

2017 -- H 6049

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- RHODE ISLAND PUBLIC  
TRANSIT AUTHORITY

Introduced By: Representatives Marshall, Amore, Lombardi, O'Brien, and Tobon

Date Introduced: March 31, 2017

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 39-18-4 and 39-18-22 of the General Laws in Chapter 39-18  
2 entitled "Rhode Island Public Transit Authority" are hereby amended to read as follows:

3           **39-18-4. Powers and duties of the authority.**

4           (a) The authority is hereby authorized and empowered:

5           (1) To adopt bylaws for the regulation of its affairs and the conduct of its business;

6           (2) To adopt an official seal and alter the seal at pleasure;

7           (3) To maintain an office at such place or places within the state as it may designate;

8           (4) To sue and be sued in its own name, plead and to be implead; provided, however, that  
9 any and all actions against the authority shall be brought only in the county in which the principal  
10 office of the authority shall be located;

11           (5) To acquire, purchase, hold, use, and dispose of any property, real, personal, or mixed,  
12 tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes  
13 of the authority, and, to lease as lessee or lessor any property, real, personal or mixed, or any  
14 interest therein for such term and at such rental as the authority may deem fair and reasonable,  
15 and to sell, transfer, convey, mortgage, or give a security interest in any property, real, personal,  
16 or mixed, tangible or intangible, or any interest therein, at any time acquired by the authority;

17           (6) To employ, in its discretion, planning, architectural, and engineering consultants,  
18 attorneys, accountants, construction, financial, transportation, and traffic experts and consultants,

1 superintendents, managers, and such other officers, employees, and agents as may be necessary in  
2 its judgment, and to fix their compensation;

3 (7) (i) To fix from time to time, subject to the provisions of this chapter, schedules and  
4 such rates of fare and charges for service furnished or operated as in its judgment are best adopted  
5 to insure sufficient income to meet the cost of service; provided, however, the authority is not  
6 empowered to operate a passenger vehicle under its control in competition with passenger  
7 vehicles of a private carrier over routes which the private carrier operates pursuant to a certificate  
8 of public convenience and necessity issued to the private carrier by the division of public utilities  
9 and carriers; and provided further that the authority shall not require any person who meets the  
10 means test criteria as defined by the Rhode Island Department of Elderly Affairs and who is  
11 either sixty-five (65) years of age, or over, or who is disabled to pay ~~more than one-half (1/2) of~~  
12 any fare or charge for bus rides during peak hours; provided, however, that under no  
13 circumstances shall fares or charges for special service routes be discounted. Any person who is  
14 either sixty-five (65) years of age, or over, or who is disabled, who ~~does not satisfy~~ meets the  
15 means test criteria as heretofore provided, shall ~~only be required to pay one-half (1/2) of the~~ not  
16 be required to pay any fare or charge for bus rides during off-peak hours, and any person who is  
17 either sixty-five (65) years of age, or over, or who is disabled, and who does not satisfy the means  
18 test criteria as heretofore provided, shall only be required to pay one-half (1/2) of the fare or  
19 charge for bus rides during off-peak hours but shall not be eligible for a reduction during peak  
20 hours. For the purposes of this chapter, "peak hours," "off-peak hours" and "special service  
21 routes" shall be determined annually by the authority. The authority, in conjunction with the  
22 department of human services, shall establish an advisory committee comprised of  
23 seniors/persons with disabilities constituent users of the authority's services to assist in the  
24 implementation of this section;

25 (ii) Any person who accompanies and is assisting a person with a disability when the  
26 person with a disability uses a wheelchair shall be eligible for the same price exemptions  
27 extended to a person with a disability by subsection (7)(i). The cost to the authority for providing  
28 the service to the elderly shall be paid by the state;

29 (iii) Any person who accompanies and is assisting a passenger who is blind or visually  
30 impaired shall be eligible for the same price exemptions extended to the passenger who is blind or  
31 visually impaired by subsection (7)(i). The cost to the authority for providing the service to the  
32 elderly shall be paid by the state;

33 (iv) The authority shall be authorized and empowered to charge a fare for any paratransit  
34 services required by the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., in

1 accordance with 49 C.F.R. Part 37.

2 (8) To borrow money and to issue bonds of the authority for any of its purposes  
3 including, without limitation, the borrowing of money in anticipation of the issuance of bonds or  
4 the receipt of any operating revenues or other funds or property to be received by the authority,  
5 and the financing of property to be owned by others and used, in whole or substantial part, by the  
6 authority for any of its purposes, all as may from time to time, be authorized by resolution of the  
7 authority; the bonds to contain on their face a statement to the effect that neither the state nor any  
8 municipality or other political subdivision of the state shall be obligated to pay the same or the  
9 interest thereon;

10 (9) To enter into management contracts for the operation, management, and supervision  
11 of any or all transit properties under the jurisdiction of the authority, and to make and enter into  
12 all contracts and agreements necessary or incidental to the performance of its duties and the  
13 execution of its powers under this chapter;

