipal transit monopoly approach.

Promote Privately Operated “Subscription” Buses

These types of buses have provided service for half the cost of public transit buses in such cities as Chicago and Los Angeles.^[82] The main deterrent to the rise of this form of transit is the heavy subsidization of municipal bus lines. These subsidies permit the municipal transit bus to charge customers only a third, or less, of the cost to provide the service. Private firms without recourse to tax-financed subsidies must cover their full costs to stay in business. To compete on the basis of price with the level of subsidy provided to Denver’s public transit, privately operated buses would have to have costs that were 80% lower. Halving or eliminating the subsidy would provide a more “level playing field” for all transit providers.

Implement More Innovative Employment Practices

Since most of the traffic problems occur during so-called rush hours when employees are commuting to and from jobs, some changes in employment practices might help alleviate some of the worst traffic congestion. Some potentially helpful measures include the following:

More Use of the “Compressed” Work Week

To the extent that the traditional 40-hour workweek could be converted from a five-eight-hour-day schedule to a four-ten-hour-day schedule, the number of work trips could be reduced and peak-hour traffic congestion partially mitigated.

More Use of “Flex Time”

To the extent that work trips might be spread out over a wider interval, the peaks of the peak periods will be lower. This may help reduce some of the capacity overloads that aggravate the traffic congestion problem.

More Use of "Proximate Commuting"

Proximate commuting is an idea developed by Gene and Carolyn Mullins.[83] The overwhelming majority of commuters make their work trips in single-occupant vehicles. This is despite massive and ongoing attempts to induce them to do otherwise. We have seen billions spent on expanding bus systems and building rail lines. We have seen millions spent to build high-occupancy vehicle lanes. We have seen considerable effort expended to try to persuade people to carpool or ride transit. We have even seen punitive mandates for "trip reductions" inflicted on employers. Still, the overwhelming majority of commuters insist on driving their own cars.

The freedom and mobility offered by the privately owned and operated car is highly valued. It is not likely to be overcome by any government policy tolerable in a democratic society. Rather than bewail this situation or berate those who choose to drive alone, maybe we should try to adapt to the expressed preferences of the commuting population. This is the strategy taken by the proximate commuting concept. Finding a way to accommodate the desire to drive alone, yet still reduce traffic congestion is apt to accomplish more than plans that envision coercing people out of their cars.

Instead of trying to get commuters to give up their cars, proximate commuting seeks to shorten their work trips. The work trip is shortened by moving the place of employment closer to the employee's home. While not a viable strategy for many types of businesses, proximate commuting would appear highly suitable for businesses that have multiple work sites. Businesses fitting this description would include banks, restaurant chains, retail chains, public schools, and some government offices (for example, Motor Vehicle Division offices that issue driver's licenses and registrations). To the extent feasible, workers could be transferred to work sites closer to their homes. Their commute distances would be reduced. This would help reduce some of the peak period traffic volume.

A test of the proximate commuting concept was conducted in the Seattle metropolitan region in 1995. During a 15 month "demonstration project" nearly 500 employees at 30 branches of the Key Bank of Washington were given the opportunity to participate. About one-in-six of these eligible employees elected to participate. On average, those participating reduced their work commute trip distance by 65%. Because the employees with the longest trips were more likely to choose to participate, the average reduction in commute miles per bank branch was 17%.[84]

Another attractive feature of proximate commuting is that it doesn't require large public outlays. Employees of multiple site businesses are encouraged to participate by the opportunity to save time and money on their daily work commute trips. Employers are encouraged to participate as a means of extending a money-saving benefit to employees that does not require a cash outlay by the business. Proximate commuting is an example of the much sought "win-win" solution.

More Telecommuting

Telecommuting reverses the basic work process by moving the work to the workers rather than moving the workers to the work. Instead of getting in a car or on a bus and transporting his or her body to work, the telecommuting employee sends the work to his or her employer. Common modes of transporting the work include oral transmission by telephone, facsimile transmission over the phone lines, or e-mail transmission over the internet. The contrast in time and energy required to transport a person vs. transporting the work is quite dramatic. The average work commute by car is about 12 miles. Moving a 150 lb. person 12 miles in a one-ton automobile twice per workday will consume about 50 minutes of time. It will cost a little over \$10 (44 cents/mile x 12 miles x 2 commute trips/workday). Traveling this same distance by bus in Denver will cost almost \$16 (66 cents/mile x 12 miles x 2 commute trips/workday) and by light rail would cost nearly \$55 (\$2.29/mile x 12 miles x 2 commute trips/workday). Moving this person's work via telecommuting would take a few minutes by fax and a few seconds by internet. Since the transmission of data to a workplace an average of 12 miles away would be a "local call" the cost for using the phone lines would be a few pennies.

Obviously, telecommuting cannot work for all types of work. It is largely restricted to work that involves the production of information. These jobs might involve research or data analysis, the end product of which is typically some sort of written document (for example, a report, a memo, a financial statement). The types of jobs that would be amenable to telecommuting would include a typical assortment of "white-collar," office jobs like accountant, statistician, secretary, data processor, engineer, etc. Jobs requiring the physical presence of the employee would not be suitable candidates for telecommuting. These would include jobs like manufacturing assembly, waiters, barbers, police officers, etc.

The potential reduction of traffic congestion and air pollution from a more widespread resort to telecommuting seems promising. A pilot project in California indicated that telecommuting workers reduced their peak-period trips by 60%, their total vehicle miles driven by 80%, and their freeway use by 40%. The program also inspired many of the participants to seek out shopping, recreation, and other non-work related activities at locations closer to their homes, even on non-workdays.[85] A demonstration project in the Seattle metropolitan region found that telecommuters reduced vehicle miles of travel by 66% and the number of workday trips by 32%.[86]

While reducing traffic congestion and improving air quality are good public-spirited reasons to promote telecommuting, there are also other more pecuniary rationales to bolster the motivation for the participants. Telecommuting workers save themselves the time it would otherwise take to travel to work. This is the equivalent of getting an increase in one's hourly rate of pay. They save auto operating costs and/or transit fares. They may also obtain non-economic benefits like getting to spend more time with their families, avoiding the stress and risks of driving in traffic, setting their own work hours, and not having to "suit-up" to go to the office. Employers of telecommuting workers may be able to save by reducing the amount of office

space needed. An analysis by American Express estimated the annual savings in office expense for each telecommuting “full-time-equivalent” employee at \$15,000 per year.[87] In addition, employers seem to get improved productivity out of their telecommuting workers. The benefits enjoyed by telecommuting employees may be roughly equivalent to getting raises and upgraded working conditions (at no cash cost to the employer) that serve to motivate better performance. Typical productivity gains are reflected in faster completion of work assignments, fewer sick days, better time management, and increased morale. Pacific Bell estimated a net productivity gain of 20% and savings of at least \$500,000 in office space costs from its telecommuting program.[88] In fact, it appears that output gains in the 20% range are common for telecommuting workers.

CONCLUSION

By any reasonable standard, public transit is a bad investment. It is a dying industry, and for good reason. The type of service typically offered is of low quality. Average travel times are long compared to travel in cars. Transit customers must walk to bus stops and train stations. They must wait for buses and trains. Sometimes they must travel standing. Frequently they must change vehicles. It is not surprising that transit carries such a small share of urban travel. There is nothing planned or proposed for transit by public transit officials that will significantly change this situation--not light rail, not heavy rail, not “maglev” (basically a train levitated and powered by magnetic forces).

Massive subsidy efforts by federal and local governments have failed to revive transit. The billions of tax dollars poured into public transit systems have not reversed its long term decline. Each new increment of tax subsidy has merely deepened the deficits. This exercise in futility imposes real losses on the economy, both at the national and local level. Funds siphoned-off into profitless public transit weaken the economy, cost jobs, and lower the standard of living. Far from being a program that advances the welfare of society’s poorest individuals, channeling money into loss-making transit serves to worsen their long-term prospects.

We have also seen that the case for public transit as an environmental improvement measure is feeble. The overwhelming majority of the credit for environmental improvement, both in the past and in the future will belong to the engineers who work on auto technology. Innovations that reduce emissions on the mode that accounts for ninety-some percent of the urban travel will always have greater potential for improving air quality than billions of dollars spent on little used transit systems. In terms of environmental objectives, expanding public transit is merely an expensive “dead end.”

Finally, there is the issue of equity. Considering what it has to offer, public transit is grossly over-subsidized. Where did we ever get the notion that the overwhelming majority of non-riders of transit should be forced to pay for the rides of others? Despite the forcible exaction of tax dollars to pay more than two-thirds of the cost of the transit rides, public transit officials demand still more money. Until the public says “enough is enough,” will the demands for “more and more” never cease?!

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ABOUT THE AUTHOR: John Semmens has over 20 years of experience in the field of transportation. He has authored over 200 reports, papers, and articles on various transportation related topics. He can be reached at the Laissez Faire Institute, 828 N. Poplar Ct., Chandler, AZ 85226; e-mail jsemmens@aol.com; phone 480-940-9824.

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[1] 1996 Transit Fact Book (American Public Transit Association), p. 77.

[2] Alan Altshuler, "Changing Patterns of Policy: The Decision Making Environment of Urban Transportation," Public Policy (Spring 1977), pp. 171-203; Transit Fact Book (American Public Transit Association, various years), and Highway Statistics (Federal Highway Administration, various years).

[3] Transit Fact Book (American Public Transit Association, 1999), pp. 67 & 71.

[4] Alan Altshuler, "Changing Patterns of Policy: The Decision Making Environment of Urban Transportation," Public Policy (Spring 1977), pp. 171-203; and updated figures by the author based on data from the Transit Fact Book (American Public Transit Association, various years) and Highway Statistics (Federal Highway Administration, various years) and Commuting in America II (ENO Transportation Foundation, 1996), p. 49.

[5] Historical Statistics of the United States (U.S. Department of Commerce, Bureau of the Census, 1975), p. 297 and Statistical Abstract of the United States (U.S. Department of Commerce, Bureau of the Census, various years).

[6] A transit journey differs from a transit trip in that the journey is the entire distance from point of origin to destination. Historically, each journey has averaged between 1.2 and 1.3 trips.

Converting these journey figures into trip figures would result in an estimated 175 trips per capita in 1945 and 28 per capita in 1997.

[7] Wendell Cox, "US Urban Public Transport Ridership from 1900" in Urban Transport Fact Book (<http://www.publicpurpose.com/ut-us1900.htm>).

[8] Erik Ferguson, "Demographics of Carpooling," Transportation Research Record 1496 (Transportation Research Board, 1995).

[9] Commuting in America II (ENO Transportation Foundation, 1996), p. 56.

[10] Ibid., p. 60 and Transit Fact Book (American Public Transit Association, 1996), p. 79.

[11] For example, the operating cost per passenger for the express routes in Phoenix (the ones that run only during the peak period to carry downtown workers to and from their jobs) is about \$2.40. The system's average operating cost per passenger is about \$1.50. See Short Range Transit Plan FY 1996-97 through 2000-01 (Regional Public Transportation Authority), p. 28 and Transit Profiles: Agencies in Urbanized Areas Exceeding 200,000 Population (Federal Transit Administration, December 1995), p. 193.

[12] Public Works Infrastructure: Policy Considerations for the 1980s (Congressional Budget Office, April 1983), p. 49.

[13] Transit Fact Book (American Public Transit Association, 1979), pp. 21-22; 1996 Transit Fact Book (American Public Transit Association), p. 53 & 58.

[14] Trends in Transit Privatization (Arizona Department of Transportation, April 1986), p. 7.

[15] Rick Henderson, "Spinal Tap," Reason (April 1997), p.7.

[16] Consumer Price Index (Bureau of Labor Statistics; <<http://stats.bls.gov>> 1997).

[17] Transit Fact Book (American Public Transit Association, 1979), pp. 21-22.

[18] Transit Profiles for the 1996 National Transit Database Report Year (Federal Transit Administration, 1997).

[19] Ibid.

[20] 1996 Transit Fact Book (American Public Transit Association), pp. 53, 58 & 76-77; Transit Fact Book (American Public Transit Association, 1979), pp. 21-22 & p. 26.

[21] Your Driving Costs (American Automobile Association, 1995), pp. 4-5. Since these costs are based on brand new cars they probably overstate the cost of owning and operating a car by about 50%. A study undertaken in Arizona indicated that the per vehicle mile costs for the mix of

vehicles actually on the roads was about 30 cents. (see Rowell, et al., Analysis of Bonding vs. "Pay-As-You-Go" Financing, Arizona Department of Transportation, March 1999). Adding in the possibility that cars may carry more than one person would further reduce the per person mile cost of auto transportation.

[22] Alan Pisarski, Commuting in America II (ENO Transportation Foundation, 1996), p. 85.

[23] National Impacts of Transit Capital and Operating Expenditures on Business Revenues (American Public Transit Association, 1984), p. 2.

[24] David Aschauer, Transportation Spending and Economic Growth: The Effects of Transit and Highway Expenditures (American Public Transit Association, 1991), p. 10. Highway expenditures were depicted as generating only half as many benefits per dollar spent on them (benefit/cost = 1.50).

[25] Donald H. Camph, Dollars and Sense: The Economic Case for Public Transportation in America, Campaign for Efficient Passenger Transportation, 1900 L St., NW, #602, Washington, DC 20036; ph. 202-775-1580 (June 11, 1997).

[26] Camph, Dollars and Sense, p. 12.

[27] About 300,000 of these jobs are in the transit industry itself (see 1996 Transit Fact Book, APTA, p. 100). The other 600,000 are the "ripple effect."

[28] Transit Profiles (Federal Transit Administration, 1996).

[29] Jack Mallinckrodt, Highway Subsidies. <http://home.earthlink.net/~malli/hwysub.htm> (1998) and Jason Carey, 1999 Update of the Arizona Highway Cost Allocation Study (Arizona Department of Transportation, August 1999).

[30] Peter Gordon and Harry Richardson, The Facts About Gridlock in Southern California (Reason Foundation, August 1993).

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[32] Highway Statistics 1997 (Federal Highway Administration), p. IV-9.

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Miami-Dade County

*Prepared by
Metropolitan Planning Organization (MPO)
May 2001*

INTEGRATION OF JITNEY SERVICE WITH MDT

I. Miami-Dade County

A. Process for Authorizing Jitney Service:

1. The person shall submit an application for a Certificate of Transportation.
2. The application is submitted to the Consumer Services Department (CSD) and should contain the following information:
 - a. Applicant identification and personal information.
 - b. Description of the route, terminals, schedules, type of vehicles, seating capacity, etc.
 - c. Trade name and vehicle colors.
 - d. Management plan including: maintenance facilities, complaints and accidents processes, and insurance coverage, among others.
 - e. Days and hours of operation.
 - f. Fare and rate structure.
 - g. Statement supporting the economic feasibility of the services including:
 - i. estimated ridership,
 - ii. estimated fare revenue,
 - iii. estimated operating expenses,
 - iv. operational plan,
 - v. statement indicating the effect on other providers servicing the same transit corridor,
 - vi. and other financial and legal requirements.
3. The Director of CSD will review the application.
4. The application is submitted to Miami-Dade Transit (MDT) for compliance with county code. No service can be provided along corridors with current frequencies of 30 minutes or less. This include a single route or a combination of routes
5. If MDT has no opposition to the proposed route, then CSD proceed with a public hearing at the Board of County Commissioners (BCC). As part of this step, notifications are sent to all parties involved (government offices, municipalities, other motor carriers and any particular person or entity requesting notice). They have 20 days to protest.
6. If no written protest is properly filed, the Director of CSD will submit a report and recommendation to the County Manager. Once the request is positively recommended by the County Manager, it is submitted to BCC for final approval.
7. Once the permit is approved, the service may start immediately.
8. Permits should be renewed every year.

Miami-Dade County

*Prepared by
Metropolitan Planning Organization (MPO)
May 2001*

Jitneys in Miami-Dade

(Discussion Paper)

Preliminary ideas for additional jitney service in Miami-Dade County:

I. PERMITTING

Consider the following aspects:

1. Permits to be issued to individuals who want to operate a jitney.
2. Permits to be authorized for each vehicle.
3. The number of permits per person to be limited to no more than three.
4. Permits to be renewed on a yearly basis.
5. Service area to be specified (by corridor or route...)
6. Headway not be the only factor in determining approval or disapproval.
7. Fare to be established by the CSD and not by the jitney's operator.
8. Emphasis to be put on the physical condition of the vehicle.
9. Alternative process to be considered to expedite the permitting and authorization of jitneys.
10. Room to be provided for temporary permits, to allow pilot and demonstration projects.
11. CSD to be responsible to issue permits by route and by vehicle, in order to control areas served and number of vehicles in operation.

II. OPERATION

A. Route...

1. Permits to be issued on a specific route. No deviation.
2. No headway to be imposed to jitneys. They operate based on demand for profit not for service.

B. *Vehicle...*

1. CSD has to enforce vehicle safety and appearance.
2. Age of vehicles.
3. Seating capacity to be limited to no more than 17-18 passengers.

C. *Insurance...*

1. Proof of insurance is requested by the CSD, however, Risk Management to reevaluate the minimum requirements.

D. *ADA...*

1. Jitneys could be exempted from ADA.

III. RECOMMENDATIONS

A. *Additional Jitneys Service...*

1. A six-month pilot project to be considered for adding jitney service. This period will provide time for evaluation and improvements of service to determine the feasibility for establishing a wider plan.
2. Two areas (routes) with different characteristics to be demonstrated.
3. MDT to evaluate areas not served but that could be profitable to jitneys and allow them to provide service in routes that are below desired standards.
4. MDT to concentrate and relocate resources in high demand routes.

B. *Administration...*

1. No additional resources required for a pilot project. Based on the results, further consideration to be made for increasing the resources of CSD.

C. *Fare System...*

1. For a pilot project, no recommendation is made for transfers between both modes. Jitneys to have a separate fare from MDT. In the future, if the system works, this issue to be considered.

D. *Jitneys Participation...*

1. There is no guarantee that any actual operator may want to participate in a pilot project. Therefore, before any process is initiated, a commitment to be obtained from operators to provide the desired service under the conditions and circumstances established by the county.

E. *Evaluation of Service...*

1. A technical committee to be established to evaluate the service provided by the additional jitneys.

F. *Subsidy...*

1. No subsidy to be offered for jitneys. A private service not to be subsidized by government.
2. However, other incentives to be provided to jitneys: (after pilot period)
 - a. When purchasing vehicles (vans) specially dedicated to public transit, tax will not be charged.
 - b. Limited gallons of fuel per month can be provided at county cost.
 - c. Promote the association of jitneys to obtain better prices regarding purchasing of parts and services for their operation.
 - d. Eventually, terminals for jitneys and other services can be built using FTA money.

G. *Section 15...*

1. If jitney service is eventually expanded, mileage and passengers served by jitneys can apply for Section 15, which will represent an additional fund that can be used for capital improvements (MDT, CSD,...).

H. *Integration of Services...*

1. A system to be established to integrate MDT, jitneys and other transportation modes as a unit. Facilities can be built, like the mini-intermodal terminals to integrate such services.

ADA Information

ADA Compliance Matrix

REGULATION	ADA GUIDELINE
General Provision Subpart F 37.121	Provide ADA Complementary Paratransit service if providing fixed route service.
Eligibility Process for all applicants Subpart F 37.125a	Process shall strictly limit eligibility to individuals cited in Subpart F 37.123.
21 Day Rule Subpart F 37.125c	When an application is completed, an applicant should be informed of the decision within 21 days.
Eligibility Appeal Process Subpart F 37.125g	Establish an administrative appeals process to hear denials of eligibility or partial eligibility.
Service Options Subpart F 37.129	<ul style="list-style-type: none"> a) Can provide origin to destination service b) Can provide feeder service to fixed routes c) Can provide bus on call (route deviation) service
Service Area Subpart F 37.131a	Paratransit service ¾ mile on each side of route except areas outside of its jurisdictional boundary.
Next Day Reservations	Service shall be scheduled and provide to.
Subpart F 37.131b	All requests for next day service.
Reservation Service Hours Subpart F 37.131b	Reservation service shall be available during normal business hours.
Pickup Time Negotiation Subpart F 37.131b	Trip cannot be required to be scheduled more than one hour before or after requested departure time.
Advanced Reservation Subpart F 37.131b	Agency may permit reservations up to 14 days in advance of desired trip.
ADA Fare Subpart F 37.131c	Agency may charge twice the full fare without regard to discounts for paratransit service.
Trip Purpose Subpart F 37.131d	The agency cannot impose any restrictions or priorities on trip purpose.
Hours and Days of Service Subpart F 37.131e	The hours and days of service must be the same as fixed route service.
Trip Denials Subpart F 37.131f	Current FTA and court interpretation is that any substantive amount of trip denials constitutes a capacity constraint and is violation of the ADA.

Wheelchair Lift Installation

Ocean Conversions & Mobility

(954) 942-6033

15 different lifts

Jim 942-6033 \$4900 for lift

\$10 – 12,000 for whole package

22086 3-4 wheelchairs brand new van, not loaded

Mobility Concepts Inc. (954) 942-6033

Salesperson not available, only other company in yellow pages that installs into vehicles

Miller Consulting, Inc.

From: Fialkoff, David R. (MDT) [FIAL@miamidade.gov]
Sent: Friday, August 16, 2002 9:39 AM
To: 'Miller Consulting, Inc.'
Subject: RE: Jitney ADA

Yes. The STS service provides ADA compliance for the entire County. The issue of coverage only arises when we implement new service outside of the current service area.

David R. Fialkoff
Chief, Service and Mobility Planning
Miami-Dade Transit
305-637-3740
305-637-3784 Fax
fial@miamidade.gov

-----Original Message-----

From: Miller Consulting, Inc. [mailto:mteam1@bellsouth.net]
Sent: Friday, August 16, 2002 9:10 AM
To: Fialkoff, David R. (MDT)
Cc: Guerra, Jesus (MPO)
Subject: Jitney ADA

David,

Thank you for your e-mail. Based on my limited understanding of ADA requirements, it sounds like the STS service provides ADA compliance for MDT, the cities, and the jitneys. Am I correct?

Craig

Miller Consulting, Inc.
3610 Park Central Boulevard North
Pompano Beach, Florida 33064
Ph. 954-979-4799
Fx. 954-979-4818

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◆ This message is intended solely for the person to whom it is addressed.

Miami-Dade County
Office of the County Manager
Metropolitan Planning Organization
Secretariat



Stephen P. Clark Center
111 NW First Street
Suite 910
Miami, Florida 33128-1999

Phone: 305-375-4507
SunCom: 445-4507
Fax: 305-375-4950
E-mail: mpo@co.miami-dade.fl.us
Visit Website at:
www.co.miami-dade.fl.us/mpo/

To: Craig Miller
Company: Miller Consulting
Fax #: (954) 427-1815
From: JESU GUERRA
Date: 07/01/02
Subject: Titney Study

Message:

CRAIG: Attached, please find copy of an e-mail that Mac gave me regarding a request that he made to Bob Herman Sr. Adv. Attorney (Paralyzed Veterans of America). I requested Dan Walker (Office of ADA-County) to be part of the Study Adv. Committee.

JESU.

Pages: 3, (including this page)

----- Original Message -----

From: "Bob Herman" <bobhn@pya.org>

To: <mglasgow@attbi.com>

Sent: Tuesday, June 25, 2002 9:14 AM

Subject: Re: ii WASN'T tHINKIBNG

Good Morning Mac. I'm writing from home this morning because my transportation is screwed up.

No, jitney operators cannot purchase used inaccessible vehicles without meeting a severe burden of "demonstrated good faith efforts" as stated in the regs. They have the burden of proof. I realize that my last sentence complicated things.

It seems to me that your position as a citizen advocate requires you to assert the basic ADA premise that a transportation system such as jitneys which plainly supplements the MDT system and "stands in the shoes" of MDT must be fully accessible. If MDT believes otherwise then MDT must state the arguments that support its belief. I don't think its up to you to explain the law to them. Once we hear their arguments, we'll work on rebutting them.

Bob

>>> "M.M.Glasgow" <mglasgow@attbi.com> 06/24/02 18:25 PM >>>

Bob: I understand. However, I call your attention to the last sentence in the memo to which this is attached. The specific question I will ask is Can the operators continue to purchase more USED inaccessible vehicles and put them into service? Remember, they can make a "good faith" effort to buy USED accessible vehicles and not find them. In other words, can they continue to buy used inaccessible vehicles and use them in service. The way you word the last sentence does not cover this type of purchase!

MAC

----- Original Message -----

From: Bob Herman

6/26/2002

Page 2 of 2

To: mglasgow@attbi.com
Sent: Monday, June 24, 2002 4:36 PM
Subject: Re: ii WASN'T tHINKIBNG

Mac: It's not gonna happen today. I've been on the phone all day with unexpected family stuff. Your letter had to take a back seat and for that I'm genuinely sorry.

I'm trying to get it ready for tomorrow. Please e-mail me your mailing address to ut on the letter.

Basically, the jitneys operate a fixed route system under contract with a Title II public entity. As such, the jitney operators have the same ADA obligations as MDT. Those obligations are:

If the jitney service purchases new vehicles, they must be fully accessible. If it wishes to purchase used jineys, they must be accessible unless it shows that it made a good faith effort to find an accessible vehicle but could not. The jitney service can continue to use inaccessible vehicles it already owns but new vehicles it purchases after it begins its contract service must be accessible.

Sorry Mac,

Bob

Robert N. Herman
Senior Advocacy Attorney
Paralyzed Veterans of America
801 18th Street, N.W.
Washington, DC 20006
202-416-7699
Fax: 202-416-7706
E-mail: robhn@pva.org

Miller Consulting, Inc.

From: Miller Consulting, Inc. [mteam1@bellsouth.net]
Sent: Tuesday, July 02, 2002 12:02 PM
To: guerra@miamicidade.gov
Subject: ADA Issue

Jesus,

We will need a final opinion from the County attorney regarding the ADA issue. We will also need to explore "combined operations" with MDT buses and jitneys, relative to ADA.

I think I understand the "stand-in-the-shoes" argument, but what if we have some accessible vehicles in the mix?

Craig

cc: Greg Kelahan
Lisa Colmenares

Miller Consulting, Inc.
3610 Park Central Boulevard North
Pompano Beach, Florida 33064
Ph. 954-979-4799
Fx. 954-979-4818

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Calls on 7/26/02 Regarding ADA Issues (Jitney Study)

Akira Santo - Division Chief, Federal Transit Admin (Washington) **ADA Compliance Specialist**
(202) 366-0804
Additional Assistance call - Sherly Hershey (202) 366-0808

Robert Herman, Senior Advocacy Attorney
Paralyzed Veterans of America
(202) 416-7699

Wil Morales - ADA Resource Center, Training
Margaret Stran
(404) 385-0639 - direct line
(800) 949-4232

Richard L. Wong, Attorney-Advisor, Office of the Chief Counsel
Federal Transit Administration, DOT
(202) 366-1936



July 25, 2002

Mr. Mac Glasgow
65 Palmetto Drive
Miami Springs, Florida 33166

Dear Mr. Glasgow:

Thank you for the opportunity to assist your efforts to ensure that jitney service in Miami-Dade County is fully accessible to people with disabilities. The following is my analysis of how the Americans with Disabilities Act (ADA) would apply to the facts about the jitney service as you have explained them to me.

You provided materials to help in my analysis, including a draft proposal entitled "Expansion of Public Transit: A Jitney Approach," and a Quarterly Newsletter entitled "The Facts: Public Transportation in Miami-Dade County" (MDC). Both documents were published by the Metropolitan Planning Organization for MDC (MPO) and concern the expansion of jitney service in MDC.

The objective of the draft proposal is to study "increased participation of the private sector in the provision of public transportation services within Miami-Dade County . . . aimed to supplement existing services provided by Miami-Dade Transit (MDT)." The Newsletter states that jitney services operate by authority of the County Code and use small buses on routes that are intended to "complement or help complete Metrobus routes." Jitney services "may not provide service within ¼ mile of a Metrobus route [and] cannot duplicate 30% or more of a Metrobus route." And, as you explained, jitney services operate along a prescribed route according to a fixed schedule.

MPO and MDT are public entities covered by Title II of the ADA. The jitney services appear to be private entities in the business of transporting people. MPO does not purchase vehicles for use in the provision of transportation, as does MDT and the jitney operators. The regulations which implement the legal responsibilities of public entities under Title II are contained in 49 CFR Part 37 and 28 CFR Part 35 issued by the Departments of Transportation (DOT) and Justice (DOJ), respectively.

My review of the law, relevant regulations and the facts as I understand them, convinces me that accessible service must be provided by the jitneys. The precise level of accessibility required (for example, must every new vehicle

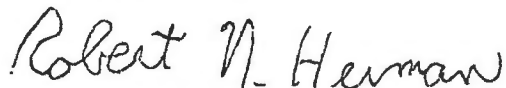
purchased be accessible to individuals with disabilities or is it sufficient to provide a level of service to them equivalent to that provided the general population) is a question that can be answered by examining the relationship between MPO, MDT and the jitney operators to provide public transportation.

Based on the materials you have provided, I believe that MPO is the public entity seeking to expand jitney service to complement and complete but not duplicate existing Metrobus routes. Briefly, the regulations state that if the MPO enters into a contractual, licensing, or other arrangement with the jitney operators to provide a service of fixed route transportation, than the jitney operators assume MPO's obligation to provide equal access to that service. Here, an arrangement to provide service will undoubtedly be entered into subject to the requirements of county code. While the regulations do not define what in every conceivable set of circumstances constitutes "equal access," that jitney service for individuals with disabilities, including wheelchair users, must be equivalent to the service provided other individuals with respect to such things as the ready availability of accessible vehicles.

At a later date, I would be happy to provide to you or to others on your behalf a more detailed legal analysis of why I have reached this conclusion. I would also be able to provide an analysis of the applicable legal obligations if the true relationship to provide jitney service is with MDT or even if the jitney operators argue that they are providing a private service. Make no mistake, though, the jitney service must be accessible at some level.

I hope this information is helpful to you in your advocacy efforts. Please call me if I can be of any further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Robert N. Herman".

Robert N. Herman
Senior Advocacy Attorney

§ 571.105 Standard No. 105, Hydraulic Brake Systems.

* * * * *

§ 7.4.2.1 Burnish. Vehicles are burnished according to the following procedures. Make 500 snubs between 40 mph and 20 mph at a deceleration rate of 10 f.p.s.p.s. Except where an adjustment is specified, after each brake application accelerate to 40 mph and maintain that speed until making the next brake application at a point 1 mile from the initial point of the previous brake application. If the vehicle cannot attain a speed of 40 mph in 1 mph, continue to accelerate until the vehicle reaches 40 mph or until the vehicle has traveled 1.5 miles from the initial point of the previous brake application, whichever occurs first. The brakes shall be adjusted three times during the burnish procedure, in accordance with the manufacturer's recommendations, after 125, 250, and 375 snubs.

* * * * *

Issued on April 25, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96-10790 Filed 5-1-96; 8:45 am]

BILLING CODE 4910-59-P

Federal Transit Administration

49 CFR Parts 604 and 609

RIN 2132-AA46

Charter Service; Transportation for Elderly and Handicapped Persons

AGENCY: Federal Transit Administration, DOT.

ACTION: Final rule.

SUMMARY: This rule removes and updates obsolete sections of the Federal Transit Administration's Charter Service and Transportation for Elderly and Handicapped Persons regulations, which have been superseded by the Department of Transportation's regulation implementing the Americans with Disabilities Act of 1990, replaces references to the former Federal Transit Act, as amended (49 U.S.C. app §§ 1601 et seq.) with references to Chapter 53 of Title 49 of the United States Code, and redesignates Appendix B of the Charter Service regulation as Appendix A of the Transportation for Elderly and Handicapped Persons regulation.

EFFECTIVE DATE: May 2, 1996.

FOR FURTHER INFORMATION CONTACT: Richard L. Wong, Attorney-Advisor, Office of the Chief Counsel, Phone: (202) 366-1936 (voice).

SUPPLEMENTARY INFORMATION: Part 609 of 49 CFR set forth regulatory requirements

of the Federal Transit Administration on transportation for the elderly and persons with disabilities under sections 5 and 16 of the former Federal Transit Act, as amended (49 U.S.C. app. §§ 1604 and 1612). These requirements included transportation planning in urbanized areas, transportation planning in nonurbanized areas, accessible transportation facilities, and accessible buses, rapid rail vehicles, light rail vehicles, and other vehicles.

The specification for accessible transportation facilities and vehicles have now been superseded by the Department of Transportation's regulation implementing the Americans with Disabilities Act of 1990 (49 CFR Parts 27, 37, and 38), and the special efforts planning requirements for urbanized areas are located in the joint FHWA/FTA Statewide and Metropolitan Planning Rules (49 CFR Part 613 and 23 CFR Part 450, respectively).

In addition, 49 CFR Part 604, Charter Service, Appendix B, contains a series of questions and answers regarding the definitions addressed under 49 CFR Part 609. This final rule moves Appendix B to Part 609, a more appropriate location, and makes several technical amendments reflecting that change and the codification of the former Federal Transit Act (now 49 U.S.C. Chapter 53).

Regulatory Analyses and Notices

This is not a significant rule under Executive Order 12866 or under the Department's Regulatory Policies and Procedures. It does not impose costs on regulated parties. It merely removes several superseded sections of a regulation and consolidates the effective sections. There are not sufficient Federalism implications to warrant a Federalism Assessment. The Department certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Under the Administrative Procedure Act (5 U.S.C. 553), FTA determines that notice and an opportunity for comment are impracticable, unnecessary, and contrary to the public interest. The amendments made in this document are ministerial, removing obsolete and redundant material and making minor technical and terminological changes. FTA expects these changes to have no substantive impact and does not anticipate receiving meaningful comments on them. Therefore, because it would be contrary to the public interest to unnecessarily delay this effort to eliminate and revise outdated rules, FTA is not seeking public comment on these changes to 49 CFR.

List of Subjects in 49 CFR Parts 604 and 609

Elderly and handicapped; charter service.

For the reasons set forth, the Department amends 49 CFR Parts 609 and 604 as follows:

PARTS 604 AND 609—[AMENDED]

1. The authority citation for 49 CFR Part 604 continues to read as follows:

Authority: 49 U.S.C. 5323(d); 23 U.S.C. 103(e)(4); 142(a); and 142(c); and 49 CFR 1.51.

2. The authority citation for 49 CFR Part 609 is revised to read as follows:

Authority: 49 U.S.C. 5307(d) and 5308(b); 23 U.S.C. 134, 135 and 142; 29 U.S.C. 794; 49 CFR 1.51.

Appendix B [Redesignated]

3. 49 CFR Part 604, Appendix B is redesignated as 49 CFR Part 609, Appendix A.

Appendix A [Amended]

4. In newly designated Appendix A to Part 609, the first sentence of the second paragraph is amended by deleting "§ 604.9(b)(6)" and replacing it with "this part".

5. In newly designated Appendix A to Part 609, the first sentence of Answer 3 is amended by replacing "section 16 of the FT Act" with "section 5302(a)(5) of the Federal transit laws (49 U.S.C. Chapter 53)".

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§ 609.5 [Amended]

7. Section 609.5 is amended by replacing "sections 3, 5, or 9 of the Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1602, 1604, or 1607a)" with "sections 5307 or 5308 of the Federal transit laws (49 U.S.C. Chapter 53)".

§ 609.23 [Amended]

8. Section 609.23 is amended by replacing "section 5 of the Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1604)" with "section 5307 of the Federal transit laws (49 U.S.C. Chapter 53)".

§§ 609.5 and 609.23 [Amended]

9. Sections 609.5 and 609.23 are amended by removing the words "Federal Mass Transit Administrator" and adding in their place, the words "Federal Transit Administrator".

10. Sections 609.7, 609.9, 609.11, 609.13, 609.15, 609.17, 609.19, 609.21, and 609.25 are removed.

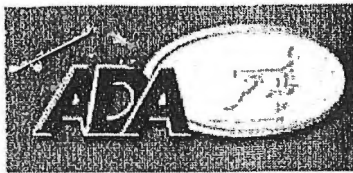
Issued this 25th day of April 1996, at Washington, D.C.

Gordon J. Linton,

Administrator.

[FR Doc. 96-10743 Filed 5-1-96; 8:45 am]

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for the Mid-Atlantic Region

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for the Mid-Atlantic Region

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Rockville, MD 20850
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P 301/217-0124 V/TTY
F 301/217-0754

E: adainfo@transcen.org

What We Do

Staff

Mission Statement

The ADA Information Center for the Mid-Atlantic Region is one of ten regional centers established to provide training, information, and technical assistance on the Americans with Disabilities Act (ADA) to businesses, consumers, and state and local governments.

Funded by the National Institute on Disability and Rehabilitation Research under the U.S. Department of Education, each of the regional Disability and Business Technical Assistance Centers has a toll-free hotline staffed by specialists who can answer specific questions on the ADA. Private businesses, individuals, schools and local or county governments can call for advice and information on what is required, who is covered, and how to work through a disability-related question in employment, architectural access, public services, and other areas.

Callers also may order materials from the Center's extensive library of ADA and disability-related publications. Provided free or at low cost, these materials include the full regulations, technical assistance manuals, architectural guidelines, easy-to-read fact sheets and summaries, advice on how to make different types of businesses accessible to the public, and consultation on employment issues, such as reasonable accommodation. All materials are available in alternate formats such as large print, Braille, tape, and computer disk.

The ADA Information Center also works with its local affiliates in **Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia and West Virginia** to provide free or low-cost training programs to help employers, service providers and businesses understand and comply with the law. A training or presentation can be tailored to the interests of the audience, and can be a simple overview or an in-depth review of a particular area of the law.

TransCen, Inc., a non-profit organization established in 1986, administers the ADA Information Center for the Mid-Atlantic Region. TransCen is known for its expertise in school to work transition initiatives, training and technical assistance expertise, and advocacy efforts for an inclusive workplace for all individuals. TransCen administers federally and privately-funded research and demonstration projects in school to work transition, school/business partnerships, systems change in education, natural supports in the workplace, and comprehensive case management for youth with severe emotional disabilities.

ADA Information Center Staff

Marian Vessels is the Director of the ADA Information Center. In this role, she is responsible for the daily operation of the Center, as well as acting as liaison with local coalitions. Ms. Vessels provides disability awareness training and seminars on the Americans with Disabilities Act, covering such issues as current legislation and employment. Previously, Ms. Vessels was the Executive Director of the Maryland Governor's Committee on Employment of People with Disabilities. She also worked as the Director of the Maryland Governor's Office for Individuals with Disabilities and was an Executive Board Member for the President's Committee on Employment of People

Wil Morales
(404) 385-0639
Training

Margaret Stran
800-949-4232

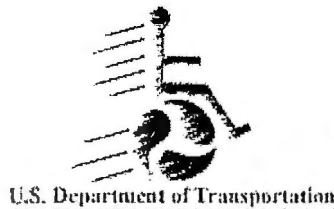
with Disabilities.

Nancy Horton is the Assistant Director at the Center. She is responsible for maintaining the Center's service evaluation, statistical record-keeping, and reporting system. She also coordinates the Center's newsletter and electronic bulletin dissemination. Additionally, she provides guidance to callers via the toll-free telephone line and via e-mail. Her experience includes working as an accessibility specialist for Centers for Independent Living in Florida and New York. Ms. Horton joined the ADA Information Center staff in the fall of 1999.

Kathleen Desmond Porter is the Center's Training Director. She provides information, various training programs, outreach, and public awareness activities throughout the region. She also coordinates the ADA Distance Learning program and works with the state affiliate organizations. Ms. Porter was formerly the Disability Resources Coordinator for Arlington County, Virginia. She holds a master's degree in Adult Education, a certificate in mediation, and is a certified sign language interpreter.

Thomas McKeithan is a Technical Assistance Specialist at the Center. He provides assistance on matters related to the ADA, as well as accessible electronic and information technology. Mr. McKeithan is a native of the District of Columbia and holds a BA from American University. Among his many community efforts on behalf of youth with disabilities, he has served as the chair of the State Advisory Panel on Special Education for D.C., and as a member of the National Council on Disability (NCD) Youth Advisory Committee. His professional experience includes working as an independent contractor for the NCD, as well as a Disability Program Associate at Mentors, Inc.

Donna Stewart is the ADA Information Center's Administrative Assistant. She provides clerical support, including answering all incoming telephone calls and directing callers to the appropriate staff members. Ms. Stewart has worked as an Administrative Assistant, Executive Secretary, and Legal Secretary for 14 years prior to joining the ADA Information Center staff in 1997.



Celebrating the 10th Anniversary
of the
Americans with Disabilities Act (ADA)
"Yesterday, Today, and Tomorrow"



Significant U.S. Disability Laws Passed Prior to the ADA

Civil Rights Act of 1964

Prohibited discrimination on the basis of race, national origin and religion. Important provisions: 1) Access to places of public accommodation; 2) nondiscrimination in employment practices; 3) desegregation of all public facilities; 4) desegregation of public education; 5) nondiscrimination in all federally assisted programs. Represents the philosophical foundation of the ADA.

