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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 790**      Session of  
2007

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INTRODUCED BY RHOADES, MADIGAN, TOMLINSON, KITCHEN, LOGAN,  
TARTAGLIONE, COSTA, FONTANA, ERICKSON, MUSTO, M. WHITE,  
GORDNER, FERLO, CORMAN, LAVALLE, O'PAKE, WASHINGTON AND  
BOSCOLA, APRIL 27, 2007

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REFERRED TO TRANSPORTATION, APRIL 27, 2007

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AN ACT

1 Providing for a shared-ride program for persons with  
2 disabilities; ensuring Statewide coverage; and making an  
3 appropriation.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Persons with  
8 Disabilities Shared-Ride Program Act.

9 Section 2. Legislative intent.

10 It is the intent of the General Assembly, and it is the  
11 purpose of this act to increase public transportation  
12 opportunities for Pennsylvania citizens who are under 65 years  
13 of age and who have certain disabilities. Grants made by this  
14 program are intended to supplement and shall not supplant  
15 existing transportation funds or existing transportation  
16 services for persons with disabilities.

17 Section 3. Definitions.

1 The following words and phrases when used in this act shall  
2 have the meanings given to them in this section unless the  
3 context clearly indicates otherwise:

4 "Average fare." Total passenger revenue divided by the total  
5 number of fare-paying passengers, excluding trips by senior  
6 citizens participating in the shared-ride program for senior  
7 citizens.

8 "County transportation system." The term shall mean and  
9 include buses, vans or other transit vehicles purchased,  
10 maintained and operated by any county or its agents and used to  
11 provide free or reduced rate transportation within the county to  
12 eligible persons with disabilities.

13 "Department." The Department of Transportation of the  
14 Commonwealth.

15 "Eligible applicant." Any provider of shared-ride programs  
16 for the elderly, any county, any county transportation system,  
17 any transportation authority, any local transportation  
18 organization, any municipality, any transportation company or  
19 any urban common carrier mass transportation provider.

20 "Fixed-route public transportation services." Regularly  
21 scheduled transportation that is available to the general public  
22 and is provided according to published schedules along  
23 designated published routes with specified stopping points for  
24 the taking on and discharging of passengers. Eligible services  
25 include public bus and commuter rail systems. Excluded from this  
26 definition are exclusive ride taxi service, charter or  
27 sightseeing services, nonpublic transportation, school bus or  
28 limousine services.

29 "Fund." The General Fund of the Commonwealth.

30 "Local transportation organization." Any municipality or any

1 mass transportation, port, redevelopment or airport authority  
2 now or hereafter organized under the laws of Pennsylvania or  
3 pursuant to an interstate compact or otherwise empowered to  
4 render, contract for the rendering or assist in the rendering of  
5 transportation service in a limited area in this Commonwealth,  
6 even though it may also render or assist in rendering  
7 transportation service in adjacent states.

8 "Person with disabilities." With respect to an individual,  
9 an individual with a physical, sensory or mental impairment that  
10 substantially limits one or more major life activities which may  
11 prevent the person from transporting himself or engaging in  
12 regularly provided public transportation systems.

13 "Program." Shared-ride public transportation services for  
14 persons with disabilities.

15 "Provider." Any eligible applicant that applies for and is  
16 approved for grant funds under this act.

17 "Secretary." The Secretary of Transportation of the  
18 Commonwealth.

19 "Shared-ride public transportation services." The term shall  
20 include demand-responsive transportation that is available to  
21 the general public, operates on a nonfixed-route basis and  
22 charges a fare to all riders. For transportation to be included  
23 in this definition, the first fare-paying passengers to enter  
24 the public transportation vehicle must not refuse to share the  
25 vehicle with other passengers during a given trip. Services  
26 excluded under this definition are exclusive ride taxi service,  
27 charter and sightseeing services, nonpublic transportation,  
28 school bus or limousine services.

29 "Transit vehicle." A self-propelled or electrically  
30 propelled vehicle designed for carrying four or more passengers,

1 exclusive of the driver, other than a taxicab, designed and used  
2 for the transportation of persons for compensation.

3 "Transportation company." The term shall mean and include  
4 any person, firm or corporation rendering public passenger  
5 service, with or without the rendering of another service, in  
6 this Commonwealth pursuant to common carrier authorization from  
7 the Pennsylvania Public Utility Commission or the Interstate  
8 Commerce Commission.

9 "Urban common carrier mass transportation." Transportation  
10 within an area that includes a municipality or other built-up  
11 place which is appropriate, in the judgment of the Department of  
12 Transportation, for a common carrier transportation system to  
13 serve commuters or others in the locality, taking into  
14 consideration the local patterns and trends of urban growth, by  
15 bus or rail or other conveyance, either publicly or privately  
16 owned, serving the general public, but not including school  
17 buses or charter or sightseeing services.