14 (10) Without limitation of the foregoing, to borrow money from, to receive and accept  
15 grants for or in aid of the purchase, leasing, improving, equipping, furnishing, maintaining,  
16 repairing, constructing, and operating of transit property, and to enter into contracts, leases, or  
17 other transactions with any federal agency; and to receive and accept from the state, from any  
18 municipality, or other political subdivision thereof, and from any other source, aid or  
19 contributions of either money, property, labor, or other things of value, to be held, used and  
20 applied only for the purposes for which the grants and contributions may be made;

21 (11) To acquire in the name of the authority, by negotiated purchase or otherwise, on  
22 such terms and conditions and in such manner as it may deem proper, or by the exercise of the  
23 power of condemnation to the extent only and in the manner as provided in this chapter, such  
24 public and private lands, including public parks, playgrounds or reservations, or parts thereof, or  
25 rights therein, rights-of-way, property rights, easements, and interests as it may deem necessary  
26 for carrying out the provisions of this chapter; provided, however, that all public property  
27 damaged in carrying out the powers granted by this chapter shall be restored or repaired and  
28 placed in its original condition as nearly as practicable;

29 (12) To contract with any municipality, public or private company or organization,  
30 whereby the authority will receive a subsidy to avoid discontinuance of service, and each  
31 municipality within the state is hereby authorized to make and enter into such contracts and to  
32 make, grant, or give to the authority a subsidy in such amount and for such period of time as it  
33 may deem advisable;

34 (13) To operate service to nearby Massachusetts and nearby Connecticut terminals for the

1 purpose of deboarding Rhode Island passengers at major traffic generating locations for the  
2 benefit of passengers and to board Rhode Islanders for the return trip, provided, however, that the  
3 authority operate closed door in Massachusetts and nearby Connecticut to and from its  
4 destination; and

5 (14) To do all things necessary, convenient, or desirable to carry out the purpose of this  
6 chapter.

7 (b) To effectuate the purposes of this chapter the authority shall have the following  
8 duties:

9 (1) To participate in and contribute to transportation planning initiatives that are relevant  
10 to the purposes of the authority;

11 (2) To plan, coordinate, develop, operate, maintain and manage a statewide public transit  
12 system consistent with the purposes of the authority, including plans to meet demands for public  
13 transit where such demand, current or prospective, exceeds supply and/or availability of public  
14 transit services;

15 (3) To work with departments, agencies, authorities and corporations of federal, state and  
16 local government, public and private institutions, businesses, non-profit organization, users of the  
17 system and other entities and persons to coordinate public transit services and provide a seamless  
18 network of mobility options.

19 **39-18-22. State appropriations.**

20 (a) The general assembly shall appropriate annually a sum for the financial support of the  
21 operating expenses of the Rhode Island public transit authority from certain proceeds of the motor  
22 fuel tax reserved for this purpose pursuant to § 31-36-20. The total amount of state subsidy  
23 disbursements in any fiscal year shall not exceed the appropriation for that year. In the event that  
24 dedicated motor fuel tax revenues received during a fiscal year are not sufficient to support the  
25 appropriation for that year, the difference shall be transferred from the proceeds of the motor fuel  
26 tax imposed by chapter 36 of title 31. Funds appropriated to the authority pursuant to this section  
27 shall be administered by the department of transportation in accordance with procedures  
28 established jointly by the departments of transportation and administration. The authority shall  
29 annually submit to the department of transportation a comprehensive budget request for funds for  
30 the ensuing fiscal year. Prior to the beginning of each fiscal year the authority shall enter into an  
31 agreement with the departments of administration and transportation establishing the conditions  
32 for payment of the available state and federal subsidies. The director of administration is  
33 authorized from time to time to advance funds from the general fund to the Rhode Island public  
34 transit authority to be used for the purpose of this section, in anticipation of transfers from the

1 revenues reserved pursuant to § 31-36-20, provided that the aggregate of all advances less  
2 transfers, at any one time, shall not exceed the total amount of the annual appropriation.

3 (b) The general assembly shall appropriate annually a sum for the cost to the authority for  
4 providing the services to the elderly, the disabled, the blind, or visually impaired as set forth in  
5 §39-18-4. Funding for this subsection shall be appropriated from the appropriation contained in  
6 the annual state budget for the funding of the executive office of commerce and/or the Rhode  
7 Island commerce corporation in an amount equal to the salaries of fifteen (15) full-time  
8 equivalent (FTE) positions for fiscal year 2018. The cost of the authority for providing service to  
9 the elderly and disabled to be paid by the state in every fiscal year thereafter from general  
10 revenue funds.

11 SECTION 2. This act shall take effect upon passage and shall apply to fares and charges  
12 due and payable on or after July 1, 2017.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- RHODE ISLAND PUBLIC  
TRANSIT AUTHORITY

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1           This act would restore no-fare rides to the elderly and disabled who satisfy the means test  
2 criteria during peak and non-peak hours and one-half (1/2) fare rides for the elderly and disabled  
3 who do not satisfy the means test criteria.

4           This act would take effect upon passage and would apply to fares and charges due and  
5 payable on or after July 1, 2017.

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