Architectural Barriers Act of 1968

Required that most buildings designed, constructed, or altered with federal funds had to be accessible to persons with disabilities.

Urban Mass Transit Amendments Act of 1970

Required certain local jurisdictions to provide mass transit facilities and services so that elderly persons or people with disabilities could use them. Established a program of grants and loans to assist state and local agencies in developing accessible transportation.

Rehabilitation Act of 1973

Reauthorized and expanded the vocational rehabilitation program to include all persons with disabilities; provided for research and training to improve vocational prospects for disabled persons. Title V instituted affirmative action hiring policies for federal agencies and parties contracting with the federal government; created the Architectural and Transportation Barriers Compliance Board (ATBCB). Section 504 of the act prohibited discrimination on the basis of handicap among entities receiving federal financial assistance.

Education for all Handicapped Children Act of 1975 (now the IDEA Act: Individuals with Disabilities Education Act)

Required that states receiving federal financial assistance provide all children with disabilities a free and appropriate public education in the least restrictive setting possible. Amendments added later created grant programs for developing comprehensive services for infants and young children, research and demonstration projects, dissemination of

instructional materials, and recruitment of special education instructors.

Developmental Disabilities Assistance and Bill of Rights Act of 1975

The Act responded to abusive and inadequate treatment for persons with mental retardation residing in institutions; provided for the coordination and funding of services for persons with long-term disabilities; created a bill of rights for persons with disabilities (unenforceable guidelines); and implemented protection and advocacy systems in states to promote the rights of persons with developmental disabilities and provide legal services.

Section 504 Regulations, 1977

The regulations implemented Section 504; defined handicap, defined actions prohibited as discriminatory; established construction standards; and instituted educational policies. Important not only for the detailed provisions but also for the symbolic victory of the disability community that united to protest delays in issuing the regulation. This regulation represents the foundation of the ADA's content.

Telecommunications for the Disabled Act of 1982

Required that workplace telephones used by persons with hearing aids and emergency telephones had to be hearing aid compatible. This means that such phones had to be equipped to transmit signals that could be received by hearing aids.

The Voting Accessibility for the Elderly and Handicapped Act of 1984

Required that polling sites for federal elections had to be physically accessible to elderly persons and voters with physical disabilities; required election officials to provide large-print instructions and telecommunication devices for the deaf to persons with sensory impairments.

The Air Carrier Access Act of 1986

Act requires that commuter and commercial airlines not receiving federal funds must comply with nondiscrimination standards of Section 504. Act requires that airlines should provide access to persons with disabilities, regardless of whether federal funds are involved.

Telecommunications Accessibility Enhancement Act of 1988

Mandated a proactive approach within the federal government to advance the accessibility to telecommunications systems by persons with hearing or speech limitations.

Fair Housing Act Amendments Act of 1988

Extended protections of earlier Fair Housing Act of 1968 to persons with disabilities; extended non-discriminatory principles applied to the federal government and recipients of federal assistance. Enabled persons with disabilities to change a structure; receive reasonable accommodations in rules and policies; and expect accessible entryways and

common use areas.

ADA:

Guaranteeing Access to Transportation

by Nita Congress

"Transportation is the linchpin to the quality of life." -- Susan Schruth, Acting Director, Office of Civil Rights, Federal Transit Administration

Introduction

In 1990, the Americans with Disabilities Act (ADA) was signed into law. ADA decrees that any entity -- be it a building, a restaurant, an office, a sidewalk, a restroom, a bus, you name it -- that is open to the public must be accessible to people with disabilities. ADA also says that people with disabilities are entitled to equal employment opportunities.

Needless to say, ADA has made quite an impact on the transportation industry: the act's various titles prescribe an extremely comprehensive program that affects every aspect of transportation. And that makes sense: ADA is all about accessibility, mobility, getting from one place to the other easily, conveniently, reliably.

What is somewhat less obvious is the extent to which the Federal Highway Administration (FHWA) is involved in ADA oversight and implementation -- in terms of both public accommodation and employment. Key FHWA responsibilities in these areas are highlighted below.



Elevators make building interiors accessible to all.

Employment

FHWA's Office of Motor Carriers regulates certification of drivers in interstate commerce. Historically, certification has been denied to people with vision impairments (that is, whose corrected vision is not at least 20-40 in each eye), hearing impairments, diabetes, and epilepsy. Since the time these regulations went into effect -- which was about 1937 -- many medical and technological advances have been made. When ADA was passed, Congress directed the Department of Transportation (DOT) to determine whether these absolute standards barring employment were still appropriate and necessary.

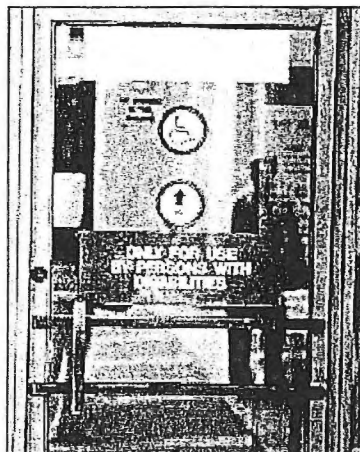
"We could have taken the easy way out," says FHWA's Michael Thomas of the Office of Motor Carriers. "We could have conducted a typical paper study. But we didn't. We decided to keep people on the roads, to keep good people working." Monocular (one-eyed) drivers have been working in intrastate commerce for years. Some who "slipped through the cracks" have been working in interstate commerce. So have deaf drivers and insulin-dependent diabetics. Recent tougher enforcement of FHWA certification regulations at the state level was threatening these drivers with the loss of their jobs. This circumstance -- taken together with the congressional directive to study the situation -- led FHWA to embark on a proactive "waiver study."

The first part of the study began in March 1992 and allowed a sample of drivers to waive the vision standard if certain conditions were met. These conditions included a clean driving record as a motor carrier, at least 20-40 vision in their better eye, and a doctor's report stating that there was no reason why this driver couldn't drive a commercial vehicle. The drivers selected for inclusion in the vision study are being monitored to ensure that these waivers are in the public interest (i.e., they provide employment opportunities for those who would otherwise be denied employment) and pose no adverse impact to public safety.

FHWA has since started up similar waiver programs to study the performance of drivers with hearing impairments and drivers with diabetes. The epilepsy component of the project will begin shortly. To date, the findings from all the waiver programs indicate that the waived drivers have excellent safety records.

Accommodation and Accessibility

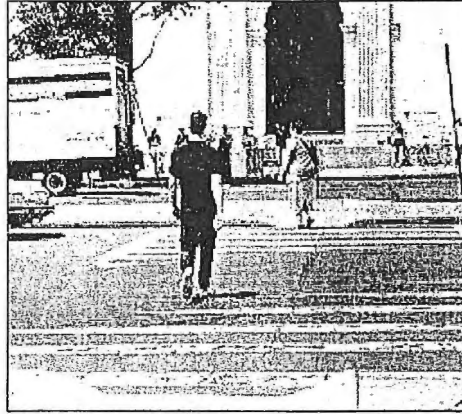
DOT is one of eight designated agencies with regulatory responsibilities under ADA. As such, the Department of Justice refers any ADA-instigated complaints that are even remotely related to transportation to the agency. Within DOT, these complaints are handled by the most appropriate entity. Consequently, a wide variety of issues fall within FHWA's scope, which covers basically anything part of or related to a road or highway. Thus, complaints received about the design of or accessibility related to traffic lights, curb cuts, median strips, ramps, sidewalks, pedestrian crosswalks, interstate and highway restroom facilities, parking spaces, parking lots, and any other highway-related facility are FHWA's responsibility. The agency reviews and investigates the complaints and works with the involved state or local organization to resolve the situation.



DOT's Nassif Building provides an automatic door exclusively for disabled persons.

FHWA is also obligated to provide technical information to the field about how to comply with highway-

related ADA provisions -- how to ensure that new design and construction is in compliance and how to implement effective procedures for reducing vulnerability to complaints. Another area in which this technical guidance is particularly necessary is in the right-of-way program. In the course of this program, FHWA frequently appraises, acquires, and disposes of structures subject to ADA provisions -- that is, public accommodations such as business or commercial facilities. FHWA right-of-way personnel have to understand how ADA affects the appraisal value, management, and resale of these structures; they must also understand the impacts and intricacies of relocating people with disabilities from these structures. To this end, FHWA's right-of-way program has developed a white paper for state departments of transportation and local public agencies.



Curb cuts facilitate street crossing for those with walking aids and wheelchairs in addition to the able-bodied with strollers, shopping carts, and bicycles.

Additional training and information for state and local organizations is currently being prepared by FHWA's Office of Civil Rights. Civil Rights Office Director Edward Morris explains, "We are putting together plans for training state and local personnel to help them reduce the liability of states to complaints and suits." One of the first topics to be covered by this training will be how to investigate ADA-related complaints.

Of Buses, Trains, and Planes

Even as FHWA handles ADA issues related to roads and highways, its sister agencies ensure access to other types of transportation.

Among these, the **Federal Transit Administration (FTA)** has perhaps the biggest responsibility under the law. That's because public transit is used by millions every day to get to and from work, shopping, and recreation. ADA requires that all current and future fixed rail and bus systems across the country be fully accessible by 1997; it also requires that supplemental paratransit service be provided -- that is, demand-responsive service for people who cannot access fixed-route service. FTA is in charge of reviewing local transit organizations' plans for meeting this mandate. To date, FTA has reviewed over 500 plans. Only 54 were disapproved in the first year, and several of which have since been brought into compliance.

FTA and the transit community are learning that making public transit accessible makes sense economically as well as legally and socially. Public transit is generally an expensive proposition; paratransit even more so. It is in companies' best interests to ensure that their stations, stops, and equipment are accessible for people with various disabilities. Several transit systems have hired disability advocates, many of whom have disabilities themselves; this provides an in-house sensitivity toward and awareness of the

challenges to -- and need for -- accessible public transit. And FTA awards about \$1 million annually in grants for programs and innovations aimed at improving accessibility.

The **Office of the Secretary, Consumer Affairs Division**, ensures access to airports and airlines by people with disabilities. This assurance is provided under the Air Carrier Access Act of 1986, which predates ADA but has the same intent. The division monitors airlines' compliance with the act, and it receives and investigates any complaints about access from the public.

In general, air travel raises relatively few accessibility concerns. Airlines are required to accommodate guide animals (e.g., seeing eye dogs) in the passenger cabin whenever possible; they are also required to inform people with hearing impairments about gate and other travel changes. Flight safety information is conveyed in alternative formats for those with hearing and vision impairments.

Conclusion

The Americans with Disabilities Act benefits everyone, not just people with disabilities. Ensuring a wheelchair user's access with ramps and curb cuts also helps an able-bodied mother pushing a stroller or a senior citizen wheeling a cart of groceries. Supplementing signage with auditory cues (for example, at crosswalks) helps those who are temporarily distracted or forgetful.

There's another side to the story too. Those of us without disabilities are merely "temporarily abled." Disease, accident, and old age will most assuredly come to everyone or to a loved one. So people with disabilities are not "they;" they are us or our relatives. So policy, design, construction, and technology that ensures "their" access ensures ours tomorrow.

An exciting example of the crossover effect of technology comes from FHWA's Intelligent Vehicle-Highway System program. Electronic toll collection is rapidly on its way to widespread implementation. This technology means that, instead of cars stopping at toll booths and drivers tossing coins or tokens into a bin, tolls will be collected through some variation of an electronic debit card system. The general advantages of this practice are obvious -- less traffic, less hassle, less inconvenience. But consider the ADA side of the issue. There are many thousands of people throughout the United States with upper body disabilities who simply cannot reach toll booths -- people for whom driving on a toll road is at best an embarrassing experience or at worst an impossibility.

Here is an example of technology obliterating the need for numbingly detailed regulation. In the next century, rather than prescribe mandatory heights for toll booths and ticketing machines, everyone will have easy and open access via an "electronic highway." And that's the true spirit of the Americans with Disabilities Act: equal and equivalent treatment for all.

Nita Congress is a senior writer/editor with over a dozen years of experience in preparing a wide variety of informational and technical materials for the federal government. She has served as a technical editor for *Public Roads* since 1985 and has frequently contributed articles to this publication. Ms. Congress last year served as senior editor on Vice President Gore's Reinventing Government Task Force. She was recently named managing editor of the Bureau of Transportation Statistics' 1995 *Transportation Statistics Annual Report*.

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[Federal Register: May 2, 1996 (Volume 61, Number 86)]
[Rules and Regulations]
[Page 19562-19563]
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DEPARTMENT OF TRANSPORTATION
Federal Transit Administration

49 CFR Parts 604 and 609

RIN 2132-AA46

Charter Service; Transportation for Elderly and Handicapped
Persons

AGENCY: Federal Transit Administration, DOT.

ACTION: Final rule.

SUMMARY: This rule removes and updates obsolete sections of the Federal Transit Administration's Charter Service and Transportation for Elderly and Handicapped Persons regulations, which have been superseded by the Department of Transportation's regulation implementing the Americans with Disabilities Act of 1990, replaces references to the former Federal Transit Act, as amended (49 U.S.C. app Secs. 1601 et seq.) with references to Chapter 53 of Title 49 of the United States Code, and redesignates Appendix B of the Charter Service regulation as Appendix A of the Transportation for Elderly and Handicapped Persons regulation.

EFFECTIVE DATE: May 2, 1996.

FOR FURTHER INFORMATION CONTACT: Richard L. Wong, Attorney-Advisor,
Office of the Chief Counsel, Phone: (202) 366-1936 (voice).

SUPPLEMENTARY INFORMATION: Part 609 of 49 CFR set forth regulatory requirements of the Federal Transit Administration on transportation for the elderly and persons with disabilities under sections 5 and 16 of the former Federal Transit Act, as amended (49 U.S.C. app. Secs. 1604 and 1612). These requirements included transportation planning in urbanized areas, transportation planning in nonurbanized areas, accessible transportation facilities, and accessible buses, rapid rail vehicles, light rail vehicles, and other vehicles.

The specification for accessible transportation facilities and vehicles have now been superseded by the Department of Transportation's regulation implementing the Americans with Disabilities Act of 1990 (49 CFR Parts 27, 37, and 38), and the special efforts planning requirements for urbanized areas are located in the joint FHWA/FTA Statewide and Metropolitan Planning Rules (49 CFR Part 613 and 23 CFR Part 450, respectively).

In addition, 49 CFR Part 604, Charter Service, Appendix B, contains a series of questions and answers regarding the definitions addressed under 49 CFR Part 609. This final rule moves Appendix B to Part 609, a more appropriate location, and makes several technical amendments

reflecting that change and the codification of the former Federal Transit Act (now 49 U.S.C. Chapter 53).

Regulatory Analyses and Notices

This is not a significant rule under Executive Order 12866 or under the Department's Regulatory Policies and Procedures. It does not impose costs on regulated parties. It merely removes several superseded sections of a regulation and consolidates the effective sections. There are not sufficient Federalism implications to warrant a Federalism Assessment. The Department certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Under the Administrative Procedure Act (5 U.S.C. 553), FTA determines that notice and an opportunity for comment are impracticable, unnecessary, and contrary to the public interest. The amendments made in this document are ministerial, removing obsolete and redundant material and making minor technical and terminological changes. FTA expects these changes to have no substantive impact and does not anticipate receiving meaningful comments on them. Therefore, because it would be contrary to the public interest to unnecessarily delay this effort to eliminate and revise outdated rules, FTA is not seeking public comment on these changes to 49 CFR.

List of Subjects in 49 CFR Parts 604 and 609

Elderly and handicapped; charter service.

For the reasons set forth, the Department amends 49 CFR Parts 609 and 604 as follows:

PARTS 604 AND 609--[AMENDED]

1. The authority citation for 49 CFR Part 604 continues to read as follows:

Authority: 49 U.S.C. 5323(d); 23 U.S.C. 103(e)(4); 142(a); and 142(c); and 49 CFR 1.51.

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[[Page 19563]]

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Issued this 25th day of April 1996, at Washington, D.C.
Gordon J. Linton,
Administrator.
[FR Doc. 96-10743 Filed 5-1-96; 8:45 am]
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**Summary of Minutes for
Jitney Pilot Program Meeting
July 26, 2002**

DRAFT

Summary Minutes
Paratransit Pilot Program
Jitney Operators Meeting
Friday, July 26, 2002

Meeting Location: Room 908, 140 West Flagler Street

Meeting called to order at 1:50 PM

Michael Moore, standing in for Jesus Guerra, project manager on the study started the meeting with introductions, distribution of sign-in sheet and copies of agenda.

Mr. Craig Miller, of Miller Consulting Inc. provided an introduction to the study, explaining that the study team has been given a 90-day timeframe to come up with ideas for possible expanded jitney service in Miami-Dade County through 2, 3, or 4 "pilot" projects.

MPO recognized that jitneys can provide profitable services in Miami-Dade; MDTA requires millions of dollars in subsidy. The plan is to provide a Pilot Program to expand jitney services into MDTA areas and/or un-served areas. Since this is a quick-implementation program, expanded Jitney services must not "collide" with too many regulatory issues, if possible.

Regulatory framework opportunities/constraints:

1. Constraints of the U.S. Labor Act 13 (c)- - no firing of TWU workers; relocate drivers, quantity of TWU workers must be unaltered
2. Private/public operators mix. Quality of service issues to be addressed in pilot program.
3. Accessibility to handicapped Title II and Title III, federal funds - - study must address compliance with ADA regulations.
4. Abide by Miami-Dade County rules.

Mr. Miller touched on ADA issues relevant to jitney service and expressed concern over how to address ADA.

Mr. Miller also mentioned that he has had discussions with FTA on legal constraints and wheelchair access. One way for Miami-Dade to possibly start to address this issue would be to introduce same-day demand-responsive service for wheelchair riders.

Mr. Miller continued his presentation and referred to a countywide transit service map and a presentation board showing a matrix of "Paratransit Service, Regulatory Issues and Implementation Options." The matrix identifies options, but no decisions are yet made, the idea is to get coaching advice from existing jitney providers.

Mr. Miller summarized the matrix by saying that the study is starting to narrow in on the following: 1) Fixed route service; 2) Remove all or part of MDT services and replace/augment with jitneys; 3) augment MDT route by adding jitneys with no reduction

of MDT services; 4) privately-financed options; 5) government-financed options only if absolutely required.

Mr. Miller pointed out that there is no wheelchair access on existing jitneys in Miami-Dade County. He provided two examples on how it could be addressed:

1. For example, City can purchase the fleet and lease it to jitney providers.
2. Dial-a-ride service (same day)

Mr. Gil and Mr. Mora clarified that jitney service in Miami-Dade is running on semi-fixed routes. (Route deviation service.)

Mr. Miller concluded his presentation.

Mr. Moore asked attendees if there were any questions for Mr. Miller.

One jitney owner/operator asked why federal monies should not be pursued. Mr. Miller responded that with federal monies comes the red tape and this does not “fit” the 90 days criteria. However, if jitney operators felt strongly enough about pursuing federal monies, this *could* be included in our recommendations for future study, and they should encourage the MPO to do so.

Another owner/operator expressed concern over all of the studies being performed and not enough monies used for implementation.

Referring to the countywide transit service map, one attendee suggested that MDT should serve the un-served areas identified on the map. Jitney operators could not make money in those areas, but MDT could serve those areas because it is a subsidized agency.

Mr. Gil reported that he estimates there are 100,000 riders per month in Hialeah.

The question was raised as to whether the County counts the jitneys, for Section 15 purposes. The County response was uncertain.

One jitney operator expressed interest in taking over the route covering Second Avenue.

Mr. Rene Gil suggested that the consultant obtain a copy of the Smart Jitney proposal that he sent to the MPO Director. Mr. Miller stated that he would do so.

Mr. Mac Glasgow raised ADA issues and some discussion ensued. Mr. Miller suggested that it was his understanding that all ADA requirements *must* be met. This is not an option, and it, therefore, should *not* be an issue, as far as this study is concerned, as to whether we comply or not. The law is the law.

Mr. Dan Holder, Director of the County ADA Coordination office, clarified the ADA requirements for recipients of federal funds. He stated that “fleet requirements” policy mandates that an equivalent service, or that 95% of the fleet needs to be accessible, that they cannot go backwards from that percentage.

Mr. Holder also pointed out that not only does accessibility need to be looked at but also the quality of service (larger buses, good drivers, responsiveness of dial-a-ride service).

Another jitney operator, with consensus of several others, pointed out four routes that could be taken from MDT and given to jitney operators. These routes are: 2, 17, 27 and 77.

One jitney operator questioned how the TWU will feel about the pilot program. Mr. Miller stated that they will likely have objections, but no TWU jobs will be lost, as a result of the study's recommendations.

Another jitney operator stated that the insurance premiums for jitneys is much more than MDT has to pay. Mr. Miller suggested that the operators consider the possibility of getting into an insurance pool together to get a group rate.

One jitney operator expressed interest in acquiring the rights to serve routes 9 and 10, and that he would even purchase brand-new, ADA-accessible vehicles for these routes.

Mr. Miller asked operators if there are geographic areas that MDT is not serving that they would like to serve. They responded: No, none where they can make money. There is capacity out there but without subsidy it is difficult for jitneys to compete.

Insurance costs have increased because of market conditions. Other operating costs are also expensive. A used vehicle costs between \$10,000 and \$15,000. Operators must earn at least \$150 per day per vehicle in order to recover their costs. Operating expenses are approximately \$640 per week per vehicle, plus \$400/month for insurance

Jitney operators identified two other routes that they would like to take over from MDT: routes 36 and 79.

The idea of allowing jitney operators to use larger buses, say 22 or 30 passenger vehicles, was mentioned in order to be able to make the vehicles wheelchair accessible. They claimed that a least 3 passengers would be eliminated to be able to accommodate a wheelchair. Joe Mora from Consumer Services indicated that larger vehicles could be licensed under the existing code, under a non-jitney classification.

Mr. Miller and Mr. Moore thanked meeting participants and offered to stay later for those who wished to remain and discuss matters further.

This meeting adjourned at 3:45PM.

PARATRANSIT PILOT PROGRAM

CONSUMER SERVICES MEETING

**Friday, July 26, 2002
1:30 P.M.
Conference Room 908
140 West Flagler Street**

PRELIMINARY AGENDA

- I. **Introductions**

- II. **Possible Regulatory Changes**

- III. **Discussion on feasibility and timetable of possible changes**

- IV. **Recommendations for Pilot Program**

- V. **Long-term Recommendations**

DRAFT
POSSIBLE AGENDAS

Paratransit Provider Meeting

1. Describe current practice
2. Recommended changes to regulations
 - Fixed route, flex-route, subarea, open market
3. Minimum ridership levels for profitability
 - Is \$120 to \$125/day the correct gross revenue requirement for a Jitney
4. Recommendations for Pilot Program
5. Long-term recommendations

Consumer Services Meeting

1. List possible regulatory changes
2. Discuss feasibility/timetable of possible changes
3. Recommendations for Pilot Program
4. Long-term recommendations

MDT Meeting

1. Review route displacement options
 - 100% displacement
 - partial
 - actual routes
 - cost coverage ratios
2. Review possible use of displaced equipment
 - new unserved areas
 - congested routes
3. MDT recommendations for Pilot Program
 - specific routes/areas
 - regulatory changes

“creating value for our clients with ingenuity, creativity and excellence”

Transit Element of Comp Plan

**MASS TRANSIT ELEMENT
SELECTED COMPONENTS**

Objective 3

Provide a sound funding base utilizing public and private sources that will assure maintenance of existing service operations and timely implementation of the needed transportation improvement projects and services.

Policies

- 3A. Dade County shall strive to establish, through legislative or electoral approval or other means, a dedicated source of revenue that will support current and future transit operations.
- 3B. Any transit plans Dade County develops, now and in the future, shall be fiscally sound.

Objective 4

Provide convenient, accessible and affordable mass transit services and facilities.

Policies

- 4A. Dade County, with private sector assistance, shall provide mass transit service appropriate for the mix and intensity of development of activity centers identified in the Land Use Element.
- 4B. Dade County, with appropriate private sector contributions shall provide a network of regular and/or special services to facilitate access to major centers of employment, commercial, medical, educational, Governmental, and recreational activity.
- 4C. Dade County, with assistance from Florida Department of Transportation (FDOT), shall provide service that is competitive with automobile travel in terms of reliability and overall travel time and cost.

MASS TRANSIT ELEMENT

Introduction

The purpose of the Mass Transit Element is to provide a basis for the development of mass transit facilities as a major component of the overall transportation system in Dade County to enhance mobility. It is recognized that the recommended highway improvements in the Traffic Circulation Element must be complemented with transit improvements recommended in this Element in order to achieve a balanced transportation system through the year 2010.

The *Adopted Components* of this Element contain the Mass Transit Goal, Objectives and Policies, a series of mass transit maps showing future conditions, and procedures for monitoring and evaluating conditions. The various objectives and policies emphasize the maintenance and development of transit services to support the staging and phasing of designated future land use patterns consistent with the Land Use Element.

The *Support Components* report, printed separately, contains an inventory of the transit services currently provided, e.g. Metrobus, Metrorail, Metromover, and paratransit services, with a brief overview of how they operate and relate to each other. Existing and projected population characteristics are described, as well as an analysis of other service charac-

teristics including frequency, ridership, and major generators and attractors served. Finally, the *Support Components* report concludes with a discussion of the proposed future mass transit system and the improvements recommended by the years 2000 and 2010.

GOAL

MAINTAIN, OPERATE AND DEVELOP A MASS TRANSIT SYSTEM IN METROPOLITAN DADE COUNTY THAT PROVIDES EFFICIENT, CONVENIENT, ACCESSIBLE, AND AFFORDABLE SERVICE TO ALL RESIDENTS AND TOURISTS.

Objective 1

By the year 2000, the mass transit system shall operate at a level of service no lower than the standard contained herein.

- 1A. The minimum peak-hour mass transit level-of-service shall be that all areas within the Urban Development Boundary (UDB) of the Land Use Plan (LUP) which have a combined resident and work force population of more than 10,000 persons per square mile shall be provided with public**

MASS TRANSIT ELEMENT

of regular and/or special services to facilitate access to major centers of employment, commercial, medical, educational, governmental, and recreational activity.

- 4C. Dade County, with assistance from Florida Department of Transportation (FDOT), shall provide service that is competitive with automobile travel in terms of reliability and overall travel time and cost.

Objective 5

Provide equitable transportation services to all groups in the metropolitan population, including the special transportation needs of the elderly, handicapped, low income and other transit dependent persons.

Policies

- 5A. At a minimum, Dade County shall provide equitable transportation services in accordance with Urban Mass Transportation Administration (UMTA) Title VI requirements.
- 5B. At a minimum, Dade County shall continue to provide special transportation services in compliance with the service criteria and funding specifications of Federally mandated UMTA Section 504 regulations for the physically handicapped.
- 5C. At a minimum, Dade County shall continue to provide specialized transportation services in compliance with State mandated regulations of Chapter 427, Florida Statutes for the transportation disadvantaged, and shall revise and update as required the Transportation Disadvantaged Development Plan.

Objective 6

Continue to coordinate Dade County's Mass Transit Element, and the plans and programs of the State, region and local jurisdictions.

Policies

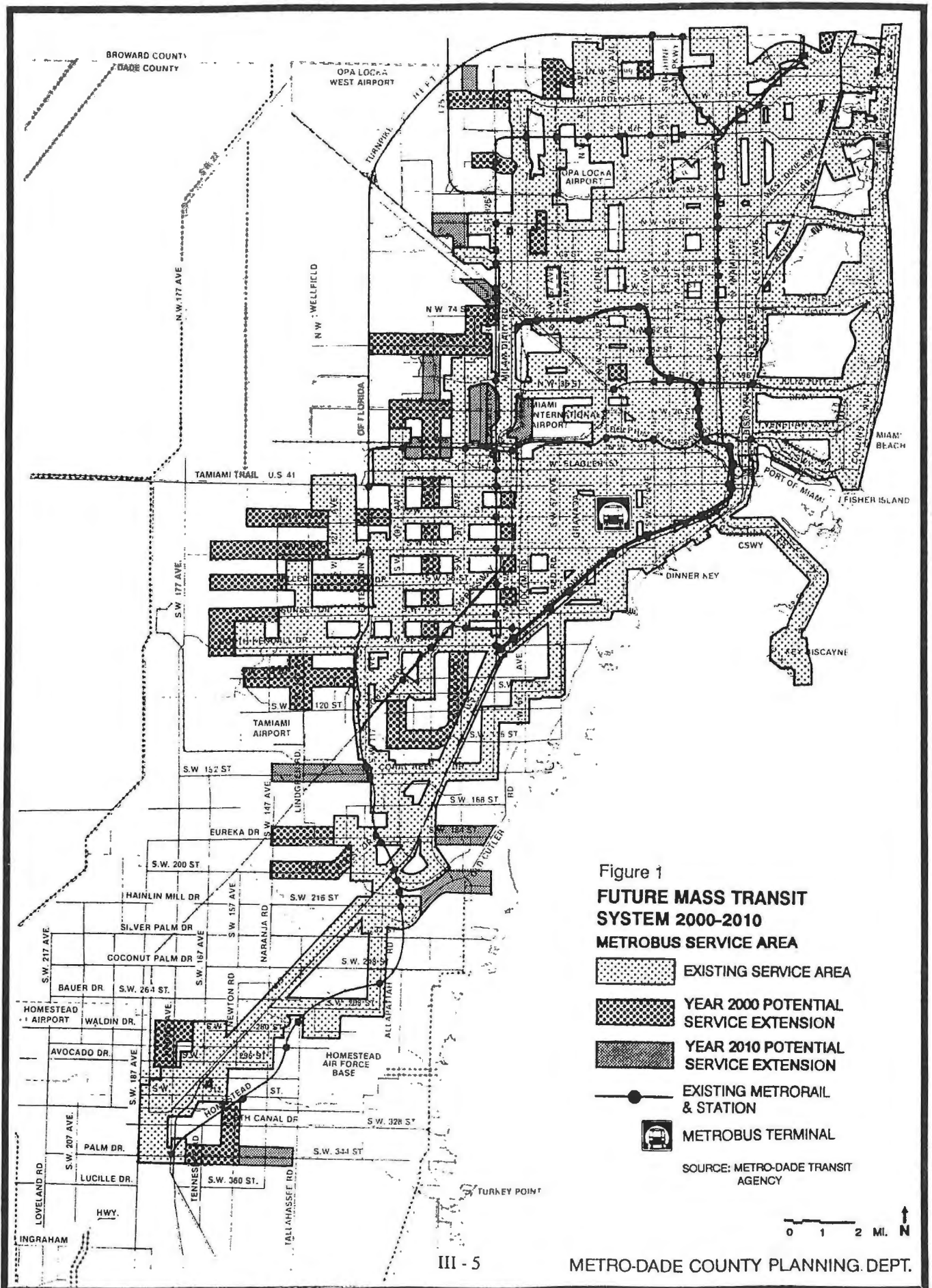
- 6A. Dade County shall review annually subsequent FDOT 5-Year Transportation Plans to ensure that they remain consistent with and further the Mass Transit Element and other elements of Dade County's Comprehensive Development Master Plan (CDMP).
- 6B. Dade County shall coordinate with FDOT in its efforts to develop intrastate transit systems, including regional transit systems and a high speed intrastate rail system linking Tampa, Orlando and Miami.
- 6C. Dade County shall continue to coordinate mass transit planning with the plans and programs of the Metropolitan Planning Organization (MPO).
- 6D. Where appropriate, Dade County shall coordinate its mass transit plans and programs with those of adjacent counties to ensure regional mobility in major travel corridors.

Objective 7

Initiate, by 1990, protection strategies for Mass Transit rights-of-way and exclusive transit corridors.

Policies

- 7A. Within one year after the findings of the MPO Long Range Transportation Plan 2010 Update are completed, Dade County shall prepare for submittal, pursuant to Chapter 163, Part II, F.S., proposals to enhance and revise the Mass Transit Element as warranted by said findings, consistent with the goals, objectives and policies of the CDMP.
- 7B. Dade County shall investigate and adopt strategies for preservation of planned mass transit rights-of-way and exclusive corridors, including consideration of



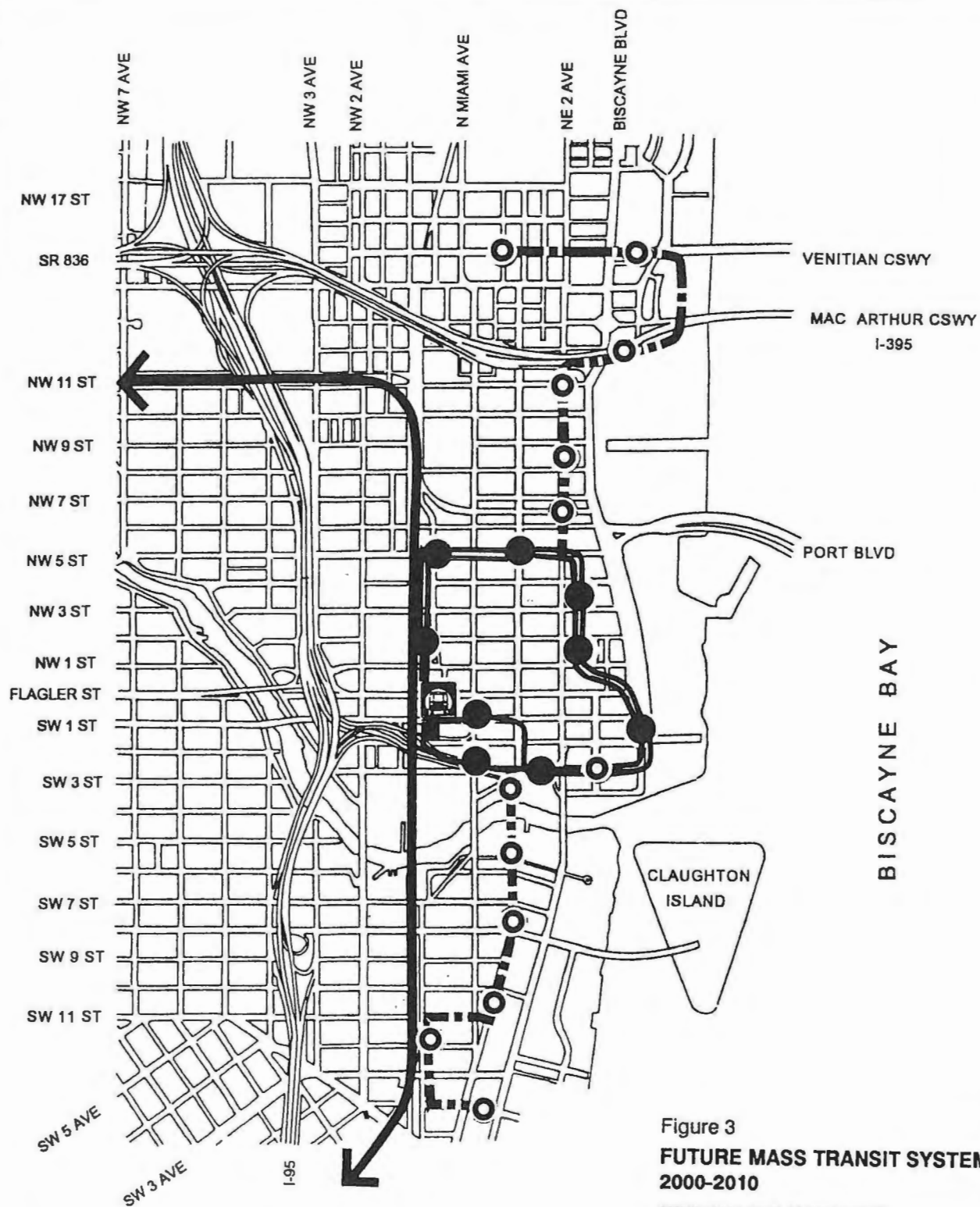


Figure 3
**FUTURE MASS TRANSIT SYSTEM
 2000-2010**
METROMOVER ALIGNMENT

- EXISTING PHASE I ALIGNMENT
- EXISTING PHASE I STATION
- PHASE II ALIGNMENT
- PHASE II STATION
- METROBUS TERMINAL
- MAINTENANCE FACILITY
- METRO RAIL (STAGE I) ALIGNMENT

SOURCE: METRO-DADE TRANSPORTATION PLAN AND
 IMPROVEMENT PRIORITIES, LONG RANGE
 ELEMENT TO THE YEAR 2005



Monitoring Program

In order to enable the preparation of the periodic Evaluation and Appraisal Report (EAR) as required by Section 163.3191, Florida Statutes (F.S.), the Minimum Criteria Rule (Rule 9J-5, Florida Administrative Code [F.A.C]) requires that local comprehensive plans contain adopted procedures for monitoring and evaluating the Plan and its implementation (Sections 9J-5.005[1][c][5], and 9J-5.005[7], F.A.C). In addition, successful implementation of level of service standards and requirements that services be available at the time of development, also require the maintenance or enhancement of monitoring and reporting programs.

This section of the Element outlines the substantive elements of Dade County's monitoring program pertinent to the objectives, policies and parameters referenced in this Element. It should be understood that the proposed programs or program improvements will be refined over time, particularly as experience is gained. Undoubtedly, by the time that the first EAR is prepared, the measures and procedures outlined herein will have been significantly enhanced to reflect practical experience.

The administrative requirements for monitoring and preparation of the EAR as outlined in Section 9J-5.005[7], F.A.C. are not repeated here. They are outlined only in the Land Use Element to avoid redundancy. The reader is referred to the element for a summary of those procedural requirements.

Monitoring

The monitoring and evaluation of Metrobus, Metrorail, Metromover and paratransit services in Dade County is an ongoing activity administered by Metro-Dade Transit Agency (MDTA) Operations Planning and Scheduling Division, to evaluate performance of the various transit operations. A variety of data is compiled and analyzed for all transit services on a monthly, quarterly or annual basis. For Metrobus operations field data is collected by transit field technicians performing "corner counts" which

are visual determinations of actual operating times and passenger loads and "ride checks" which are counts of the number of people boarding and alighting along a bus route. A monthly report called the Productivity Report produced by the MDTA Finance Division monitors and evaluates Metrobus route performance based on revenues, ridership by fare type and transfers. Other performance measures such as average revenue per mile, passengers per revenue mile, average passengers per revenue hour, and average passenger per platform hour are also monitored on a continuous basis. From the Productivity Report the 10 least productive routes are extracted out for extensive analysis to improve productivity.

The collection of data for Metrorail and Metromover is done on a weekly basis from the register on the turnstiles at all Metrorail and Metromover stations. These readings produce ridership by fare type: full fare, half fare and bus to-rail transfer.

It is recommended that these measures form the basis, where appropriate, for monitoring, updating and evaluating the Mass Transit Element.

Monitoring Implementation of Mass Transit Objectives

The following presents those factors that will also be used to monitor and assess implementation of the various objectives and other baseline data contained in the Mass Transit Element in 1994 and every four years thereafter.

Objective 1 and Objective 2. All areas of Dade County will be monitored annually to determine transit system compliance with the adopted level-of-service standard through the use of service planning guidelines developed by MDTA. The most recent estimates of population and work force prepared by the Planning Department will also be used.

Objective 3. Monitor the implementation of policies/objectives for the future operations of transit in Dade County related to service levels,

TRAFFIC CIRCULATION ELEMENT

Introduction

The purpose of the Traffic Circulation Element is to provide an overview of the current and future transportation needs of Dade County. The Element analyzes current roadway capacity and deficiencies in Dade County, it provides recommendations for improving future highway capacity, and it establishes a goal, objectives, and policies aimed at meeting the future needs.

The Traffic Circulation Element has been developed to meet the requirements of Chapter 163, *Florida Statutes* (F.S.) and Rule 9J-5, *Florida Administrative Code* (F.A.C.) It builds on a long history of transportation planning and programming by Metro-Dade County.

Dade County, since 1957, has been a home rule charter county. The Planning Department therefore serves as a metropolitan agency, and traffic circulation needs and the goal in this Element are presented for the entire County, including the 26 municipalities.

The *Adopted Components* of this Element include the Traffic Circulation goal, objectives and policies; maps of future conditions; and procedures for monitoring and evaluating progress toward Plan implementation.

The *Support Components* report, printed separately, contains inventory data and

analysis of existing and future needs. A summary overview of existing traffic circulation conditions is presented, with special attention to capacity deficiencies and the need for additional capacity improvements. Future roadway needs are reviewed drawing upon the technical studies and recommendations of the *Metro-Dade Transportation Plan and Improvement Priorities, Long Range Element to The Year 2005*, as revised November 1987. Finally, review of future demand is presented to show the magnitude and the time frame of traffic circulation needs in the County. (Note: Amendments to the traffic circulation components adopted in April 1991 also reflect the updated *Metro-Dade Transportation Plan Long-Range Element to the year 2010*.)

