

# Chapter 10-B

# Paratransit Base Station Owners

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**§10B-01 Scope of this Chapter**

- (a) To establish the procedures and requirements for obtaining and maintaining a Paratransit Base Station Owner’s License.
- (b) To provide penalties for violation of the requirements of maintaining a Paratransit Base Station Owner’s License.

**§10B-02 Penalties**

- (a) *Specific Penalties.* If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.
- (b) *General Penalty.* If the fine is not paid by the close of business on the date due, the violator’s License will be suspended until the fine is paid. Fines are due on the day that the violator is found guilty of the violation unless the violator has filed a timely appeal of the guilty finding. If a timely appeal is filed, fines are stayed until a decision is made in the appeal.
- (c) *Mandatory Penalties.* The following violations incur mandatory penalties:

- (1) The following violations incur mandatory penalties:

Description of Violation	Rule	Mandatory Penalty for All Violations
1. Operation of unlicensed Vehicle	§10B-12(a)	<ul style="list-style-type: none"> <li>• <b>First violation:</b> \$100-\$350</li> <li>• <b>Second violation (any combination of provisions) within 24 months:</b> \$350 - \$500</li> <li>• <b>Third violation (any combination of provisions) within 24 months:</b> Mandatory Revocation of License</li> </ul>
2. Driver unlicensed by TLC	§10B-12(b)	
3. Driver unlicensed by State and/or has not qualified as Article 19-A “bus driver”	§10-12(c)	
4. Passenger pick-ups only on prearranged basis; no “hails”	§10B-16(a)	

- (1) The 24-month period will be counted backward from the date of the most recent conviction.
- (2) The License of any Licensee who has five (or more) open and outstanding summonses for a 12-month period, will be revoked.

**§10B-03 Definitions Specific to this Chapter**

- (a) *Base Affiliation.* Each Paratransit Vehicle must be associated with a specific Paratransit Base and work only with the Base with which it is affiliated.

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- (b) *Base (or Base Station)* refers to Paratransit Base Station.
- (c) *Base Owner (or Owner)* refers to the owner of a Paratransit Base Station.
- (d) *Business Entity.* A Paratransit Business Entity must be either a corporation or a partnership.
- (e) *Electronic Trip Record System* is the hardware and software that collects and stores the data required to be collected and kept for each passenger trip.
- (f) *Licensee* refers to a Paratransit Base Station Licensee.
- (g) *Rate Schedule* is the official list of rates and rules concerning the rates that a Paratransit Base Station is permitted to charge a passenger.
- (h) *Trip Record (or Trip Sheet)* refers to the hand-written or electronic collection of data that is required to be kept for each passenger trip.
- (i) *Vehicle* refers to a Paratransit Vehicle.

**§10B-04      Licensing – General Requirements**

- (a) *Identification.* An individual Applicant or an Applicant's Business Entity Persons applying for a new (original) Base Station License must provide both of the following proofs of identity :
  - (3)      A Valid Government photo ID
  - (4)      A Valid, original social security card
- (b) *Fingerprinting.* The Applicant and all corporate officers and active stockholders of a corporate Applicant must be fingerprinted at the Commission.
- (c) *Complete Application Forms.* The Applicant must complete and file the required application forms.
- (d) *Requirements concerning Paratransit Vehicles.*
  - (1)      The application for a Base License must be accompanied by at least one Paratransit Vehicle License application.
  - (2)      The Applicant must ensure that any affiliated Paratransit Vehicle being licensed for the first time submits a New York State Department of Transportation Form MC300, dated within one month of the application date, proving that the Vehicle meets the relevant mileage requirement:

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- (i) On and after January 1, 2008, a vehicle must have fewer than 100,000 miles.
  - (ii) On and after January 1, 2009, a vehicle must have fewer than 50,000 miles.
  - (iii) On and after January 1, 2010, a vehicle must have fewer than 25,000 miles.
  - (iv) On and after January 1, 2011, a vehicle must be of the most recent model year or the immediately preceding model year and must have fewer than 500 miles
- (e) *Additional Documents Required.*
- (1) A copy of the Applicant's New York State Department of Transportation Certificate of public convenience and necessity to operate as a common carrier of passengers by motor vehicle (operating authority).
  - (2) The copy of the current Rate Schedule.
  - (3) A corporate Applicant must file a copy of its certificate of incorporation and a list of its shareholders and current officers.
  - (4) A partnership Applicant must file a copy of its partnership agreement, if any.
- (f) *Additional Requirements.* An Applicant for a Base Station License must show that:
- (1) The Base will be located on commercial property or other appropriately-zoned location unless the Base will operate no more than four (4) vehicles, in which case it can be maintained at the Base Owner's residence.
  - (2) The Base will be maintained as a separate entity.
  - (3) The Base will maintain outside advertising identifying the premises as a Paratransit Base Station and providing its business name and phone number.

