

700+ CMR 415.00: THE MASSACHUSETTS INTERCITY BUS CAPITAL ASSISTANCE PROGRAM

Section

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415.01: Scope and Purpose

700+ CMR 415.00 establishes procedures for applying for and awarding of vehicles under the Massachusetts Intercity Bus Capital Assistance Program (M.G.L. c. 161D). They are intended to create a method of awarding these vehicles which is open, fair, consistent, simple, and in conformance with the legislative mandate.

415.02: Definitions

Affiliated Company is defined as in M.G.L. c. 159, § 34A(d).

Applicant means any intercity bus carrier, including all of its affiliated companies, which requests vehicles pursuant to M.G.L. c. 161D.

Capacity means the number of installed seats on a vehicle.

Central Facilities means the principal place of vehicle garaging.

Department means the Massachusetts Department of Transportation established under M.G.L. c. 6C.

Executive Office is defined in M.G.L. c. 161D, § 2.
~~Executive Office means the Executive Office of Transportation and Construction.~~
Office Headquarters means the principal place of doing business.

Primary Service means the service, or services, for which a vehicle is being acquired.

~~Regular Route is defined as in M.G.L. c. 159A, § 1.~~

~~Secondary Service means charter, special and other services as defined in M.G.L. c. 159A, § 11A, and which a vehicle will perform in addition to the primary service.~~

Secretary is defined in M.G.L. c. 161D, § 2.~~means the Secretary of the Executive Office of Transportation and Construction.~~

Subsidy Contract means a contract under which a bus company receives payment from a public transportation authority for services rendered.

Vehicle is defined as the intercity bus transportation vehicles that are in M.G.L. c. 161D, § 2, ~~and~~ acquired pursuant to the provisions of M.G.L. c. 161D unless the context clearly indicates otherwise.

415.03: Eligibility-Applicants

(1) Common Carrier. An applicant shall be a common carrier of passengers by motor vehicle possessing a certificate of public convenience and necessity, or its equivalent, issued pursuant to the provisions of M.G.L. c. 159A, § 7, M.G.L. c. 161A, § 3(i), ~~or M.G.L. c. 161B,~~

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§ 6(i).

(2) Affiliated Companies. Affiliated companies shall be considered as "one applicant."

(3) Massachusetts Based. Applicants shall have their central facilities and office headquarters located within the boundaries of the Commonwealth of Massachusetts. In the case of affiliated companies based in more than one state, the central facilities and office headquarters shall be considered to be located in the state of the affiliate with the highest gross revenue.

415.04: Application Process

An application in a format approved by the Secretary and which includes the information listed below must be completed by all applicants:

- (a) number of vehicles requested
- (b) corporate identity and composition
- (c) current fleet and operations
- (d) proposed service
- (e) maintenance capability and plan
- (f) financial history and status
- (g) certifications as to corporate authority, financial capacity, Affirmative Action, route authority.

415.05: Application Review

The Secretary shall review the information in each application and make a determination of merit based on the application and consistent with the purposes of M.G.L. c. 161D §§ 1 through 65.

154.06: Award of Vehicles

The Secretary shall make awards based on the determination of merit made under 7040 CMR 154.056 and in compliance with M.G.L. c. 161D, -§ 4.

415.07: Obligation of Applicants

In accepting a final award, an applicant assumes the following obligations:

- (1) Lease Agreement. In accordance with M.G.L. c. 161, § 5, the executive office may enter into a lease agreement with eligible intercity carriers for the use of intercity coach vehicles. To enter into a seven year lease agreement with the Commonwealth for the operation of the vehicle, and to meet all obligations pursuant to the lease.
- (2) Service. To provide such service as specified in the lease agreement and to provide such documentary records as shall be required by the Secretary.
- (3) Liability. To assume all liability for the operation of the vehicle and to hold the Commonwealth harmless for same.
- (4) Maintenance. To maintain the vehicle in a manner to be prescribed by the Secretary and to provide such records and to submit to such inspections as the Secretary may require.
- (5) Surrender of Vehicle - Failure to Perform Obligations. If, in the judgement of the Secretary, the applicant fails to perform the obligations specified in the lease, the applicant shall surrender the vehicle to the Executive OfficeDepartment within 30 days of such a finding.
- (6) Surrender of Vehicle - Completion of Lease. The applicant shall surrender the vehicle to the Executive OfficeDepartment upon completion of the lease, understanding that the vehicle will be sold at public auction.

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~~701—700~~ CMR: ~~EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION~~MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

REGULATORY AUTHORITY

~~700+~~ CMR ~~4~~15.00: M.G.L. c. 161D.

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