

CHAPTER 910
COORDINATION OF PUBLIC TRANSIT SERVICES

[Prior to 6/3/87, Transportation Department [820]—(09,A)Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

761—910.1(324A) Definitions. For purposes of this chapter, the following definitions shall apply in addition to the definitions in Iowa Code section 324A.1:

“*Council*” means the statewide transportation coordination advisory council formed in rule 910.3(324A).

“*Department*” means the state department of transportation. The department’s modal transportation bureau administers Iowa Code chapter 324A.

“*Emergency transportation*” means transportation provided when life, health or safety is in danger, such as ambulance or law enforcement transportation.

“*Incidental transportation*” means the provision of transit rides when existing public transportation services cannot meet demand. Allowable charter service and meal deliveries are examples of incidental transportation.

“*Provider*” means any recipient of direct or indirect, state, federal or local funds, including a public transit system, that provides or contracts for public transit services.

“*Public school transportation*” means passenger transportation provided by or for a legally organized Iowa public school district for school district purposes.

“*Public transit service*” means any publicly funded passenger transportation for the general public or for specific client groups not including exclusive public school transportation, emergency transportation or incidental transportation or transportation provided by the department of health and human services or department of corrections on the grounds of the following institutions:

- State training school, Eldora;
- Cherokee mental health institute;
- Independence mental health institute;
- Glenwood state hospital-school;
- Woodward state hospital-school;
- Iowa veterans home, Marshalltown;
- Iowa state penitentiary, Fort Madison;
- Anamosa state penitentiary, Anamosa;
- Iowa correctional institution for women, Mitchellville;
- Mount Pleasant correctional facility, Mount Pleasant;
- Newton correctional facility, Newton;
- Iowa medical and classification center, Coralville;
- North central correctional facility, Rockwell City;
- Fort Dodge correctional facility, Fort Dodge;
- Clarinda correctional facility, Clarinda.

This rule is intended to implement Iowa Code section 324A.1.

[ARC 3690C, IAB 3/14/18, effective 4/18/18; Editorial change: IAC Supplement 11/29/23]

761—910.2(17A) Information and location. Forms or information about the coordination of public transit services are available from the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.233.7870 or on the department’s website at www.iowadot.gov.

This rule is intended to implement Iowa Code section 17A.3.

[Editorial change: IAC Supplement 2/23/11; ARC 3690C, IAB 3/14/18, effective 4/18/18; Editorial change: IAC Supplement 11/29/23]

761—910.3(324A) Statewide transportation coordination advisory council.

910.3(1) Purpose. An advisory council shall be formed by the department to assist with implementation of the compliance reviews required by statute. The council shall assist in the review of information concerning the transportation operations of providers and advise the department as to whether the provider should be found to be in compliance with the transportation coordination mandate of Iowa Code chapter 324A.

910.3(2) Advisory council.

a. Membership. Membership in the council shall at minimum include one representative from the department of health and human services and one from the department. Other state agencies as well as federal agencies and statewide private agencies funding local transportation services may also be granted membership.

b. Chairperson. The director of transportation or the director's representative shall serve as chairperson of the council.

c. Staff. Staff support for council activities shall be provided by the department.

d. Meetings. Meetings shall be held at least once each quarter and may be held more frequently if necessary to enable the council to expeditiously discharge its duties.

910.3(3) Duties. The council shall:

a. Review and make recommendations to the member agencies concerning guidelines and criteria for the review process operated by the council.

b. Provide the department with written recommendations for findings of compliance or noncompliance with the transportation coordination mandate of Iowa Code chapter 324A for individual providers based upon review of each provider's request for certification.

c. Upon request of a member agency, review all transportation components of funding applications or plans submitted by a recipient of the member agency.

d. Advise and make recommendations to the department concerning public transportation policy.

This rule is intended to implement Iowa Code sections 324A.4 and 324A.5.

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761—910.4(324A) Certification process.