GOAL

DEVELOP, OPERATE AND MAINTAIN A SAFE, EFFICIENT AND ECONOMICAL TRAFFIC CIRCULATION SYSTEM IN METROPOLITAN DADE COUNTY THAT PROVIDES EASE OF MOBILITY TO ALL PEOPLE AND FOR ALL GOODS, IS CONSISTENT WITH DESIRED LAND USE PATTERNS, CONSERVES ENERGY, AND PROTECTS THE NATURAL ENVIRONMENT.

TRAFFIC CIRCULATION ELEMENT

3. Where extraordinary transit service such as commuter rail or express bus service exists parallel roadways within 1/2 mile shall operate at no greater than 150 percent of their capacity.

(b) Outside UIAs and STAs

1. Roadways shall operate at no greater than LOS D (90 percent of their capacity) except that State urban minor arterials (SUMAs) may operate at LOS E (100 percent of their capacity) ;
2. Where public mass transit service exists having headways of 20 minutes or less within 1/2 mile distance, roadways shall operate at or above LOS E;
3. Where extraordinary transit service such as commuter rail or express bus service exists parallel roadways within 1/2 mile shall operate at no greater than 120 percent of roadway capacity.

- 1C. The County shall, by 1989, maintain and enhance as necessary, a comprehensive traffic counting system for annually

monitoring the level of service on, at a minimum, the County roadway system.

- 1D. Issuance of all development orders for new development or significant expansions of existing development shall be contingent upon compliance with the Level of Service standards contained in Policy 1B.

- 1E. The County shall, to the maximum extent feasible, increase the efficiency of the existing thoroughfare system and reduce peak hour congestion by encouraging the application of low-cost transportation system management techniques including but not limited to the following:

- 1) Improved signal timing, and intersection signing, marking, channelization, and on-street parking restrictions;
- 2) Public transit, vanpooling, employer-base car pooling, and any other use of high occupancy vehicles;
- 3) Employer-based staggered and/or flexible work hours.

- 1F. Dade County shall formalize procedures and requirements for all development, regardless of size, to contribute its proportionate share of transportation facilities, or funds or land therefor, necessary to accommodate the impact of the proposed development.

TRAFFIC CIRCULATION ELEMENT

Objective 2

Rights-of-way and corridors needed for existing and future transportation facilities will be designated and reserved.

Policies

- 2A. The County shall continue to maintain and enforce, and shall enhance where necessary, the minimum right-of-way requirements as established in the *Public Works Manual* and in Chapter 33, Zoning, *Code of Metropolitan Dade County*, to ensure Countywide continuity of the thoroughfare system.
- 2B. The County shall require the dedication of the appropriate share of all necessary rights-of-way from all developments at the time of development.
- 2C. Advance rights-of-way shall be reserved or acquired, where necessary for future transportation improvements identified in the Traffic Circulation and Mass Transit Elements.

Objective 3

The County's transportation system will emphasize safe and efficient management of traffic flow.

Policies

- 3A. The County shall continue to assure provision of an adequate, properly designed and safe system for controlling vehicular accessibility to major thoroughfares through adopted design standards and procedures, which at a minimum address:
 - 1) Adequate storage and turning bays;
 - 2) Spacing and design of median openings and curb cuts;
 - 3) Provision of service roads;

- 4) Driveway access and spacing and;
- 5) Traffic operations.

- 3B. The County will continue to monitor high accident-frequency locations on the County highway system to identify any design improvements which may alleviate hazardous conditions and incorporate such improvements into the Transportation Improvement Program (TIP).

Objective 4

The Traffic Circulation Element will continue to be coordinated with the goals, objectives and policies of the Land Use Element, including the land uses, Urban Development Boundary and Urban Expansion Area designated on the Land Use Plan map, and with the goals, objectives and policies of all other Elements of the CDMP.

- 4A. The County shall maintain the Traffic Circulation Element consistent with the objectives and policies of the CDMP Land Use Element.
- 4B. The adopted Land Use Plan map shall be used to guide the planning of future transportation corridors to ensure the proper coordination between transportation planning and future development patterns.
- 4C. Dade County's priority in construction, maintenance, and reconstruction of roadways, and the allocation of financial resources, shall be given first to serve the area within the Urban Development Boundary of the Land Use Plan map. Second priority in transportation allocations shall support the staged development of the urbanizing portions of the County within the Urban Expansion Area. Transportation improvements which encourage development in Agriculture and Open Land areas shall be avoided, except for those improvements which are necessary for public safety and which serve

TRAFFIC CIRCULATION ELEMENT

Policies

- 7A.** The County shall promote and assist in the creation of a Countywide system of interconnected designated bicycle ways, and promote the implementation of the *Dade County Comprehensive Bicycle Plan* (CBP) by 1992.
- 7B.** The County shall encourage inclusion in, and review all plans and development proposals for provisions to accommodate safe movement of bicycle and pedestrian traffic, and facilities for securing non-motorized vehicles.
- 7C.** The County shall require the consideration of incorporating bicycle needs into the County's plans for any new road construction, widening or reconstruction project, where designated by the Bicycle Plan.
- 7D.** The County shall consider the use of utility easements and transit or railroad rights-of-way as locations for bicycle ways linking major urban activity centers.

Objective 8

Dade County's Traffic Circulation Element, and the plans and programs of the State, region and local jurisdictions, will continue to be coordinated.

Policies

- 8A.** Dade County shall annually review subsequent Florida Department of Transportation (FDOT) Five-Year Transportation Plans to ensure that they remain consistent with and further the Traffic Circulation Element and other Elements of Dade County's CDMP.
- 8B.** Dade County shall continue to coordinate local transportation planning of the Metropolitan Planning Organization (MPO) for the Miami Urbanized Area, and

specifically the MPO's development of the Long Range Transportation Plan Update, with the CDMP transportation planning process.

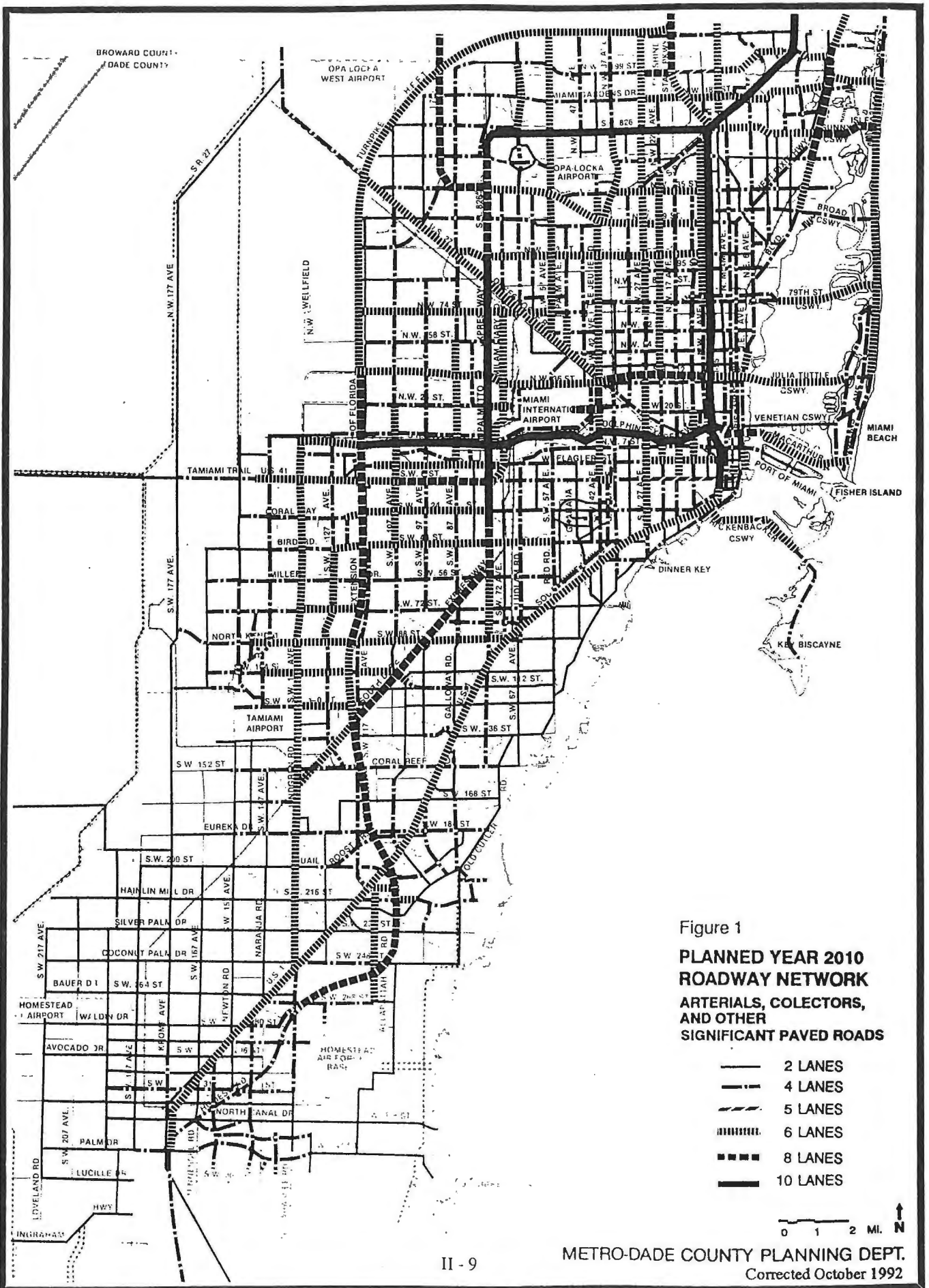
- 8C.** The County shall review the compatibility of the Traffic Circulation Element and coordinate it with the traffic circulation plans and programs of the municipalities in Dade County, adjacent counties, and the South Florida Regional Planning Council and shall cooperate in maintaining adequate inter-regional mobility.

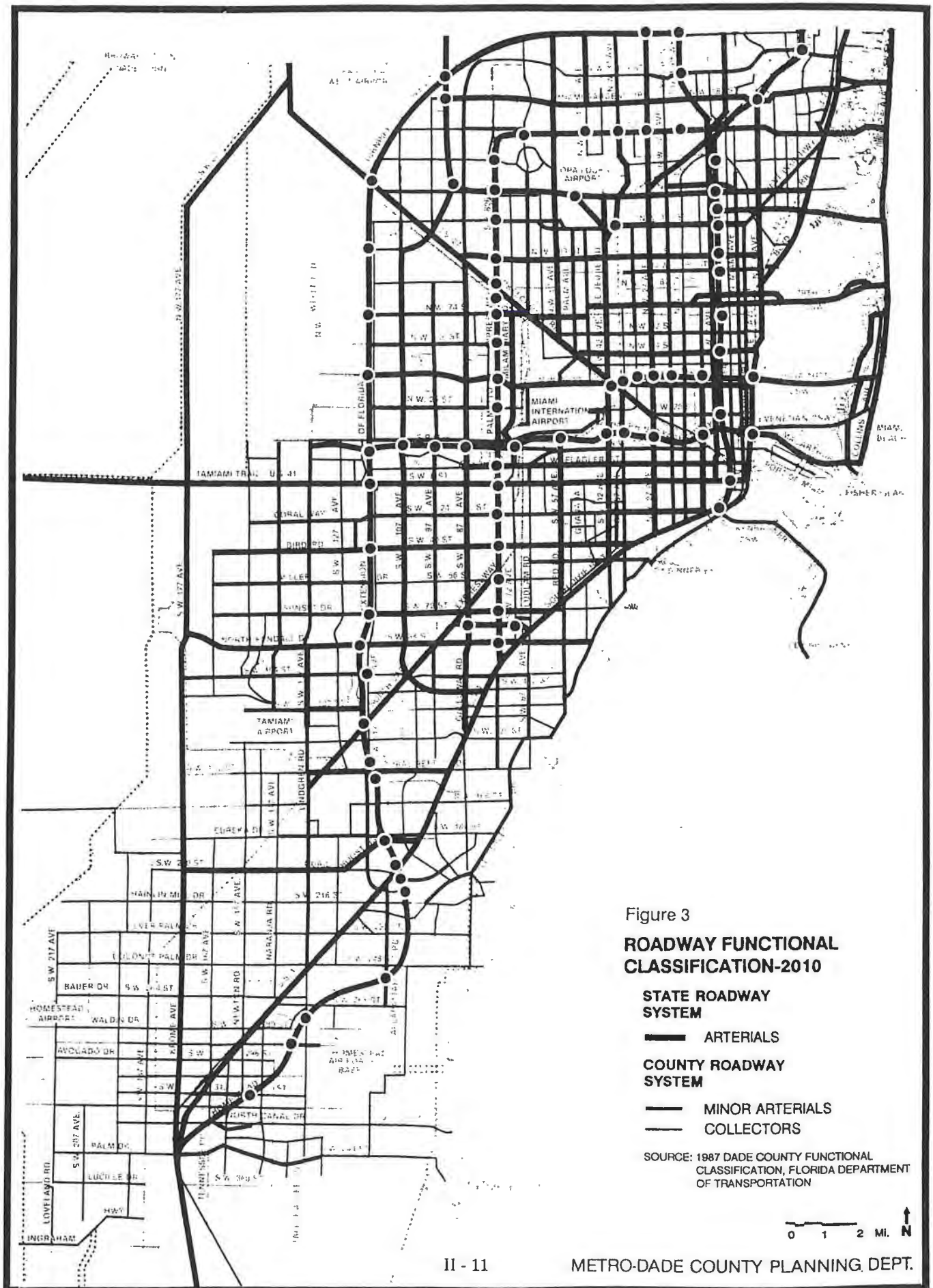
Future Traffic Circulation Map Series

The following series of future traffic circulation maps have been prepared to represent the long term transportation network proposed for the Year 2010. Figure 1, *Planned Year 2010 Roadway Network*, depicts the lane requirements for the Year 2010. It is the purpose of the map to identify generally, where future thoroughways will be located to serve future travel demand.

Figure 2, *Roadway Functional Classification - 1987* indicates the existing role that various roadways serve. The classification is established by the Florida Department of Transportation in accordance with State criteria and formulae. The classification of all State and County roadways is periodically updated by the State to reflect changing conditions. Accordingly, Figure 2 will be subject to amendment from time to time to reflect those updates.

Figure 3, *Roadway Functional Classification - 2010*, indicates the roadway classification for State and County facilities on the 2010 network. The classification of roadways indicate the role of the various roadways in meeting the future mobility needs and serving land uses as well as the jurisdictional responsibility. The functional classification of most arterial highways and expressways is not projected to change through time. Only in certain instances are existing roadways anticipated for reclassification. This oc-





Monitoring Program

In order to enable the preparation of the periodic Evaluation and Appraisal Report (EAR) as required by Section 163.3191, *Florida Statutes* (F.S.), the Minimum Criteria Rule (Rule 9J-5, *Florida Administrative Code* [F.A.C.]) requires that local comprehensive plans contain adopted procedures for monitoring and evaluating the Plan and its implementation (Sections 9J-5.005[1][c][5], and 9J-5.005[7], F.A.C.). In addition, successful implementation of level of service standards and requirements that services be available at the time of development, also require the maintenance or enhancement of monitoring and reporting programs.

This section of the Element outlines the substantive elements of Dade County's monitoring program pertinent to the objectives, policies and parameters referenced in this Element. It should be understood that the proposed programs or program improvements will be refined over time, particularly as experience is gained. Undoubtedly, by the time that the first EAR is prepared, the measures and procedures outlined herein will have been significantly enhanced to reflect practical experience.

The administrative requirements for monitoring and preparation of the EAR as outlined in Section 9J-5.005[7], F.A.C. are not repeated here. They are outlined only in the Land Use Element to avoid redundancy. The reader is referred to that Element for a summary of those procedural requirements.

Monitoring Level of Service Standards (Objective 1)

The primary focus of the traffic circulation monitoring program will be to monitor and evaluate the affect of the level of service standards, adopted as policy in this element, on the roadway network. Traffic Circulation Policy 1B establishes base level-of-service (LOS) standards for the State and County highway system in Dade County. For County minor arterial and collector facilities the LOS standard to be maintained is LOS "D" measured on a peak-hour

basis. On the State highway system the LOS standard to be maintained is "D" for limited access facilities and rural arterials and their urban extensions. For other State urban arterials the LOS standard is "E". For all facility types within Special Transportation Areas the base LOS to be maintained is "E" with no less than 20% of non-State facilities below "E". In addition, Policies 1B.(1),(2), and (3) allow certain facilities to operate below the base LOS standards under certain conditions. Prior to the issuance of development orders, a determination must be made regarding the impact of a proposed development on any roadway in relation to the adopted base LOS standards. In order to make such a determination, the County will, at a minimum, annually monitor and evaluate current LOS conditions on County and State facilities.

Currently, the County and State collect quarterly 24 hour traffic counts at selected sites on the transportation network. Based on these counts, the Dade County Public Works Department compiles a list of roads with their average daily traffic (ADT) every February for the previous calendar year's program. This current monitoring activity will be enhanced to include greater coverage of count locations on the County roadway network, conversion of County data into highway segment format, and calculation of volume-to-capacity ratios for highway segments. The County will coordinate with the State to ensure adequate coverage on the State highway system. The calculation of LOS will be performed using the methodology described in the Traffic Circulation Element until the general application of the generalized level of service tables for Florida based on the 1985 *Highway Capacity Manual* is accepted by the County for use. It is anticipated that a complete list of roadway segments with their LOS determinations will be prepared. Those roadway segments found to exceed the adopted LOS standards will be investigated to determine what mitigating actions would be necessary to bring that roadway up to the base LOS standard. The Public Works Department will continue to quarterly collect and tabulate the traffic counts and annually, in conjunction with the Planning Department, calculate LOS. A program outlin-

Puerto Rico's “Publico” System

*Miami-Dade County
Metropolitan Planning Organization (MPO)*

THE "PUBLICOS" SYSTEM



A PUERTO RICAN EXPERIENCE

Prepared by
the Metropolitan Planning Organization
March 2002

A JITNEY APPROACH FOR MIAMI-DADE COUNTY

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On January 28, 2002, the MPO Governing Board under Resolution # 10-02 authorized a trip to San Juan, Puerto Rico, for the MPO Board Members and staff to meet with officials of the Puerto Rico Department of Transportation and the Puerto Rico Public Service Commission concerning the regulations and operation of the privately operated San Juan public transportation system known as "publicos".



The group that attended the trip was composed of (from left to right):

- Mayor Joe J. Celestin, City of North Miami
- Jose-Luis Mesa, Director, MPO Secretariat
- Senator Gwen Margolis, Chairperson MPO Governing Board
- Danny Alvarez, Director, MDT
- Bill Johnson, Assistant County Manager
- Kate Kyle, Commissioner Katy Sorenson's Office
- Oscar Braynon, Commissioner Barbara Carey-Shuler's Office
- Ronald Krongold, MPO Board Member
- Gary Donn, FDOT District 6

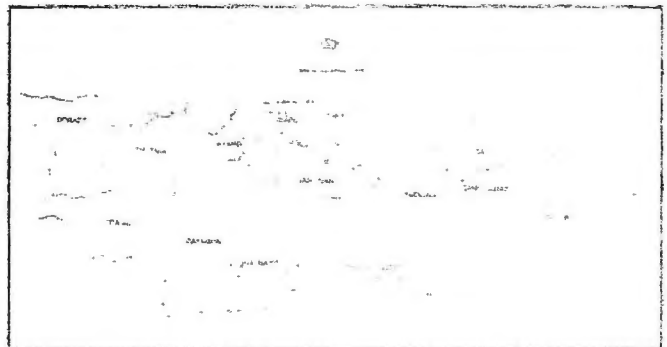
Additionally, joining the group is Gabriel Rodriguez, Assistant Secretary for Planning from the Puerto Rico Department of Transportation, who served as the host for the group.

Puerto Rico's fixed-route, semi-scheduled owner-operated and demand responsive "publico" passenger transportation system is unique within the territorial United States. There are similar jitney operations in other U.S. cities, but none larger and with the success that "publicos" have had in Puerto Rico.

Tale of Two Cities

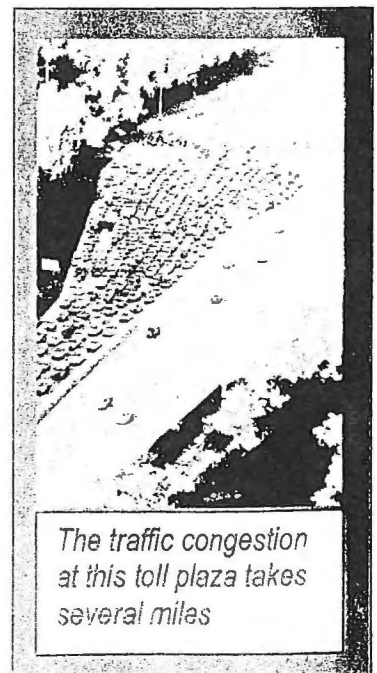
San Juan Metropolitan Area

The San Juan Metropolitan Area is composed of twelve (12) municipalities: Dorado, Toa Alta, Toa Baja, Cataño, Bayamon, Guaynabo, San Juan, Carolina, Trujillo Alto, Loiza, Canovanas and Rio Grande.



Highlights

- Close to 1.4 million people
- Over 3.2 million total trips per day
- About 4,300 cars per square mile

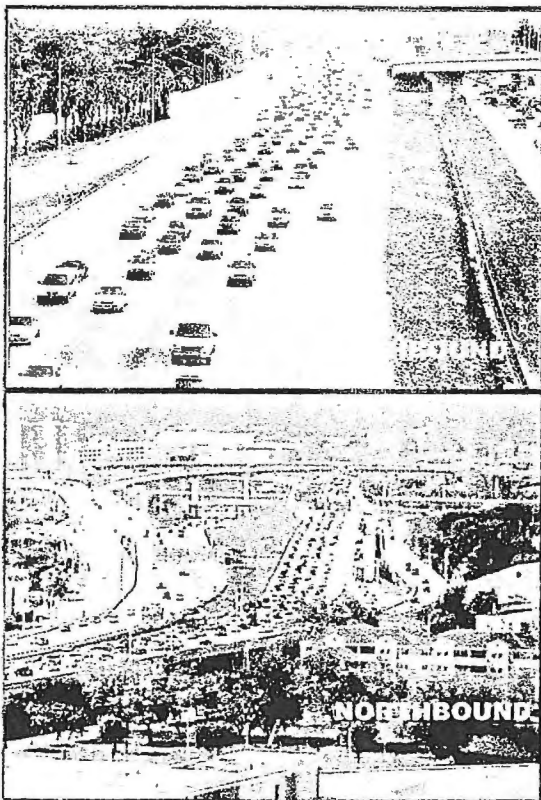


The traffic congestion at this toll plaza takes several miles

In addition to the "publico" system, there are other transportation modes serving the SJMA, including: buses, a ferry system, municipal circulators, special transportation services and the future rail system called "Tren Urbano" which is expected to start operation in late 2003.

Miami Urbanized Area

- Close to 2.2 million people
- Total registered vehicles is 2.4 M
- About 1,244 vehicles per square mile
- A total of 7.3 million of trips per day



Traffic along I-95 can be as worst in the morning as in the afternoon peak-periods.

Trip Schedule

1. Wednesday, February 20, 2002

Arrival to Puerto Rico.

2. Thursday, February 21, 2002

In the morning the group met with:

- a. Puerto Rico Department of Transportation (PRDOT)
- b. Puerto Rico Highway and Transportation Authority (PRHTA)
- c. Metropolitan Bus Authority (MBA)
- d. Public Service Commission (PSC)

In the afternoon, a field trips was conducted to visit publicos' facilities and operations.

3. Friday, February 22, 2002

Meeting with Tren Urbano Officials
Visit to Rio Piedras Station (underground)
Brainstorming Session
Departure from Puerto Rico



From left to right: Mr. Jorge Esteban (PSC), Adaline Torres, President MBA, Eng. Fernando Fagundo, Executive Director PRHTA, Hon. Jose Izquierdo, Secretary PRDOT and Gabriel Rodriguez, Assistant secretary for Planning welcoming the visitors.

Puerto Rico Department of Transportation (PRDOT)

**By Honorable Jose M. Izquierdo Encarnacion,
Secretary of Transportation**

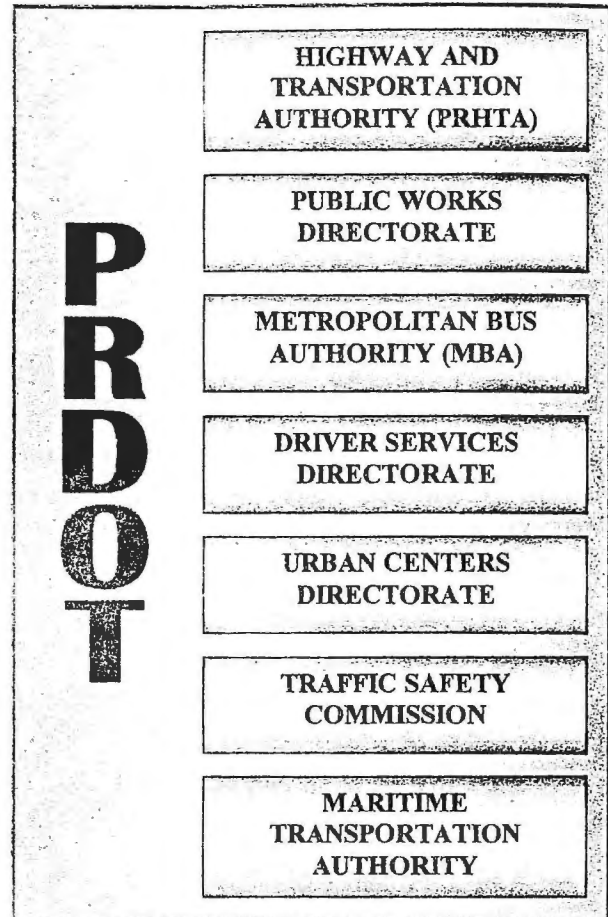
According to the Secretary the goals of the PRDOT are focused on providing:

- A safe, integrated, efficient and reliable system, with a diversity of travel alternatives for the majority of the citizens.
- Social justice for the people that lack adequate transportation alternatives.
- Encourage those people that invest a considerable amount of their income in the operation and maintenance of their automobiles, as their only mode of transportation, to use public transit.



*Hon. Jose M. Izquierdo,
Secretary PRDOT*

In Puerto Rico, the government is divided in two sectors: central government (State) and local governments (Municipalities). Contrary to Florida, there are not counties as a sub-divisional jurisdiction. As a result, the PRDOT is an "Umbrella Department" with the following organization:



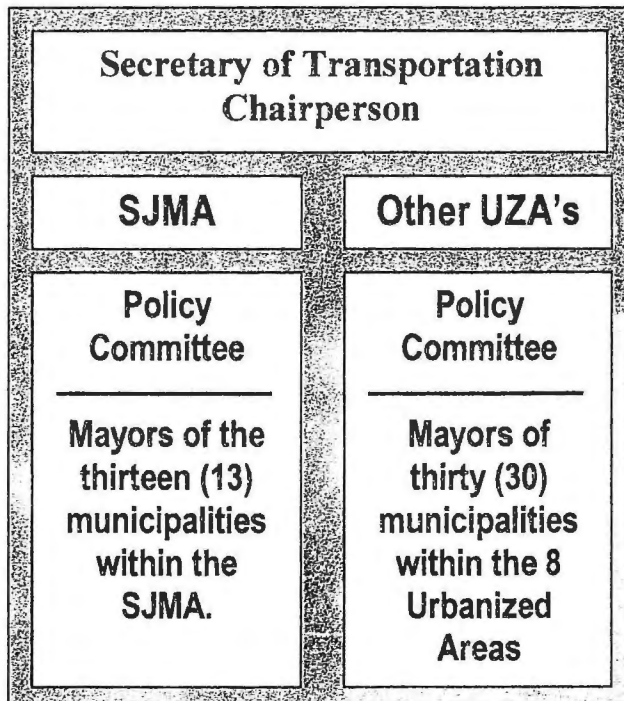
The Secretary is appointed by the Governor. Once appointed, the Secretary appoints the members of the other agencies under the PRDOT. The Maritime Transportation Authority (MTA) includes the seaport and aviation departments.

Under this organization, the Metropolitan Planning Organization (MPO) is a division that responds to the Assistant Secretary for Planning. Basically, the PRDOT is the MPO for the nine (9) urbanized areas in Puerto Rico. The Secretary of the PRDOT is the Chairperson of the Board.

Due to the large area covered by the MPO, this is divided in two groups that have parallel functions.

The San Juan Metropolitan Area (SJMA) and the rest of the other eight (8) urbanized areas In both groups, the Secretary is the Chairperson.

MPO



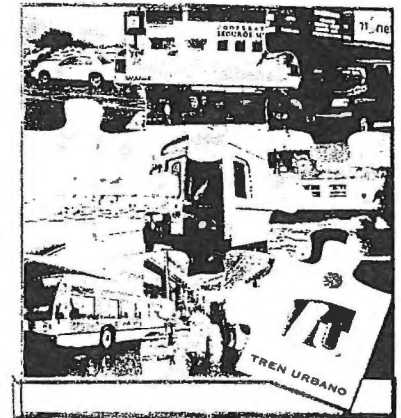
These committees meet once or twice a year as needed. Additionally, there are two (2) Technical Committees composed of representatives of the same municipalities and agencies that meet more frequently.

As indicated by the Secretary, permanent citizens participation committees have not been successfully implemented. However, There is a Transportation Advisory Board that advises the Secretary on policy issues that includes two private citizens appointed by the Governor.

The main goal of the Secretary is to integrate all transportation modes serving the SJMA. The rail system known as "Tren Urbano" will be the spine of this multimodal system. The other modes will provide services in those areas not served by Tren Urbano, and will serve as feeders to the Tren Urbano within its corridor.

These modes includes.

- Buses (public operated)
- Metrobus (bus corridor privately operated)
- Municipal Shuttles
- Paratransit services
- Publicos
- Bicycle
- Pedestrian
- Acuaexpreso (water ferries)



Regarding the "Publicos", the Secretary plans to incorporate them as part of the structured multimodal transit systems. Actually, the "Publicos" do not receive any government financial support. This new approach will totally change the traditional contribution of the "Publicos" to the system.

As the Secretary indicated, this approach is needed to bring the "Publicos" as partners to the proposed "Tren Urbano" system. This will require improvement in the condition of the vehicles, assuring service reliability in terms of schedule and coverage, marketing to improve their public image and service, access to bus rapid transit corridors, market studies, provision of handicap equipment and other incentives, including a potential subsidy, among others.



"Publicos" waiting for passengers at one of their terminals. This picture shows different "Publicos" vehicle capacity (from 7 to 18 passengers).

Puerto Rico Highway and Transportation Authority (PRHTA)

By Dr. Fernando Fagundo, Executive Director



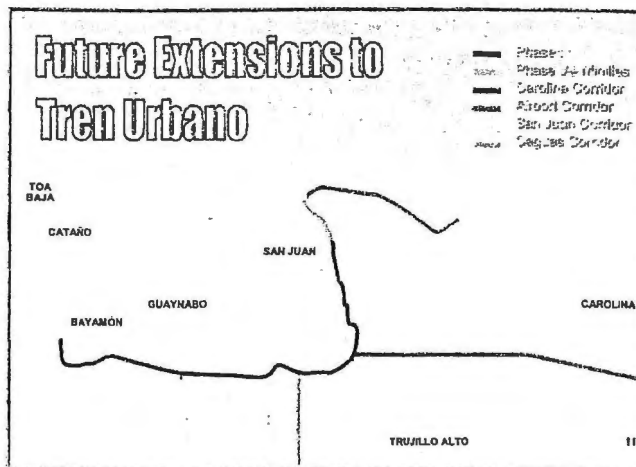
The PRHTA is the implementing arm of the Department of Transportation responsible for the planning, design, construction and maintenance of the

highway system, development of ITS systems, and implementation of the "Tren Urbano", among other functions. Additional responsibilities were added to the agency to provide public transit services within the SJMA. The PRHTA is a designated recipient of both the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA).

In this regard, the PRHTA has taken the lead in all aspects of the development of the "Tren Urbano". Some facts about the rail system are:

- 10.5 miles in length
- 16 stations and storage and maintenance yard
- Approximately 30 minutes travel time from end to end
- The alignment include elevated, at-grade and underground sections

- Expected ridership 115,000 passengers per day
- Estimated cost \$1.9 Billion

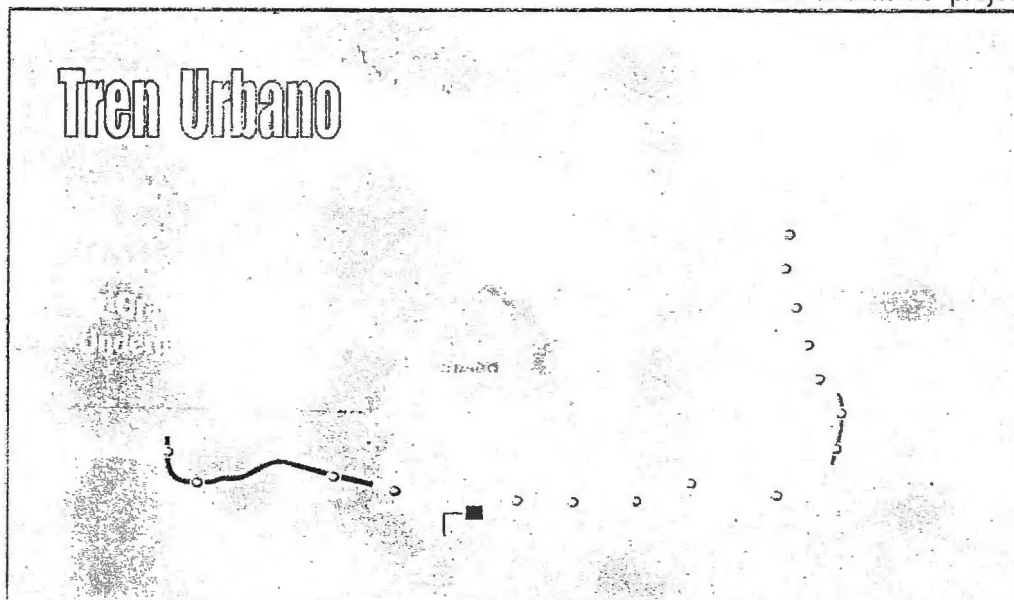


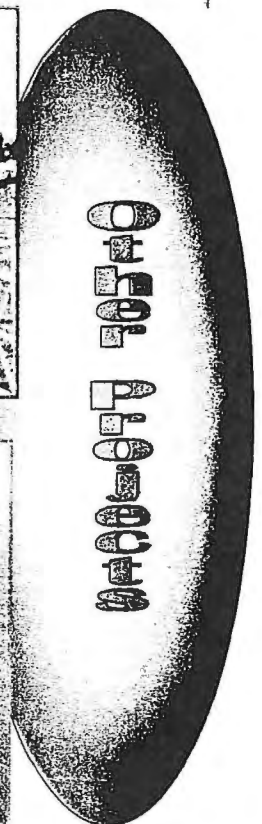
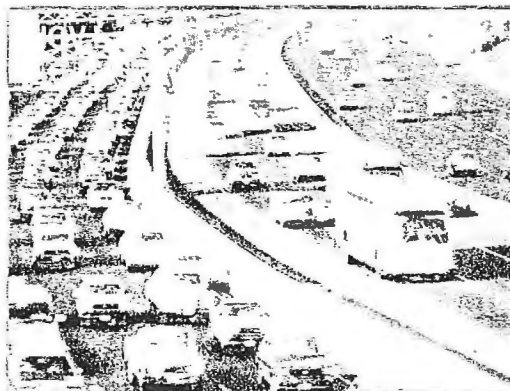
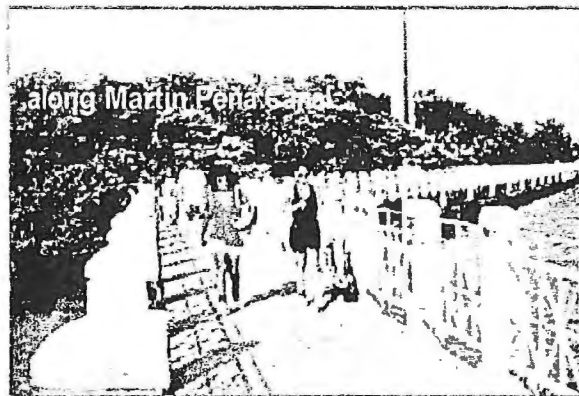
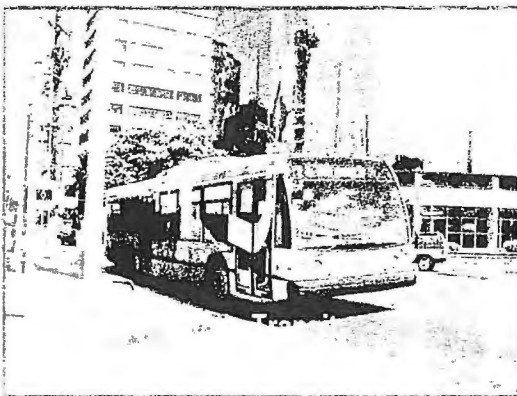
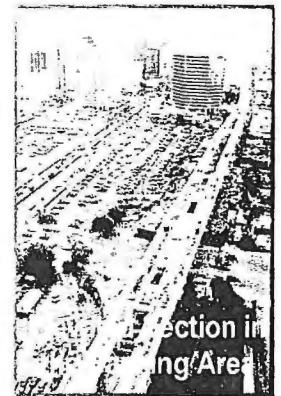
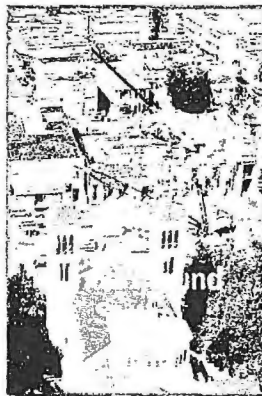
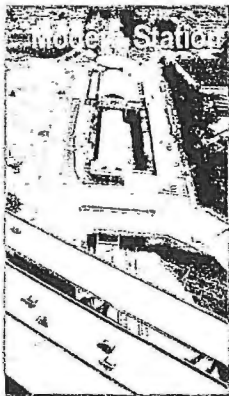
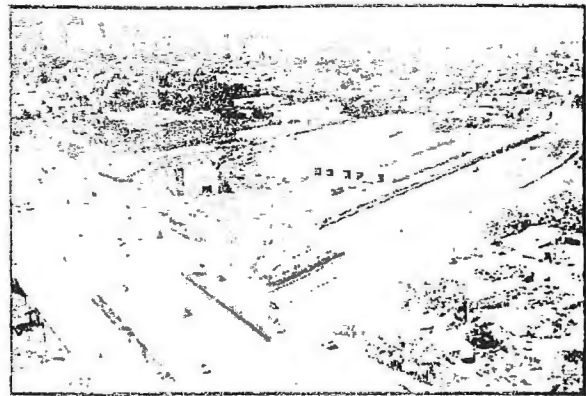
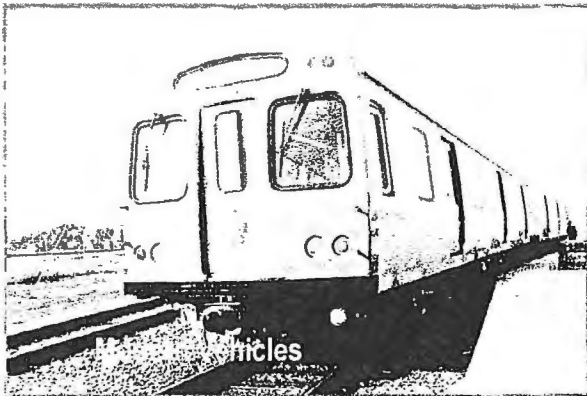
As indicated by the Dr. Fagundo, the PRHTA is willing to pay for the construction and operation of the "Tren Urbano" but also for the additional costs involved in the integration of the Metropolitan Bus Authority, as well as the "Publicos" for the success of the system. This is a combined effort to provide an integrated transportation service for the SJMA.

The PRHTA is taking other actions to improve accessibility and connectivity to the "Tren Urbano" and alleviate traffic congestion in the highway system. Construction of over 15 park & ride facilities, expansion of the HOV lanes, promote transportation enhancement projects, implementation of the ITS

network and the establishment of urban policies to promote the revitalization of urban centers and the surrounding areas of the rail stations, are some of the measures that have been taken to guarantee the success of the multimodal transportation system for the SJMA.

Following are some pictures to illustrate the work done in these areas by the PRHTA.





