

ADOPTED RULES

Department of Transportation
Division of Public Transportation
Operating Standards for Special Transportation Service
Rules as Proposed (all new material)

14 MCAR § 1.7001 Scope.

A. These standards apply to special transportation service provided on a regular basis by a public or private person that is designed exclusively or primarily to serve individuals who are elderly, handicapped, disabled or economically disadvantaged and who are unable to use regular means of transportation.

B. These standards do not apply to transportation provided by:

1. A common carrier operating on fixed routes and schedules;
2. A taxi;
3. A volunteer driver using a private automobile which belongs to the volunteer;
4. A school bus as defined in Minn. Stat. § 169.01, subd. 6; or
5. An ambulance regulated under Minn. Stat. ch. 144. However, these standards shall apply to ambulances when they are providing special transportation services.

14 MCAR § 1.7002 Authority.

These standards are adopted pursuant to the requirements of Minn. Stat. § 174.30, subds. 2 and 5.

14 MCAR § 1.7003 Definitions.

A. "Ambulance" has the meaning given to it in Minn. Stat. § 144.801, subd. 2.

B. "Attendant" means a person who assists in the transportation of passengers in special transportation service vehicles, but who does not drive the vehicle.

B. C. "Commissioner" means the commissioner of transportation.

G. D. "Common carrier" means a regular route common carrier operating on fixed routes and schedules as defined in Minn. Stat. § 221.011, subd. 9.

B. E. "Disabled" means handicapped.

E. F. "Economically disadvantaged" means eligible for any form of public assistance provided for by state law.

F. G. "Elderly" means age 55 and older.

G. H. "Handicapped" means having a physical or mental impairment that limits one or more major life activities.

H. I. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

I. J. "Motor vehicle" has the meaning given to it in Minn. Stat. § 169.01, subd. 3.

J. K. "Municipality" has the meaning given to it in Minn. Stat. § 466.01, subd. 1.

K. L. "Person" means every natural person, firm, partnership, corporation, association and body politic.

E. M. "Physical or mental impairment" means any physiological disorder or condition or anatomical loss; any mental or psychological disorder and specific learning disabilities and includes but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, mental retardation, emotional illness, drug addiction and alcoholism.

M. N. "Provider" means a public or private entity or person who operates special transportation service vehicles.

N. O. "Regular basis" means providing more than an average of 12 round trips per month in any calendar year in a single vehicle or transporting more than 30 passengers per month, whichever is less.

O. P. "School bus" has the meaning given to it in Minn. Stat. § 169.01, subd. 6.

P. Q. "Semi-ambulatory" means having the ability to walk with difficulty and or with the aid of a prosthetic or orthotic device, an artificial limb or personal assistance device such as a brace, a cane, a crutch or a walker.

Q. R. "Special transportation service" means motor vehicle transportation provided on a regular basis by a public or private person that is designed exclusively or primarily to serve individuals who are elderly, handicapped, disabled or economically disadvantaged and who are unable to use regular means of transportation.

R. S. "State" has the meaning given to it in Minn. Stat. § 3.732, subd. 1, clause (1).

S. T. "Variance" means permission to comply in a manner other than that specified.

T. U. "Vehicle" means a motor vehicle used to provide special transportation service.

14 MCAR § 1.7004 Compliance.

A. No person shall provide special transportation service without a current annual certificate of compliance issued by the commissioner.

1. A certificate of compliance shall be issued when the standards set forth in these rules have been met.

2. A certificate of compliance shall be issued to a provider who transports an occupied wheelchair in a vehicle only if the vehicle has been issued a current numbered certificate by the commissioner of public safety pursuant to Minn. Stat. § 299A.14.

B. No special transportation service provider shall provide, offer to provide or represent itself as capable of providing life support transportation service unless it is licensed as required by Minn. Stat. § 144.802.

14 MCAR § 1.7005 Certification.

A. Application for a certificate of compliance shall be made on forms provided by the commissioner. Application forms for certificates of compliance may be obtained from any Department of Transportation district office. All applications shall be delivered or mailed to the Minnesota Department of Transportation, Division of Public Transportation, Transportation Building, St. Paul, Minnesota 55155.