910.4(1) Requirement for certification. All providers are required to request a certification of compliance with the transportation coordination mandate of Iowa Code chapter 324A by submitting the certification application form in the Appendix to this rule plus a copy of a certificate of insurance or documentation of self-insurance. ¹Agencies that provide a mixture of public transit service and other service shall request certification based on that part of their overall operation which is public transit service.

910.4(2) Form distribution.

a. Recipients of state or state-administered funds. Each state agency in its own funding application or contract process shall require each recipient of funding to submit a request for certification of compliance.

b. Recipients of other funds. The department shall contact local governments and federal agencies to determine whether they are funding any providers that are not funded through the state. The department shall send to any providers identified in this way, or by other means, an explanation of the certification requirement and a copy of the certification request form in the Appendix.

910.4(3) Submission of request forms.

a. Recipients of state funds shall submit both the certification application and the certificate of insurance forms annually to the funding agency.

b. Recipients of funds from multiple sources may submit a single request form to all state funding sources if it covers all agency transportation functions.

c. Providers not receiving any funds from state agencies shall return their completed forms within 20 working days of receipt.

d. Agencies or organizations that receive a form from the department and believe that none of their services fit the definition of public transit services shall respond to the department within 20 working days

of receipt, stating this belief and providing a brief description of any passenger transportation service they do provide and why it should not be considered public transit service.

910.4(4) *Incomplete or unreturned request forms.*

a. Forms submitted to a state funding agency as part of a funding application shall be reviewed for completeness by that agency within 10 working days.

b. Forms submitted directly to the department by its recipients or by providers not receiving state or state-administered funds shall be reviewed for completeness by the modal transportation bureau within 10 working days.

c. The reviewing agency shall inform the provider in writing of any information deficiencies and allow 10 working days from receipt for submittal of missing information.

d. Each state agency shall report to the council each case in which a provider has failed upon notification to supply the required information within the required time frame.

e. All completed request forms submitted to state funding agencies shall be forwarded to the council staff within five working days after verifying completeness.

910.4(5) *Processing requests.*

a. The council staff shall evaluate completed requests based on the compliance standards found in rule 910.5(324A) and make a recommendation for a finding of compliance or noncompliance to the council within 20 working days of receiving the completed request form.

b. Ten working days prior to the council's scheduled monthly meeting, the council staff shall distribute to each council member and to the respective providers a meeting agenda and copies of all compliance finding recommendations completed since the previous agenda mailing.

c. At their monthly meeting the council shall consider the compliance finding recommendations of the staff and may accept the staff recommendations as their recommendations to the director of transportation, change the recommendations and provide a statement of reasons, or defer action pending further review.

d. Upon consideration of the council recommendations, the department shall make a final finding of compliance or noncompliance and notify the provider and the state funding agency, if applicable, in writing of the department's decision within five working days after the council meeting.

This rule is intended to implement Iowa Code section 324A.4.

[ARC 3690C, IAB 3/14/18, effective 4/18/18; Editorial change: IAC Supplement 11/29/23]

¹ See Appendix at end of Chapter 910.

761—910.5(324A) Standards for compliance. A provider shall be found compliant if the provider meets both of the following standards:

910.5(1) All vehicles used for the public transit services it provides or contracts for are insured for \$1 million per accident for all hazards or the provider maintains a self-insurance fund adequate to provide equivalent protection.

910.5(2) The provider:

a. Purchases all services from a designated public transit system, or

b. Operates all services open to the public under contract with and under control of a designated transit system, or

c. Purchases all services from a private-for-profit operator of public transit services, or

d. Operates its own services which:

(1) The designated public transit system is currently unable to provide, or

(2) When considered as a whole using fully allocated costs, prove to be more economical than the purchase of equivalent services from the designated public transit system.

e. Uses a combination of services in paragraphs "a," "b," "c," and "d."

This rule is intended to implement Iowa Code section 324A.4.

[ARC 3690C, IAB 3/14/18, effective 4/18/18]

761—910.6(324A) Noncompliance. A provider shall be found noncompliant if:

910.6(1) The provider has not submitted required data upon expiration of either the original submittal deadline or the additional ten-day grace period after written notification of deficiencies in an original submittal.

