

701 CMR: EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION

701 CMR 4.00: THE MASSACHUSETTS INTERCITY BUS CAPITAL ASSISTANCE PROGRAM

Section

- 4.01: Scope and Purpose
- 4.02: Definitions
- 4.03: Eligibility-Applicants
- 4.04: Application Process
- 4.05: Application Review
- 4.06: Award of Vehicles
- 4.07: Obligations of Applicants

4.01: Scope and Purpose

701 CMR 4.00 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.

4.02: 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.

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 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 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.

4.03: 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, § 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. In the case of affiliated companies based in more than

701 CMR: EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION

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.

4.04: 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.

4.05: 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 6.

4.06: Award of Vehicles

The Secretary shall make awards based on the determination of merit made under 701 CMR 4.06 and in compliance with M.G.L. c. 161D, § 4.

4.07: Obligation of Applicants

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

- (1) Lease Agreement. 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 Office within 30 days of such a finding.
- (6) Surrender of Vehicle - Completion of Lease. The applicant shall surrender the vehicle to the Executive Office upon completion of the lease, understanding that the vehicle will be sold at public auction.

REGULATORY AUTHORITY

701 CMR 4.00: M.G.L. c. 161D.