18 Section 4. Persons with disabilities shared-ride program.

19 (a) Power and duty of department.--The department shall have  
20 the power and duty to administer a program authorizing grants to  
21 eligible applicants that agree to provide shared-ride public  
22 transportation services to eligible persons with disabilities.

23 As part of the program, the department shall:

24 (1) Establish a process through which potential  
25 providers receive notice of the program, are given the  
26 opportunity to submit grant proposals and are evaluated based  
27 on eligibility criteria established by this act.

28 (2) Award grants to providers that meet the eligibility  
29 criteria established by this act.

30 (3) Enter into contracts with providers that meet the

1 eligibility criteria established by this act.

2 (b) Request for proposal process.--The department shall  
3 establish a request for proposal process wherein notice of the  
4 program is published in the Pennsylvania Bulletin, eligible  
5 applicants are given an opportunity to submit proposals and the  
6 proposals are evaluated. A minimum of two persons with  
7 disabilities shall be included in the evaluation. For any  
8 eligible applicant to receive grant funds under the program, the  
9 applicant's proposal must demonstrate each of the following:

10 (1) The applicant has the ability to provide shared-  
11 ride, point-to-point accessible services for eligible persons  
12 with disabilities.

13 (2) The applicant has the ability to limit access to the  
14 program to those eligible persons with disabilities.

15 (3) The applicant has the ability to administer the  
16 program such that eligible persons with disabilities pay no  
17 more than 15% of the full-fare cost of the transportation.

18 (4) The applicant has the ability to implement an  
19 eligibility verification process to ensure that access to the  
20 program is limited to eligible persons with disabilities.

21 (5) The applicant has the ability to compile such  
22 information as the department may require.

23 (6) The applicant has the ability to solicit and receive  
24 public participation from persons with disabilities who  
25 reside in the communities in which the applicant is proposing  
26 to serve in the development of the application and documented  
27 ongoing commitment to assist with the planning,  
28 implementation and administration of the program.

29 (7) The applicant has the ability to serve either  
30 portions of a county that are rural in nature or portions of

1 a county not currently served by fixed-route transportation.

2 (8) The applicant has had documented substantial input  
3 from people with disabilities in the communities in which  
4 they are proposing to serve.

5 (c) Grant awards.--The department may award grants to any  
6 provider that meets the eligibility criteria in subsection (b),  
7 provided that, in determining grant awards, the department  
8 shall:

9 (1) Ensure that applicants from rural, suburban and  
10 urban areas of this Commonwealth are considered for grant  
11 funds.

12 (2) Give priority to applicants whose service areas are  
13 rural in nature or whose service areas are not currently  
14 served by fixed-route transportation services.

15 (3) Give priority to applicants that have the ability to  
16 provide or coordinate services across county lines.

17 (d) Limitation on grant amounts.--Grants authorized to any  
18 provider under this act shall be limited to an amount equal to  
19 85% of the total cost of rides of each provider's program.  
20 Individuals utilizing the program shall contribute the remaining  
21 15% through fares.

22 (e) Agreement.--The department may enter into an agreement  
23 with any provider that meets the criteria under subsections (b)  
24 and (c) to award grant funds under this act. The agreement shall  
25 include terms requiring that grant funds be used in accordance  
26 with the proposal submitted to the department by the provider.  
27 The time, payment, amount and any other conditions on the  
28 receipt of the grant funds shall be set forth in the agreement.

29 Section 5. Program review.

30 (a) Legislative Budget and Finance Committee.--The

1 Legislative Budget and Finance Committee shall conduct a  
2 performance audit to assess whether the program is enhancing the  
3 mobility of persons with disabilities. The findings of the  
4 performance audit shall be presented to the General Assembly no  
5 later than two years after the effective date of this act.

6 (b) Department report.--The department shall submit an  
7 annual report to the Transportation Committee of the Senate, the  
8 Transportation Committee of the House of Representatives, the  
9 Appropriations Committee of the Senate and the Appropriations  
10 Committee of the House of Representatives, which at a minimum  
11 shall include total number of riders, total number of rides  
12 provided per month, number of providers, percentage of  
13 population served, geographical coverage of shared-ride usage,  
14 customer satisfaction, total monthly expenditures, total cost  
15 per ride, required subsidy per passenger and per mile and  
16 breakdown of what type of shared-ride services are being  
17 provided.

18 Section 6. Entitlement not created.

19 Nothing in this act creates or provides any individual with  
20 an entitlement to services. It is the intent of the General  
21 Assembly that services under this act shall be made available  
22 only to the extent of availability and level of appropriations  
23 made by the General Assembly.

24 Section 7. Appropriation.

25 The General Assembly hereby appropriates the sum of  
26 \$7,550,000 to carry out the provisions of this act.

27 Section 8. Effective date.

28 This act shall take effect in 60 days.