

**§4209. Public transportation administration**

**1. Geographic regions.** The department shall divide the State into a number of geographic regions for regional distribution of state-administered transportation funds. Upon designation of the geographic regions, a regional public transportation agency must be selected from each region to formulate a quinquennial locally coordinated plan for regional transit in accordance with federal requirements. The department shall select regional public transportation agencies in collaboration with transit stakeholders, including transportation providers, social service organizations, the United States Department of Transportation, Federal Transit Administration and the Public Transit Advisory Council under section 4209-A. The department shall establish a schedule for submittal of the quinquennial locally coordinated plans for regional transit to the department for review and approval in accordance with subsection 2.

[PL 2015, c. 182, §2 (AMD).]

**1-A. Interagency Transportation Coordinating Committee.**

[PL 2015, c. 182, §3 (RP).]

**2. Quinquennial locally coordinated plan for regional transit.** The quinquennial locally coordinated plan for regional transit submitted by each regional public transportation agency must provide for the following:

A. Maximum feasible coordination of funds among all state agencies that sponsor transportation in the region; [PL 1987, c. 428, §1 (AMD).]

B. Development and maintenance of a permanent and effective public transportation system, with particular regard to riders who are low-income or elderly or who have disabilities; [PL 2009, c. 130, §3 (AMD).]

C. Participation of private transit operators in the service, to the greatest extent possible; [PL 2009, c. 130, §3 (AMD).]

D. Conformity with general operations requirements as may be prescribed by the commissioner; and [PL 2009, c. 130, §3 (AMD).]

E. Compliance with any appropriate federal regulations, including but not limited to the federally required locally coordinated plan. [PL 2009, c. 130, §3 (NEW).]

In years in which no quinquennial plan is required, amendments to the effective operations may be submitted. Approval of each locally coordinated plan for regional transit must be by the department in collaboration with transit stakeholders, including transportation providers, social service organizations, the United States Department of Transportation, Federal Transit Administration and the Public Transit Advisory Council under section 4209-A. Upon approval, all agencies, groups or organizations named to participate in the provision of service in accordance with a locally coordinated plan for regional transit are eligible to receive funds administered by the department and the Department of Health and Human Services.

[PL 2015, c. 182, §4 (AMD).]

**3. State assistance.** Within the limits of available funding, the department shall provide assistance as follows:

A. Planning and technical assistance, information transfer, capital and operations planning, performance monitoring and evaluation, quality assurance, accounting, assistance with management information systems and service reporting to a locally coordinated plan for regional transit drafter or transportation provider and securing of provider compliance with the requirements of other state agencies in these areas; [PL 2015, c. 182, §5 (AMD).]

A-1. Act as mediator and, if necessary, final arbiter of disputes between state agencies and transportation providers regarding service; [PL 1987, c. 428, §2 (NEW).]

A-2. In consultation with the Bureau of Insurance, advise transportation providers regarding the liability of volunteer drivers; [PL 1991, c. 859, §1 (NEW).]

B. Capital assistance to transportation providers for up to 100% of the nonfederal share required by federal assistance programs; [PL 1991, c. 103 (AMD).]

C. Operating assistance to transportation providers in an amount up to 1/2 of the operating deficit incurred in fulfillment of the quinquennial locally coordinated plan for regional transit; and [PL 2015, c. 182, §5 (AMD).]

D. Notwithstanding any other provision of law and except as funds are necessary to carry out the object of this section, funds appropriated for public transportation shall not lapse at the end of a fiscal year, but shall be carried forward from year to year to be expended for the same purpose. [PL 1985, c. 174, Pt. E (NEW).]

The department may enter into a request for proposals process for grants to nonprofit organizations for innovative regional projects that reflect the priorities in subsection 2, paragraph B, involve and integrate multiple service providers and modes of transportation and address service gaps identified as priorities in regional or state planning.

[PL 2015, c. 182, §5 (AMD).]

**4. Human services assistance; priorities.** The Public Transit Advisory Council under section 4209-A shall serve in an advisory capacity to the department, the Department of Health and Human Services and the Department of Labor in matters concerning public transportation. In the event that transportation funds for human services programs are insufficient for full implementation of the human services portion of an approved quinquennial locally coordinated plan for regional transit, priorities established by the Department of Health and Human Services determine the priority clients that must be initially served by human services funds. The department, the Department of Health and Human Services and the Department of Labor and their contractors shall actively engage local transportation providers in the planning of new services that are expected to have a transportation component.

The Department of Health and Human Services and the Department of Labor shall ensure that any new service to be provided is adequately funded to cover the costs of the transportation component of the program.

[PL 2015, c. 182, §6 (AMD).]

**5. Intercity service.** Intercity service is service designated as such in a public transportation plan developed by the department. Intercity service planning must fulfill the requirements set forth in subsection 2 and must address public transportation needs that cannot be met by locally coordinated regional transit planning. The State may contribute to the nonfederal costs of intercity service.

[PL 2015, c. 182, §7 (AMD).]

**6. Letters of credit; reporting requirements; general powers.** To further the purposes of this section, the Department of Transportation may do the following:

A. Make available letters of credit or other appropriate assistance to transportation providers faced with unavoidable difficulties in securing day-to-day operating expenses; [PL 1979, c. 505, §4 (NEW).]

B. Investigate all practicable ways that reporting requirements might be unified to reduce the paper workload for state and regional public transportation administration; and [PL 1979, c. 505, §4 (NEW).]

C. Exercise all powers necessary, convenient or incidental to assuring the development and maintenance of effective public transportation service throughout the State. [PL 1979, c. 505, §4 (NEW).]

[PL 1979, c. 505, §4 (NEW).]

**7. Review.**

[PL 1987, c. 428, §4 (RP).]

**SECTION HISTORY**

PL 1979, c. 505, §4 (NEW). PL 1981, c. 493, §2 (AMD). PL 1981, c. 559 (AMD). PL 1983, c. 812, §144 (AMD). PL 1985, c. 174, §E (AMD). PL 1987, c. 428, §§1-4 (AMD). PL 1991, c. 103 (AMD). PL 1991, c. 859, §1 (AMD). RR 1995, c. 2, §§47,48 (COR). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 2001, c. 354, §3 (AMD). RR 2003, c. 2, §§83,84 (COR). PL 2009, c. 130, §§1-4 (AMD). PL 2015, c. 182, §§2-7 (AMD).

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