B. Applicants shall submit the following information to the commissioner:

1. A provider application form containing the following information:

- a. whether the application is new or a renewal;
- b. the name, address, telephone number and area served by the provider;

c. the type of service provided, such as fixed route, route deviation, dial a ride, variable schedule, fixed schedule or other;

d. the category of passengers served (elderly, handicapped, disabled or economically disadvantaged);

e. for each vehicle:

- (1) make and year;
- (2) seating capacity;

(3) completed checklists showing whether each vehicle carries the safety equipment required by 14 MCAR § 1.7009 B. 1.;

f. if the vehicle will carry an occupied wheelchair:

(1) whether the vehicle is equipped with an approved wheelchair securement device;

(2) the date that the wheelchair securement device was approved by the commissioner of public safety and the number on the certificate issued by the commissioner of public safety;

g. the name and title of the person who is responsible for the provider's special transportation service;

h. the name and address of each driver, stating whether each complies with the standards set forth in these rules. This information shall be provided annually when the application for a certificate of compliance is filed.

2. A certificate of insurance which shall be mailed to the Department of Transportation by the applicant's insurer.

C. A certificate of compliance shall be granted when the commissioner ~~determines that the~~ applicant complies with the standards set forth in these rules.

D. All applications shall be processed and a certificate of compliance issued or denied in writing within thirty days of the receipt of the complete application by the commissioner and receipt of the certificate of insurance.

E. When a certificate is granted, the provider shall be issued a numbered certificate of compliance which lists each certified vehicle and shows the month and year in which the certification expires.

F. The commissioner shall maintain a record of all certificates of compliance showing the date issued, renewed or revoked.

14 MCAR § 1.7006 Renewal.

A. Thirty to sixty days prior to the expiration of any certificate of compliance, the provider shall request renewal of the certificate on a form provided by the commissioner.

B. The commissioner shall grant or deny requests for renewal in writing prior to the expiration date of the current certificate.

C. A new certificate listing each certified vehicle and showing the month and year in which the certification expires shall be issued to the provider.

14 MCAR § 1.7007 Inspection.

A. Upon receipt of a complaint that any certified provider does not comply with the standards set forth in these rules, the commissioner shall conduct an inspection of the provider's records and vehicles. The inspection shall be conducted within four weeks of receipt of the complaint.

B. All complaints shall be documented and a record maintained of the name and address of the person making the complaint, the date and reason for the complaint and the result of the inspection.

C. The commissioner shall notify any provider not less than 1 week in advance of an inspection and shall conduct the inspection at the provider's office or garage.

D. Inspections conducted under these standards shall comprise:

1. Examination of the records listed in 14 MCAR § 1.7011 A.; and
2. Examination of the vehicles to determine whether the provider complies with the requirements of 14 MCAR § 1.7009 B.

E. Failure to permit an inspection as provided in this section shall be grounds for immediate suspension of the provider's certificate of compliance until the provider permits the inspection.

14 MCAR § 1.7008 Enforcement.

A. Any provider found in violation of any provision of these rules shall be given a thirty day written notice to correct the violation. When the violation threatens the life or safety of passengers, the commissioner shall require the provider to remove the driver or vehicle from operation immediately.

B. At the expiration of thirty days, the commissioner shall may conduct an inspection to determine whether the violation has been corrected. In the case of violations other than those involving vehicle equipment, the provider may mail evidence of compliance to the department.

C. ~~If the violation is not corrected within thirty days, the commissioner shall revoke the certificate of compliance after holding a hearing upon reasonable notice to the provider.~~ If the violation has not been corrected, the commissioner shall suspend the certificate of compliance until the provider complies with the provisions of 14 MCAR § 1.7001 to 14 MCAR § 1.7013. No suspension shall occur unless the commissioner has held a hearing, after thirty days notice to the provider, at which the provider has had the opportunity to show cause why the certificate of compliance should not be suspended. Repeated violations may result in revocation of the certificate.

D. Any enforcement hearing conducted pursuant to these standards shall be conducted in accordance with Minn. Stat. ch. 15.

14 MCAR § 1.7009 Standards for operation of vehicles.

A. Personnel.

1. No driver shall operate a special transportation service vehicle unless that driver:

a. has visual acuity of 20/40 in each eye corrected and a field of vision of at least seventy degrees in the horizontal meridian of each eye; and

b. does not have a hearing loss greater than thirty db in the better ear with or without a hearing aid; and

c. has no current medical condition which interferes with the ability to drive safely.

2. Every two years each driver shall obtain, on a form prescribed by the commissioner, a physician's statement that the driver has no current medical condition which interferes with his or her ability to drive safely. This shall be obtained prior to employment as a driver of a special transportation service vehicle. Employees of facilities which are licensed by the Department of Health or the Department of Public Welfare and required by either of those departments to provide a physician's statement of health on a regular basis may substitute that form or statement for the form required in this section.