910.6(2) The provider's request for certification has been processed and the provider did not qualify for a finding of compliance.

This rule is intended to implement Iowa Code section 324A.4.

761—910.7(324A) Noncompliant sanctions. A provider that is denied certification and continues the noncompliant activities for more than 30 days shall be subject to the penalties and sanctions specified in Iowa Code subsection 324A.5(3).

910.7(1) If the department of health and human services purchases services from the noncompliant provider, the modal transportation bureau shall notify the department of health and human services of the noncompliant finding.

910.7(2) If the noncompliant provider is a recipient of public funds from other than the department of health and human services, the department shall notify the proper authority as required in Iowa Code section 324A.5.

This rule is intended to implement Iowa Code sections 324A.4 and 324A.5.

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761—910.8(324A) Revocation.

910.8(1) If certification is revoked, the department shall send a written notice of revocation to the provider.

910.8(2) The affected public transit system, the provider and the department shall meet within 10 days after the date of the revocation notice to determine an acceptable amendment of the transportation services. The amendments which are agreed upon shall become effective within 60 days. The contract between the provider and the affected public transit system shall be amended, if necessary, to agree with the service changes.

910.8(3) If the transportation services are not amended in a timely manner, the department shall initiate actions as required in Iowa Code section 324A.5(2).

This rule is intended to implement Iowa Code section 324A.5.

[ARC 3690C, IAB 3/14/18, effective 4/18/18]

Appendix to rule 761—910.4(324A)

Date _____

FY _____

CERTIFICATION APPLICATION

State/Federal Administering Agency _____

I. GENERAL INFORMATION:

Agency Name: _____

Address: _____

Contact Person: _____ Phone:(_____) _____

Service Area (counties): _____

Types of Clients: _____

Types of Services: _____

Does agency provide transportation services? Yes _____ No _____

Does agency use public funds for transportation? Yes _____ No _____

II. TRANSPORTATION ACTIVITIES:

Population groups served: Elderly _____ Youth Economically Deprived _____ Public _____

Persons with physical disabilities _____ Persons with mental disabilities _____ Other _____

Describe others: _____

Services Accessed: Medical _____ Day Care _____ Shopping _____ Nutrition _____ Employment _____

Recreation _____ Education/training _____ Other social services _____

What percent of your transportation service (in terms of miles driven) is operated during the following time periods?

_____ % weekdays + _____ % evenings + _____ % weekends = 100%

Is any part of agency's transportation purchased from an urban or regional transit system?

Yes _____ No _____ If yes, please indicate system:

V. PURCHASE OF SERVICE (Contracts and Vendor Agreements):

Total \$ _____

	Average Monthly Ridership	Average Monthly Vehicle Miles	Projected Annual Expenditures
Taxi			\$
Intracity bus			\$
Regional/Urban Transit System			\$
Other - specify			\$
Total	-----	-----	\$

VI. OPERATION OF OWN TRANSPORTATION SERVICE:

Total \$ _____

STAFF	Number	% of Time	Projected Annual Expenditures
Administrative			\$
Drivers			\$
Maintenance			\$
Professional			\$
Escorts			\$
Volunteers reimbursement		\$ /mile	\$
Other - specify			\$
Subtotal	-----	-----	\$

VEHICLE OPERATING COSTS	Projected Annual Expenditures
Fuel and oil	\$
Maintenance and repair	\$
Insurance	\$
Licenses and fees	\$
Staff mileage reimbursement \$ /mile	\$
Indirect cost or overhead	\$
Other - specify	\$
Subtotal	\$

PURCHASE OR LEASE OF VEHICLES AND SPECIAL EQUIPMENT

Vehicle Type	No. to be Leased	No. to be Purchased	No. for Replacement	No. for Expansion	Special Equipment	Projected Annual Cost
						\$
						\$
						\$
Subtotal	-----	-----	-----	-----	-----	\$

Note: The total funding in Section IV must equal the total expenditures in Section V plus Section VI.

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