**§10B-05 Licensing – Term of License**

- (a) *New Licenses.* The term of a new Base License is two years.
- (b) *Renewals.* The renewal term of a Base License is two years from the date on which the previous License expired.
- (c) *When to File Application for Renewal.* A renewing Applicant must file a complete application on or before the expiration date of the current License.

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**§10B-06      Licensing – License and Administrative Fees**

- (a) *Fee for License.* The fee for a Paratransit Base License is \$500 annually.
- (b) *License Replacement Fee.* The Commission will charge an additional fee of \$25 for each License it issues to replace a lost or mutilated License.
- (c) *When Fee is Paid.* The fee for an original or renewal License must be paid at the time the application is filed.
- (d) *Late Filing Fee.* The Commission will charge an additional fee of \$25 for late filing of a renewal application, if it allows the filing at all.
- (e) *No Refund if Application Denied.* The Commission will not refund fees if it denies or disapproves an application.

**§10B-07      Licensing – Causes for Denial**

- (a) *No Longer Meets Requirements.* The Commission will deny a Base Owner's renewal application or suspend or revoke a License if the Commission learns that the Owner no longer meets the Base License requirements.
- (b) *Prior License Revocation.* The Commission will not issue any License to any individual or Business Entity that has had its license revoked until at least one year following the date of the revocation.
- (c) *Misleading Trade Name.* The Commission will not issue a License to a Business Entity with a corporate or trade name similar to a name already in use by another Paratransit Base Station Owner.

**§10B-08      Licensing – Transfer of Base License**

- (a) A Base Owner must notify and get prior approval from the Commission before transferring, selling, or assigning the Base to another.
- (b) The prospective new Base Owner must file the appropriate Base application form with the Commission.
- (c) Upon approval of the transfer, the Commission will permit the entire fleet to be transferred to the new Base as long as the Vehicles meet the age retirement requirements established in §4-09(e) of Chapter 4.
- (d) The Transferee must pay the paratransit affiliation fee to the Commission, if any is required.

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§10B-8(d)	Fine: \$150	Appearance NOT required
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**§10B-09      RESERVED [Licensing – Care of Licenses]**

**§10B-10      Compliance with Laws – Unlicensed Activity**

- (a) *Vehicle Must Be Licensed.* A Base Station Owner must not dispatch or allow a Paratransit Vehicle to be operated if the Vehicle does not have a Valid License.

§10B-10(a)	Mandatory Penalties. See §10B-02(d)	
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- (b) *Driver Must Have a Paratransit License.* A Base Station Owner must not dispatch a Driver who does not have a Valid Paratransit Driver’s License.

§10B-10(b)	Mandatory Penalties See §10B-02(d)	
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- (c) *Driver Must Have State Driver’s License.* A Base Station Owner must not dispatch a Driver who does not have a Valid state driver’s license.

§10B-10(c)	Mandatory Penalties See §10B-02(d)	
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- (d) *Compliance with §509-d.* A Base Station Owner must not allow a Vehicle to be dispatched or operated by a Driver who has not complied with §509-d of Article 19-A of the New York State Vehicle and Traffic Law (regarding requirements for bus drivers).

§10B-10(d)	Mandatory Penalties See §10B-02(d)	
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- (e) *Base Must Be Licensed.* A Base Station Owner must not dispatch any Vehicle if the Base does not have a Valid Base Station License, unless it has been exempted by the New York State Department of Transportation.

§10B-10(e)	Fine: \$150	Appearance NOT required
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- (f) *Activity After License Expiration.* Any activity to provide paratransit service after the Vehicle License has expired and before a renewal License has been issued is considered “unlicensed activity” and is subject to the penalties in these Rules and in Administrative Code.

**§10B-11      Compliance with Laws – Worker’s Compensation**

- (a) *Compliance with Workers’ Compensation Law.* A Base Station Owner must comply with all provisions of the New York State Workers’ Compensation law and regulations, and provide coverage and benefits to all eligible employees.

§10B-11(a)	Fine: \$25 for each day of non-compliance and either suspension until compliance or license revocation	Appearance REQUIRED
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**§10B-12 Compliance with Laws – Proper Conduct**

- (a) *Bribery.* A Base Station Applicant or Licensee must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.

§10B-12 (a)	Fine: \$1,000 up to revocation	Appearance REQUIRED
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- (b) *Failure to Report Bribery.* A Base Station Owner must immediately report to the Commission any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant.

§10B-12 (b)	Fine: \$1,000 up to revocation	Appearance REQUIRED
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- (c) *Fraud, Theft.* While performing the duties and responsibilities of a Base Station Owner, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§10B-12 (c)	Fine: \$25-\$350 and/or suspension up to 30 days	
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- (d) *Willful Acts of Omission.* While performing the duties and responsibilities of a Base Station Owner, a Licensee must not commit or attempt to commit any willful act of omission that is against the best interests of the public.