3. Each driver ~~or an~~ shall be able to perform a vehicle safety inspection and each driver and attendant in the case of a vehicle which is staffed by a driver and an attendant, shall be able to ~~perform a vehicle safety inspection,~~ assist a passenger into the vehicle and operate a wheelchair lift or ramp if the vehicle is equipped with it.

4. Each driver shall also meet the following criteria:

- a. possess a Minnesota driver's license which is valid for the type of vehicle which he or she drives;
- b. be at least eighteen years of age and have not less than one year of experience as a licensed driver; and
- c. have a driving record clear of revocations, suspensions and cancellations for the past three years except for suspensions which result from unpaid parking tickets.

5. By January 1, 1982, each driver and attendant shall successfully complete a first aid or emergency care course of not less than four hours which shall include instruction in the following elements:

- a. treatment of shock;
- b. control of bleeding;
- c. airway management;

- d. prevention and treatment of frostbite and exposure to cold;
- e. prevention and treatment of heat exhaustion and heat stroke;
- f. identification of sudden illness such as stroke, heart attack, convulsions, fainting and seizures; and
- g. appropriate use of emergency medical assistance services;

6. By January 1, 1982, each driver and attendant who transport passengers seated in wheelchairs or who assist passengers in transferring from a wheelchair to a vehicle shall complete a minimum of eight hours training in the techniques of transporting and assisting elderly and physically handicapped passengers which shall include instruction in the following elements:

- a. discussion of characteristics of the aging process and major disabling conditions;
- b. discussion of common assistive devices used by elderly and handicapped persons;
- c. discussion of attitudes toward elderly and handicapped persons which includes the participation of handicapped and elderly persons;
- d. instruction in methods of handling wheelchairs;
- e. instruction in moving, lifting and transferring passengers;
- f. guidelines for transporting handicapped persons; and
- g. instruction in the operation of lifts, ramps and wheelchair securement devices if the vehicle to be operated is equipped with them.

7. By January 1, 1982, each driver and attendant who transport elderly and physically handicapped passengers who do not use wheelchairs or who transport passengers who do not transfer from a wheelchair to a seat in the vehicle shall complete a minimum of four hours training in the techniques of transporting and

assisting elderly and physically handicapped passengers, which shall include instruction in the elements listed in 14 MCAR § 1.7009 A. 6. a., b., c. and f.

8. Each driver and attendant shall receive instruction in the use of the fire extinguisher.

9. A driver or attendant hired after October 1, 1981, who has not completed the required training prior to providing special transportation service, shall do so within ninety days after beginning to provide such service. Copies of certificates indicating successful completion of courses shall be maintained in the provider's files.

10. Each driver and attendant must successfully complete a refresher first aid or emergency care course every three years. The refresher course shall include instruction in the elements listed in 14 MCAR § 1.7009 A. 5.

B. Equipment.

1. Each vehicle when in use shall carry the following safety equipment:
 - a. one five pound, dry chemical fire extinguisher, A:B:C type, bearing a tag indicating that it has been serviced within the preceding year;
 - b. an emergency first aid kit in a dustproof container, labeled "FIRST AID," and stored in a location visible to the driver. The kit shall contain at least the following items:
 - (1) six 4" x 4" sterile gauze pads;
 - (2) two soft roll bandages 6" x 5 yards;
 - (3) adhesive tape; and
 - (4) scissors;
 - c. a spare tire and jack unless the vehicle is radio-equipped and the provider has a service contract which enables him to summon assistance to change the tire or to summon a substitute vehicle;
 - d. an operable flashlight;

e. if a vehicle carries children who weigh less than ~~fi~~fty forty pounds, there shall be available in the vehicle a child restraint system which meets the requirements of federal motor vehicle safety standard no. 213, 49 C.F.R. § 571.213;

f. three emergency warning triangles. Both faces of each triangle shall consist of red reflective and orange fluorescent material. Each of the three sides of the triangular device shall be seventeen to twenty-two inches long and shall be two to three inches wide. The units shall be kept clean and in good repair and stored so as to be readily available when needed;

g. from October 1 to April 30, each vehicle shall carry an ice scraper and a blanket;

h. all vehicles with interior fuse boxes shall carry extra electrical fuses.

2. All seats shall be securely fastened to the floor or frame of the vehicle and all vehicles purchased after January 1, 1981 shall have a usable seat belt for each person being transported and for the driver.