Puerto Rico Metropolitan Bus Authority (MBA)

By Adaline Torres, President and General Manager

Until 1991, the MBA was the exclusive government agency authorized by law, to provide public transportation services within the San Juan Metropolitan Area (SJMA). In that year, the law was amended and the Puerto Rico Highway Authority, became the Puerto Rico Highway and Transportation Authority (PRHTA) to share that responsibility with the MBA. This change in policy was based on the need to implement the "Tren Urbano" and the privatization of some transit routes, known as Metrobus System.

The PRHTA had the technical and financial capabilities to take that challenge. Currently the MBA is providing operating and maintenance services in one of the corridors of the Metrobus System.

In 1942, the Transportation Authority was created. Then, in 1957 was created the Metropolitan Bus Company as a subsidiary of the Ports Authority. Finally in 1959, the Metropolitan Bus Authority was created and in 1973 was ascribed to the Department of Transportation and Public Works.

The MBA has over 1,242 employees where 83% are grouped in two labor unions. The agency counts with a main garage and administrative facility and 9 bus terminals located with the SJMA. Some of the operational characteristics are:

1. Municipalities served: 7
2. Fleet size: 247 vehicles
3. Buses in service: 188 vehicles
4. Routes served: 30
5. Service: 7 days a week
6. Fare: \$0.50 (Metrobus)
\$0.25 (other routes)
7. Ridership: 120,000 pass./day
8. Paratransit fleet: 54 vehicles
9. Fare: \$0.50 to \$2.50

Under the new visions and policies established by the PRDOT, the Secretary has assigned the MBA the responsibility to negotiate with the organizations that grouped the "publicos" the integration of this mode to the proposed multimodal system. This is a very difficult task, taken into consideration the fact that for so many years "publicos" operators have seen the MBA as its "public enemy #1". However, negotiations are ongoing and hopefully, by the start of the services of "Tren Urbano", both MBA's buses and "publicos" will be feeding the system.



Visitors and staff from Miami-Dade County and Puerto Rico during the presentations conducted by Adaline Torres, President and General Manager of the MBA.



Senator Gwen Margolis addressed the group appreciating all the attentions during this session.

Puerto Rico Public Service Commission (PSC)

By Jorge Esteban

The PSC was created by the USA Congress as part of the Jones Act in March 12, 1917. On June 28, 1962, the PSC Law was changed, today is known as the Public Service Act (Law # 109). The law has gone through several amendments to meet the needs of the progress. The PSC has 25 regulations, including 18 related to transportation services. An authorization or license is required from the PSC for any person or entity who want to do business in the area of transportation, regarding:

- Passengers
 - ✓ Public transit
 - ✓ Tourist/Limousine transportation
 - ✓ Taxis
 - ✓ School transportation
- Cargo (all types)
- Hazardous materials
- Ambulances (all types)
- Boats and rental vehicles, and
- Public warehouses

In reference to "Publicos", the inventory of the PSC indicates a total of 11,466 authorized vehicles (5 to 17 passenger vehicles) islandwide. The first "Publico" franchise was authorized in 1907, between the municipalities of San Juan and Caguas.

Within the SJMA as defined by the MPO, there are over 10,000 "Publicos" serving more than 175 routes. Most of the routes operate as individual entrepreneurs. In the 70's, an amendment was made to create the Fixed Route Law and the Medallion Law. The first one establishes a fix route to "Publicos" with an origin and destination for each trip. Any change to this route must be authorized by the PSC. The Medallion Law provides financial assistance to owners for purchasing vehicles. This assistance acts as a warranty loan by the government.

The PSC has being developing strategies for improving the education of "Publico's" drivers. Federal funds have being allocated for that purposes.

Administratively, "publicos" are divided into two groups as reflected by the license plate. Vehicles assigned "PD" plates indicate that the operator is the owner and sole authorized driver of that vehicle. Based on local tax regulations, "PD" vehicles are exempted from the vehicle taxes. Vehicles assigned with a "P" plates indicate that the owner may lease the vehicle to other authorized drivers. In this case, vehicles are provided with up to 20% tax exemptions.

Most of the "publicos" operators are self-employed, organized in collective units such as associations, cooperatives, unions or federations. The PSC has regulatory authority over "publicos" regarding: permitting, inspection, capacity and fares. "Publicos" routes are established by the initiative of the operators based on market demands.

"Publicos" statistics according to a study conducted in 1992:

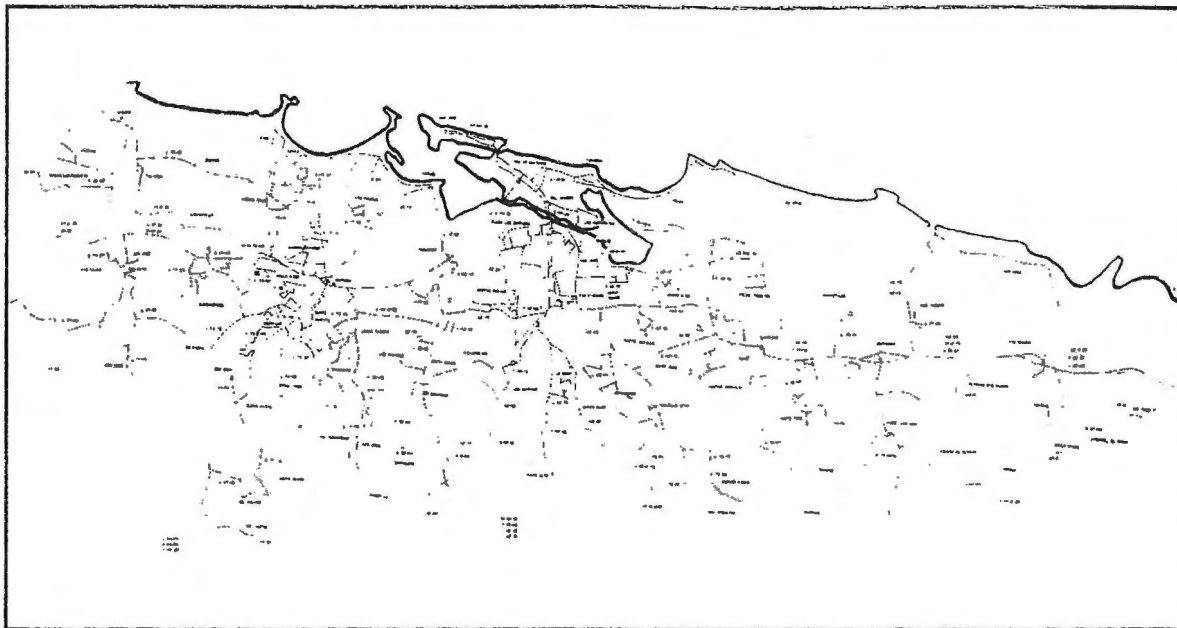
1. Over 175,000 daily passengers
2. Average vehicle occupancy is 11.5 pass.
3. More than 15,000 daily vehicletrips within the SJMA
4. Approximately over 2,300 route miles

In Puerto Rico the "Publicos" System is an integral part of the transportation planning process. In the development of the Long-Range Transportation Plan, "publicos" routes are coded in the urban transportation model and results are obtained and used for long-range planning purposes like the others transportation modes. Probably, Puerto Rico is the only place where this condition can be analyzed.

The federal government is aware of the contribution of the "publicos" to the Puerto Rico's economy. "Publicos" qualify for participating in the FTA Section 15 Reporting System.

"PUBLICOS" TRANSPORTATION SYSTEM

OVER 40 ROUTES AND 3,000 VEHICLES SERVING THE SJMA



MIAMI-DADE COUNTY

JITNEY AUTHORIZED OPERATOR

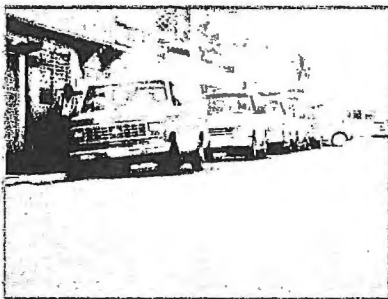
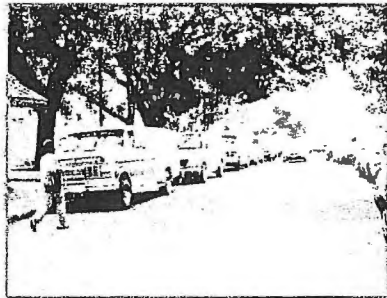
1. American Jitney
2. Conchita's Transit Express
3. Dade Jitney
4. Excel Transportation, Inc.
5. Florida Jitney Transportation
6. King Jitney, Inc.
7. Liberty City Jitney
8. Marcello Jitney
9. Metro Mini-Bus
10. Miami Mini-Bus
11. Miami Mini service
12. Sun Jitney
13. Tri-Rail Bus Connection

**These authorized
operators may have one or
more routes in service and
over 300 vehicles in
operation**

Visiting "Publico" Facilities

Many of the "Publicos" routes do not have appropriate facilities. Usually, vehicles are parked along a local street waiting for passengers at the end of the routes. These locations known as "stands" are authorized by the appropriate municipality. No physical facilities for drivers or passengers are available.

Some of these locations have shadows to protect people from weather.



However, others do not have that benefit...

In the 80's, the concept of building "Publicos" Terminals started a new era for "Publicos". Several municipalities applied for federal funds to provide these facilities for "Publicos". This not only help to organize them, but eliminated traffic congestion from local streets, provided additional on-street parking and centralized "Publicos" operations in one building.

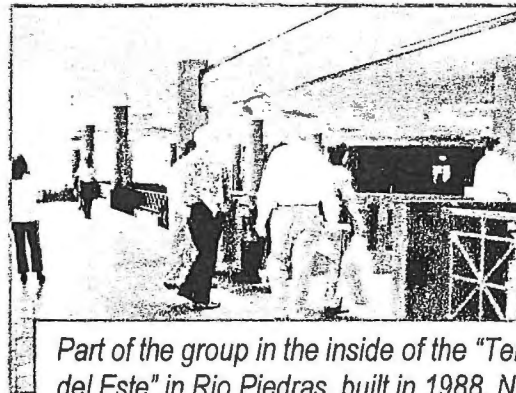
Additionally, these facilities included:

- Passengers amenities
- Stores
- Rest rooms
- ADA accessibility, and
- Terminal for each route, among other things

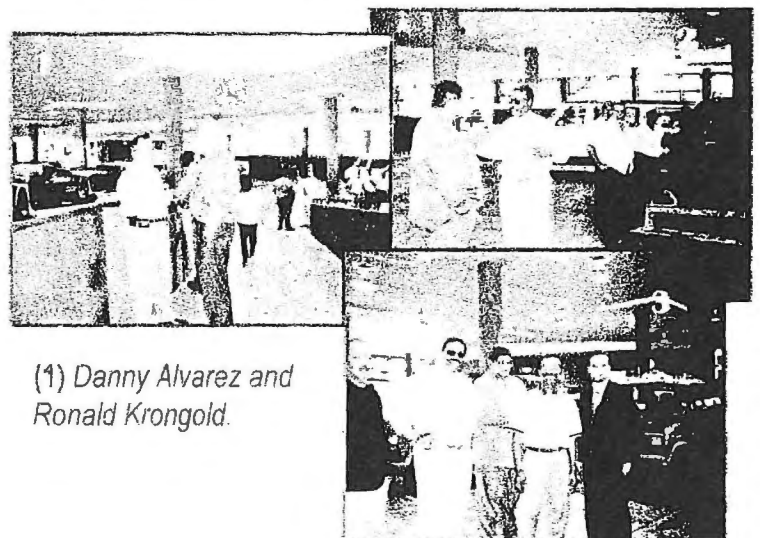
Today, most of these facilities are integrated with other transportation modes, such as buses, taxis, water ferry and municipal shuttles. In others, the use of the terminals are shared with other activities.

Following is a photo gallery of the visit to some of these facilities...

...Rio Piedras Publico Terminal



Part of the group in the inside of the "Terminal del Este" in Rio Piedras, built in 1988. Notice the green signs directing the passengers to the appropriate route location.



(1) Danny Alvarez and Ronald Krongold.

(2) Jorge Esteban (PSC) and Oscar Braynon talking while observing Publico's drivers.

(3) M. Ramirez (Administrator of the Terminal), Oscar Braynon, Jorge Esteban (PSC), Mayor Joe J. Celestin and Jose Miranda (PSC) while leaving the Terminal

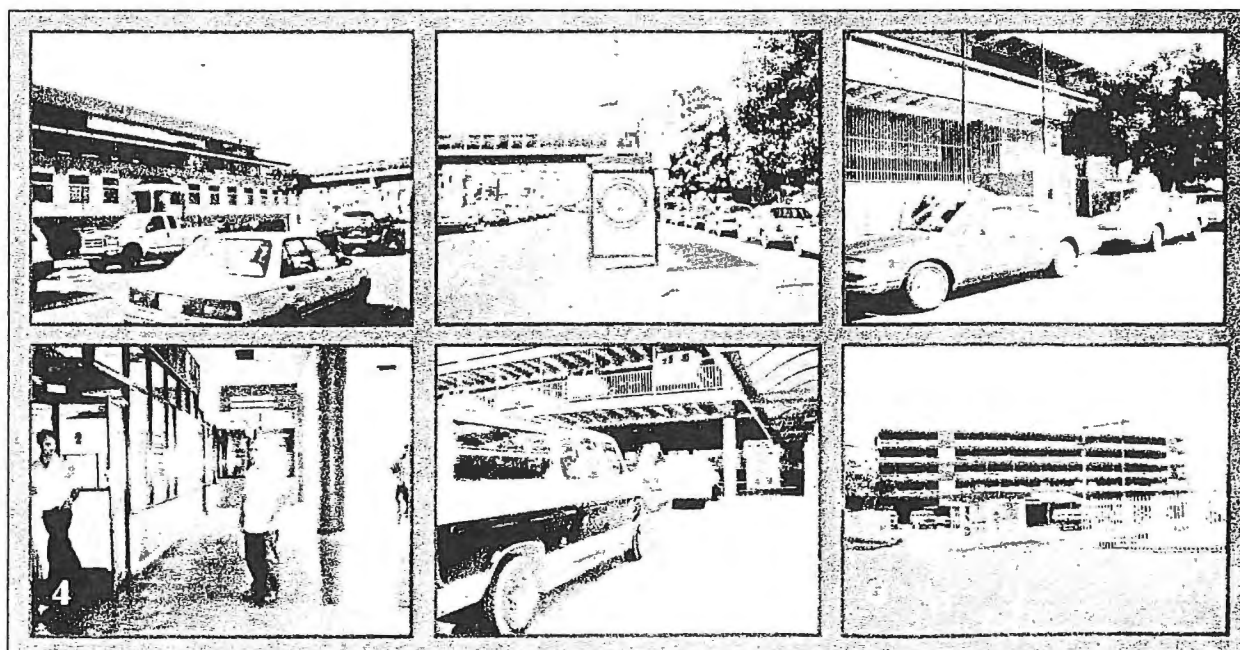
For more than 30 years, municipalities in Puerto Rico have been establishing transit circulators to help general public to meet their local transportation needs. These circulators are called "trolleys" and run through local arteries connecting government and major activity centers. The vehicles are purchased using a combination of federal and local funds. Municipalities operate the trolleys at their own cost. The service is free of charge for riders.



- (1) Typical Trolley Vehicle.
- (2) Mayor Joe Celestin, Board Member Ronald Krongold, Bill Johnson and Chairperson Gwen Margolis enjoying the trip.
- (3) Group entering a bus terminal located two blocks from the "Publico" terminal. These two facilities are connected by the Trolley.

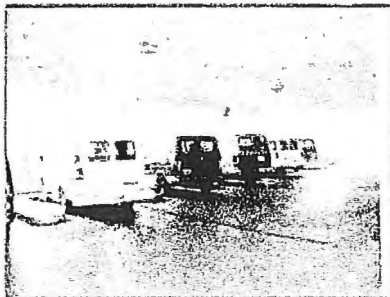
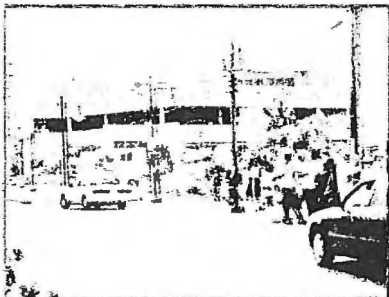
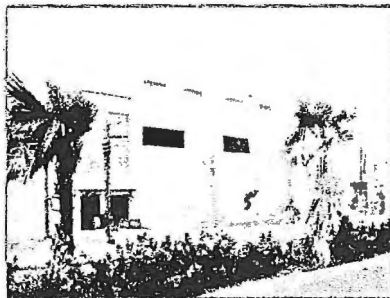
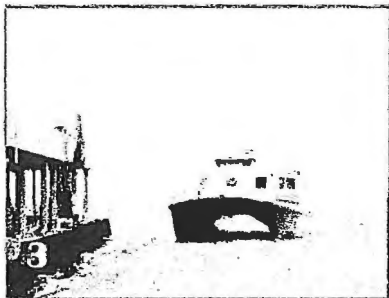
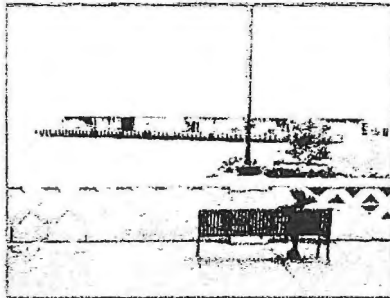
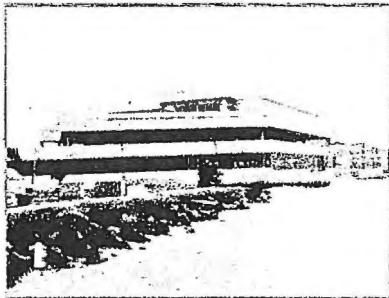
Bayamon Publico Terminal...

Every terminal may have its own characteristics to meet the demand of the public. Locations are very important to determine the capabilities of the terminal. In Bayamon, this terminal integrates "Publico", taxi and buses in the same facility as well as a public market through a pedestrian bridge (1). Facilities are provided at the main entrance to connect buses (2) and taxis (3) to the terminal, while "Publicos" operation is in the back of the building (4). Additionally, this terminal has stores and other amenities for passengers (5). Picture (6) shows the 5-story Bayamon Terminal.



Cataño Publico Terminal...

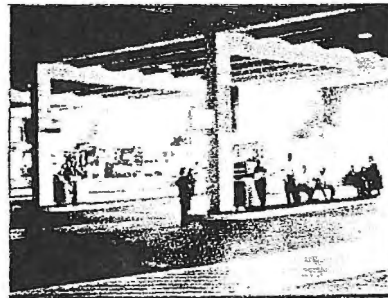
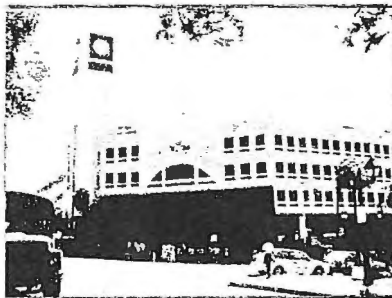
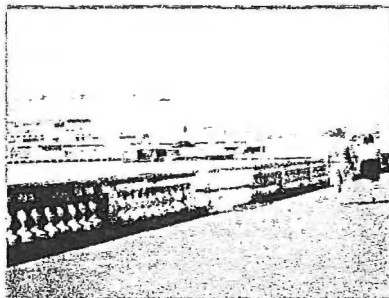
Different from the other two terminals, the Cataño Publico Terminal has some special characteristics that should be mentioned in this report. The project was funded with Federal funds and the local match was provided by the municipality. However, this Terminal has dual functions, during the day is used as a "Publico Terminal" but at night the Municipality uses the facility for special activities. The third floor is used as a convention center with all facilities for meetings and receptions. The spectacular view of the bay provides an additional attraction for visitors and parking is not a problem. The Municipality of Cataño was approved by FTA for this use and paid for the construction saving thousand of dollars in the process.



- (1) Cataño terminal, where the first two levels are for "publicos" and the third level is the facility used by the municipality for special activities.
- (2) One block from the terminal, the water ferry terminal is located, integrating both modes. Public parking is available.
- (3) Ferry boat that cross the San Juan Bay is docking at the terminal.
- (4) Front view of the "Publico" terminal.
- (5) Another view of the terminal showing the location of the bus stop in front of the ferry terminal.
- (6) Parking arrangement inside the terminal.

This location integrates "publicos", buses, water transportation, taxis, parking facilities and passenger amenities within less than five minutes walking distance.

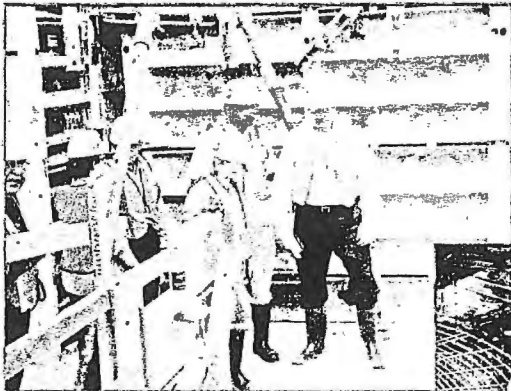
On the other side of the bay (San Juan) the ferry terminal is integrated to cruise ships, tourism facilities and a bus terminal that combines public and privately operated transit routes within the same building.



Tren Urbano...



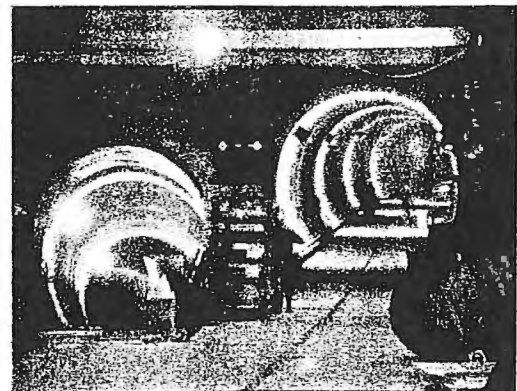
During this visit to Puerto Rico, the group had the opportunity to visit the construction of the Rio Piedras underground station. An explanation was given to the group regarding the different phases of the project and the techniques used for the construction of the underground section.



Headed by Sen. Gwen Margolis the group goes down to visit the gallery and platform of the proposed Rio Piedras Station.



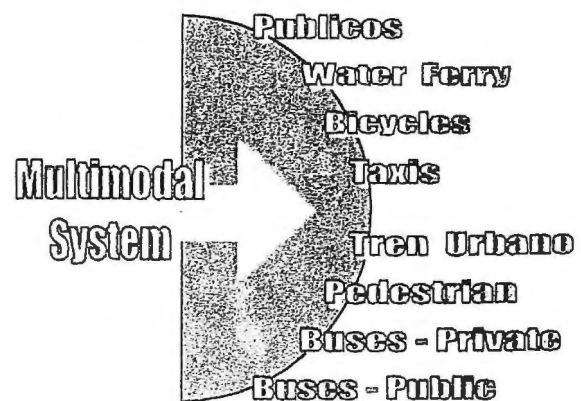
At this station, a future expansion of Tren Urbano is proposed to serve the eastern part of the SJMA. Tunnel extensions were already built as part of this first phase. The tunnel on the right is the westbound direction to be in service by 2003 (tentatively scheduled), while the left tunnel is the eastbound extension for the future expansion.



The time of this visit to Puerto Rico to observe "Publicos" operation was in the middle of a lot of changes. A new government took place last year and new visions and approaches regarding transportation policies are in the implementation process, as indicated by the Secretary of Transportation. The major changes in these areas are as follows:

1. Although the "Tren Urbano" (TU) is the main transportation project under construction, additional actions shall be taken to guarantee the success of the project and continue providing good public transit services in other areas not served by "Tren Urbano".
2. The Metropolitan Bus Authority (MBA) will feed TU, but needs additional resources (buses) to continue providing good service within the SJMA. Therefore, it's imperative to bring the "Publicos" to this scenario.
3. Under this situation, the PRDOT created a plan to integrate buses (public and privately operated) and "publicos" to TU. This plan is ongoing and extensive negotiations are being taken with the two organizations that group most of the "publicos" islandwide.
4. A committee was created to initiate this process, and the MBA is taking the lead in this contacting and negotiating with the "publicos". In addition to the MBA, this committee includes representatives from the PRDOT, the Puerto Rico Highway and Transportation Authority (PRHTA) and the Public Service Commission (PSC).
5. The PRDOT is willing to provide incentives to "publicos" to incorporate them along TU service area. These incentives should include some kind of operating subsidy. However, if this is agreed, they have to comply with other service requirements, such as:

- a. Provide service at night and weekends.
 - b. Implement a fix schedule.
 - c. Improve quality of the vehicles.
 - d. Comply with ADA requirements, as appropriate.
6. Among the incentives proposed by the government are:
 - a. Low interest loan for purchasing vehicles
 - b. Monthly flat rate subsidy for A/C vehicles
 - c. Tax exemption
 - d. Operating subsidy
 7. Currently, the PRHTA is providing public transit services through the Metrobus System. These are high frequency corridors (5-minutes headway) where the agency establishes minimum service requirements and opens a bidding process. There are two contracts in place separately operated by a private contractor (first phase) and MBA (second phase). The PRHTA purchases the vehicles and the contractor operates them on a fixed route. Based on the success of these projects, the Executive Director of the PRHTA indicated, that they are also willing to provide the operational subsidy to those "publicos" organizations that will join this integrated effort.



The "Publicos" in Puerto Rico have been serving the island for more than 90 years. Although the system has changed through the years, and the law has been amended to improve service and working conditions, in essence its operating characteristics have not changed in concept. They are the major public transportation carrier regarding number of vehicles and movement of passengers.

Miami-Dade County can benefit and learn from Puerto Rico's experience in managing "publicos" and improve existing public transit services within the County. This is not easy work, and it will require additional actions before considering the establishment of new jitney's routes or expand the actual services provided by the private sector.

No matter the changes that Puerto Rico is actually considering to improve the service provided by the "Publicos", for more than 90 years they have been operating without any government subsidy. No other mode has survived for so many years under these conditions. Definitely, the system has shown its capabilities to succeed.

Facts to know...

Before proceeding with recommendations, it is necessary to clarify several issues regarding the "publicos" operation in Puerto Rico.

1. Actually, "publicos" are not receiving any operating subsidy from the government.
2. In addition to the "Medallion Law" mentioned before, there are two indirect benefits associated with its operation:
 - a. When the vehicle is purchase by the owner and he will be the only authorized driver, vehicle tax is not included.
 - b. "Publicos" Terminals are financed through a combination of funds that include federal, state and municipal moneys.

3. Since the 70s when the Fixed Route Law was created, the PSC has been very active in expediting new permits and authorizing the number of vehicles per route. Unfortunately, due to the lack of personnel and technical capabilities, the inspection of vehicles and monitoring of service have been poor.

This situation has created a vehicle overcrowding of some routes. As a result, the balance established by the supply-demand relationship is not working, and many operators have had to look for another source of funding.

4. Additionally, there are two other factors that have contributed to this situation:
 - a. First, purchasing a private car, has become less burdensome.
 - b. Second, the improvements made to the highway system that encourages the use of private cars.
5. The fact that the "publicos" are not continue growing as in the past, does not means that the system is "dying" or that they are not providing a good service. As previously indicated, the "publicos" system is still the most used transportation mode in the island.
6. For many years, "publico's" operators have been looking for an opportunity to obtain some kind of government subsidy. Now, this opportunity has come to a reality. The construction and operation of "Tren Urbano" (TU) require an integration with other transportation modes. "Publicos" are needed because the MBA does not have the resources (vehicles) to exclusively provide the feeder service to TU

- 7 As indicated, "publicos" operate on a fixed route, therefore, changing the existing routes to serve TU may create additional problems, such as: losing patronage, increasing operating costs and uncertainty regarding future services. All these factors have come to a point that negotiation is the best solution.

As indicated during the visit to Puerto Rico, this process was recently initiated and detailed results have not been produced.

More pictures of the trip...



At the terminals, each route has its own stand duly assigned by the municipality. Appropriate signs are located to identify the routes. Publico's driver needs training to understand the importance of their services to the community.



Although mentioned that transit is the enemy #1 for "publicos", this scene can be seen at every transit terminal (buses and "publicos"), passengers go from one mode to other without any problem. Integration is done by providing adequate transfer facilities.



One of the supervisors at "Tren Urbano" explains to participants of the trip details about the construction of the tunnel.



Developing a Plan...

After more than 90 years and over 11,000 authorized vehicles, Puerto Rico is facing now a new approach to integrate the "publicos" to the "Tren Urbano" (TU). Basically, this integration is being forced by the needs of the government due to the actual conditions of the proposed multimodal transportation system. The TU is a rail system that is being built in its first phase with future extensions to the northern and eastern regions of the SJMA. In order to be successful, the MBA and the "publicos" have to feed TU. However, the benefits of the negotiations conducted between the MBA and the "publicos" is just for those operators that will be integrated to the system.

Based on these experiences, Miami-Dade County should consider the implementation of a pilot or a demonstration project to test the capabilities of an expanded jitney system. We can start from scratch and develop several scenarios, including different operating options.

A scope of work is attached as Appendix "A" with the purpose to provide a mechanism for implementing the demonstration project. Although different scenarios could be considered, a basic work must be conducted to determine the areas and/or routes more appropriate for implementing this demonstration project.

Following are three potential scenarios:

Scenario #1...

Miami-Dade Transit (MDT) will develop a Request for Proposal (RFP) for contracting jitney's services for specific routes.

Scenario #2...

Miami-Dade Consumer Services Department (CSD) will coordinate with authorized operators to provide public transit services within the areas and/or routes determined to be served as part of this demonstration project.

Scenario #3...

Miami-Dade Consumer Services Department (CSD) will issue temporary permits for potential individuals interested in participating in this demonstration project.

A detailed evaluation should be conducted to define the advantages and disadvantages for each scenario. Long and short terms plans should be developed to create a well balanced system where all players involved in this partnership can benefit from this initiative.

Potential players to be involved in the development of this plan...



LIST OF APPENDICES

- "A" ... "PUBLICOS" STUDY - Scope of Work**
- "B" ... Trip Agenda**
- "C" ... List of Participants in the Meetings**
- "D" ... PRDOT's Publicos Perspective**

*Miami-Dade County
Metropolitan Planning Organization (MPO)*

Expansion of Public Transit: A Jitney Approach

OBJECTIVE:

To develop detailed scenarios to increase participation of the private sector in providing transit services within Miami-Dade County. These services will supplement existing services provided by Miami-Dade Transit (MDT). Demonstration projects will be identified for short-term implementation.

PREVIOUS WORK:

Several policy-oriented studies have been conducted in the past. However, this study is directed towards operational planning and implementation of solutions and is not intended to engage in extended research.

HIGHLIGHTS OF THE PROJECT:

- Participation of the private sector
- Cost feasibility of proposals
- Focus on high travel volume areas
- Maximization of resources to serve a given area
- Compliance with federal requirements, such as ADA and Environmental Justice
- Provide the traveling public with additional transportation services
- Incorporating extensive public participation and creating high exposure
- Improving wider accessibility to Metrorail and to major activity centers

TIME SCHEDULE:

This study is to be completed 60 to 90 days after the issuance of the Notice to Proceed.

METHODOLOGY:

1. Provide Study Coordination

A Study Advisory Committee (SAC) will be composed of representatives from:

- a. Metropolitan Planning Organization (The MPO will provide the Project Manager)
- b. Miami-Dade Transit (MDT)
- c. Florida Department of Transportation (FDOT)
- d. Miami-Dade County Consumer Services Department (CSD)
- e. Citizens' Transportation Advisory Committee (CTAC)

2. Develop Conceptual Plan

The purpose of this task is to define a conceptual plan for expanding transit services using jitneys or minibuses in areas that require improving existing public transportation services. These improvements will be considered in terms of transit level of service improvements: providing service where none exists and a need exists/has been demonstrated, increasing frequencies by decreasing headways, and increasing service spans will be the primary approaches pursued.

Specific factors including but not limited to accessibility to Metrorail stations and major activity centers, productivity (probable costs incurred vs. prospective patronage), feasibility of implementation, integration with other transportation providers (Metrobus, Tri-Rail, jitneys, shuttles/circulators, etc...) and implementation costs will be considered.

For the purpose of facilitating the implementation of a demonstration/pilot project at the end of the study, two different scenarios will be considered:

- a. Contracting services
- b. Providing temporary passenger motor carriers permits to individuals interested in participating of this process

During this process, other strategies may also be proposed and considered.

To obtain input for more fully developing this conceptual plan, planning sessions will be conducted at different levels of participation:

TECHNICAL LEVEL

CSD
MDT
FDOT
Planning Department

SERVICE LEVEL

CTAC
Jitneys Representatives
Jitneys Operators
Other Authorized Providers

Other groups and departments will be contacted as appropriate.

With the input of these groups, the consultant will develop a transit service integration proposal that includes consideration of concerns and recommendations obtained during this process.

3. Develop Criteria

Based on the plan, the consultant will recommend criteria to identify potential areas and/or routes suitable for expanding public transit services using jitneys or minibuses. This task shall take into consideration the data required and analytical tools needed to implement the proposed plan.

4. Data Development

a. *Institutional Information*

Information regarding County procedures for permitting and licensing transportation services, as well as ordinances, resolutions, and major state and federal requirements will also be researched for discussion of institutional issues.

b. *Operations and Performance Data*

The consultant will compile and collect the necessary data to proceed with the required analyses. The MPO, MDT and CSD will play a major role in this task by providing available data to the consultant to conduct the technical analyses.

This data should include, but not be limited to:

- Jitneys: authorized providers, description of routes, number of vehicles/route, fare, ridership, trip length, hours of operation, number of trips, etc...
- MDT: description of routes, number of vehicles/route, fare, ridership, trip length, hours of operation, number of trips, headways, etc...

c. *Other Area Experiences*

Finally, the consultant will also obtain brief information from other cities where jitneys currently operate or have been operated in the past to compare and implement similar measures in Miami-Dade County.

5. Analysis

a. *Institutional*

In this subtask, the consultant will analyze and evaluate existing procedures for authorizing transportation services and will prepare a matrix table of the benefits and limitations, including but not limited to: technical process, legal considerations, compliance with county, state and federal requirements, contracting labor, third party contracting, and any issue or implications that may be included in the CDMP that may affect this process. The consultant will prepare a set of recommendations to improve and/or facilitate the expedition of permits for providing these services and/or develop another set of recommendations to enter into a contract with an authorized provider. This approach does not prohibit the consultant to recommend other options that may arise during analysis.

b. *Operations and Performance Analysis*

Using the criteria previously developed and established, the consultant will analyze socioeconomic, travel, and transit data to determine and identify the potential areas and/or routes for introducing supplementary jitney services. Consideration will also be given to

compliance with ADA requirements, as well as Environmental Justice.

c. *Other Area Experience Analysis*

While information and data will have been collected from other areas that may provide appropriate guidance and useful lessons learned, they will only be summarized here. The most applicable information will be incorporated into analyses conducted in the two preceding tasks.

6. Develop Implementation Plan

Based on the previous tasks, the consultant will develop three scenarios to test different possibilities. These scenarios may include enhancing established routes, implementing new routes and/or services within a specific area, or various combinations of both, using jitneys. For each scenario, the plan shall include:

- a. Operational requirements
- b. Advantages and Disadvantages (Opportunities and Constraints)
- c. Implementation Costs

7. Develop an Evaluation Program

The consultant will prepare an evaluation program to be conducted during the demonstration period to measure the effectiveness of each scenario.

END PRODUCTS

- 1. Executive Summary Report (100 copies)
- 2. Final Report (50 copies)
- 3. Power Point Presentation

Copies of the Executive Summary, the Final Report, and the PowerPoint presentation shall be made available in electronic format on CDs. The Executive Summary and Final Report will be provided in a popularly used word processing format. Graphics used in the report shall be made separately available on disk as well. An unbound copy of the Final Report will also be provided for further reproduction.

FUNDING:

To be determined.

PROJECT MANAGEMENT:

The MPO will take the lead, and will keep a close coordination with representatives of the FDOT, MDT, CSD and CTAC.

*Miami-Dade County
Metropolitan Planning Organization (MPO)*

Visit to Puerto Rico

Tentative Agenda
February 20 through 22, 2002

AGENDA - Agenda - Agenda - Agenda - Agenda - Agenda - Agenda - Agenda - Agenda

1. Wednesday, February 20, 2002

Arrival to Puerto Rico

2. Thursday, February 21, 2002

- | | |
|-----------|---|
| 8:30 A.M. | Pick up at the Lobby of the Hotel |
| 9:00 A.M. | Welcome at the Metropolitan Bus Authority (MBA) |
| 9:30 A.M. | Meeting with Officials from the: |
| | - Hon. Jose E. Izquierdo Encarnacion, Secretary
Puerto Rico Department of Transportation (PRDOT) |
| | - Dr. Fernando Fagundo, Executive Director
Puerto Rico Highway Authority (PRHA) |
| | - Adaline Torres, President and General Manager
Metropolitan Bus Authority (MBA) |
| | - Jorge Esteban
Public Service Commission (PSC) |
| 12:30 | Lunch (to be provided) |
| 2:00 P.M. | Visit to: |
| | - Publico's terminals |
| | - Publico's operation |
| | - Local Intermodal Facilities |
| | - Movable Barriers |
| | - Private Bus System Operation |

3. Friday, February 22, 2002

- 8:30 A.M. Pick up at the Lobby of the Hotel
- 9:00 A.M. Brief presentation: "Tren Urbano"
Visit to the Rio Piedras Underground Station
- 11:00 A.M. Brainstorming session with Officials from the:
- DTOP
 - Public Service Commission (PSC)
 - Metropolitan Bus Authority (MBA)
 - Puerto Rico Highway Authority (PRHA)
- 12:00 Adjourn

LIST OF PARTICIPANTS

Miami-Dade County

- 1. Senator Gwen Margolis, Chairperson**
MPO Governing Board
Board of County Commission
- 2. Joe J. Celestine, Mayor**
City of North Miami
- 3. Ronald Krongold, Member**
MPO Governing Board
- 4. Bill Johnson**
Assistant County Manager
- 5. Oscar Braynon, Staff**
Comm. Dr. Barbara M. Carey Schuler's Office
- 6. Kate Kyle, Staff**
Comm. Katy Sorenson's Office
- 7. Danny Alvarez, Director**
Miami-Dade Transit
- 8. Gary Donn, Director**
FDOT 6 – Planning & Programming Area
- 9. Dr. Jose-Luis Mesa, Director**
MPO Secretariat

San Juan, Puerto Rico

1. Puerto Rico Department of Transportation

a. ***Hon. Jose M. Izquierdo Encarnacion, Secretary***
Minillas Government Center
PO Box 41269
San Juan, PR 00940
Tel. (787) 721-8787

b. ***Gabriel Rodríguez, Assistant Secretary for Planning***

Tel. (787) 723-3760

c. ***Luis Molina, Inter-Agency Coordinator***

Tel. (787) 723-3245

2. Puerto Rico Highway and Transportation Authority

a. ***Dr. Fernando Fagundo, Executive Director***
PO Box 42007
San Juan, PR 00940
Tel. (787) 721-8787 Ext. 1005

3. Puerto Rico Metropolitan Bus Authority

a. ***Plan. Adaline Torres, President and General Manager***
PO Box 195349
San Juan, PR 00919
Tel. (787) 767-0115

b. ***Luis Cruz, Special Assistant to the President***

Tel. (787) 764-3255

4. Puerto Rico Public Service Commission

a. ***Jorge Esteban***

PO Box 190870

San Juan, PR 00919

Tel. (787) 756-1447

b. ***Jose M. Miranda***

Tel. (787) 756-1418

5. Municipality of San Juan

a. ***Carmen Gonzalez, Transportation Program Coordinator***

PO Box 90224100

San Juan, PR 00902

Tel. (787) 721-8300 Ext. 4147

6. Tren Urbano

a. ***Edwin Ramos***

1110 Ponce de Leon Avenue

Rio Piedras, PR 00925

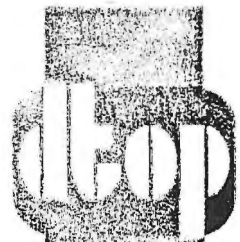
Tel. (787) 763-4135



Goal for the Público System

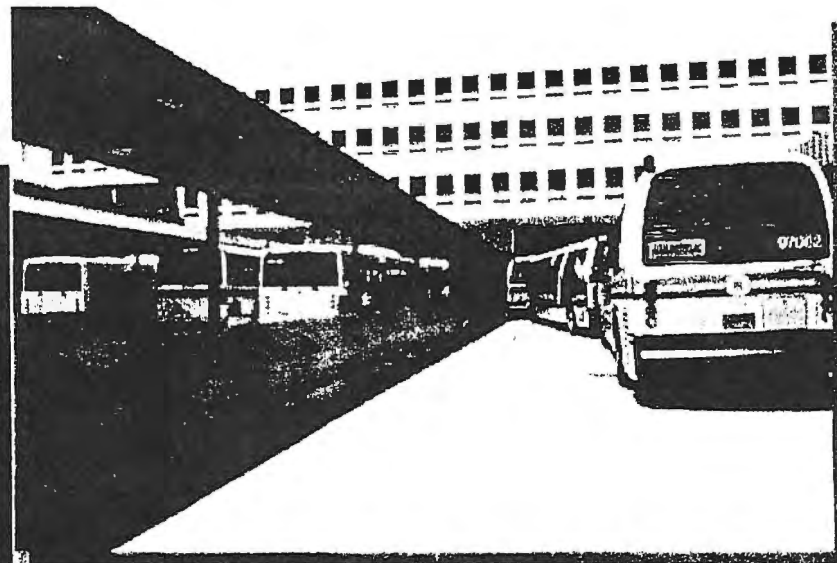
The PRDTPW plans to incorporate the Público as part of the structured multimodal transit system by means of various programs to help the service become more attractive to potential users and profitable to operators in areas such as vehicle conditions, schedule compliance, market studies and development, and multimodal integration.