3. All ramps shall have a slip-proof surface to provide traction and one end of the ramp shall be secured to the floor of the vehicle when the ramp is in use.

4. A vehicle which is equipped with a wheelchair lift and which carries semi-ambulatory persons who use the wheelchair lift shall be equipped with either a wheelchair lift with an adjustable or removable ~~railings~~ railing which ~~are~~ is thirty-six inches high on ~~two~~ one ~~sides~~ side of the lift or with a folding wheelchair stored on the vehicle when it is in use.

5. Vehicles which carry occupied stretchers or litters shall comply with securement device requirements of the Department of Health contained in 7 MCAR § 1.603 C. 4. and C. 1. b.

C. Operation.

1. All vehicles shall be maintained and operated in compliance with Minn. Stat. ch. 169 and rules adopted pursuant to that chapter.

2. All providers shall conduct or cause to be conducted, a daily visual safety inspection of the following items:

- a. coolant level;
- b. lights, turn signals, hazard flashers;
- c. tires;
- d. windshield wipers and washer fluid;
- e. mirrors;
- f. fuel level.

3. All providers shall conduct or cause to be conducted a vehicle safety inspection once each ~~a~~ week or every 1000 miles, whichever comes first. The date and mileage at each safety inspection and a notation of needed repairs and replacements shall be made in a driver's logbook which shall be maintained in the vehicle or in the provider's files. The safety inspection shall include inspection of the following items:

- a. coolant level;
- b. oil level;
- c. lights, turn signals, hazard flashers;
- d. tires and tire pressure;
- e. brake, parking brake and brake fluid level, if visible in the engine compartment;
- f. instrument panel;
- g. horn;
- h. windshield wipers and washer fluid;

i. fan belt;
j. mirrors, inside and outside;
k. wheelchair ramps and lifts and lift electrical systems, if applicable; and

l. wheelchair or stretcher securement device, if applicable.

4. Smoking shall be prohibited in vehicles at all times. A sign stating "NO SMOKING" shall be posted in the vehicle so that it is visible to all passengers.

5. Drivers and passengers shall use seat belts at all times in vehicles which are equipped with them and drivers shall instruct each passenger to use the seat belt. Children who weigh less than ~~fifty~~ forty pounds shall use approved child restraint systems at all times.

6. When any vehicle is stopped for any emergency purpose or is disabled on the roadway or shoulder of any highway outside a business or residence district during the time when lighted lamps must be displayed, the driver shall promptly place an emergency warning triangle on the roadway on the traffic side of the vehicle ten feet from the vehicle in the direction of approaching traffic. A second emergency warning triangle shall be placed approximately 100 feet from the vehicle in the direction of approaching traffic. If the vehicle is stopped or disabled on any one-way roadway, the driver shall place an additional warning triangle approximately 200 feet from the vehicle in the direction of approaching traffic.

D. Maintenance.

1. All vehicles shall be maintained in accordance with the manufacturer's recommended maintenance schedule or an improved schedule based on actual vehicle operating conditions.

2. Providers shall correct any deficiency which might interfere with the safe operation of the vehicle before the vehicle is placed in service.

3. Windows and lights shall be kept clean.
4. Interior of vehicles shall be clean and in good repair.

14 MCAR § 1.7010 Insurance.

A. Each provider shall have in effect an insurance plan which provides the following minimum coverage for each vehicle:

1. Basic economic loss benefits as required by Minn. Stat. ch. 65B;
2. Residual liability coverage in the following minimum amounts:
 - a. private providers; \$100,000 for bodily injury to, or death of any one person in a single accident, subject to a maximum of \$300,000 for bodily injuries to, or the death of two or more persons in a single accident, and \$50,000 for destruction of, or damage to property in a single accident, or if the policy is written on a single limit basis, \$300,000 per occurrence;
 - b. municipalities; \$100,000 for bodily injury to, or death of any one person in a single accident, subject to a maximum of \$300,000 for bodily injury to, or death of two or more persons in a single accident, and \$50,000 for destruction of, or damage to property in a single accident;
 - c. the state; \$100,000 for bodily injury to, or death of any one person in a single accident, subject to a maximum of \$500,000 for bodily injury to, or death of two or more persons in a single accident, and \$100,000 for destruction of, or damage to property in a single accident.

3. Uninsured motorist coverage as required by Minn. Stat. ch. 65B.

B. Each provider shall obtain a certificate of insurance for the special transportation service vehicles which it operates. The provider's insurer shall mail the certificate of insurance to the Minnesota Department of Transportation, Division of Public Transportation, Transportation Building, St. Paul, Minnesota 55155. The certificate shall show the vehicles covered by the policy and the

policy limits. The insurer shall notify the department in writing ten days prior to the termination of coverage by either party.

C. A provider shall may qualify as a self-insurer by providing evidence that it has complied with the requirements of Minn. Stat. § 65B.48, subd. 3.

14 MCAR § 1.7011 Records.

A. Each provider shall maintain files containing the following information:

1. For each driver, a driver's application form which contains the following information:

- a. the name, address and birthdate of the driver;
- b. the driver license number and the class of the license;
- c. whether the driver has had at least one year of driving experience;
- d. whether the driver's license has been revoked, suspended or cancelled within the three year period prior to this application;
- e. the date on which the driver successfully completed at least four hours of training in first aid as required by 14 MCAR § 1.7009 A. 5.;
- f. the date on which the driver successfully completed training in the techniques of transporting and assisting elderly and physically handicapped passengers as required by 14 MCAR § 1.7009 A. 6. or 7. whichever is applicable;
- g. the date and location at which driver was trained in the use of the fire extinguisher;

2. For each driver, the physician's statement, that the driver has no current medical condition which interferes with his or her ability to drive safely;

3. For each attendant, an attendant's application form which contains the following information:

- a. the name and address of the attendant;
- b. the date on which the attendant successfully completed at least four hours of training in first aid as required by 14 MCAR § 1.7009 A. 5.;

c. the date on which the attendant successfully completed training in the techniques of transporting and assisting elderly and physically handicapped passengers as required by 14 MCAR § 1.7009 A. 6. or 7. whichever is applicable;

d. the date and location at which the attendant was trained in the use of the fire extinguisher;

4. All correspondence with the commissioner, including the certificate of compliance;

5. All accident records;

6. A record of all insurance claims arising from the operation of the vehicle;

7. Service records for each vehicle indicating the date, the odometer reading and the nature of the repair or replacement each time the vehicle was serviced;

8. The driver's logbook for each vehicle, unless the logbook is maintained in the vehicle.

B. The following documents shall be maintained in each vehicle:

1. A card showing the name of the insurance company which insures the vehicle and the telephone number of the insurance agent;

2. Accident report forms;

3. A card showing local emergency telephone numbers.

14 MCAR § 1.7012 Certification of training courses.

A. All training courses shall be approved by the commissioner prior to being offered to fulfill the requirements of these rules.

B. The application for approval of a training course shall be made on a form prescribed by the commissioner. A course shall be approved if it meets the following minimum standards:

1. It shall include instruction in the elements required by these standards;
2. The application shall specify when and where the instructor has previously taught the course;
3. The name, address, employment and relevant training of the instructor must be shown;
4. The name and address of any institution which is sponsoring the course must be shown.

C. Instructors.

1. A first aid course shall be taught by any person who is a licensed physician, registered nurse, licensed practical nurse, a paramedic, an emergency medical technician, ~~or~~ a certified first aid instructor or a physician's assistant.
2. Passenger assistance technique training shall be taught by any person who is a licensed physician, registered nurse, registered physical therapist, registered occupational therapist, public health nurse or other health professional who has had work experience with physical disabilities, aging and communication disorders or by a team which includes one of those persons.

D. Applications for approval of training courses shall be granted or denied in writing by the commissioner within thirty days of receipt of the complete application.

14 MCAR § 1.7013 Variance.

A. The commissioner may grant a variance from any of these rules except 14 MCAR § 1.7004.

1. A variance shall be granted if the applicant shows that:
 - a. the rationale for the rule or rules in question can be met or

exceeded by the specific alternative practice which the applicant proposes to substitute;

b. the application of the rule in question would impose an excessive burden on the applicant; and

c. the granting of the variance will not adversely affect the public health and safety.

2. The commissioner shall set forth in writing the reasons for granting or denying the variance, within thirty days of receiving the application. If the variance is denied, the applicant may, within thirty days of receiving notice of the denial, request a contested case hearing.

3. Any special transportation service provider that is granted a variance shall comply with the alternative practice specified in its successful application for a variance.

4. B. Any special transportation service provider that has been granted a variance shall immediately notify the Department of Transportation if any material change occurs in the circumstances which justified granting the variance.

5. C. A variance shall be revoked if a material change occurs in the circumstances which justified granting the variance, or if the applicant fails to comply with the alternative practice specified in the application for a variance.

14 MCAR § 1.7014 to 1.7050 Reserved for future use.