Puerto Rico's Público System

- Fixed-route and fares regulated by the Public Service Commission





Puerto Rico's Público System

- Interested operators request permission to serve a route that he perceives as profitable
- Extent of their service depends mainly upon actual demand and service limitations

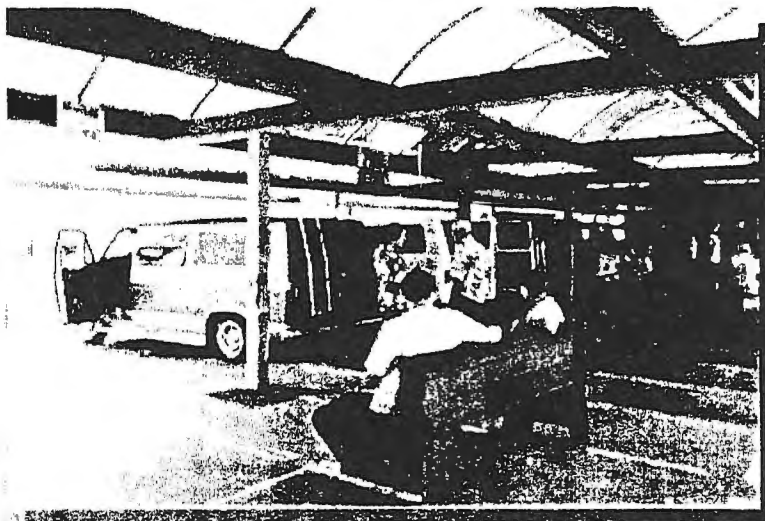


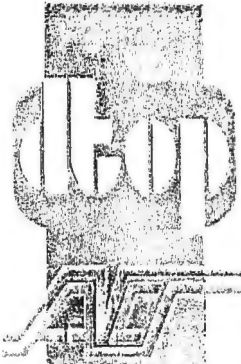
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Puerto Rico's Público System

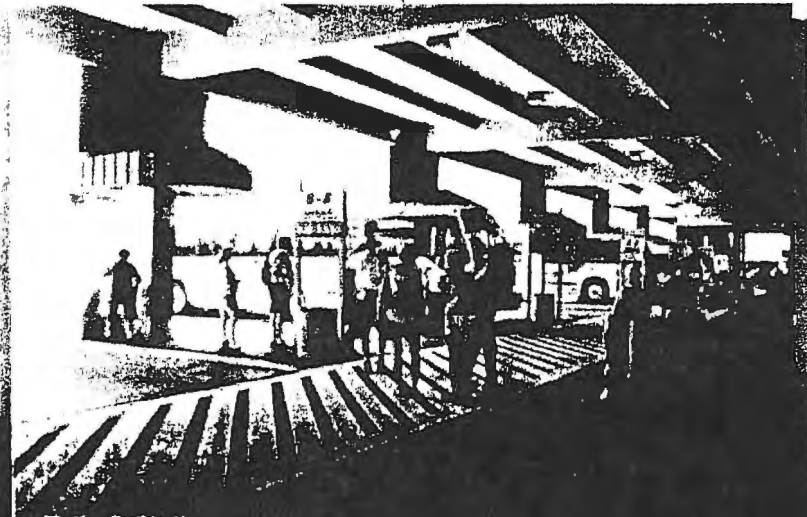
- Do not receive any government financial support

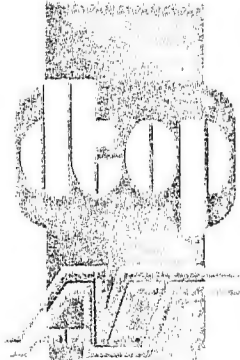




Integration of Públicos into the Intermodal System

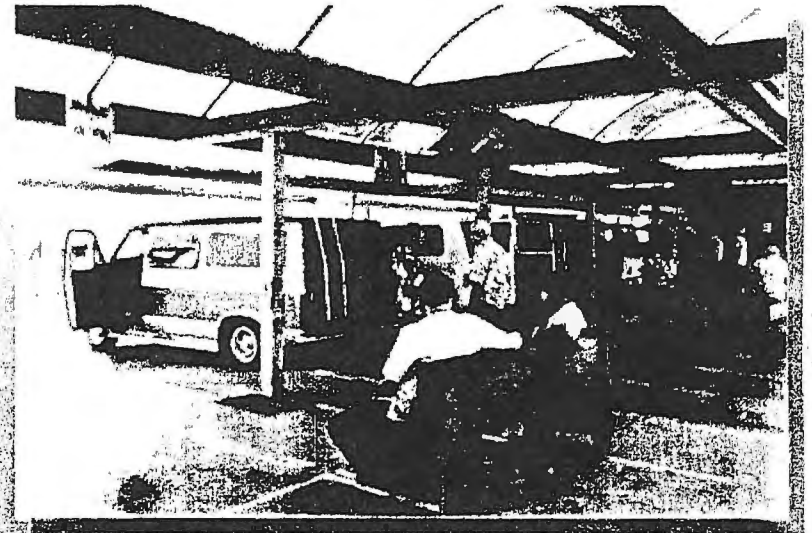
- Provide incentives to upgrade service standards
- Require vehicle improvement
- Assure service reliability in terms of schedule and coverage
- Develop Publico route maps and system information
- Access to Bus Rapid Transit corridors





MBA and Public Integrated System

- MBA and Public will share transportation market
- Riders will have alternatives
- MBA and Públicos will complement each other



Publico/Metrobus Integration

1.

INTRODUCTION

Background

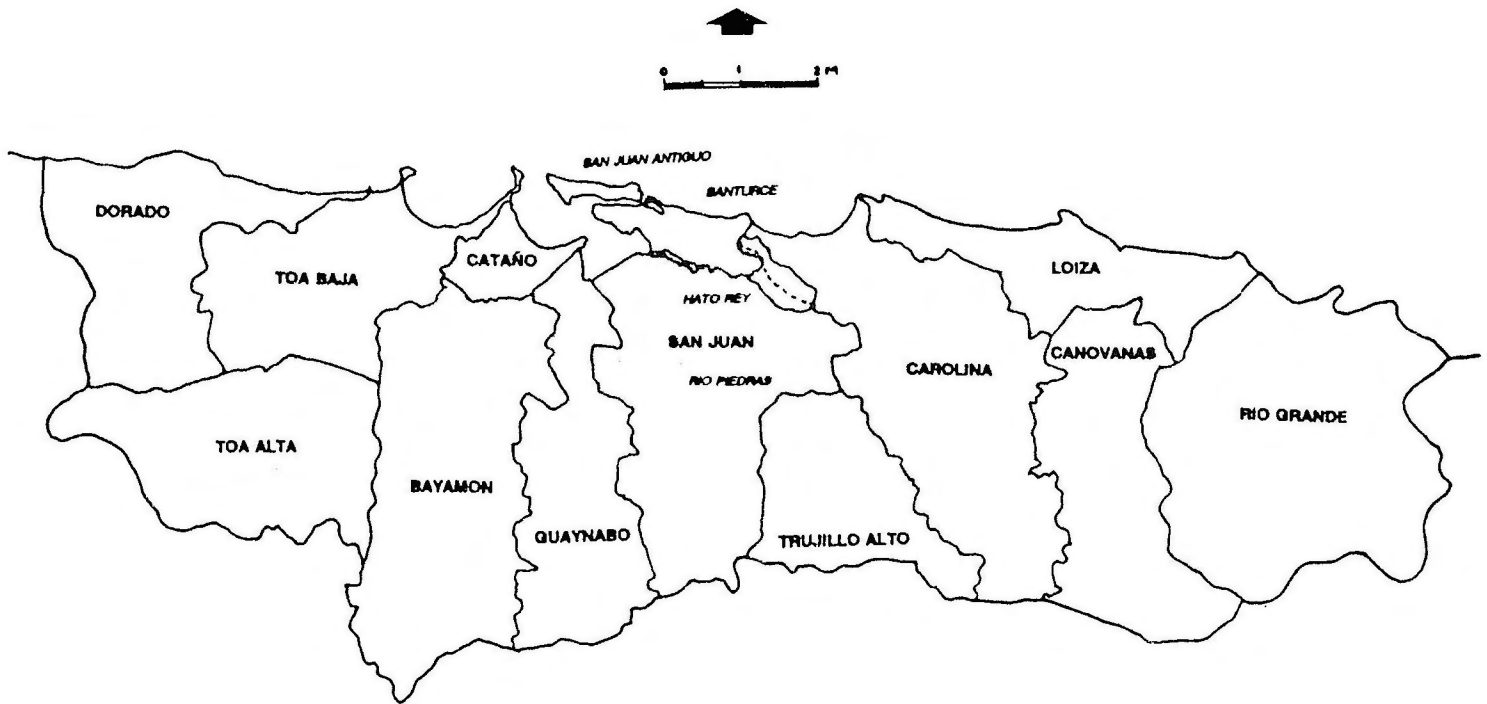
The San Juan Metropolitan Region (SJMR), Figure 1, is experiencing severe traffic congestion, travel delays and associated economic and environmental costs as a result of the lack of a reliable and integrated regional public transportation system. These problems are, in part, caused by the lack of a reliable public transportation alternative to the private auto for the region.

The SJMR has a considerable regional demand for public transportation services, particularly from those areas where population densities are high, income is low, and the roadway system's congestion is increasing. Similar demand is found in those sectors where employment is high or there is a significantly high demand for specific services such as medical, educational, and governmental.

Public transportation in the SJMR is currently provided by three major separate and unrelated modes:

1. Públicos, privately owned and operated services, licensed and regulated by the Public Service Commission (PSC) and providing both fixed and flexible demand responsive service.
2. Scheduled bus services, operated by both the public sector as represented by the Metropolitan Bus Authority (MBA) and by private bus companies.
3. Water ferry service (AcuaExpreso) operated by the Ports Authority.

FIGURE 1 SAN JUAN METROPOLITAN REGION



Unfortunately, the current SJMR public transportation services do not adequately meet the demands. During the past twenty years, the share of regional trips using the MBA bus service has declined dramatically, and a parallel decline is occurring in private bus and (to a lesser degree) público service. This decline is due to many factors including an overall rise in SJMR income per capita and auto ownership, as well as, the past degradation of the MBA's administrative and operational elements. Deficient MBA bus operations resulted in riders losing confidence in and abandoning MBA bus service. The lack of integration and coordination of MBA and other transportation services has affected the ability of public transit services to attract new riders.

The lack of effective and well integrated transit services encourages travel via the private automobile. Auto ownership in the SJMR has continued to grow at rates of 3 to 4 percent annually. This situation leads to parking shortages and grid-lock congestion in various sectors.

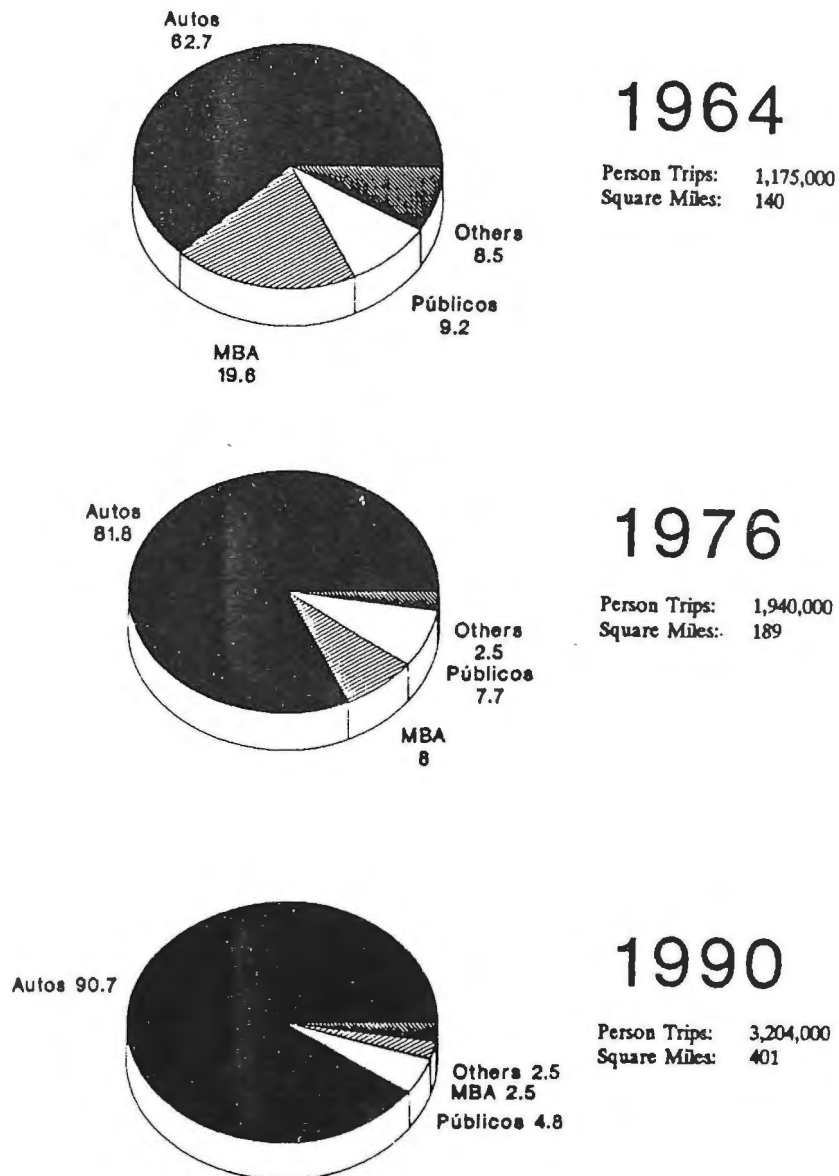
The aforementioned factors have resulted in creating a public transportation system in the SJMR that appears to be in a total disarray. The continuous decline in public transit usage is evident when reviewing past SJMR travel characteristics. In 1964 the private auto served approximately 62.7% of the total SJMR internal person trips, whereas the MBA had a share of 19.6%, públicos represented 9.2% and other modes made up the remaining 8.5 percent (for a total transit share of 37.3%). By 1976, person trips by private autos increased to 81.8% of the total SJMR internal trips. Public transit was reduced to 18.2% with 8% by the MBA, 7.7% públicos and 2.5% other transit. In 1990, the private auto share predominated with 90.7%. Public transit's ever decreasing share was reduced to 9.3% with públicos representing the largest share at 4.8% and both the MBA and other transit each with 2.5%. The change in mode split is shown in Figure 2.

Fortunately, the Puerto Rico Department of Transportation (DTPW) and Public Works has recognized the need to stem this undesirable trend in order to ensure that the SJMR is to remain economically viable and attractive. As part of its effort to improve travel conditions in the San Juan Region, the DTPW has undertaken several public transit improvements projects and programs during the last three years. The objective of these programs is to halt and eventually reverse the decline in public transportation in the region. These improvements include:

FIGURE 2

HISTORIC TREND OF SAN JUAN METROPOLITAN
REGION MODAL SPLIT OF INTERNAL PERSON TRIPS

(All values shown in percentages)



1. Expansion of ferry services through the Acua-Expreso Project.
2. Implementation of improved scheduled bus service in the main travel corridors of the region, through the METROBUS project, and more specifically the METROMOVER, and various administrative and operational improvements of the MBA.
3. Evaluation of público routes and development of a público service improvement plan.
4. Development and/or improvement of a number of transportation facility improvements, including the Puerta de la Tierra Busway, new público-car terminals, transit passenger roadside shelters, and público-bus transfer stations.

The DTPW sponsored METROBUS project consists of a major restructuring of MBA routes and service along the Old San Juan - Río Piedras METROMOVIL (METROMOVER) Corridor, involving major changes to other MBA routes and the integration of públicos and private bus operators as feeder services to the METROMOVIL line. The route and service changes involved will affect various existing private bus and público routes throughout the San Juan Region.

Another major DTPW program is the San Juan Region Transportation Planning program started in January, 1990. This regional transportation planning effort is being developed for the Department of Transportation and Public Works by a team headed by Barton-Aschman Associates, Inc., in association with Basora & Rodríguez Associates, Parsons-Deleuw, Inc., Management & Technical Consulting Group, Inc., and other firms. One of the objectives of this plan is to assemble and use travel demand information to produce a travel forecast model for the San Juan region. This model will be used by the DTPW and other public agencies such as the PSC to guide their decisions. Decisions that may be assisted by this forecast model include: roadway and bridge networks; investment and management decisions for public transportation facilities and services in the region, and policy regarding development and redevelopment of urban areas.

Since the Public Service Commission (PSC) is responsible for regulating entry, routes, fares and service aspects of transportation for hire in Puerto Rico, any expansion or coordination of routes and services for público and private bus operators would be under the regulatory authority of the PSC. As a result of the development of the METROBUS

Program, and other potential projects affecting public transportation in the region, the PSC needs to increase its planning functions and capabilities. It is necessary that the PSC obtains the expertise and training necessary to develop its specified planning function and capabilities and expand its cooperative posture with the DTPW, while achieving the common goal of the integration of público and private bus routes within the METROBUS program.

Study Objectives

The PSC has sponsored this study to perform a comprehensive evaluation of the público and private bus operations with respect to the implementation of METROBUS by assessing:

- 1) Route alignments and modify or expand routes into underserved areas, and
- 2) Regulatory, organizational and policy issues that would effect operations improvements.

The major objectives of the study were identified as follows:

- ***Integrate the mass transportation system in the SJMR.***

The existing público, MBA, ferry and private bus services and the new and proposed public transit terminals and other transit facilities would be considered within the framework of system integration. At the present time the various modes operate independently of each other and, very often in direct competition with each other, mainly with respect to service area coverage, scheduling and planning.

- ***Extend private sector participation in the provision of public transportation.***

It is unfortunate that the private sector transit providers account for the vast majority of the transit trips and yet up until now they have not been seriously considered in the overall transportation system planning. The public sector (MBA) is in a consistent decline with respect to ridership and general service as well as becoming a continuing growing burden upon Puerto Rico's funds. On the other hand, the private sector provides the vast proportion of transit ridership with little or no involvement of public funds.

- *Develop mechanisms to closely follow demographic changes in the San Juan Region and the public transportation service needs of its residents.*

The San Juan Region is growing in population, employment and urbanized area. Public transportation planning and implementation efforts have not kept up with this growth. In addition, insufficient monitoring of the private sector provision of public transportation has prevented Puerto Rico from taking full advantage of available federal financial assistance for public transportation. The PSC is in need of a monitoring and database program with auditing procedures, which, in coordination with the DTPW, will aid in assuring eligibility for público and private bus operators under applicable federal or state capital, technical and operating cost assistance programs.

- *Improve the operation of the Público and Private Bus systems by updating the PSC's rules and regulations.*

The private public transit operators are regulated through a number of rules and regulations that are established by the PSC within the scope of law. It is recognized that the possible integration or coordination of the public and private transit services could include the development of new policies, rules and regulations and procedures for the PSC, in compliance with the objectives of the San Juan Region Transportation System Plan as stated by the Secretary of the DTPW through the Transportation Advisory Board.

- *Develop means for increased technical assistance to the PSC, to assist the PSC management and monitoring of private sector operators of public transportation services.*

Although the PSC is charged with the regulatory control of the public and private buses, it has no basic management and database capabilities for monitoring changes in public and bus operations and service. The PSC is not alone in this situation since the DTPW also lacks these capabilities. These services are necessary in order to enable the PSC to become more critically involved in the transportation planning aspects throughout Puerto Rico.

General Approach of the Study

This study followed a general approach that included:

- **Work Initiation and Data Collection**

The work initiation involved the establishment of the necessary coordination with the PSC, scheduling of the study elements and initial meetings with representatives of the local government agencies and private sector transit operators.

Data collection included:

1. Collection and review of existing related reports and data.
2. A review of existing and planned public transit projects.
3. Review of current public policies.
4. Development of basic computerized graphic maps of the public transit systems.

- **Identification of Existing Public Transportation Needs and Problems**

1. Evaluation of Público levels of service.
2. Survey and evaluate internal service operations and organizations.
3. Identify and evaluate current route characteristics.
4. Identification of major trip generators
5. Identify and evaluate service duplication by modes and points of intersection with the METROBUS system.
6. Identify and evaluate current and proposed METROBUS transfer stations and their abilities for intermodal coordination.
7. Identify and evaluate the role of the private bus lines in the SJMR.

- **Examination of the Fixed Route Law and Applicable PSC Regulations**

Private transportation operators, including private bus and público operators, are regulated by the PSC under Law 16 of August 1974, as amended. This law authorizes the PSC to establish fixed routes for públicos and private buses. Acting under the authority of this law, the PSC has also established regulations for: licensing of vehicles and operators, the specific routes to be used, the

fares to be charged, regulations regarding allowable vehicle types and capacities, regulations regarding vehicle safety inspections; and a system for the hearing of complaints for and by operators and users.

A review of the current law and regulations was conducted in order to identify any necessary and possible changes needed to implement adopted policy and plans regarding public transportation improvements for the San Juan Region.

- **Development of Action Alternatives for METROBUS Integration and for Regional Level of Service Requirements.**

1. Indicate changes to the METROBUS facilities, routes, fares or service designed to create an integrated feeder service (by públicos and private buses) for the system.
2. Evaluate the possibility of relocating existing excess route capacities to other sectors.
3. Propose new routes or modifications to existing routes that would best respond to existing and expected passenger demand.
4. Evaluate the use of higher capacity vehicles ("mini-buses" with capacities of 17-30 passengers) for público or private bus service on high volume or long distance routes.
5. Evaluate alternative means of promoting efficiency, ridership, and better service by private bus operators in the San Juan Region's public transportation system.
6. Prepare a scale computer graphic plan of the San Juan Region's public transportation route system. This plan will use the data collected in this study and the San Juan Regional Transportation Study.
7. An implementation schedule of the recommended público and private bus route changes in relation to the METROBUS implementation schedule.

- **Public Transportation System Improvement Funding**

Estimates of approximate capital and operating costs of any possible proposed recommendations are presented. Potential funding sources and financing mechanisms are identified.

- **Public Transportation Service Complaints**

Based on input from the survey of operators and input from the PSC, an assessment was made of the PSC's current service complaint system, limited to the transportation sector and to the possible impacts with respect to METROBUS service coordination.

- **Public Transportation Database**

In coordination with the PSC, which undertook an extensive público inventory and field data collection survey, a basic transit database was prepared. This database will help both the PSC and DTPW assess route service characteristics and performance and enable them to effectively develop and assess future public transportation improvements.

- **Training of PSC staff**

In order for the PSC to obtain the necessary public transit data, it is necessary that its planning sector personnel be given the basic tools or methodologies for their collection. As such a special Data Collection and Evaluation Seminar has been developed and oriented to the PSC personnel.

2.

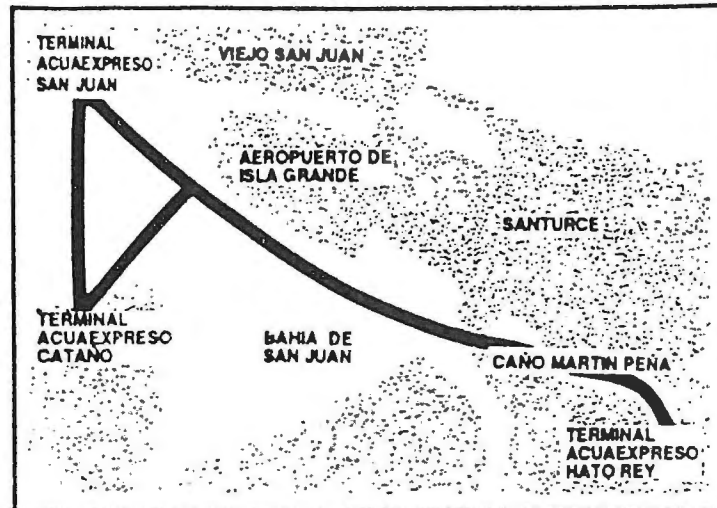
CURRENT SJMR PUBLIC TRANSPORTATION SERVICES

Ferry - Acua-Expreso

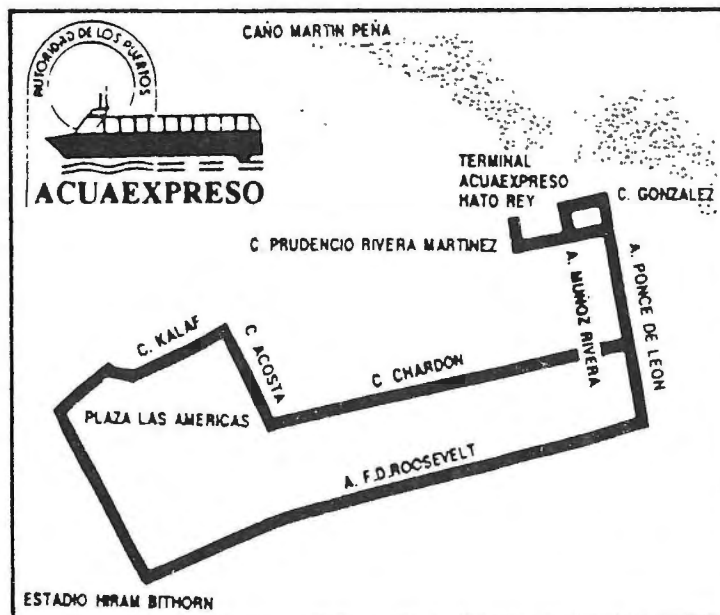
On March 30, 1991, the Puerto Rico Ports Authority launched a new, expanded ferry system called Acua-Expreso. This system expanded on the previous Old San Juan-Cataño Ferry to include two new routes (Old San Juan-Hato Rey and Cataño-Hato Rey), six new high speed catamaran ferries (each with a seated capacity of 167 passengers), replacing older ferries that seated up to 347 passengers each), physical improvements to the Old San Juan and Cataño ferry terminals, the construction of a new intermodal terminal in Hato Rey, the dredging of the Martín Peña Channel from San Juan Bay to the new terminal, and the establishment of a shuttle bus system (with four 47-passenger capacity bus coaches) operating from the Intermodal Terminal and serving the Hato Rey-Plaza Las Americas Sector. This project has been implemented at a cost of around \$80 million of both Federal and local funds. Figure 3 presents a general route layout of the Acua-Expreso system.

Ferry schedules provide for the assignment of two Acua-Expreso ferries to a San Juan-Cataño shuttle service, offering 15-minute peak hour and 30-minute midday and Sunday services, the same pattern and hours as prior to the implementation of the new system. The commuter and tourist travel between these two points is expected to remain the strongest market for ferry service in the San Juan Region. The four other catamaran ferries are assigned to offer 15-minute peak hour and 30-minute midday service between Hato Rey-Old San Juan and Hato Rey-Cataño.

FIGURE 3 ACUA-EXPRESO FERRY SERVICE



FERRY ROUTE



SHUTTLE BUS ROUTE

It has been estimated that the new ferry service will operate approximately 28,000 round trips annually, over a distance of about 142,000 nautical miles.¹

The Acua-Expreso fares have been establish as follows:

<u>Route</u>	<u>Fare</u>
Cataño - Old San Juan	\$0.50
Cataño - Hato Rey	\$0.75
Old San Juan - Hato Rey	\$0.75
Shuttle Bus (Hato Rey)	\$0.25

Prior to the initiation of Acua-Expreso, daily ridership on the Cataño - Old San Juan route ranged from 5,000 to 7,000, or approximately 2 million annual one-way passenger trips. Fares at that time were only \$0.10 for all riders. Accordingly, the estimated fiscal 1989 revenues were \$0.4 million with direct operating expenses at \$3.2 million, resulting in a deficit of approximately \$2.8 million that had to be absorbed through other Ports Authority income.

Initial projected annual ridership for the Acua-Expreso was placed at 3.6 million, generating about \$3 million in annual fare revenue. Other income sources include advertising, concession sales, and other revenues from the Ports Authority. Direct operating expenses are estimated at around \$5 million, and an annual operating deficit of \$2.7 - 3.0 million is expected.

Ridership data between July 29, 1991 and August 18, 1991 was recorded as 151,618, averaging 7,220 per day. Weekday service averaged 6,484 passengers per day; whereas, weekend service averaged 9,059 passengers per day.²

¹Calculated from Exhibits 6R-14R (December 1990 Report), Eduardo Gracia, Memorandum to Sr. Jose A. Buitrago, Executive Director, Puerto Rico Ports Authority, Proyecto Agua-Guagua, July 1990.

²Puerto Rico Ports Authority Weekly Passenger Movement Reports for Acua-Expreso, July 29 through August 18, 1991.

A feasibility study of a second phase expansion of Agua-Expreso service (sponsored by the Puerto Rico Planning Board) has been completed and submitted to the Federal Transit Transportation Administration (FTA) for review. This second phase would extend the ferry system from Hato Rey into Laguna San José to Carolina. The Martín Peña Channel would be improved and new terminals constructed at Isla Verde and Carolina. The project is estimated to cost \$103 million (1988 Dollars). Ferry service patronage is forecast to increase by 7.5 million annually when the project is completed.

Direct operating costs for Phase II service beginning in 1992 are projected to be about \$2.3 million while fare revenues are projected to range from \$3.8 to \$9.4 million, assuming a \$0.50 fare. No timetable has been established by DTPW for the project. No formal grant application for further planning or engineering assistance has been made.

Scheduled Bus Services

There are three public and private providers of scheduled bus service in the San Juan Region:

- The Metropolitan Bus Authority (MBA), a public agency of the DTPW whose president and general manager reports directly to the Secretary. The MBA is the major provider of this type of service in the central areas of the region.
- The METROBUS/METROMOVIL System which is sponsored by the DTPW and implemented through the Puerto Rico Highway and Transportation Authority (PRHTA) and is operated as a special contracted service to serve the Old San Juan - Santurce - Hato Rey - Río Piedras Corridor.
- Private Bus Lines, privately owned and operated bus companies, regulated by the PSC, providing interurban and suburban services between the SJMR and outer municipalities.

MBA Bus Service³

The MBA, created through legislation approved in 1959, is the only public bus agency in Puerto Rico. It was reorganized to operate as a public corporation under the DTPW in 1968. The MBA bus network serves eight municipalities (San Juan, Carolina, Loíza, Trujillo Alto, Guaynabo, Bayamón, Cataño and Toa Baja/Levittown) with most of its routes concentrated in the central urbanized areas of San Juan.

In November 1990, the MBA operated 42 bus routes, or route segments, in the region. Annual scheduled revenue miles were approximately 7.2 million; annual revenue hours were approximately 0.84 million. The peak bus assignment was 175 coaches, including 35-foot and 40-foot conventional buses and 60-foot articulated coaches. For fiscal year 1989-90 the MBA estimated that just over 26 million passenger trips were made on its services. Figure 4 presents a general MBA route layout prior to the METROMOVIL implementation.

Appendix Table A-1 presents a summary of the MBA route characteristics and performance as per fiscal Year 1988-89 Section 15 Report. In each of the performance areas except "bus routes operated", the figures represent a decline from previous periods. In fact, the decline in service levels and service utilization is anticipated to continue in upcoming periods. Due to an internal reorganization and other problems, the MBA has only been able to put about 125 to 130 vehicles in daily service, with severe impacts to service schedules. On some routes, headways are over an hour and no schedules are maintained. In fact, seven bus routes were under evaluation in 1990-91 for possible transfer to público operations.

The reasons for the continuing decline in MBA bus services have been addressed in considerable detail in other reports (see SOFRETU/LSTS, 1990, pp. 16-21; also, Management & Technical Consulting Group, Inc. and Multi-systems, Inc., METROBUS STUDY, FINAL REPORT 1.0: PHASE I ROUTE CONFIGURATION, 1990 and PHASE II ROUTE RECONFIGURATION, August 1991). This decline increases the operating deficit that must be funded by local tax dollars or other non-transit revenues in order to

³"Task 2.7 Immediate Action Program, Technical Report, Public Transportation", San Juan Region Transportation Study", DTPW Barton-Aschman Associates, Inc. with Deleuw Cather & Company, Inc., December 28, 1990.

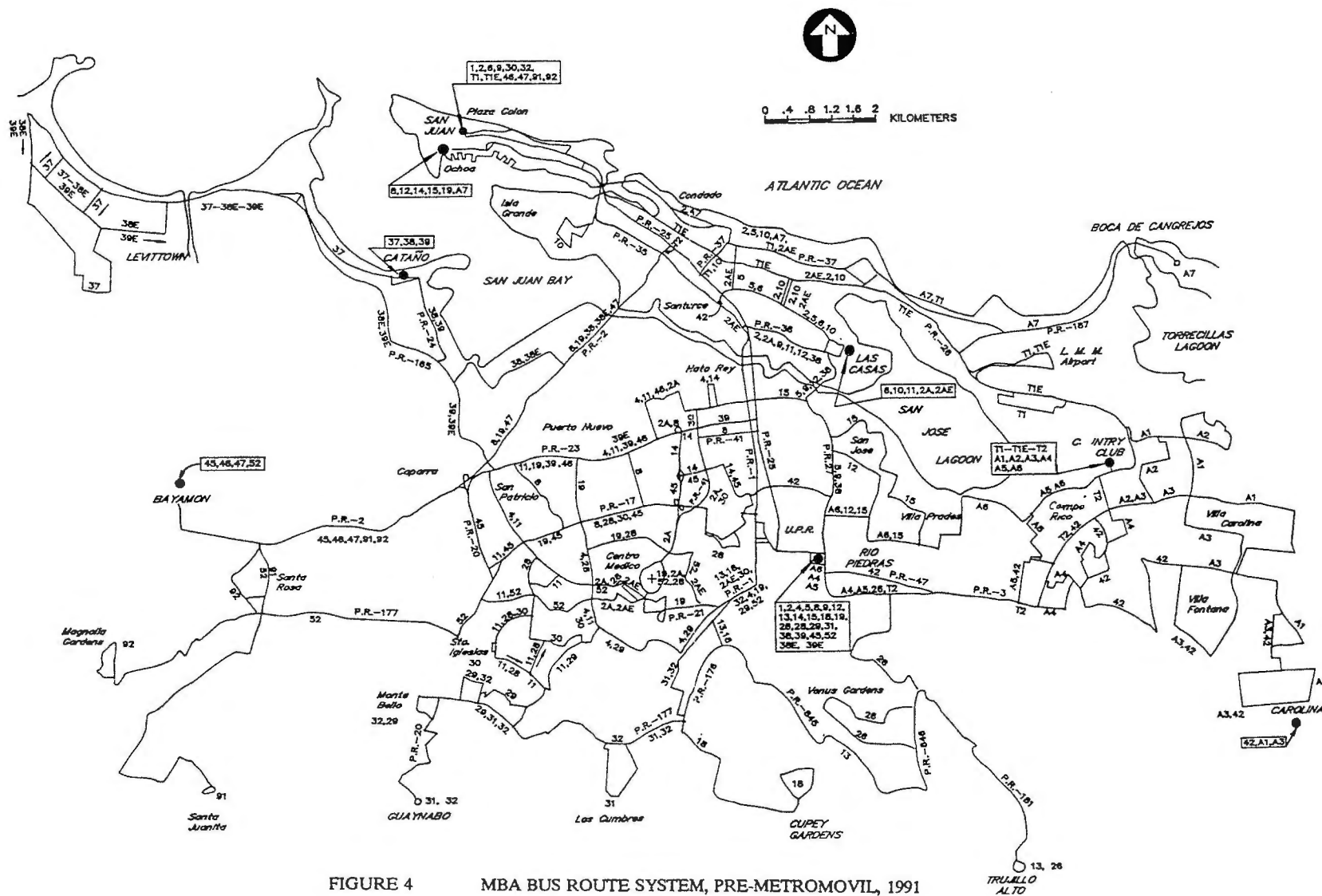


FIGURE 4 MBA BUS ROUTE SYSTEM, PRE-METROMOVIL, 1991

maintain the MBA operations. In fiscal year 1990, approximately \$25 million in local monies and \$8 million in federal monies were spent to keep MBA operating.

Much needed efforts are now being taken to improve MBA service. These can be segmented into two major program areas: (1) programmed organizational and service improvements for the MBA, including staff reductions, changes in work practices, and maintenance improvements, among others, and (2) the METROBUS project. Furthermore, in order to cut losses for MBA operations, base bus fare increases are under consideration, the first since 1968.

The MBA route reconfigurations and/or eliminations, as of October 11, 1991, and implemented in conjunction with METROMOVIL, included the following (see Figure 5):

- Route 1, San Juan - Río Piedras: Replaced by METROMOVIL.
- Route 2A, Las Casas - Centro Médico: Maintains its original service between the Las Casas Terminal and the P.R. Medical Center except that it now uses Arterial B (to serve the Acua-Expreso Hato Rey Terminal) between Ponce de León/Muñoz Rivera Avenues and Federico Acosta Street in Hato Rey.
- Route 2AE, Llorens Torres - Las Casas - Río Piedras - Centro Médico: **Eliminated.**
- Route #4, Río Piedras - De Diego - Hato Rey: Trajectory changed to traverse Arterial B and pass the Hato Rey Terminal, turning around via Bolivia Street.
- Route #6, Las Casas - Eduardo Conde - Isla Grande: Originally terminating in Old San Juan, route trajectory changed to traverse Tras Talleres and Isla Grande sectors of western Santurce.
- Route #8, Río Piedras - Puerto Nuevo - Pda 18, Santurce: Originally operating between Río Piedras and Old San Juan via Eleanor Roosevelt Avenue, the new trajectory takes it along F.D. Roosevelt Avenue and terminates at the Stop 18 transfer station (Santurce).



- Route #9, Río Piedras - Cantera - San Juan: This route now operates out of Plaza Colón instead of the Covadonga Terminal in Old San Juan. It utilizes the existing contraflow bus lanes along Puerta de Tierra.
- Route #10, Hato Rey - Villa Palmeras - Loíza - Isla Grande: This route has been extensively reconfigured to operate from the Hato Rey Terminal, serving the Las Casas terminal and access Isla Grande via the Tras Talleres sector.
- Route #12, Río Piedras - San Jose - Pda 18, Santurce: This route originally terminated at Old San Juan, but with METROMOVIL it now terminates at the Stop 18 Transfer Station.
- Route #14, Río Piedras - Baldrich - Hato Rey: This route originally extended service through Hato Rey to Old San Juan but now terminates at the Hato Rey AcuaExpreso Terminal.
- Route #15, Río Piedras - Embalse - Hato Rey: This route originally extended to Old San Juan from Hato Rey but now terminates at Prudencio Rivera Street, east of the AcuaExpreso Terminal.
- Route #19, Río Piedras - Repto. Metropolitano - Stop 18, Santurce: This route originally extended to Old San Juan but now terminates at the Stop 18 Transfer Station.
- Route #42, Carolina - Río Piedras - Hato Rey: This route originally terminated at Stop 25 (Fidalgo Díaz Avenue) in Santurce. It now terminates at the AcuaExpreso Terminal.
- Route #46, Bayamón - Ave. F.D. Roosevelt - Hato Rey: This route originally terminated at Old San Juan but now it terminates at the AcuaExpreso Terminal.
- Route #47, Bayamón - Ave. Kennedy - Stop 18, Santurce: This route originally extended to Old San Juan but now terminates at the Stop 18 Transfer Station.

- Route #47E, Express Bayamón - Ave. Kennedy - San Juan: This route is basically the original Route 47 but only operated during morning and afternoon peak periods.
- Route T-2, Country Club - Río Piedras - Hato Rey: This route originally operated between Carolina and Stop 18. It now terminates at Prudencio Rivera Street in Hato Rey.

Routes A-4 (3rd Extension Country Club - Río Piedras) and A-5 (1st Extension Country Club - Río Piedras) have been eliminated. The remaining routes have been maintained without changes (Routes 2, 5, 11, 13, 18, 26, 28, 29, 30E, 31, 32E, 37, 38, 38E, 39, 39E, 45, 52, 91, 92, T-1, A-1, A-2, A-3, A-6, and A-7).

Recent MBA bus service improvements have included the implementation of several shuttle bus routes described as follows:

- **M-1** Shuttle service between the Escambron Park (Puerta de Tierra) parking lot to the Old City of San Juan.
- **M-2** Service between Old San Juan and El Condado sector via Santurce (clockwise operation) via Ashford/Magdalena, Jose de Diego and Ponce de León Avenues.
- **M-3** Same as M-2 but with counterclockwise operation, (Ponce de León, Jose de Diego, and Ashford Avenues).
- **M-4** Hato Rey Intermodal Terminal to the International Airport via Santurce (Jose de Diego Avenue), Loíza Street, and Isla Verde Avenue.
- **M-5** Service to and from Río Piedras via Barbosa, Borinquen and Ponce de León Avenues.
- **M-6** Service to and from Río Piedras via Muñoz Rivera, Borinquen and Barbosa Avenues.

Routes M-1, M-2, and M-3 operate from the old terminal area in Plaza Colón and not from the newer Covadonga Intermodal Terminal off Calle La Marina in the southern sector of Old San Juan. These three routes make extensive use of the exclusive contra-flow bus lanes along Ponce de León and Fernández Juncos Avenues along the Islet of Old San Juan. Until recently, these bus routes actually entered the Old City to the Plaza de Armas (in front of City Hall) via San Francisco and Fortaleza Streets. However, because of traffic and other environmental concerns, access to Plaza de Armas has been restricted to the peak rush hour periods. Route M-2 operates with traffic along Ponce de León Avenue in Santurce; whereas, Route M-3 uses the contraflow bus lane along the Avenue.

Route M-4 provides the only through bus service linking the airport with the Hato Rey business district. This route uses the existing contraflow bus lanes between Hato Rey and Jose de Diego Avenue.

Although Routes M-2 and M-3 do operate along Ponce de León Avenue in Santurce in conflict with the METROMOVIL Route, their service area and limited number of buses should not adversely affect the latter, but rather add more service to and from the corridor, thus operating as feeders. No público service is currently operating this route trajectory although Linea Palmer and the Calle Loíza - Carolina routes do offer limited service, in the former's case in Miramar, and in the latter's case in the southeastern edge of El Condado. Whereas, this route trajectory (M-2 and M-3) could possibly be operated by a private enterprise, the relatively "upscale" and tourist-oriented characteristics of the areas do not lend themselves to público operations.

Routes M-5 and M-6, on the other hand, conflict directly not only with the MBA and público routes serving Barbosa and Borinquen Avenues, but, most importantly, with the METROMOVIL Route along the San Juan Río Piedras Corridor.

The METROBUS Project

The DTPW has recently implemented the first stage of the METROBUS Project, aimed at improving the publicly operated scheduled bus network in the Old San Juan to Río Piedras Corridor. It is comprised of two basic phases:

- Phase I (initiated in October 1991) consists of the implementation of an exclusive 7.8 mile METROMOVIL bus service between the Covadonga bus

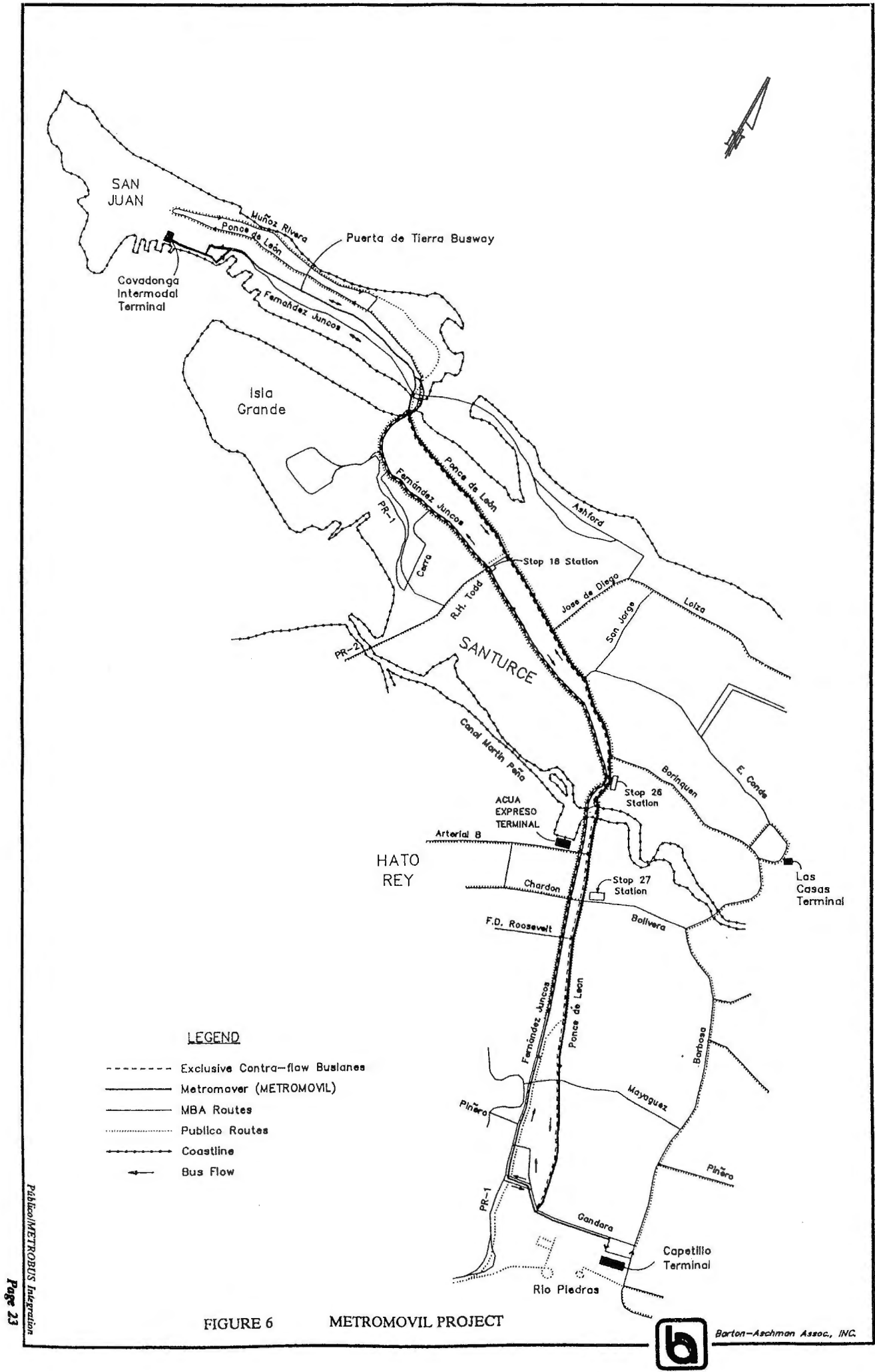
terminal in Old San Juan and the Capetillo Terminal in Río Piedras. This service basically supplants the original MBA Route 1. The most significant feature of this system is that the METROMOVIL has been contracted to a private entity for operations. Phase I also includes the major realignments of other MBA routes that will feed the METROMOVIL Corridor, bus lane and bus stop improvements between Old San Juan and Hato Rey, the reconstruction of the Capetillo Terminal (initiated in March 1992), traffic signal and signing improvements, and marketing and information programs (see Figure 6).

- Phase II consists of additional realignments and modifications of MBA routes in the region; bus lane and stop improvements in the METROMOVIL Corridor between Hato Rey and Río Piedras, and further development of transfer stations to público service as well as improvements to MBA bus terminals.

Intermediate transfer stations to público service and interconnections with other MBA routes have been provided or are planned at San Gerónimo (Old San Juan), Stop 18/R.H. Todd Avenue (Santurce), Stop 26/Charneco, Stop 28 Calle Bolivia and Calle Ing. M. Domenech (Betances).⁴ Headways in each direction are every 4 to 5 minutes. A bus fleet of 30 standard coaches, that were purchased exclusively for this service, are assigned to the service. METROMOVIL fares have been set at \$0.35, although fare and transfer policies are still under review, and a fare increase up to \$0.50 is proposed.

METROMOVIL makes extensive use of the exclusive contra-flow bus lanes between Río Piedras and Old San Juan (Covadonga Intermodal Terminal). From the Río Piedras Capetillo Terminal, the METROMOVIL travels westward via Gandara, Aguada, and Domingo Cabrera Streets to Muñoz Rivera Avenue. At the latter point the buses turn northward and continue with traffic until Domenech Street. From this street to Stop 26, north of the Martín Peña Channel, the buses travel on northbound exclusive bus lanes along Muñoz Rivera Avenue frontage street. From Stop 26 westward, to Miramar in Santurce the buses continue on a contra-flow lane along Fernández Juncos Avenue. Crossing into Old San Juan Islet with traffic, the buses enter the Puerta de Tierra Busway to La Marina Street (with traffic) and subsequently to the Old San Juan (Covadonga) Intermodal Terminal.

⁴At the present time the transfer stations at San Gerónimo and Betances are not in consideration.



On the return trip, the METROMOVIL buses use the Busway and the exclusive contra-flow bus lane along Ponce de León Avenue for its whole length through Santurce, Hato Rey and Río Piedras until reaching Gandara Street and, subsequently, the Capetillo Terminal.

Since initiation of service in October 1991, the METROMOVIL has been an unqualified success in spite of deteriorating MBA service, which provides the primary feeder service. The following table presents recent METROMOVIL patronage (from the METROBUS office). Between October 27, 1991 and August 31, 1992, a total of 5,959,148 passenger trips had been recorded. Average weekday passenger volumes of about 23,500 have been obtained. The daily volume significance can be appreciated when compared to the average daily boardings for Route 1 (MBA) for 1990 which were 10,056.⁵ The impact has been a change of almost 150 percent in boardings, just for the METROMOVIL/Route 1. It is more significant when one considers that the MBA still plays a major role along the North-South Corridor with at least 22 routes providing service along several segments.

TABLE 1
METROMOVIL PATRONAGE DATA

<u>Month</u>	<u>Total Monthly Passenger Volume</u>	<u>Average Weekday</u>	<u>Average Saturday</u>	<u>Average Sunday</u>
October 1991 (Partial)	107,725	N/A	N/A	N/A
November	497,694	20,058	12,674	8,508
December	556,358	22,880	12,891	8,333
January 1992	532,183	25,346	12,670	7,059
February	560,022	24,109	12,335	8,049
March	603,774	23,839	12,767	8,412
April	557,917	23,246	12,985	8,582
May	567,893	23,065	11,965	7,867
June*	748,942	24,155	16,779	12,472
July	590,417	23,258	11,207	9,608
August	636,223	25,043	13,191	8,876

* Includes "Regatta Colon" week

⁵"METROBUS Study, Phase II Route Reconfiguration," Metropolitan Bus Authority, Management & Technical Consulting Group, Inc. & Multi-Systems, August 1991.

The dramatic increase in patronage along the North-South Corridor seems to confirm the idea that if a consistent and reliable public transit service is provided, people will tend to use it in lieu of autos.

Phase II METROBUS improvements are being implemented albeit slowly and are expected to continue into 1992-93. However, the condition of the MBA is still vulnerable and changes have not been implemented as rapidly as first expected.

Further stages of the METROBUS program have not yet been established in sufficient detail for immediate implementation although several possibilities are under serious consideration. The possibilities include special METROBUS EXPRESO services between Bayamón and Río Piedras (using the 65th Infantry Expressway [PR-21] right-of-way, as well as PR-2 and linking with the Puerto Rico Medical Center); Bayamón and Santurce (via PR-2 and PR-22 Toll road); Guaynabo and Old San Juan; and Santurce, Río Piedras and Carolina. At the present time, the Capetillo Bus Terminal in the Río Piedras CBD is being reconstructed to adhere to the METROBUS/METROMOVIL Systems (including Phases I and II). Since these future METROBUS stages involve the establishment of new routes, it will be necessary for the DTPW and PRHTA to consider the impact of these services upon existing and potential público and private bus services along the same corridors.

Private Bus Services

State of the Industry

While the history and tradition of the Commonwealth of Puerto Rico may be significantly different from the US mainland, the political, governmental, economic, trade and tourist influence from the mainland has its significant impact on the transportation developments in the Commonwealth land particularly on the San Juan Region. Thus, the deterioration of the private transportation (bus) companies followed the patterns established on the mainland, and sometimes were even further aggravated, by the limitations of newer vehicles and parts due to the higher shipping costs and local taxes. The private bus industry in the San Juan Metropolitan Region is approaching extinction, unless some significant and favorable changes occur in the marketplace in the near future.

Existing Services

Based on field surveys, PSC information, and interviews, private bus services in the SJMR exist with two types of operations, and only a handful of operators providing service in each. The two types of service available are as follows:

- Intercity Lines These lines connect usually a remote community or municipality outside the SJMR with San Juan, where the "remote community" is not a suburb of San Juan, i.e. not located within or very close to the San Juan Metropolitan Area, SJMR.

These lines provide "local" services, usually between the Old San Juan Intermodal Terminal in San Juan and points like Bayamón, or other similar communities within the SJMR, before continuing on to their more remote destinations. Most of these lines are characterized by one or two buses, and one, or at most, two routes served by the same operators.

- Suburban Lines There are only three lines which fall into this category, however they run between 3 to 9 buses each (on the average). These lines provide a regular and more "local" bus service among the communities of Bayamón, Caguas, Río Piedras and San Juan.

Table 2 provides a summary of all the lines in both categories, as well as some details of their service and operating characteristics.

There are no public subsidies provided to private bus companies. The bus lines in both categories tend to be low investment and low cost operations in order to remain competitive without any subsidies. Otherwise, they would not be able to compete with the heavily subsidized Metropolitan Bus Authority (MBA) operations on the one hand, and the large and flexible network of públicos, on the other hand, --and still make a profit.

The private bus service in the SJMR is focused primarily on the Comerio-Bayamón-Old San Juan Corridor, with the second major corridor being Caguas - Río Piedras. The buses operate along existing public rights-of-way and typically use the same terminal areas

TABLE 2
PRIVATE BUS LINES OPERATING IN THE SAN JUAN REGION (1992)

Routes	Owner of Name of the Line	Type and No of Buses Per Line	Remarks
A. INTERCITY LINES			
Comerio - Bayamón	Juan J. Leon Carasquillo	2 GMC - 1967's	20 years in business. Staff 4 drivers + 1 spare. 7 days service 4:30A-4:00PM Night shift 5:00P-10:00P 6 one-way trips/day, 2 hrs/trip 20% local trips at \$.35 Full trips at \$.90 Revenue \$150-190/bus/day/route Maintenance 1 mechanic + 1 assistant Drivers' pay is 25% of fares + meals Interconnects with Metromovil at Covadonga Terminal and Stop 18 Santurce) Transfer Station.
Comerio - San Juan	Juan J. Leon Carasquillo	2 incl. 1 spare	
Orocovis - San Juan Via Comerio & Bayamón	Jose R. Rubero Reyes	1 + 1 spare	35 years or more in business Staff 1 driver/owner 6 days service 7:00A-11:00A to San Juan 1:55P-5:55P to Orocovis 1 Roundtrip/day; 4 hrs one-way 55 passenger (ave.) S.J. - Bayamón 5 passenger (ave.) in reverse Bayamón - San Juan. Fare \$.35 100 passengers (ave.) beyond Bayamón at \$.90 to Comerio at \$2.25 to Orocovis Revenue approx. \$100/day Maintenance by owner + friends Interconnects with Metromovil at Stop 18 and Covadonga. "Better bus could double ridership"
Corozal - San Juan via Naranjito	Jose R. Padilla Padilla	2 Ford 1972	2 + hrs/trip

TABLE 2
PRIVATE BUS LINES OPERATING IN THE SAN JUAN REGION (1992)

Routes	Owner of Name of the Line	Type and No of Buses Per Line	Remarks
A. INTERCITY LINES (Continued)			
Corozal - San Juan	Carlos A. Padilla	1 Ford 1971	
Barranquitas - San Juan	Evinga (?) Colon	1 Ford 1971	4 hrs/trip Discontinued (?)
Aguas Buenas-Río Piedras	N/A	1 Bus	N/A
Caguas - Río Piedras	Jose & Toni Montano	7-10 GM 76/77 (including spares) Takes 20 to run 8 buses	Origin over 60 years ago. 35 yrs. Intercity Transit Inc. Family ownership 26 yrs. Staff owner/mech. + 3 mech's. 10 drivers full time + spares 6 days service 4:30A-6:45P Bus every 15 min. in rush hour. 45-60 minutes per trip \$.50 each 6 round trips/day/bus Driver pay \$7.50/round trip \$45.00/day; \$10-12,000/year! 2300 passengers/day (now) Gross revenue \$1,150/day
B. SUBURBAN LINES			
Bayamón - Río Piedras	Cobus (Not in service) 9 United Bus Line		Drivers get 30% of fare, \$.35 Service 6:30A-3:00P 8 trips/bus; 4 round trips/day Approx. 1 hr per trip Currently very limited service 45 pass./trip 240-260 pass./day
Bayamón - San Juan	Augustine Rosa Cosme	3 GMC 1974 1 FLXBLE 1973	Permit in Process
<hr/>			
TOTAL INTERCITY BUSES		18-21	
TOTAL SUBURBAN BUSES		13	
GRAND TOTAL		31-34	

as públicos and same stops as MBA buses for passenger drop-off and pick-up. Fares for trips made within the region are estimated to range from \$.35 to \$.45.

Posture in the Marketplace

Private bus operations, especially the Intercity Bus Lines, have carved out their market niche based on the following three factors:

- (1) They are competitive in fares with the públicos and the MBA.
- (2) They are well established with 25 to 40 years of continuous and reliable service, and
- (3) Arguably, the larger 30 to 40 seat buses may offer more comfort than the small, crowded público vans particularly on longer intercity trips.

The private bus lines (Suburban Lines) charge slightly more than the MBA (\$.35 minimum vs \$.25) for service within specified areas of the SJMR, but the fare is the same as that of the METROMOVIL. The private buses are old, non-air-conditioned vs. MBA's and METROBUS's increasingly air-conditioned fleet, yet appear to be surviving due to the traditionally available service, its reliability and the occasional neglect or lack of competing service on the same route by the MBA.

In order to achieve the lowest possible investment and the low operating costs, the private bus operators go into extreme cost saving practices, virtually unknown on the U.S. mainland. As presented in Table 2, the majority of the Intercity Line buses (5 Out of 9) are 20 years old school buses, while the remainder are 25 years old GMC New Look type buses. Similarly, with the exception of one 20 years old Flxible bus, the rest of the Suburban Line fleets consist of 16 years to more than 20 years old New Look type buses which are kept marginally roadworthy by almost superhuman efforts and "cannibalizing" parts from available junk fleet reserves.

The labor cost saving techniques include more of the time the owner being also the operator and/or the mechanic for his bus(es). When more than one bus is involved, they establish a non-salaried-driver-to-owner relationship, whereby the drivers receive 25 to 30 percent of the fares collected on each run driven, supplemented sometimes by means.

Passenger Volumes

With respect to passenger volumes, in the 1979 Metro for San Juan Study it was estimated that the private bus lines handled approximately 5.7 percent of all SJMR bus service. Based on 1985 data obtained through public transit studies in Río Piedras and Bayamón, it has been estimated, based upon a recorded 48 peak buses, that the average weekday passenger volume was about 11,000 passengers throughout the SJMR. This represents approximately 8.9 percent of the total buses service in the SJMR, a considerable gain since 1976. However, a more recent (1988) passenger count estimated that 9,000 daily trips were being made at that time, or about 4 percent of total public transit trips in the SJMR.

Complete recent private bus passenger data is limited to several incomplete sources. The only bus route for which more detailed information is available is the Caguas-Río Piedras route (Villa Blanca Bus Line). This route, one of the Region's more stable and apparently more profitable bus operations, operates a 13-mile (one-way) path along highway PR-1 between the Municipality of Caguas south of the San Juan Region and the Río Piedras sector to the north. Table 3 presents a summary of the available information concerning the Caguas-Río Piedras bus route.

Figure 7 presents estimated daily (12 hour) private bus line bus and passenger volumes at selected points throughout the SJMR study area⁶. As noted in the figure, the buses transport approximately 1,672 passenger to and from external SJMR points, the largest concentration of bus passengers are found at the Río Piedras CBD, followed by the Bayamón CBD. Approximately 935 passenger trips enter and leave the Old San Juan sector; 1,566 trips are registered at the Constitución Bridge (PR-2); and 1,530 passengers cross the Río Bayamón Bridge (PR-2).

⁶Data based on public transit surveys for "San Juan Metropolitan Region Transportation Study", 1990 field surveys, and recent counts related to "Interamerican University's Bayamón Campus, Public Transit Terminal Feasibility."

TABLE 3
SUMMARY OF CAGUAS - RIO PIEDRAS BUS ROUTE OPERATIONS
As of November 1991

Number of authorized buses running daily	7
Route distance (one-way)	13 miles
Capacity per bus	60(including standees)
Average daily passenger per bus per day	450
Average number of daily trips per bus	5
Average headways	15 minutes peak periods 30 minutes off-peak
Average daily:	
1) Revenue per bus day	\$247.50
2) Cost per bus day	\$ 61.35
3) Net revenue per bus day	\$141.15

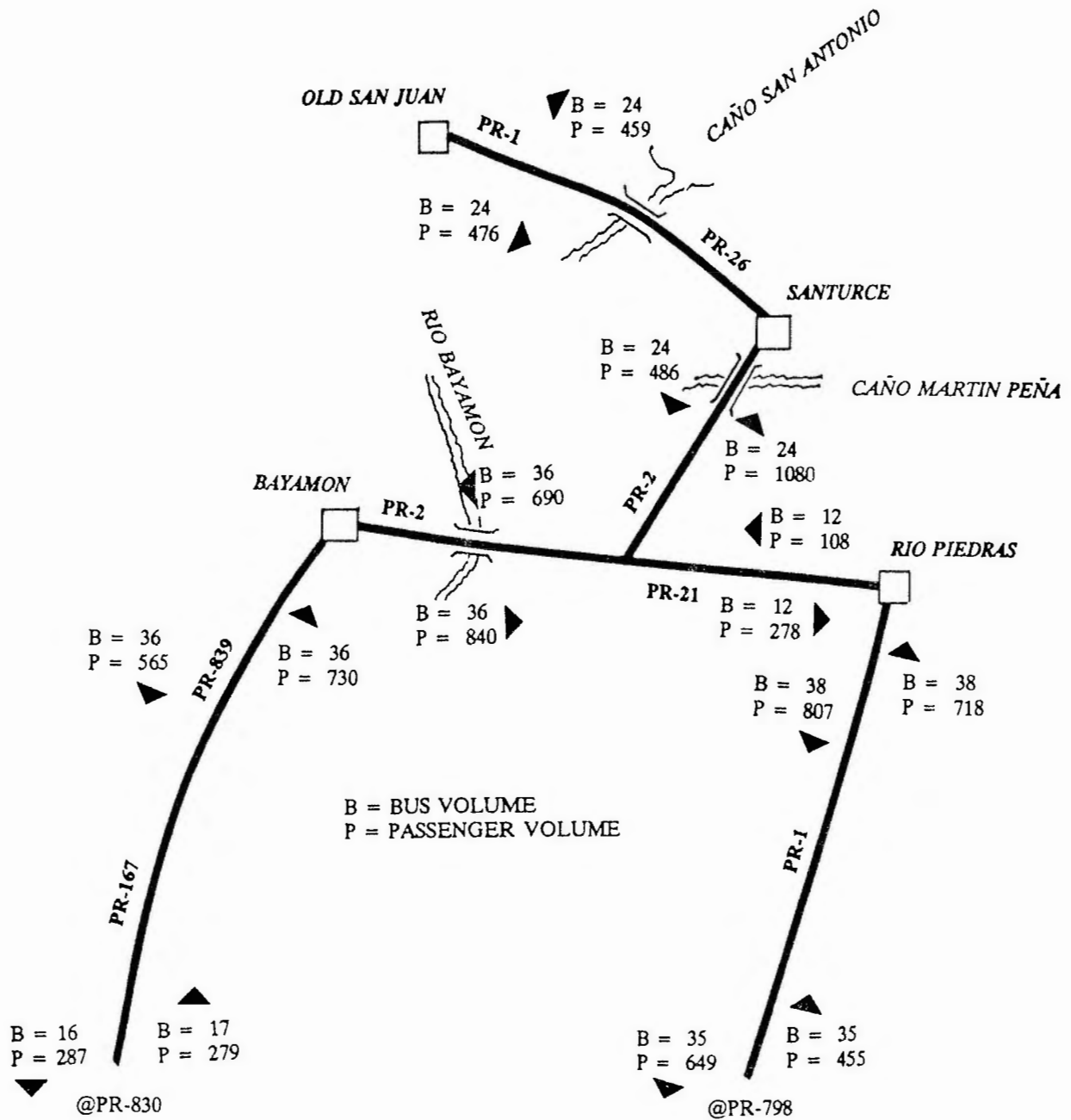
(Note: All information provided by the PSC. The revenue and operations cost estimates are by the PSC based upon its established methodologies.)

Público Services

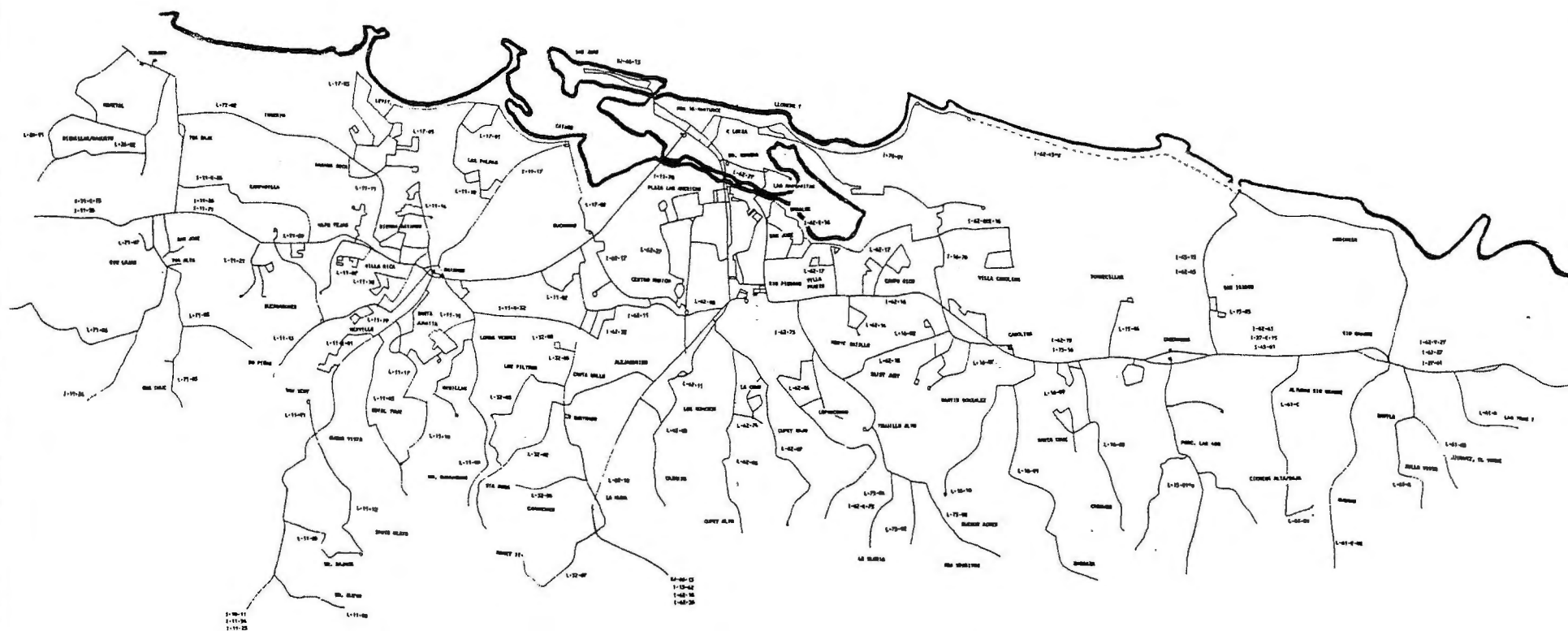
Puerto Rico's fixed-route, semi-scheduled owner-operated and demand responsive público passenger transportation system is unique within the territorial United States, although it is similar to other systems in the Dominican Republic, Venezuela, Mexico, Brazil, and elsewhere. The privately owned and operated vehicles are the Island's dominant public transportation service, outside of the central portion of the San Juan Metropolitan area. Except for the central service areas of the Metropolitan Bus Authority (MBA), públicos Acua-Expreso, and to a lesser extent, private buses, provide the only public transportation in the San Juan Region. Figure 8 presents a general route layout of the SJMR público services.

Público vehicles in the SJMR are typically regular vans with a design/legal capacity of 14 passengers, although the PSC permits an allowable operational capacity of up to 17 passengers. Público operators are mostly self-employed, using their individual vehicles for

FIGURE 7 PRIVATE BUS LINE DAILY VOLUMES AT SELECTED SCREENLINES



GENERAL SJMR PUBLICO NETWORK



both transit service and personal use, or work on a commission basis, renting a vehicle, paying its owner a previously determined percentage of their daily revenues. The operators do not receive any government operating cost subsidies.

The público system, in general, offers three types of public transit services:

1. **Intercity (I)**, providing service directly between towns and cities, for example, between Río Piedras and Carolina (designated I-62-16), where the two sets of numbers denote the respective town. Terminals for each route are normally found within each town.
2. **Local (L)**, or intraurban service, providing service between a town (or central urban area) and the outlying suburban and/or rural areas. The local route would normally have a terminal space (either curbside or off-street) within the town; however, no terminal for the other route end is provided.
3. **Line** service which provides for specialized scheduled operations and door to door service usually between specific points or generators within the SJMR (i.e., the International Airport, Medical Center, Old San Juan, Río Piedras, etc.) and cities external to the SJMR.

Administratively, públicos are divided into two general groups as reflected by the license plate "issued". Vehicles assigned "PD" plates (Público Dueño) indicate that the operator is the owner and sole authorized driver of that vehicle. Based on local tax regulations, the "PD" vehicles are exempted from the vehicle tax. On the other hand, vehicles assigned "P" plates (Público) indicate that the vehicle owner does not necessarily use the vehicle as his source of income and can lease one or more vehicles to other PSC authorized drivers. In this case, "P" vehicles are provided with up to 20% tax exemptions.

Almost all of the SJMR público operators are organized into collective units such as associations, cooperatives, unions, or federations. Associations and route "unions" are typically organizations formed by operators of a specific route. Cooperatives are more formal organizations of operators in which members have a more extensive personal financial stake in the organization including such services as revenue producing gasoline and maintenance facilities and benefit programs (i.e., health and death benefits). Federations tend to be larger organizations formed from various associations and/or cooperatives, mainly

for the purpose of providing, among others, lobbying capabilities with the government (PSC, DTPW and other agencies as well as the legislature and executive branches).

The PSC has regulatory authority over the franchising of público routes, operators, the inspection of vehicles, establishing vehicle capacities, and fares. The PSC holds hearings and public meetings on público service issues. The DTPW's authority over público service is limited to operator licensing, vehicle registration (and issuing of license plates) and the use of state roads for stops and terminals. The municipalities are limited mainly to terminal facilities, both curb and off-street, non-state and properties.

Based upon a detailed, updated inventory of the públicos serving within the SJMR, conducted by the PSC during the latter part of 1991, a total of 124 routes were identified and surveyed. Table 4 presents a summary of the basic público inventory and service by municipality (where each route is based). This inventory does not include any of the "line" or airport services. Appendix A presents a more detailed route inventory and service characteristics.

Table 4 presents a comparison of the number of authorized vehicles as per the PSC's files, the actual number of vehicles in operation and the maximum number of vehicles operating on a per day basis. The initial PSC files indicated a total of 3,022 vehicles within the 124 routes, whereas the actual number in operation was 2,186 or 72.3 percent of the originally authorized vehicles. This indicates that the PSC files were not reflecting the true number of authorized operators and that the need to update the inventories was highly justified.

In addition to establishing actual route inventories, the PSC field survey confirmed earlier findings of the San Juan Region Transportation Study (1990) that several routes were no longer in operation. Many of these were routes that tended to be small (less than 5 vehicles). The operators of these routes either abandoned services or were incorporated into other larger routes or went on to establish new routes.

Table 5 presents a list of those públicos routes that were found (through the PSC's own survey) to no longer be in operation as of late 1991. A total of 26 routes and up to 106 vehicles no longer operate although some vehicles/operators (not accurately documented) have been integrated into other established routes. Of the total non-operational routes, seventeen consisted of only one (1) vehicle and five (5) consisted of only two (2) vehicles. Only one route had five (5) vehicles; whereas, three (3) routes had more than twenty

TABLE 4
SUMMARY OF SJMR PUBLICO INVENTORY AND SERVICE CHARACTERISTICS (1)

<u>Municipality</u>	<u>Number Authorized Vehicles</u>	<u>Number Working Vehicles</u>	<u>Daily Average Working Vehicles</u>	<u>Daily One-Way Vehicle Trips</u>	<u>Total Daily(12 Hour) Route Passengers</u>	<u>Average Per Passenger Vehicle Trip</u>
Bayamón	995	757 76.1%	489 49.1%	5,052	51,273	10.2
Canóvanas	152	90 59.2% (2)	54 35.5%	542	4,874	9.0
Carolina	151	99 65.6%	55 36.4%	414	6,552	15.8
Cataño	104	63 60.6%	48 46.2%	601	5,919	9.8
Dorado	27	25 92.6%	9 33.3%	243	1,417	5.8
Guaynabo	71	49 69.0%	34 47.9%	640	2,189	3.4
Loiza	34	40 117.6%	24 70.6%	351	4,269	12.1
Río Grande	82	59 72.0%	38 46.3%	423	2,889	6.8
Río Piedras	1,218	880 72.2%	671 55.1%	6,068	88,036	14.5
San Juan (3)	103	63 61.1%	55 53.4%	385	5,977	15.5
Toa Alta	33	23 69.7%	14 42.2%	244	1,343	5.5
Toa Baja	19	19 100.0%	8 42.1%	104	992	9.5
Trujillo Alto	33	19 57.6%	16 48.5%	263	935	3.6
Totals	3,022	2,186 72.3%	1,515 50.1%	15,330	176,665	11.5

- Note: (1) This summary is based upon the survey information collected by the PR Public Service Commission during mid to late 1991. The summary does not include interurban, external, "line" público routes that provide service between San Juan or Río Piedras and cities outside the San Juan Region. Públicos operating from the International Airport were also not included.
- (2) Percentages based upon number of authorized vehicles.
- (3) Includes Santurce.

TABLE 5
SJMR PUBLICO ROUTES NO LONGER IN OPERATION (1991)

<u>Municipality and Route</u>	<u>Number of Vehicles</u>
<u>Guaynabo</u>	
1. Hanna Maria Apts. via Bello Monte	1
2. Hato Nuevo	1
3. Mamey I	2
4. Colinas Metropolitanos	1
<u>Bayamón</u>	
1. Manatí	1
2. Morovis	24
3. Toa Alta Heights	2
4. Los Domínicos	1
5. Colinas de Toa Baja	1
6. Barriada Ortíz, Toa Baja	2
<u>Dorado</u>	
1. Bo. Espinosa - Vega Alta	1
2. Bo. Río Lajas	2
3. Bo. Kuilán	1
4. Bo. Cerro Gordo	1
5. San Juan via Bayamón	1
<u>Toa Alta</u>	
1. Bo. Quebrada Cruz, Cuco	23
2. Sectores Marina, Rincón, Carr #167	1
3. Toa Alta Heights - Bayamón	1
<u>Toa Baja</u>	
1. Parcelas San José	2
<u>Río Piedras</u>	
1. Santa Rita de Gurabo via Trujillo Alto	1
<u>Carolina</u>	
1. Villa Carolina	27
2. Ingenio	1
3. Sector Pagán via Barrazas	1
4. Torrecillas, Buena Vista	1
<u>Trujillo Alto</u>	
1. Carraízo	5
2. Gurabo	1

vehicles. This statistic would seem to indicate that minor routes (of less than 5 vehicles) are more difficult to maintain especially if the route conflicts almost directly with larger, established routes.

Of the three routes with more than twenty vehicles, their demise came about either by the elimination or relocation of the principal trip generator (i.e. Villa Carolina - Carolina depended upon the UPR's former regional campus) or a significant shift in ridership to other routes or destinations.

The actual number of vehicles found to be operating on any one particular weekday was estimated at 1,515 or 69.3 percent of the total of revised route vehicles. This condition reflects (1) the recognized need to maintain updated files and figures on the actual number of authorized and operational público vehicles, and (2) a high proportion of routes that have to operate their vehicles on a half inventory per alternate day basis.

Daily públicos passenger and vehicle trips in the SJMR account for approximately 176,665 trips and 15,330 trips, respectively during the main 12-hour operating period between 6 AM and 6 PM. The average vehicle occupancy is estimated at 11.5 passengers per vehicles. The total estimated público capacity is 34,975 seats of which only 24,240 seats are available on a per day basis.

A total of 47 (37.9 percent) of the 124 identified routes are designated as interurban routes and the remainder (77, 62.1 percent) are classified as local routes. Based on the route inventory, there are approximately a total of 2,282 route miles available. Operating periods normally extend from very early morning (before 4 AM on some major route) to 5-6 PM for the majority of the routes (very few operate beyond 6 PM). Públicos fares are distance based and established by the PSC. Fares within the region range from a minimum of \$.35 to a maximum of \$2.00, with an average fare per trip of \$0.76. Gross annual income averages \$8,850 per operator, as estimated by the PSC. (Based upon the público inventory and revenue/costs data provided by the PSC, the SJMR público operators have a net daily income of \$37.72 or an average yearly income of about \$9,800.) Fares are the only source of público-car operator finances, other than tax and licensing fee exemptions associated with vehicle purchase and registration for public transportation purposes. The only other public subsidy source for público operations is the construction of público terminals.

Terminal facilities are usually found within the central areas of each municipality. Up until the early 1980's, público terminals were normally restricted to designated curbside areas. As of April 1992, major público terminal structures (off-street garages or lots) are found in Dorado (with two small, enclosed terminals), Toa Baja (very limited covered area for its only operational route), Bayamón (with two major facilities with over 700 spaces plus various smaller route terminals throughout the CBD), Guaynabo, Río Piedras, Carolina, Trujillo Alto, Loíza, Canóvanas (two terminals, neither yet in operation) and Cataño (lot serving the Ferry Terminal).

Río Grande has recently completed its new terminal and will begin operations shortly. In Cataño's case, the city has recently begun the construction of público terminal garage facility. A second terminal facility for Río Piedras is still in the site selection stages. Toa Alta is also considering the viability of a público terminal. The San Juan municipal government is currently reconsidering the proposal for a público terminal facility just north of the Old San Juan Intermodal Terminal (Covadonga).

One of the important aspects of the públicos that differentiate them from the MBA is that the establishment of the routes is made upon the initiative of the operator(s) based often upon perceived market demands without entering into complex, staged planning processes. The extent of their service depends highly upon actual demand and service limitations (number of vehicles, accessibility, hours of service, etc.).

5.**PUBLIC TRANSIT SERVICE COORDINATION AND INTEGRATION ISSUES**

The integration of public transit services into an improved regional transportation system involves combining three different types of service, operations and organization. Ideally, the goal would be to provide one system whose elements operate in sync, with reliable schedules, and centralized administration. However, the SJMR presents a system with thousands of individual administrations, with these formed into over one hundred larger but still somewhat unstable elements. Realistically, there is no effective means of providing a fully "integrated service". Each element, whether it be bus or público, has numerous issues associated with them that must be considered within the context of service "integration".

Público Service Quality and Coordination Issues

General observations of SJMR público service include:

1. A continuing yearly diminishing number of público passengers have been recorded due, in part, to an everincreasing auto ownership level. A specific example is Bayamón. In a recent público terminal evaluation report¹⁰, it was reported that in 1981 the público passenger volumes for the Bayamón CBD were approximately 54,543 daily. By 1987 this volume had been reduced to about 39,414 daily. This represents an average annual negative rate of -5.27% between fiscal years 1981 and 1987. During the same period, automobile registration in Bayamón increased by an annual positive rate of 5.23%.

¹⁰Study and Evaluation of Existing Público Vehicle Terminals in Bayamón, Caguas, and Mayaguez," Final Report, DTPW, MTCG, Inc. Nov. 1989.

Other factors affecting público (and general transit) service in the San Juan Region include the perceived or real deterioration of the quality of service (poor service, low frequencies of service, unavailability of service during certain hours, uncomfortable vehicles, unreliability, etc.).

Although these factors seem to confirm the decline in transit usage regionwide, it does confirm also that the públicos remain the major mode of public transit in the SJMR.

2. Heated competition amongst all modes exists along major corridors such as highways PR-1, PR-2, PR-3, PR-21, and PR-167. Numerous público routes tend to be concentrated along these "common" corridors, all competing for the same passengers (including those associated with the MBA). For example, there are at least 13 Río Piedras based público routes and three MBA routes operating along PR-3 between Río Piedras on the west and highway PR-181 on the east, a segment length of 1.2 kilometers (0.73 miles). Even between PR-181 and Río Piedras there are nine público routes and two MBA Routes serving part or all of the corridor. Nevertheless, all of these público routes remain economically viable.
3. Públicos generally require high vehicle acquisition and operating costs. Operators entering or establishing a route must bear all the costs starting with the acquisition of the vehicle (a new 17 passenger van may cost over \$35,000 before taxes) and continuing with all operating and maintenance costs. As determined by the evaluation route characteristics (see Appendix B), the average net revenues tend to be less than \$40 a day, without considering factors such as insurance beyond the "no-fault" required in Puerto Rico. In some cases, this provides an incentive to provide more service (produce more revenue); but in other instances, this could force operators out of business or to join other routes.
4. There is a general lack of security for operators and passengers resulting in scarce late afternoon and evening público service. This is one of the factors (the other being long working hours) affecting potential evening service throughout Puerto Rico. Although the PSC does allow a fare surcharge applicable after 6 PM, only a handful of routes provide this extra service (i.e.

Bayamón-Santa Juanita), and very often its application is left up to the discretion of the individual operator.

5. Service area/route competition with higher capacity vehicles (buses) is prevalent in the central San Juan areas with competition along the Río Piedras - Bayamón, Bayamón - San Juan, and Río Piedras - Carolina corridors.
6. There exists a perceived lack of attention to públicos by the state government agencies and to a limited degree by the municipalities. This is one of the most voiced complaints by the operators. Although the municipalities (in coordination with the DTPW) have aided públicos through the provision of off-street terminals (costing up to several million dollars) and special vehicle tax and license tag fees exemptions are provided on the state level, operators tend to complain about high operating costs, high insurance rates (the majority of the operators have no insurance other than the obligatory "no-fault" insurance), high interest rates on new and used vehicle purchasing, and their perceived unequal and unfair subsidizing of the MBA.
7. Safety and comfort are below desirable levels in many instances. Public transit user surveys within the SJMR have consistently found that a considerable number of público riders are concerned about vehicle safety (made more acute with complaints of speeding) and the quality and comfort of service, particularly overcrowding, insufficient seating comfort, and high interior temperatures.
8. Service hours on less heavily patronized routes are at times irregular and service frequencies are highly variable. This is because the público operator has no financial incentive to offer frequent service during periods of low demand. There are no disincentives which might encourage him to modify this highly rational behavior.
9. Stops and routes are not clearly designated and are subject to change. In effect there are no official stops other than at público terminals. This gives públicos great freedom of operation but can cause confusion and safety concerns among users. Furthermore, there is little public information

available through the PSC, or other agencies, on público services offered in the region, their fare levels and points of access.

10. There is a lack of coordination in service and fares between público and scheduled bus services. This is evident from the fact that bus and público terminals often have been constructed separately and often several blocks apart. Intermodal transfers are inconvenient. Even the current planning efforts of the Municipality of San Juan to construct público terminals in Old San Juan and west Río Piedras are not being fully coordinated with the PSC, let alone the MBA and other public transportation operators.

From the standpoints of service and operations, lack of coordination results in policy conflicts among operators and inefficient, ineffective delivery of services.

11. Intermodal integration between públicos and buses is currently occurring although not necessarily as a planned happening. A good example is the bus and público operations in the Bayamón CBD wherein the MBA and públicos share an off-street terminal and riders are provided with excellent accessibility and transfer mobility. In addition, MBA service is provided with nearby bus stops permitting direct user access to and from the Kuilan and Guardarrama Terminals.

Private Bus Line Service and Coordination Issues

General observations of the private bus line service include:

1. Without some additional, indirect assistance or support, the private bus operations may continue to decline and approach extinction. The mere fact that both intercity and suburban private bus lines remain in existence, through the stubborn determination and extraordinary methods of operations by their owners, is proof of their viability.
2. Intermodal integration between METROBUS, METROMOVIL and private bus lines is occurring under market demand and requires only continued encouragement. At this time, "integration" is limited to the availability of

passenger interconnection with METROMOVIL at the Stop 18 (Parada 18) transfer area in Santurce.

3. The quality of the highways and roads where the private bus lines operate are very critical for the maintenance cost and life expectancy of the old buses used in these services. Unfortunately, various segments of the local roads over which the buses operate are often in fair to poor conditions, with the most destructive element for buses: potholes.
4. The increasing costs, as well as the increasing scarcity of the inexpensive but rugged, used buses, places the operation of private bus lines in jeopardy due to the lack of running inventory.
5. High maintenance costs, as well as scarcity of parts, limit the viability and expansion or growth of the private bus lines.
6. The private bus operations depend almost totally on passengers who are familiar with their services, bus stops and schedules, all of which are not readily available to the general public.
7. There are four basic problem areas that have been generally identified as barriers to greater cooperation between the public and private sectors. These problem areas, which can be also be considered applicable to públicos, are:
 - Non-responsive bureaucratic rules, regulations, and authority;
 - Inequitable cost and operational comparisons between the public (MBA) and private operators;
 - Inadequate service specifications on which to base business and financial decisions; and
 - The government using local and federal monies to subsidize public operations (i.e. the MBA) that directly compete with private operators in a manner that is generally perceived as an unlevel field of play.

Public Transit Service Integration Issues

In order to assess the degree of public transportation service integration of the SJMR modes, these are several issues that must be reviewed. These include:

1. The definition of service areas for each mode.
2. Fare integration
3. Distribution of incentives
4. Interagency coordination and assignment of responsibilities
5. Monitoring of service performance
6. Enforcement of regulations regarding vehicle safety standards and route franchises.
7. Transfers and accessibility

Definition of Service Areas for Each Mode

The current SJMR public transportation system's distribution of service is relatively simple. The MBA/METROBUS operates almost exclusively within a general triangular area with the southern baseline extending from the Bayamón CBD in the west, eastward along the PR-21 corridor to the Río Piedras CBD and further east along the PR-3 corridor to the Carolina CBD. The apex of the triangle is Old San Juan (see Figure ---). Some peripheral MBA service is found in the Levittown, Guaynabo and Trujillo Alto sectors. Públicos dominate exclusively the rest of the SJMR.

In reviewing the current service areas, the MBA/METROBUS operates within the more highly densified urban corridor (North-South Corridor) which also contains many of the major trip generators as described in Chapter 4. Some público services are available but usually restricted to specific corridors serving larger areas of low income population.

Since its inception, the MBA has been defined by law as the exclusive service mode for the San Juan Metropolitan Area (as defined by the Census). In fact, the MBA has the legal ability to oppose any private sector routes which it feels may interfere with its operations and service areas. However, other than those públicos which had their routes "grandfathered" in, the decline of quality service by the MBA has opened the door for more central urban público service. A case in point is the Río Piedras - Barrio Obrero route (L-62-27). This route began several years ago to operate illegally along the Barbosa - Borinquen Corridor. Although the MBA fought this route through legal channels, the results was favorable to the público operators since the MBA could not support its own requirement for adequacy in service.

There are two basic options that can be considered for service area definition:

1. Maintain the existing service distribution, as previously described, permitting público and private bus routes to service within the designated MBA area only after careful evaluation and planning to determine needs and impacts.
2. Open up the entire SJMR service area to all modes and let the market forces decide the viability of each.

The first alternative would require more advanced levels of interagency and private/public sector cooperation and coordination. Service expansion by any mode should be processed and evaluated through a fast and acceptable format that should include consideration of transit service conditions, needs and intermodal coordination.

This alternative can also clearly define a more systematic service distribution that can address the needs of the higher density areas through the use of higher capacity vehicles. The outer areas can be served by lower capacity vehicles, such as públicos, but at the same time provide a feeder service for the higher capacity elements.

The second alternative generally consists of opening up all of the major transit corridors to more competition. This will help to provide the transit user with a higher mode selection and even more competitive fares in some areas.

This alternative, however, would still require the establishment of fixed routes, and, in some cases, more formal schedules. Even though competition may be good for the public,

too much competition can result in operators looking towards the more profitable routes, abandoning various service areas, and others could be forced out of the business altogether.

In either alternative, increased private sector participation must be stressed. This can be accomplished as in the case of METROMOVIL wherein the government agency (PRHTA) contracts a private company to operate the route under specified conditions. The MBA or DTPW and PRHTA can do the same thing in other sectors with either público or private bus operators. This action shall be taken only under strictly defined and controlled conditions including route trajectories, fares, and schedules, and with the necessary planning coordination.

As such, both alternatives are oriented towards the government's stated public transit goals as presented in Chapter 3.

Fare Integration

One of the most difficult aspects in the consideration of public transit service integration is that of fare integration. The goal of fare integration is basically to assure a consistent and equitable fare structure that permits a reasonable cost to the user and provide a fair revenue return for the mode or modes involved, especially when transfers are prevalent.

The establishment of one common integrated fare system is difficult to accomplish due to the need to establish a control mechanism for the distribution of fare revenues amongst the operators. This is made even more difficult when there is no one agency charged with this control.

As of the date of the preparation of this report, there is no type of fare integration (i.e., transfer fares) available on any of the SJMR's transportation systems. All trips (boardings) pay full fare whether it is the ferry (AcuaExpreso ferry or its shuttle bus), the MBA, METROMOVIL, públicos or private buses. This is due to the fact that all of the private operators/routes are independent of other operators/routes, both organizationally and financially.

The públicos and private buses fares are established by the PSC and these tend to be equitable along common corridors. For example, a trip between Carolina and Río Piedras (east to west direction) would cost basically the same on the Río Piedras - Carolina

route (I-62-16) as on the Río Piedras - Loíza route (I-62-45) or Río Piedras - Fajardo (I-62-27) routes. On the other hand, the return west to east trip may be charged differently than the Río Piedras - Carolina route since the operators of the Loíza and Fajardo routes can charge the higher full fare even if the passenger gets off before reaching Carolina.

The MBA and METROMOVIL systems do not have fare integration due mainly to differences in administrative and operational characteristics. The lack of adequate coordination also comes into play. In this case it may seem more inappropriate since both systems are funded (re: subsidized) with public funds although the METROMOVIL is operated by a private entity.

The most notable failure in cooperation and coordination is the Ports Authority's and the MBA's full fare schedule for AcuaExpreso without transfer fares between each mode. Although these two agencies are government entities, the Ports Authority is an autonomous entity which operates based on bonds plus revenues from its numerous facilities. The ferry service is not a principal function of the Authority and as such it must make up any losses from the other revenue sources.

Distribution of Incentives

Even though public transit service in the SJMR is provided by both the public and private sectors, the level of subsidization or incentive varies due to the nature of each sector. The public sector has the advantage of the availability of local and federal funds but is under the obligation of public policy to provide affordable public transit service even if it means operating at a "loss". The private sector, however, is not obligated to provide non-profitable service and has a higher level of flexibility with respect to service administration, route coverage and fares.

Two of the major observed discrepancies in the type and degree of incentives available to each sector are:

1. The public sector can utilize local and federal funds for vehicle purchases, maintenance, construction of terminals and special facilities, operations, etc. Fares can account for less than one-quarter of the actual operating costs.

The private sector must purchase its vehicles (normally on an individual basis) on the open market, with its much higher prices, pay taxes on the vehicles and gasoline, and pay for their own maintenance and operations, all from their sole revenue source: fares.

On the other hand, the private operators have been provided with some incentives such as annual license fee exemptions, excise tax exemptions upon the purchase of new vehicles (up to full exemption if the vehicle is the operator's sole source of income), fare surcharge for evening service, and route exclusive "rights" of a through the fixed route regulations. In addition, the local governments have invested funds (local and federal) in the construction of terminals and passenger shelters (stops).

2. The public sector can afford full coverage insurance due to its size of operations. The private operators lack, in the majority of the cases, individual insurance due to its high prices on the current market. Individual operators are obligated to pay for the state insurance, common to all vehicle owners on the Island. Some routes have formed cooperatives which help to overcome some of the excess costs.

Interagency Coordination and Assignment of Responsibilities

The current distribution of agency responsibilities has DTPW and PRHTA responsible for transportation planning, funding allocations (as a clearing house) and construction of transportation facilities. The PSC is a regulatory agency with a very limited planning role oriented towards individual route needs and operations and with its main responsibility in the authorization of routes and establishing fares.

Up until recently, the PSC was the only agency that dealt directly on any level with the públicos and private buses; whereas, the DTPW was more oriented towards roadway and large scale transit planning, in the latter case usually assuming that the private operators could readily adhere to any changes, no matter how drastic. Practically all federal and local funds went to the public sector systems.

This situation has changed since the early 1980's, when local and federal funds began to be allocated in larger amounts for the planning design and construction of público

terminals and for municipal and subregional public transit improvement studies dealing specifically with públicos and private bus lines.

Fortunately, the significant importance of the private sector has been formally recognized through public policy however, the roles of the agencies are virtually the same. Nevertheless, the PSC has begun to expand its role to coordinate público and private bus information with the DTPW and MBA, especially with respect to regional planning.

Monitoring of Service Performance

For too many years (before the 1980's), the público and private bus operations were virtually taken for granted and, except for the PSC and some local municipal governments, ignored. Much of the government's efforts to improve public transit was focused upon the MBA and corresponding roadway and related transit improvements. As such, the government was able to set up advanced data collection and analysis procedures to assess the MBA's operations. This was extremely useful especially when federal funding (capital and operating) became available. However, no concentrated effort in a similar manner was made of the private sector.

With the opportunity to increase transit funding in the SJMR, the decline in MBA ridership, and the success of the METROMOVIL, the need to more accurately monitor the private sector operations becomes more paramount. The monitoring goes beyond just preparing a vehicle and operator inventory or doing special limited fare studies. It has now become essential to record a much expansive series of system performance measures as discussed in Chapter 4.

The agency more appropriate to monitor the private sector at this stage is the PSC. The information accumulated can be readily transmitted to the DTPW for regional planning analysis.

Enforcement of Regulations (Safety and Franchises)

The PSC is the agency with the responsibility of assuring the use of appropriate and safe vehicles for transit services and the authorization and monitoring of route franchises. The PSC has the legal authority and expertise to handle these responsibilities.

However, when considering integration of services, the question arises as to what extent can the PSC oversee the public sector vehicles with respect to safety, fares and route franchises. More importantly, it is necessary to define to what extent should the PSC be involved in the SJMR's transportation planning.

Transfers and Accessibility

An essential aspect of intermodal coordination is to assure efficient and effective transfers and accessibility to the various modes of public transit. This may begin with the planning of terminal and transfer facilities to assure proper access and circulation of the vehicles and pedestrians. All modes should be accommodated either within the same facility or have provided a means to reduce transfer times and distances.

The Cataño ferry terminal is a good example of an effective, although simple, intermodal area. The ferries, públicos, and MBA buses are within a very short walking distance of each other providing for ferry-público, ferry-bus, or bus-público transfers within a compact area. This good system will be changed with the future implementation of the Cataño Público Terminal to be located several hundred feet to the west of the present público lot. The terminal does not provide for MBA buses and results in a longer walking distance to the ferry and bus terminals.

This situation is also a good example of the lack of adequate planning and, most importantly, interagency coordination. The most effective area for the construction of the público terminal was the area immediately fronting of the ferry terminal. A combined público/bus terminal and parking garage would have further enhanced the intermodal transferability and accessibility, as well as augmenting the off-street parking capacity for private vehicles. This action would have enhanced the overall viability of the AcuaExpreso system.

Vehicle Types

The current main vehicle used by almost all of the público operators in the SJMR is the 14-17 passenger vans. There is no standardized make or model (but exclusively American made vehicles; Dodge, Ford, Plymouth, and Chevrolet); however, the PSC does require minimum seating dimensions, door types, and standard window arrangements. There is also no standardized color scheme. It should be noted, though, that these vehicles do tend

to be individualized to some degree since the vehicles also often serve as the owner's main personal vehicle and sole source of income.

The MBA buses tend to be a mix of standard air conditioned, city coaches seating between 45-60 passengers. There are still a few much higher capacity articulated buses. The private bus lines have older (averaging more than 20 years old) coaches, with seating capacities between 45-60 passengers.

Since the late 1970's, público operators have been exposed to larger, more comfortable vehicles which are actually converted vans with slightly wider chaises, 17 passenger capacities (although some vehicles can accommodate more), and center aisle passage, providing room for standees. Several of these vehicles are currently in service although not in significant numbers. However, there are several routes, such as Río Piedras - Centro Médico (L-62-06) and Río Piedras - Bo. Obrero (L-62-27) which have dozens of these vehicles in operation (albeit limited to a capacity of 17 passengers as per regulations). These routes have high ridership, compete directly and successfully with the MBA buses, and serve special generators such as the Medical Center. Thus, comfort and ease of accessibility are major factors for maintaining ridership.

Público vehicles preferences in the SJMR have progressed within the past three decades, changing from 5-6 passenger sedans, to 8-9 passenger "checkers" and station wagons, to 12-14 passenger mini-vans, to 17 passenger "maxi-vans" and "mini-buses". These changes have occurred due mainly to higher demand on some routes, more economical and efficient operations resulting from higher capacity and more fuel efficient vehicles, and increasing competition from newer, improved MBA buses.

The present issue concerning públicos vehicles is should público operators be allowed to use vehicles with capacities in excess of the current 17 passenger maximum? Two factors that are involved are (1) the need for these larger capacity vehicle based on current supply and demand and (2) capital and operating costs associated with the higher capacity vehicles.

With respect to the first factor, an assessment of the performance measures for the SJMR públicos (Chapter 4) indicates that there are at least two routes, Río Piedras - Carolina (I-62-16) and Bayamón - Cataño (I-11-17), which have the ridership that could more readily sustain larger vehicles. However, whereas, the Bayamón - Cataño route has a more favorable cost recovery ratio, the Río Piedras - Carolina route has a more moderate ratio due to the much higher level of competition along its service corridor. The

introduction of higher capacity vehicles on this route would probably help that specific route but it would seriously affect the smaller routes within the corridor.

Increased ridership potential notwithstanding, opposition from other operators, including those within each route who cannot afford the vehicle, the size and use of the vehicle can preclude it from general use. It must be pointed out that the público vehicle normally represents the operators' family vehicle also. Whereas, vans can be readily used as a family vehicle, "mini-buses" do not have that flexibility.

The other principal factor costs, is critical to the operators. Although the actual purchase cost differential between a maxi-van and a "mini-bus" can range between \$5,000-10,000, the much larger buses also have much higher maintenance and parts costs. Also, the type of vehicle will require insurance costs (bus workshops are not common in Puerto Rico but parts and body shops for common vans are plentiful) and larger storage areas (regular vans can be easily stored in the typical carport found in Puerto Rican homes). These higher operating costs would then have to be reflected in higher fares.

6.

RECOMMENDATIONS

Full administrative and operational integration of the current SJMR public transportation services is not possible to accomplish under the present conditions. A primary reason for this is the notable diversity of the existing modes in terms of vehicle types, route and organizational characteristics (including differences between private and public ownership), tariff structure, and the inability to establish an overall transfer fare system.

Ideally, full system integration would require an equitable distribution of fare revenues and the integrated coordination of schedules between modes. Nevertheless, a general level of integration can be achieved in terms of modal accessibility by improving transferability and service coverage of the existing services.

This section presents a series of policy, operational, administrative and regulatory recommendations that would benefit Público/METROBUS/Private Bus Line service integration to the extent possible. Several previously developed policies and recommendations for público and private bus policies and operations have been presented in Chapter 3. Many of the policies and recommendations are still valid and should be implemented. The following includes a series of new recommendations, and, in many cases, the modification or expansion of previous recommendations, with respect to integration of público and METROBUS services. Where applicable, cost impacts and funding sources are described. In addition, a general implementation schedule is presented.

Public Agencies Responsible for Implementation and Funding of Public Transit Improvements

The following is a brief review of the local government agencies that are responsible for the development and implementation of SJMR public transportation policies and plans and their funding.

The Department of Transportation and Public Works (DTPW) is the key umbrella organization for all transportation modes and matters and is responsible for transportation planning in Puerto Rico including the San Juan Metropolitan Region. As such, the DTPW is the designated focus of the Metropolitan Planning Organization (MPO) which is also the designated recipient and interface of all Federal Transit Administration (FTA) assistance for Puerto Rico. The DTPW may, at the Secretary's and FTA's discretion, delegate direct interaction of subgrantees with the FTA. The MBA and the Ports Authority (operating the AcuaExpreso) are such examples; however, the DTPW is still "in the loop" and retains certain oversight over all FTA matters.

The Puerto Rico Highway and Transportation Administration (PRHTA) has recently received additional oversight responsibilities over the MBA which is paralleling some of the developments at the federal level, where under the Intermodal Surface Transportation Efficiency Act (ISTEA) of December 1991, interchangeability and coordination of Federal Transit and Federal Highway Administration programs, assistance and funding is increasingly possible.

Clearly, the PRHTA, which prior to this expansion of its role was responsible for all highway planning and construction in Puerto Rico with a heavy direct interface with the Federal Highway Administration, now is increasingly becoming a contributor and participant in all facets of transportation planning. It is understood that PRHTA obtains Federal Highway Administration Planning Research funds alone of typically \$1.6 million in FY91, \$2.4 million in FY92, and \$2.8 to 3.0 million estimated for FY93, which, of course, is just a small fraction of the Federal Highway Administration's construction and maintenance funding assistance.

The Public Service Commission is the key regulatory and oversight agency for the privately owned públicos and buses governed by Law No. 109 (see Chapter 3). The PSC is an independent commission, not part of the governor's cabinet, and functions under its five governor-appointed commissioners and president.

The PSC's budget is derived exclusively from the Commonwealth's general fund to cover its operating expenses. Its Fiscal Year 1992-93 budget is approximately \$7.5 million (PSC FY1992/1993 Budget Document and Work Plan).

The PSC has no available planning funds other than those used for its own internal planning which is dominated by the introduction of automation and modern data handling,

storage and verification systems demanded by evergrowing statistical and quasi-judicial files, standards, notices, hearing, franchises, licenses, announcements, regulations, renewals, complaints, etc.

General Recommendations

- **A special Interagency Technical Committee on Public Transportation (ITCPT) dealing with the integration of public transportation services in the SJMR should be established.**

This committee should be composed of planning and transportation technical personnel representing the DTPW, PRHTA, PSC, MBA, Ports Authority, and each of the SJMR municipalities. The objective of this special group is to work in a cooperative and coordinated manner in the development of a comprehensive intermodal integration plan and present this plan to all of the government agency directors and SJMR mayors for comment, approval and subsequent implementation.

- **The PSC should maintain its current regulatory responsibilities (including fare and route establishment) and allow the DTPW to engage in the primary levels of regional transportation planning.**

The PSC should continue and further enhance its involvement in transportation but restricted mainly to route monitoring, data collection, route authorization, and fares. This will require continuous coordination and cooperation with the DTPW, PRHTA, PR Ports Authority and MBA (particularly through the recommended Interagency Technical Committee), and most likely increased funding to improve the aforementioned duties.

- **The PSC should not establish público or bus routes of its own volition.**

Possibly the most significant aspect of the private transit systems is that the operators, and not any government agency, are the ones who initiate the establishment of routes, invest their money in vehicles, and literally personally operate the routes. The success or failures of the routes depend wholly upon the individual operators based upon market demand.

The DTPW, through its role as principal transportation planner for the SJMR and through the auspices of the aforementioned Interagency Technical Committee, should identify those sectors where possible transit improvements or new service are deemed required. If this service will not affect or require MBA or METROBUS service, the planning agencies can then, through the PSC, notify the local operators about the possibilities of establishing a new route or extending an existing route. From this point forward, those qualified operators can then proceed through the established PSC procedure for the establishment or expansion of routes.

- **The PSC should have the authority to initiate, propose and promote various incentives, based upon regularly conducted demand analysis and route evaluations, to alter existing routes and solicit applications for new routes.** The PSC should intensify its role within the recommended ITCPT. The DTPW and PRHTA should continue coordinating their efforts and roles; whereas, the PSC can refer route evaluations, the establishment of new routes or the abandonment or alteration of existing routes to the DTPW/PRHTA for evaluation. The PSC would provide a transit planning coordination officer to help bridge the Department's planning recommendations and the PSC's regulatory implementation.

It is recognized that the PSC does not have its own resources beyond its regulatory and adjudicative functions, even for the required minimal planning work. The PSC must obtain financial and technical support from the DTPW and PRHTA both of which obtain financial support for planning, technical studies and operations from the FTA as well as the Commonwealth.

Funding for these purposes are routinely obtainable from FTA Section 8 and Section 9 and have been successfully practiced in the past as a cooperative undertaking between the DTPW and the PSC.

- **The Commonwealth should seriously consider and evaluate several policies and action alternatives for direct and indirect assistance to the private transit operators.**
- (1) Perhaps the greatest assistance to público owners, easily justified by their provision of a fundamental public transportation service, would be for the Commonwealth to waive the excise tax on all public transit vehicles when these are purchased for public transit service. This action would provide one incentive for the operator's purchase of newer vehicles.

It is understood that approximately 1,000 público vehicles a year enter service, mainly replacing older vehicles. Of this total, approximately 800 of the vehicles are "used" (up to five years) and 200 are new vehicles. Other PSC data shows that new públicos cost up to \$40 - 45,000; whereas, used vehicles can average around \$25,000.

Recognizing that only the "P" plate, multiple vehicle owners are subject to excise tax ("PD" plate owners are exempted from paying the excise tax), only about 20% of the total replacement vehicles require payment of the 33% excise tax. This means that the estimated annual loss due to waiving the excise tax is as follows:

40 new vehicles	X	\$13,000.00	=	\$ 520,000.00
160 used vehicles	X	\$ 7,000.00	=	\$ 1,120,000.00

Annual Loss				\$ 1,640,000.00

This loss in excise taxes represents less than one third of the operating subsidy provided to the MBA annually, and as it will be shown later, it will be more than offset by additional, new Federal funding to be received in the near future, totally attributable to the public transportation contributions by the privately owned públicos.

- (2) The Commonwealth could provide access to low interest (below market) loans to purchase at low cost wholesale, fleets of público vehicles, and permit each owner to pay these off in moderate installments.

This action permits a relatively cost-free involvement by the government but at the same time provides a major economic incentive for private operators to improve and maintain the vehicle fleet.

- (3) On the other hand, a more intensive government involvement would have the Commonwealth purchasing new standard 17 passenger vans or "mini-buses" (more comfortable and attractive vehicles) in large lots resulting in much lower unit costs and shipment costs. Once the Commonwealth acquires the buses and vans, there are at least three possible alternatives:

- a. Turn the buses over to the private operators, at cost.

This alternative could be administered in such fashion that the government recovers the overhead costs of buying, storing and administering the volume purchase and distribution costs from the ultimate público or bus owner, still at a savings, or the government could possibly recover the entire overhead cost as an operating cost and obtain 50% reimbursement from FTA Section 9 operating assistance (as it will be covered later).

In this case the overhead costs which are estimated for a flat turn-over of a thousand vehicles per year can range between \$500,000.00 to \$1 million per year, 50% of which is recoverable.

- b. Lease the vehicles to the operators at no interest and low cost over the lifetime of the vehicles.

This alternative is essentially the same as the first alternative except financing costs would be added, which could be fully recovered from each público or bus owner/buyer over the term of the lease (with or without residual). At the end of the lease, the vehicles can be "sold" either for the residual or market value.

- c. Donate the vehicles (or sell them at a below wholesale price) as support for the public service.

This alternative would convert público operations from a fully entrepreneurial undertaking to basically public ownership of the vehicles, with an implicit contractual obligation by the público or bus operator to maintain and operate the vehicle (s). This is the costliest and least desirable option, as it may destroy the público entrepreneurial system as we know it.

The most logical governmental agency to structure and administer such programs would be the DTPW (or possibly the PRHTA, as it grows into more transit/transportation orientation) since the most important part would remain the acquisition of federal assistance and understanding, as well as knowledge of público operations.

- (4) Provide either the outright donation, or very low cost leasing of radio communication equipment for público driver emergency, traffic, and other data communication. Care will have to be exercised to avoid even any appearance of público being "booked" via radio-telephones in competition with taxi cabs. Similarly, one could provide government initiative and assistance, to obtain supplies at wholesale prices (oil, tires, replacement parts) and pass through the savings to the público owners.

Either the municipalities, where large público concentrations and terminals exist, or the DTPW could undertake this activity. It is estimated that the initial required investment (FY 1992-93) would be as follows:

Storage facilities	\$ 1,000,000.00
Stocks for 2,000 vehicles	\$ 2,000,000.00
Staffing per year	\$ 200,000.00
Total	<u>\$ 3,200,000.00</u>

This initial investment could be distributed over a ten year period, and amortized over the same period through the perpetual replacement of parts. Thus, the first ten year, per year financing would be as follows:

FTA Capital Funds (Section 9)	\$ 240,000
Local Match	\$ 60,000
FTA Operating Funds (Section 9)	\$ 100,000
Local Match	\$ 100,000
Total	<u>\$ 500,000</u>

- (5) The PSC, DTPW, PRHTA and the MBA (as a member in the American Public Transit Association, APTA) should organize and coordinate a campaign or arrangements for the Commonwealth of Puerto Rico to directly acquire new or surplus buses that APTA members periodically replace. This would eliminate the cost of the "middle man" in the procurement of used buses and reduce the cost.

This is an extremely low cost and potentially very effective cost saving measure that either the DTPW or MBA ought to undertake.

As an alternative, the Commonwealth could explore purchasing new or rebuilt buses (with the assistance of the FTA), and contracting the current private bus lines for operation of specific routes in a manner similar to the METROMOVIL operation.

- **The DTPW, PSC and municipalities should evaluate the feasibility of establishing Public Transit Service Maintenance Facilities (PTSMF) at strategic points in the SJMR.**

The objective of these facilities, which would be owned or "sponsored" by a government agency or municipality, are to provide low-cost maintenance services, supplies, parts, etc. to públicos and private bus operators. These facilities could be operated by private organizations such as público or bus cooperatives and would be available to all bona-fide public transit operators. This concept has already been implemented on the local route level in some areas of Puerto Rico. One example is the Río Piedras - Loíza Medianía route (I-62-45) Cooperate which owns and operates a gasoline service station in the town of Loíza.

Federal (FTA) funds could possibly be used for land purchases, design, construction, equipment, etc. for the PTSMF. If the FTA and local subsidies can be applied to the construction of terminal facilities and passenger shelters, for the benefit of public transportation, then these funding sources should also apply to common, publicly owned or supported maintenance facilities.

The most logical operators and owners of such Maintenance Facilities would be the Municipalities because of the geographical distribution of the público fleets. Furthermore, several of the Municipalities as subgrantees through the DTPW are very familiar with the process of planning and implementing such facilities. It is understood that the City of Bayamón is seriously considering the establishment of such a facility.

Considering the size of the SJMR, and the up to 2,000 vehicles involved, there may be an ultimate requirement for four or more facilities. Starting with the two busiest público communities of Bayamón and Río Piedras (San Juan), the funding needs are (estimates based on a rough order of magnitude), as follows:

Construction of two (2) facilities: (Planning, Design, Land Construction)	\$4,000,000
80% FTA Section 9 Capital	\$3,200,000
20% Local Match	\$ 800,000
Annual Operating Costs	
per year, over a period of four years (maintain 250 - 500 vehicles)	\$ 800,000
50% FTA Section 9 Operating	\$ 400,000
50% Local Match	\$ 400,000

Obviously the entire operation can be performed either as a municipal enterprise or can be contracted out to the private sector for operations.

- **The PSC should promote the increased use of 17-passenger "mini-buses" on those routes which demonstrate the need and ability to accept the vehicles.**

The current successful use of the 17-passenger "mini-buses" on various high volume/high efficiency routes, such as L-62-06 Río Piedras - Centro Médico, indicates a future trend in vehicle for público service. One route that appears to demand "mini-buses" is I-11-17, Bayamón-Cataño.

Criteria that can be applied to determine the feasibility of routes for the implementation of "mini-buses" include a combination of route efficiency and revenue/cost ratios and percentage of vehicles in service. For example, a route that demonstrates high service efficiency and revenue/cost ratios (higher than 3.5) and high percentages of vehicles in service would be candidates for "mini-buses".

- **The PSC should not at this time permit or encourage the use of higher capacity vehicles (18-30 passengers) within público routes.**

The introduction of these vehicles into público service is hindered by the lack of sufficient routes capable of utilizing these vehicles, high capital, operational and maintenance costs, resistance from other operators and groups and the common local characteristic that the público vehicle doubles as the family vehicle for the vast majority of the operators. *Nevertheless, these vehicles can be permitted for use by existing or future private bus operators.*

- **The PSC should not permit new authorizations for público routes (either new or modifications to existing routes) within a quarter-mile of either side of the METROMOVIL Corridor without proper review and acceptance by the PSC, DTPW, PRHTA, and MBA.**

Private operators will naturally veer towards those corridors of high and profitable demand. However, in the case of the METROMOVIL Corridor, the demand can be more effectively served by improved bus service, rather than públicos. Nevertheless, those público routes that currently serve or intersect the corridor provide a much desirable and needed feeder system. Some routes, such as Río Piedras - Stop 27 via Ponce de León, provide transit

service directly to inner urban areas which now lack adequate service due to accessibility problems related to buses.

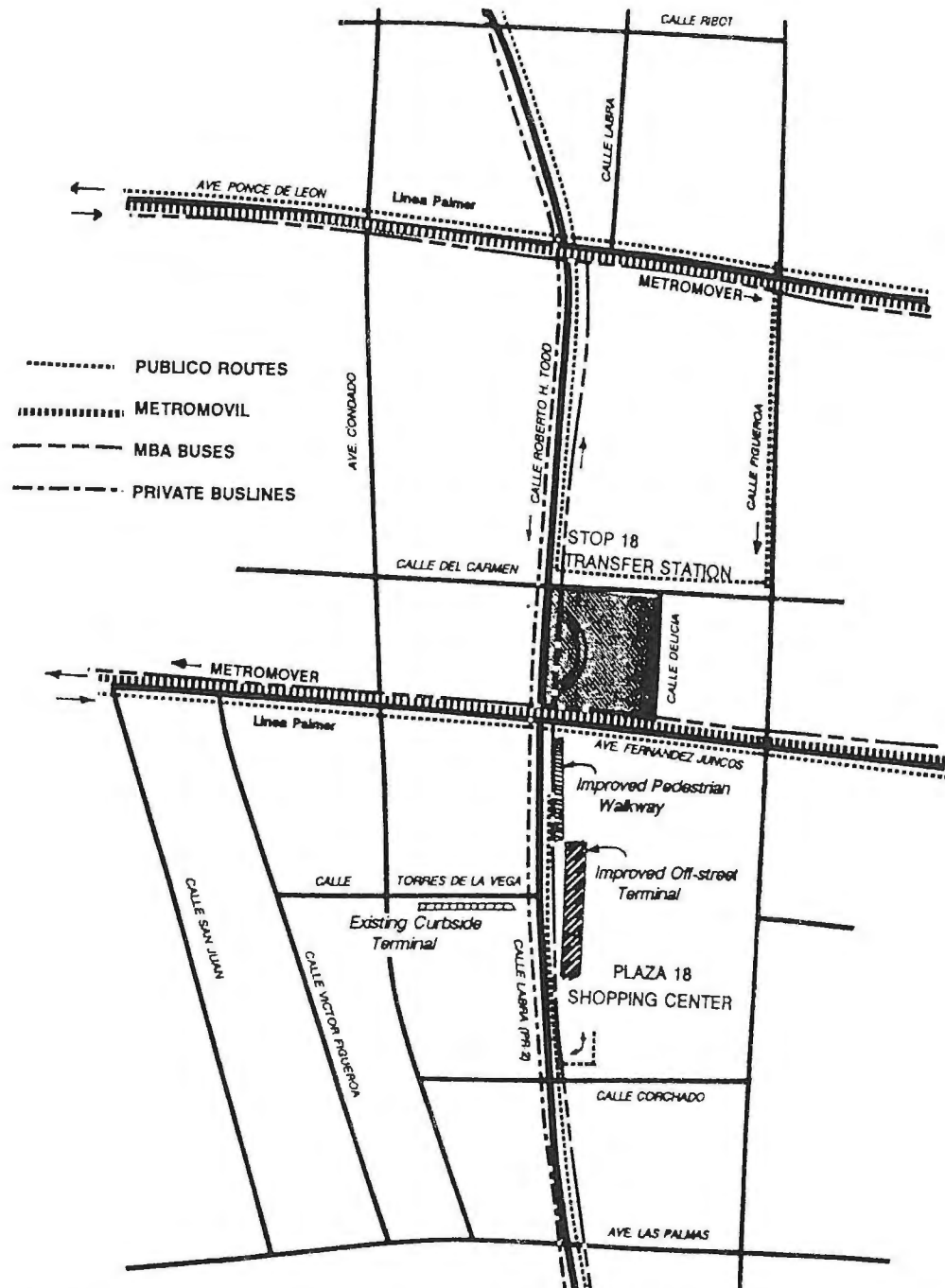
Alternatively, the PSC might offer selectively no-cost transfers of existing authorizations from routes not too heavily used to a newly proposed route, with a guarantee of return after six months or a year, if the new route does not work out profitably.

- **Incorporate private bus and público service in the design and/or operations of the METROBUS/METROMOVIL transfer areas and other public transportation facilities.**
 - (1) **Improve current público terminal system at Stop 18 and improve transfer accessibility.**

An example of público/METROBUS Transfer Area integration is shown in Figure 14, which presents the Stop 18 area. Currently, público service in this sector is provided by intercity routes operating along PR-2 and terminating in the general area of Stop 18. Público terminals are found along Torre de la Vega Street and within the Plaza 18 Shopping Center. The Stop 18 METROMOVIL transfer station, oriented to bus use, is found approximately one block north of the público terminals at the northeast corner of the intersection of Fernández Juncos and Roberto H. Todd Avenues.

In the area, and considering the limitations of space within the METROBUS station, an alternate action considered is the relocation of all público routes to improved facilities within the Plaza 18 Shopping Center. The facilities could include, among others, shelters, designated areas per route, and operator's offices. Pedestrian access between both facilities can be enhanced through the improvement of the existing sidewalks and crosswalks at Fernández Juncos Avenue, and the addition of passenger shelters.

FIGURE 22 STOP 18 TRANSFER AREA IMPROVEMENTS



(2) **Relocate Stop 26 Público Terminal**

In the Stop 26 area, the new METROBUS stop, with a parking area for públicos, should be utilized by Route L-62-27 (Bo. Obrero - Río Piedras) as a terminal point instead of their present location on Borinquen Avenue (at Ponce de León Avenue). This stop area could be used also by the currently provisional route operating between Río and Stop 27 via Quintana.

(3) **Stop 28 Transfer Area**

No specific integration of services are now necessary at the Stop 28 Transfer Area.

(4) **Río Piedras**

No viable recommendations for the use of the Capetillo Terminal (METROMOVIL base) by públicos are presented. This facility is currently under reconstruction and will be oriented wholly towards bus use. Nevertheless, it is recommended that the municipal government proceed with its proposed establishment of a CBD shuttle bus and that this system provide access to the CBD's major transport facilities including Capetillo, the east Río Piedras Público Terminal and other público curbside terminals in the plaza area to the west.

(5) **Old San Juan/Covadonga**

Permitting private bus line usage of the San Juan Intermodal Terminal (Covadonga) makes it the intermodal facility it was intended to be and it should be continued. This action increased the overall effective utilization of the terminal. The Municipality of San Juan has had planned for many years the construction of a small público terminal for the SJ-66-13 Linea Palmer route, off Ponce de León Avenue, and immediately north of the Covadonga Terminal. This terminal should be constructed. Alternately, if unable to secure the terminal, an option would be to relocate the route terminal to the Covadonga Terminal.

(6) Bayamón

The existing MBA terminal facility (Betances Street & PR-167) should be improved (or relocated based upon any future plans for the San Juan Tren Urbano), maintaining the integration of the público terminals. The improvements should include, as a minimum (1) more passenger shelters and (2) improved accessibility between the modes.

(7) Cataño AcuaExpreso Terminal

Improvements to the terminal facility should include the construction of a covered pedestrian walkway connecting the ferry terminal with the new público terminal (under construction just to the west) and to the MBA bus stop in front of the terminal. The walkway can be extended along the bayshore to shorten the walking distance. This improvement would help to maintain or promote more intermodal usage (between the públicos/buses and AcuaExpreso).

(8) Future Facilities

All future public transit facilities should be planned and designed considering the integration of all transit modes (bus, públicos, rail, ferry) serving the immediate area.

- **Maintain current restriction of público use of the existing contra-flow bus lanes along the North-South Corridor.**

It is not operationally practical to allow the use of the contraflow bus lanes by smaller public transit vehicles due, in part, to queuing and passing conflicts along the one lane facilities. It should be recognized that the low capacity público vehicles are not able to effectively operate along an extremely high demand corridor. Although the públicos would continue to be subjected to areas of heavy congestion (i.e., Hato Rey), they would, however, provide alternate mode service on streets and in directions where the buses currently do not operate.

The use of the Puerta de Tierra Busway could be considered as an option for use by públicos; however, there are no apparent benefits due to the relatively fast access along Fernández Juncos Avenue and low demand along Puerta de Tierra.

Públicos and private buses should, however, be permitted to use any future high occupancy lanes (HOV) on expressways or special lanes geared specifically for their use along any of the major corridors.

- **Encourage the Municipalities, which benefit from the services, to erect bus-stop signs, shelters and post schedules, and promote the public transit services, as it is being done in some instances for públicos.**

Both available FTA and local funding should be obtained for this purpose.

- **Provide a simplified route map of the METROMOVIL/METROBUS, público and private bus routes.**

The cooperating agencies should be involved in the preparation of route maps, schedule brochures (where applicable) and related materials that can be provided to the public. System maps can be placed at all transit facilities (terminals, transfer areas, major stops, etc.). Promotions and advertisements for public transit use should be presented via newspaper, radio, television, etc. advertisements. These advertisements should stress the advantages of using public transit. These materials should also be provided to the various public transit operators.

- **The PSC, in coordination with the DTPW, MBA and PRHTA, should solicit interest in either replacing or providing competitive service to existing MBA /METROBUS feeder routes.**

Special requests can be made to the private bus companies and the major público unions, associations, and federations to replace service along routes or corridors wherein bus service is inadequate or unnecessary. The PSC can also solicit special applications for new routes (not assigned to the MBA) that would feed or intercept the METROMOVIL. Awarding such authorizations might be used as a trade-off for less desirable services.

- **The PSC can help the DTPW in the monitoring and level of service evaluation of existing routes.**

With the developed route performance measures (Chapter 4) and transit database, the PSC can evaluate individual routes based on various common transit parameters. Of the various performance measures, the following factors can be used as basic evaluation parameters.

- (1) Authorized Vehicles vs. Actual Vehicles in Daily Operations
- (2) Daily Revenue per Passenger
- (3) Gross Revenue per Cost Ratio
- (4) Average Trip Load Factor

- **The three concerned agencies (DTPW, MBA, and PSC with the latter taking the lead) should be more active in promoting the creation of public transit operator cooperatives, associations or other similar groups.**

The objectives of these groups are to provide a more active forum for the operators in their dealings with the government, improve internal route organization and operations, obtain discount prices for gasoline, parts and other vehicle related materials, purchase vehicles at affordable prices (possibly through bids and auctions), provide or be able to acquire lower interest loans for operators, and organize cooperative (self)insurance and pension funds.

The agencies should provide technical and administrative assistance to the operator organizations. This can be done in the form of seminars, newsletters, etc.

Since there is a large number of organized routes and even larger organizations encompassing groups of routes with established internal administrative and operational regulations, this recommendation becomes easier to implement.

- **A feasibility study for the development and implementation of a public transportation integration pilot or demonstration project should be conducted via the auspices of the recommended ITCPI.**

This study should consider various aspects of public transit service integration for a preselected corridor or area, including:

- (a) the identification and justification of the corridor or area for the integration of the public transit services based upon recent transit origin-destination studies, route level of service studies, etc., among others,
- (b) the number of transfers occurring along the corridor or within the sector, especially with respect to linked trips,
- (c) identify specific incentives and changes to regulations that would be necessary to promote public transportation service integration,
- (d) determine the necessary changes or specific actions with respect to routes, public information and orientation, operations, fares, and terminal/transfer facilities that would be required to initiate the project,
- (e) establish minimum operating parameters, and
- (f) establish minimum design criteria for future intermodal facilities.

One possible corridor alternative is the PR-2 Corridor between Bayamón in the west and Santurce in the east. This corridor provides a condition wherein all of the major modes are present. Públicos, the MBA and private bus lines operate between the two points. Bayamón is the second most active public transit transfer point in the SJMR (with three público terminals and one MBA terminal facility). There is direct contact with METROMOVIL at the Stop 18 Transfer Station in Santurce. In addition, Bayamón will serve as the westernmost extension of the future Tren Urbano de San Juan (San Juan Urban Train) currently in the initial planning levels. The Bayamón sector also has access via highway PR-5 to Cataño and the AcuaExpreso Terminal.

- **Público/Private Bus Route Changes**

This section presents several recommended público bus route changes that should be considered to enhance public transit transfers to and from METROBUS/METROMOVIL. The majority of these changes involve minor route extensions that help to increase service coverage especially in areas previously identified as having a lack of adequate service is indicated in Chapter 4. The changes are mainly oriented towards more efficient route operations and increased service area coverage, as an example through the higher utilization of existing route vehicles. These changes can be implemented almost immediately, following established processes.

- (1) **Southeastern Río Piedras**

As shown in Figure 23, the Southeastern Río Piedras sector includes the San Martín and residential areas along PR-849, south of PR-3. Public transit service can be provided along PR-849 between PR-3 and PR-848 (Saint Just Road). One probable route to provide service is the I-62-16, Río Piedras - Carolina route. Although this route is the SJMR's most used (highest volumes) route, it does have a capacity surplus. As such, it would be possible for the I-62-16 Route to assign vehicles to the sector. The PR-3/PR-849 intersection can become a transfer point between eastbound and westbound públicos and the METROBUS system.

- (2) **South Central Río Piedras**

This sector includes the Park Gardens and Villa Andaluia residential areas along the western side of the PR-181 Corridor (Figure 24). Presently, the L-62-04 Río Piedras - Leprocomio Route has solicited to extend its route coverage to include Park Gardens Avenue, especially new residential development to the west. This action is recommended since the route does have the excess capacity and the organization that could successfully exploit the demand. This route can assign a number of vehicles to serve this area on a daily basis.

FIGURE 23 RECOMMENDED SERVICE IMPROVEMENT
SOUTHEASTERN RIO PIEDRAS

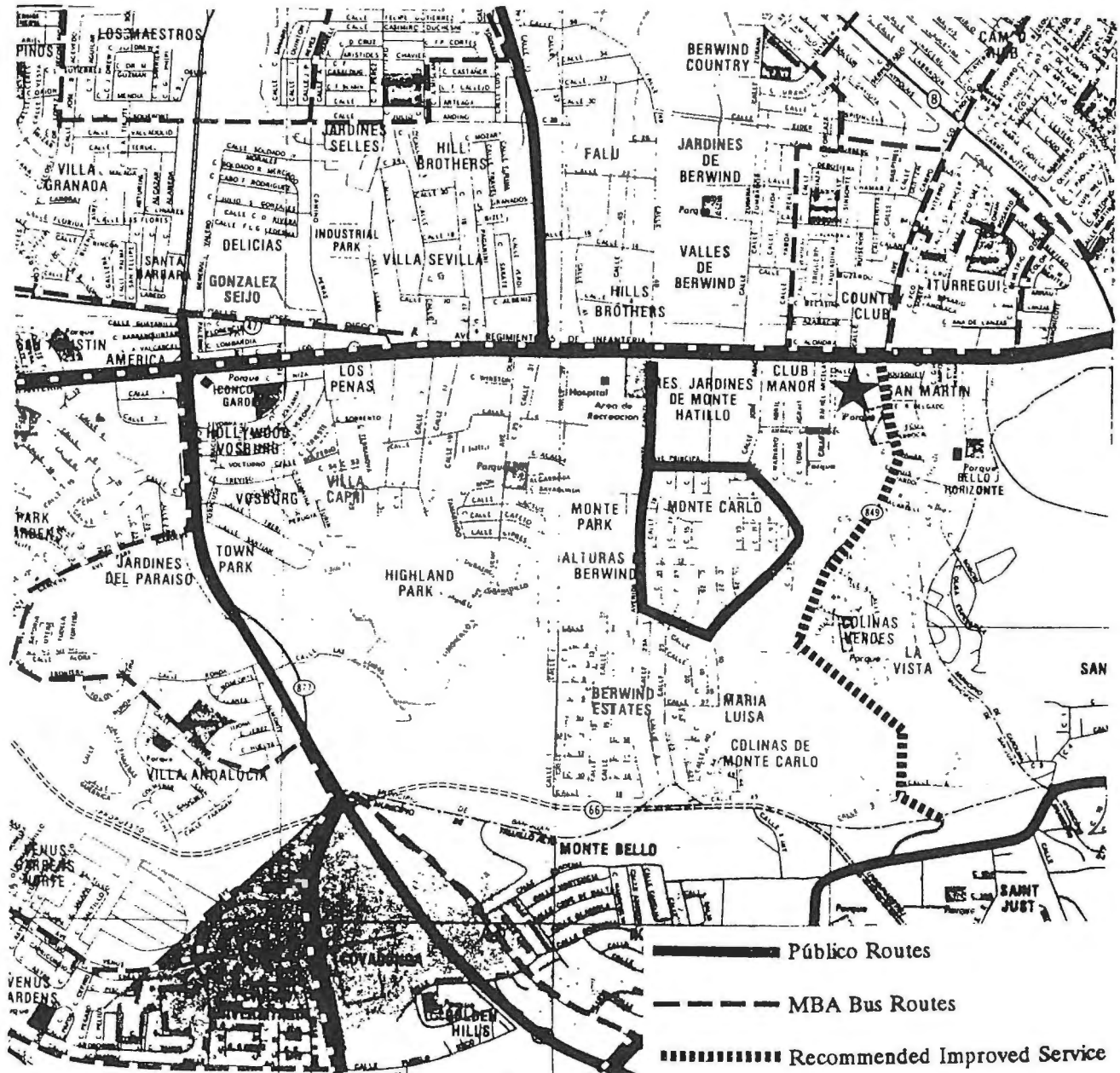
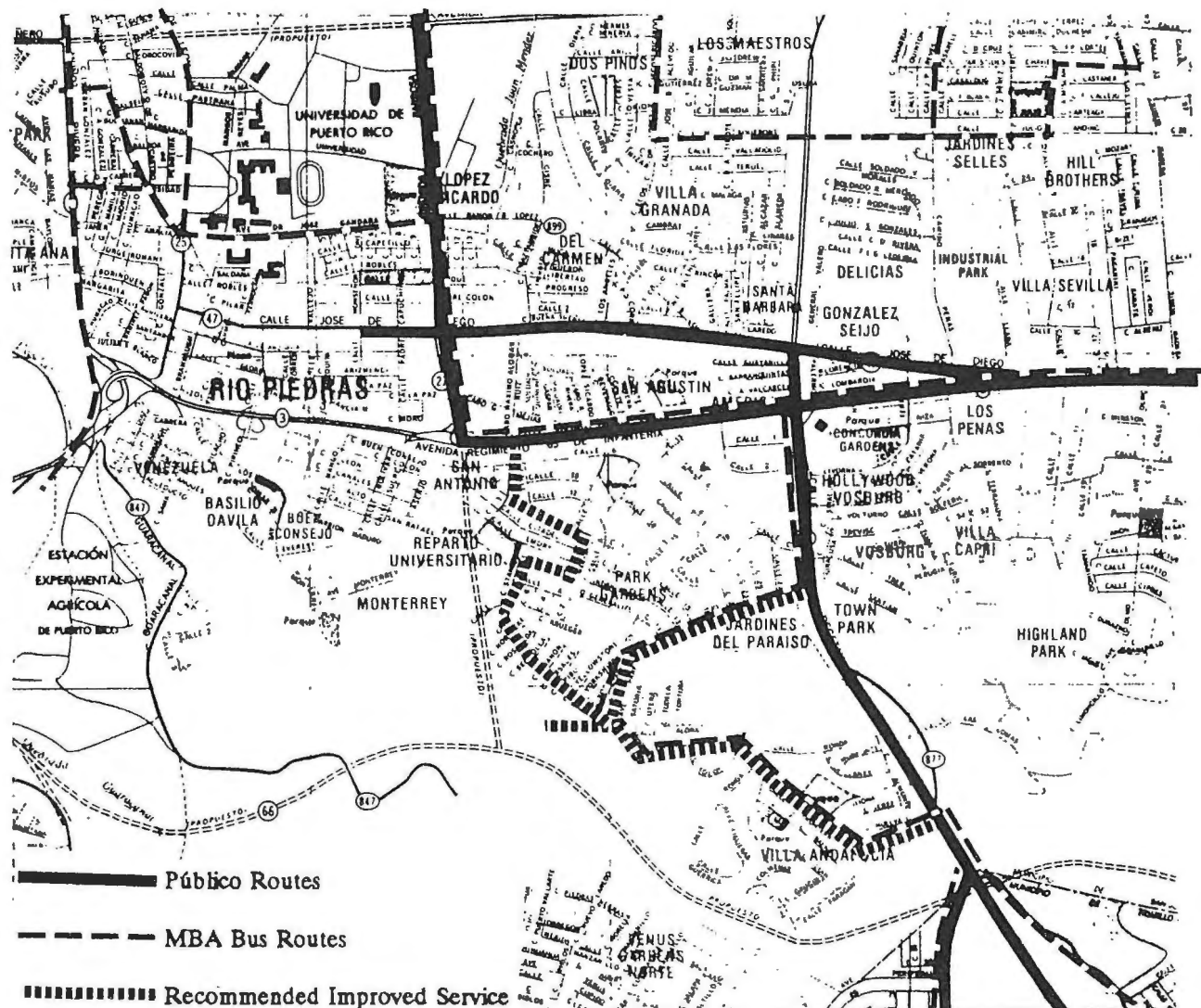


FIGURE 24 RECOMMENDED SERVICE IMPROVEMENTS
SOUTH CENTRAL RIO PIEDRAS



(3) North Cupey Sector/El Señorial

This largely residential area east of PR-52 and west of PR-176 can be served by públicos although there is a MBA route (Route 18 Río Piedras - Cupey Gardens) operating in the area (Figure 25). Nevertheless, the MBA route has been determined to be inadequate. This area can have enhanced public transit service by permitting the L-62-08, Río Piedras - Cupey Alto route to extend its service to the sector. Not all of the vehicles need to serve the sector, but rather, since the público route currently operates at half capacity on a daily basis, the excess vehicles can be assigned to the extension.

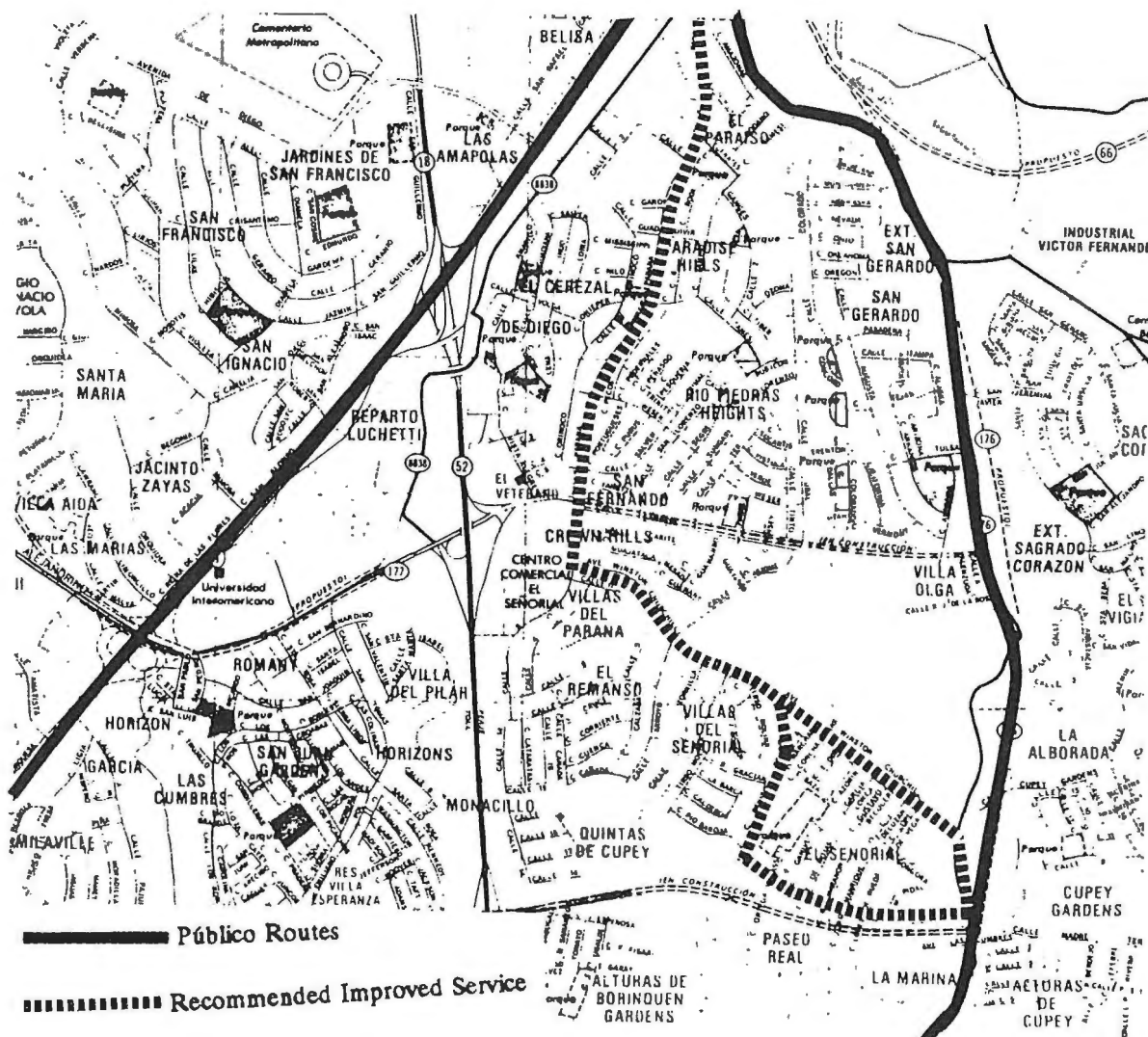
The route extension can operate directly from El Señorial residential area at the intersection of PR-176 and Winston Churchill Avenue, extending westward along the avenue, turning northbound on Paraná Street (at El Señorial Shopping Center), and continuing northbound via PR-8838 to Río Piedras.

(4) Central Guaynabo

The central Guaynabo area is one of the fastest growing areas of the SJMR; however, the existing public transit service has not been adequately keeping up with the change. It is recommended that público or private bus service be promoted to operate between Guaynabo and Santurce (Stop 18) via PR-20 and PR-2. This route can be made up of several operators from low functioning routes within the Guaynabo area. Also, because of the distance and travel time involved, it is recommended that at least half of the vehicles be "mini-buses". If a private bus operator is permitted, late model buses should be required.

This new route would provide needed service from Guaynabo to Santurce and provide a connection with METROMOVIL.

FIGURE 25
RECOMMENDED SERVICE IMPROVEMENT
NORTH CUPEY SECTOR



(5) Río Bayamón Sector

This relatively large residential area (Figure 26) has been described to lack adequate public transit service, particularly in the southern sectors adjacent to PR-177 (Los Filtros Avenue). It is recommended that existing público service provided by routes I-11-70, Bayamón - Santurce, I-11-62 Bayamón - Río Piedras and L-11-62 Bayamón - Centro Médico be permitted to extend service to the Villas de Caparra area.

Route I-11-E-32, Bayamón - Guaynabo, which operates along PR-177 should be permitted to provide service to the Villa del Río and Alturas de Río Bayamón sectors south of PR-177.

It is also recommended that consideration be given to the establishment of a público or private bus route operating between the Río Bayamón sector and Santurce (Stop 18) via PR-177, Ramirez de Arrellano Avenue, San Patricio Shopping Center, and PR-2 (Kennedy Avenue). This route should require "mini-buses", as a minimum.

(6) Levittown - Río Hondo - Bayamón Sector

This corridor located in the northwestern sector of the SJMR along PR-167 (Comerío Avenue) has been identified as highly congested and highly residential (Figure 27). It is recommended that the PSC promote more expanded operations north of PR-22 (José de Diego Expressway) by the existing route, L-11-14 Bayamón - Sierra Bayamón. The route can be expanded to serve up to Fronteras de Bayamón, at the Toa Baja border, and include the Río Hondo Shopping Center.

This map of Bayamon, Puerto Rico, illustrates the proposed rapid transit system. The map includes the following features:

- Public Routes:** Indicated by solid black lines, showing major thoroughfares like Highway 21 and Highway 855.
- MBA Bus Routes:** Indicated by dashed black lines, showing existing bus corridors.
- Recommended Improved Service:** Indicated by thick, hatched black lines, highlighting key areas for enhanced transit service, including the central urban core and major corridors.
- Geographic Labels:** Various neighborhoods and landmarks are labeled, such as Tintillo Gardens, Tintillo Hills, Caparra Apts, Garden Court, Garden Hills, Gardenville, Villa del Rio, and Alturas de Bayamon.
- Infrastructure:** The map shows the coastline, major roads, and specific locations like the Centro Judicial and the American Military.

FIGURE 27



PSC Complaint System

Background

A review and evaluation of the PSC's current complaint system was conducted. The objective of this evaluation was to identify areas requiring improvements so as to aid the PSC in managing and monitoring the private sector transit operators with respect to the transit improvements related to METROBUS. When such complaints are quickly and noticeably attended to and remedied, the regulation of the transit system and its public acceptance increases drastically.

The review and results of this evaluation has been presented in "*Technical Report for Task 8, Public Transit Service Complaints*," Management and Technical Consulting Group, Inc., April 1992. Supplemental information was obtained through the survey of public transit operators.

The review and evaluation of the PSC's current complaints system indicates that the existing complaint system suffers from at least two administrative shortcomings from the transportation point of view:

- (1) The público and private bus line services are submerged among (if not subordinated to) the many other responsibilities of the PSC.
- (2) The existing complaint system is clearly legally oriented with two objectives: (a) to pursue and assist in remedying PSC law violations (Quejas), including those dealing with general service and fixed routes, and (2) in providing arbitration type service to resolve claims for damages (Querellas) based on PSC's published regulations.

In addition, it was found that public transportation complaints were very few in comparison to other complaints handled by the PSC. The most common types of complaints dealing with public transit services during off peak hours, weekends, and holidays; unauthorized route fares modifications; route intrusions by other público operators, and improper personal conduct on the part of the público operators.

Other limitations of the complaints process are the following:

- (1) There are no weekly or monthly statistics regarding complaints.
- (2) The data gathering related to the process is totally manual.
- (3) Public Transportation service complaints, that usually require immediate actions, are given the same treatment as other complaints that may take years for their final action/decision.
- (4) Quality of Service complaints that are not legal violations or damage compensations are not used by the PSC to obtain information regarding services regulated by the PSC.
- (5) Complaints are only directed toward specific route or individual operator negative opinions of service.
- (6) Lack of complaints feedback.

Recommendations

- The PSC needs to strengthen those functions and personnel dealing with complaints.
- The PSC needs a computerized database regarding complaints that can provide information status and performance statistics, on a regular basis.
- Other PSC Divisions should be given more feedback regarding the final actions and decisions made with respect to each complaint, particularly, those involved in the evaluation of route and vehicle license authorization.
- The PSC should implement a "hot line" system providing Público Information and Complaint Service that can respond quickly and efficiently to passenger complaints about público services.

- The PSC should incorporate Quality of Service Surveys to evaluate, on a regular basis (3-4 times a year), the services provided by the enterprises/operators it regulates.

Implementation of Recommendations

The recommendations presented herewith involve mainly administrative, operational and organizational improvements or policies. These can be implemented almost immediately without significant costs involved. Other actions such as incorporating públicos and private bus line operations in the design of future transfer areas and transit terminals involve undeterminable costs at the present time.

The implementation of the recommendations will, however, involve a much more active participation by the PSC. This will require more personnel involvement including training.

Cost Impacts

A review of all these recommendations of the preceding recommendations shows that the costliest ones are those that involve administrative, capital, and maintenance costs, (especially annual expenditures). In most cases, can incorporate similar needs for the private buses as those identified for públicos. These include (a) common buy of radios and supplies, (b) waiver of excise taxes, (c) government wholesale purchase of new vehicles, and (d) provision of central maintenance services. Specifically, the total estimated costs of these four recommendations are presented in Table 11.

Assuming 80% federal assistance for capital and 50% for operating costs, Table 12 presents the funding split obligations for the first four years. The estimated obligations for the subsequent six years are presented in Table 13.

It is recognized that the recommendations contained herein represent a \$7 to 10 million Section 9 Capital commitment over 10 years and a \$1 million additional annual commitment of Section 9 operating assistance. The next section addresses where these additional funds are to come from.

TABLE 13
FUNDING SPLIT OBLIGATIONS, SUBSEQUENT SIX YEARS OF IMPLEMENTATION

Item	Annual Capital Cost (000's \$)		Annual Operating Cost (000's \$)	
	FTA	Local	FTA	Local
(1) Common Buys	\$240	\$60	\$100	\$100
(2) Excise Tax	\$1,640,000 excluded in sums			
(3) Wholesale Purchase			\$500	\$500
(4) Central Maintenance Services			\$400	\$400
Totals per year	\$240	\$60	\$1,000	\$1,000

Funding Sources

In spite of two decades of promotion of private funding participation in public urban transportation, the vast majority of the funding is still provided by the federal government. Some of the States in the U.S. (i.e., California, Florida, Texas, and New York) tend to exceed in their commitments for local share funding. Nevertheless, transit usage is mainly on highly subsidized systems. On the other hand, Puerto Rico has a high proportion of usage of non-subsidized public transit. It is significant to note that in the San Juan Metropolitan Region, where the government operates the Island's only subsidized bus system, over 60 percent of the public transit trips are made on the privately owned and non-subsidized públicos. Yet the federal government and the Commonwealth of Puerto Rico expend considerable resources for urban public transit. Some approximate figures are given as follows to fully appreciate the commitment of both the federal and the Commonwealth governments. Generally speaking, three types of Federal Transit Administration funding

assistance are available, each one to be matched by "local" (Commonwealth, municipal or private) funds as follows:

Planning	Fed. 80%	Local 20%
Capital	Fed. 80%	Local 20%
Operating	Fed. 50%	Local 50%

There are a few exceptions to the above, but they have negligible impact on the considerations herein.

Tables 14 through 16 present an overview of the planning, operating, and capital funding allocated through Fiscal Year 1992-1993. These funds cover AcuaExpreso, público terminals, shelters, buses and other capital equipment. The tables do not include any discretionary Section 3 capital assistance available (sparsely) for major capital projects such as a light rail transit, for example.

TABLE 14
PLANNING FUNDS BY THE FEDERAL GOVERNMENT & LOCAL MATCH
(THOUSANDS \$)

Fiscal Year	Total	FTA Sect. 9	Local	HPR-PL-PR Highway Res. Planning
90-91	\$725	\$580	\$145	\$1,643
91-92	\$425	\$340	\$85	\$2,431
92-93	\$587	\$470	\$117	\$2,800

TABLE 15
OPERATING FUNDS BY THE FEDERAL TRANSIT ADMINISTRATION & LOCAL MATCH (THOUSANDS \$)

Fiscal Year	Total	FTA Sect. 9	Local
90-91	\$17,000	\$8,500	\$8,500 (at least)
91-92	\$15,400	\$7,700	\$7,700 (at least)
92-93	\$15,400	\$7,700	\$7,700 (at least)
All operating subsidy is for the MBA			

TABLE 16
CAPITAL FUNDS BY THE FEDERAL TRANSIT ADMINISTRATION & LOCAL MATCH (THOUSANDS \$)

Fiscal Year	Total	FTA Sect. 9	Local
90-91	\$5,500	\$4,400	\$1,100
91-92	\$5,790	\$4,630	\$1,160
92-93	\$7,450	\$5,960	\$1,490

Table 17 presents the total annual expenditures for SJMR public transit between fiscal years 1990-1991 and 1992-1993. It is perhaps surprising, but over \$30 million is spent annually by these parties on public transportation in the SJMR. Thus, the recommendations representing \$2 to 3 million additional spending annually are not necessarily excessive or extraordinary, excepting that there is no room in the above budget figures for these new expenditures.

TABLE 17
TOTAL ANNUAL SPENDING ON SJMR PUBLIC TRANSIT
(THOUSANDS \$)

Fiscal Year	Federal and DTPW	PSC	Total
90-91	\$24,868	\$6,200	\$31,068
91-92	\$24,046	\$7,115	\$31,161
92-93	\$26,237	\$7,506\$	\$33,743

Fortunately, the Secretary of Transportation, with assistance of DTPW and PRHTA Planning Executives, have been negotiating with the Federal Transit Administration and have obtained some firm and realistic proposals from FTA for participation in the Section 15 reporting system, under a simplified reporting mechanism specially tailored to the unique, characteristics of the SJMR públicos.

A particularly encouraging detail in the FTA approach is to consider the público owners' services as "purchased transportation", where the investments in terminals, shelters and the DTPW operators' contributions are considered as the price paid for the services provided by the público owners.

While not all details are fully worked out at this time, this means that potentially starting in FY 93 (July 1, 1992) at least the Vehicle Revenue Miles accumulated by all SJMR público vehicles in scheduled service will contribute to the Section 9 allocation formula, to

determine how much additional funds the SJMR is entitled to received. It is estimated that the net increase (after subtracting the cost of data collection) in Section 9 annual allocation will be at least \$4 million annually. This represents an over 40% increase in the annual Section 9 allocation to the SJMR, to be matched by 20% for capital projects and 50% in operating assistance by the Commonwealth of Puerto Rico.

In view of the fact that if such a significant increase in federal contribution in achieved, totally as a consequence of the immense contribution of the público to the SJMR public transportation, it is both good policy and a moral obligation to place first priority on improvements of público and private bus service, without any direct subsidy given to the owners but assisting them indirectly through the recommendations contained herein.

Similarly, only the DTPW (or the PRHTA) has the background, liaison with the federal government, planning horizon, and total transportation overview to manage the programs recommended here. However, the DTPW must seek the assistance, expertise and cooperative participation of the PSC, and compensate the agency for its support, without which success cannot be achieved.

Americans with Disabilities Act of 1990

Background

On October 4, 1990, the U.S. Department of Transportation (DOT) published the final rule in the Federal Register outlining the requirements public and private transportation providers must meet in regards to acquiring federal funds, including those funds for the acquisition of accessible vehicles. These rules were established in order to comply with the "Americans with Disabilities Act of 1990," (ADA) which was signed into law on July 26, 1990. This law and DOT rulings are considered applicable to Puerto Rico since the latter receives DOT funds as it were a state. There is serious concern by the local Commonwealth agencies with regards to the possible adverse impact these rules might have upon the públicos.

Some of the requirements in DOT's final rule implementing the ADA and their relationship with público and private bus lines in Puerto Rico include:

- **Section 37.3 Applicability**

- (a) *This part [to implement the provisions of the ADA] applies to the following entities, whether or not they receive Federal financial assistance from the Department of Transportation:*
 - (1) *Any public entity that provides designated public transportation or intercity or commuter rail transportation;*
 - (2) *Any private entity that provides specified public transportation; and*
 - (3) *Any private entity that is not in the principal business of transporting people but operates a demand responsive or fixed route system or otherwise transports individuals.*

The applicability of the ADA and DOT rules extends to públicos as well as the private bus lines. The key point of this section is that this rule applies to covered entities whether or not they receive Federal financial assistance. The rule applies to both public and private entities that provide transportation service, whether or not they are primarily engaged in providing such services. This does not only include federal funding recipients and other public entities who own and operate their own vehicles. In many cases, public entities contract for service with private entities to provide transportation services (i.e., METROMOVIL service is provided by a private operator under contract to the PRHTA and school transportation services contracted to públicos and private bus operators).

- **Section 37.5 Definitions**

The following definitions, applicable to públicos, and private bus operators, are presented in the rulings as follows:

Fixed route system means a system of transporting individuals (other than by aircraft), including but not limited to providing designated or specified public transportation services, on which a vehicle (including a bus, van, rail vehicle, or other vehicle) is operated along a prescribed route according to a fixed schedule and which does not involve an advance request by a passenger to ensure that service is provided.

Private entity means any entity other than a public entity.

Public entity means:

- (a) Any state or local government;*
- (b) Any department, agency, special purpose district, or other instrumentality of one or more state or local governments; and*
- (c) The National Railroad Passenger Corporation (Amtrak) and any commuter authority.*
- (4) Specified public transportation means transportation by bus, rail, or any other conveyance (other than aircraft) provided by a private entity to the general public, with general or special service (including charter service) on a regular and continuing basis.*

The publicos and private bus lines can be classified as a system that operates as a *fixed route system* that provides *specified public transportation*. Although the publicos do not provide formal published schedules, they do operate on basic schedules established internally by each route. They also provide "general" service on a regular and continuing basis.

- **Section 37.7 Nondiscrimination; provision of service**

- (a) No public or private entity shall discriminate against an individual with disabilities in connection with the provision of its transportation service for the general public.*
- (b) Notwithstanding the provision of any special service to individuals with disabilities, a public or private entity shall not, on the basis of disability, deny to any individual with a disability the opportunity to use the entity's transportation system for the general public, if the individual is capable of using that system.*
- (c) Each covered entity shall ensure that vehicles and equipment are capable of accommodating all the users for which the service is designed, and are maintained in proper operating condition.*

- (d) *Each covered entity shall ensure that personnel are trained and supervised so that they operate vehicles and equipment safely and properly and treat individuals with disabilities who use the service in a courteous and respectful way.*
- (e) *Each covered entity shall ensure that adequate assistance and information concerning the service is available to individuals with disabilities, including those with vision or hearing impairments. This obligation includes making adequate communications capacity to enable users to obtain information about and, with respect to demand responsive service, to schedule service. In the case of a fixed route system, this obligation includes providing information about bus routes and schedules and the accessibility of scheduled service.*

Clearly, the públicos and bus lines are covered by the ADA and, legally, should comply with the law. However, it is apparent that the proponents of the law and DOT ruling did not take into consideration Puerto Rico's unique público system, especially its economic characteristics. The público system is composed of thousands of individual operators whose principal, and often sole source of income is the revenue generated by operating their vehicles. The operators are too often burdened by high vehicle capital and maintenance costs, irregular revenues, and long working hours. Past surveys of the economic status of público operators place a large number of them below poverty levels. Many have to take advantage of social welfare programs such as food stamps, housing, school meals, etc. to supplement their income and make ends meet.

Typically, the operators are able to accommodate the general public except for those with physical handicaps requiring the use of a wheelchair. The existing vehicles are not economically, and in many cases physically, suitable of providing securement locations for wheelchairs. Nor are they capable providing lift mechanisms without incurring significant personal costs to the individual operator. The purchase of similarly equipped vehicles would significantly increase the base cost (approximately \$5-10 thousand more) and increase subsequent loan costs to the individual operator even with the excise tax reductions.

The operators are able to maintain their vehicles in proper operating condition, especially because of their high reliance upon the income generated by continuous service.

Although there are currently no formal communications systems or capacity to enable users to obtain information concerning service, the long tradition of públicos in Puerto Rico has enabled the system to propagate its services through regular and consistent usage and "word of mouth". Nevertheless, the concerned agencies, such as the PSC, DTPW and PRHTA, can assist the públicos and bus lines to establish more formal communications systems and transit use promotions:

- **Section 37.29 Purchase of Vehicles by Private Entities**

- (b)(1) *Except as provided in this paragraph, a private entity which is primarily engaged in transporting people and whose operations affect commerce, which makes a solicitation after August 25, 1990, to purchase or lease a new vehicle (other than an automobile, a van with a seating capacity of less than eight persons, including the driver, or an over-the-road bus) for use in providing specified public transportation on the system shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. Such a vehicle shall meet the requirements of §37.31 of this Subpart.*
 - (2) *The entity may purchase such a new vehicle that is not readily accessible to and usable by individuals with disabilities if the vehicle is to be used solely on a demand responsive system and the entity can demonstrate that the system, when viewed in its entirety, provides a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service it provides to individuals without disabilities. For purposes of this paragraph, a demand responsive system, when viewed in its entirety, shall be deemed to provide equivalent service if the service available to individuals with disabilities, including wheelchair users, is provided in the most integrated setting feasible and is equivalent to the service provided other individuals with respect to the following service characteristics:*
 - (i) *Response time;*
 - (ii) *Fares;*
 - (iii) *Geographic area of service;*
 - (iv) *Hours and days of service*

- (v) *Restrictions based on trip purpose;*
- (vi) *Availability of information and reservations capability; and*
- (vii) *Any constraints on capacity or service availability.*

Público and private bus operators would be subject to the aforementioned conditions for the purchase or lease of new vehicles. Only those público operators who use automobiles are exempt from these provisions. However, the provisions affect literally all of the approximately three thousand público operators in the SJMR.

Impact on System

The immediate impact of the ADA and DOT rules has not materialized in Puerto Rico since, in part, a vast number of público operators are unaware of the requirements or are just not economically able to adhere to them when purchasing a new vehicle. Most significantly, the operators tend to purchase used vehicles (less than 5 years old) in greater numbers for their operations. Since under the DOT rules these used vehicles are not specified (**only new vehicles purchased or leased**), they are exempt.

Nevertheless, there are several significant aspects that impact the local público and private bus systems. These include:

- (1) The purchase of new vehicles with the required wheelchair securement and lifts would be an onerous burden on the individual público operator, unless the additional costs were subsidized. The longer term impact would be a considerable deterioration of the público fleet leading to high operating costs, reduced service, and user shift to other modes, especially the private auto.
- (2) The private bus companies would be more readily able to obtain specially equipped vehicles although they too are not economically stable. Subsidizing bus purchases or leasing would be more easily accomplished with bus companies. However, their current limited operating, economical and manpower resources are inadequate to significantly increase their share of the public transit market.

- (3) Transportation services for the transportation disadvantaged are commonly provided throughout the SJMR (and Puerto Rico in general) through the auspices of non-profit organizations and/or social services agencies (on both state and municipal levels). A large proportion of these programs have purchased vehicles through special federal and local programs.
- (4) Failure to comply with the rulings would seriously impede the Commonwealth's possible efforts to aid the operators in attaining adequate vehicles at affordable costs through purchase or lease. This would add another economic burden upon the operators.

Alternate Actions

The following are some viable options available to the local agencies to address the impacts that the ADA and DOT rulings may have upon local private sector transit service.

- (1) **Amend the ADA**

This action requires legislative action by the U.S. Congress, through lobbying efforts by the Commonwealth and, if possible, local público operators, to amend the existing law. The amendment could be directed to exclude the público system based upon its uniqueness within the context of typical transit services in the United States, the economic limitations of the operators, and complementary service to the transportation disadvantaged provided by non-profit organizations.

- (2) **Waiver of DOT Rules**

A viable and, perhaps, less intensive or time consuming action would be to seek a waiver directly from the FTA Administrator. The arguments that can be employed are basically similar to those presented for amending the ADA.

- (3) **Limited Compliance**

Recognizing the limitations of the público system, especially the economic limitations of its thousands of individual operators, an alternate action could be for the local agencies to require the larger routes (15 or more vehicles) to supply at least one accessible vehicle. This vehicle could be purchased

through the DTPW or PRHTA (subsidized) and operated by the operators of the particular route on a rotational basis. Usage of the vehicle by the transportation disadvantaged would be accomplished through a pre-scheduled basis (calling for trip reservation at least one day prior to need of service). When not serving disabled individuals, the vehicle may operate normally on its assigned route.

The PSC, DTPW and PRHTA should coordinate efforts to provide the technical, material and advisory assistance for establishing the necessary communications and advertisement of services necessary to ensure compliance of the Rulings.

Special Measures for Evening Service

One of the público service quality issues presented in Chapter 5 was the lack of adequate late afternoon and evening service. Some of the causes for this include the lack of security after dark, the heavily peak direction flow of passengers during this period, heavy traffic congestion along the major corridors, and the generally long work hours experienced by the typical operator, decreasing stamina. Although the PSC does permit the application of a fare surcharge for service after 6 pm as an incentive, the problem is mainly the availability of vehicles.

The problem of security at twilight and after dark is one of major concerns not only for the operators but also for the users. Possible measures to counter this situation would be for the PSC to permit one or both of the following actions.

- (1) The PSC can allow público operators to transport passengers, at a prime tariff, to their homes. This would create a service similar to taxis. In order to avoid specific conflicts with local established taxi service, the enhanced público service should be applied only to those sectors where adequate taxi service is not available or would not cause conflicts (i.e., rural and semi-rural areas).

(2) The PSC can also permit additional público operators within established routes, but limiting their service only to after 6 pm on weekdays. The additional operators can be obtained through those routes where there is an excess capacity.

(3) The local municipalities and the DTPW should design and implement measures to increase security within the terminals and other major transit facilities. Recent FTA regulations permit the implementation of security measures and equipment using federal funds (new projects can include up to 1 percent of the total project cost). Also, security specific projects can be funded in part by federal and local funds.