§10B-12 (d)	Fine: \$25-\$350 and/or suspension up to 30 days	
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- (e) *Willful Acts of Commission.* While performing the duties and responsibilities of a Base Station Owner, a Licensee must not commit or attempt to commit any willful act of commission that is against the best interests of the public.

§10B-12 (e)	Fine: \$25-\$350 and/or suspension up to 30 days	
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- (f) *Threats, Harassment, Abuse.* While performing the duties and responsibilities of a Base Station Owner, a Licensee must not:

- (1) Threaten, harass, or abuse any person;
- (2) Distract, or attempt to distract a Service Animal.

§10B-12 (f)	Fine: \$25-\$350 and/or suspension up to 30 days	Appearance REQUIRED
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- (g) *Use or Threat of Physical Force.* While performing the duties and responsibilities of a Base Station Owner or any act in connection with those duties, a Licensee must not harm, use or attempt to harm or use any physical force against a person or Service Animal.

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§10B-12 (g)	Fine: \$20-\$350 and/or suspension up to 30 days; possible revocation (OATH)	
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(h) *Notice of Criminal Conviction.*

- (1) A Base Station Owner must notify the Commission within 15 calendar days after any criminal conviction of the Licensee, individually or, if the Licensee is a Business Entity, of any Business Entity Person.
- (2) The Owner must also provide the Commission with a certified copy of the certificate issued by the clerk of the court explaining what happened as a result of the conviction within 15 days after the certificate is issued.

§10B-12 (h)	Fine: \$50-\$250	Appearance REQUIRED
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- (i) *Failure to Cooperate with Law Enforcement.* A Base Station Owner must cooperate with all law enforcement officers and all authorized representatives of the Commission. Cooperation includes, but is not limited to, responding to a request for the Licensee's name, License number, and any documents Licensee is required to have in his or her possession.

§10B-12 (i)	Fine: \$200 and suspension until compliance	Appearance REQUIRED
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(j) *Failure to Cooperate with the Commission.*

- (1) A Base Station Owner must promptly and truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.

§10B-12 (j)(1)	Fine: \$200 and suspension until compliance	Appearance REQUIRED
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- (2) A Base Station Owner must respond to any telephone or pager contact from the Commission within forty-eight hours, seven days a week.

§10B-12 (j)(2)	Fine: \$500	Appearance NOT required
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- (k) *Courtesy.* Owners must be courteous toward passengers and the general public, including Commission personnel, while performing their duties and responsibilities as Owners.

§10B-12 (k)	Fine: \$25	Appearance NOT required
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**§10B-13      RESERVED [Compliance with Laws – Miscellaneous]**

**§10B-14      Operations – Business Premises**

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- (a) *Location of Business.* The Base must be located on commercial property or other appropriately-zoned location. If the Base operates four or fewer vehicles, it can be maintained at the Base Owner’s residence.
- (b) *Required Outside Signage.* The Base must maintain outside advertising stating the business name and telephone number and indicating to the public that it is a Paratransit Base

§10B-14(b)	Fine: \$50	Appearance NOT required
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- (c) *Record Maintenance.* The Base must maintain Trip Records of all Paratransit Vehicles dispatched.

**§10B-15      RESERVED [Operations – Management Oversight (Use of Agents)]**

**§10B-16      Operations – Service Requirements (Passengers)**

- (a) *Prohibited Pickups.* A Base Owner must only dispatch Drivers to pick up passengers on a prearrangement basis. Base Owners must not allow Drivers to solicit or respond to hails.

§10B-16(a)	Mandatory Penalties. See §10B-02(d)	
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- (b) *Timely Pickups.* Base Owners must schedule and dispatch the daily trips as efficiently as possible, to avoid unreasonably late pickups and missed trips.

§10B-16(b)	Fine: \$25	Appearance NOT required
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- (c) *Notify Passenger of Delay.* If a pickup is unreasonably delayed or cancelled, the Base Owner (or Vehicle Owner) must promptly notify the waiting passenger.

§10B-16(c)	Fine: \$50	Appearance NOT required
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- (d) *Monitor Drivers’ Behavior.* Base Owners must monitor the behavior and conduct of the Drivers toward the passengers, investigate passenger complaints, and take appropriate action to resolve the complaints.

§10B-16(d)	Fine: \$50-\$250 and/or suspension until a monitoring procedure is devised and/or other appropriate action is taken to the satisfaction of the Commission	
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**§10B-17      Operations – Owners’ Responsibilities with Respect to Drivers**

- (a) *Maximum Hours of Work for Drivers.* A Base Owner must not require a Driver to operate a Paratransit Vehicle more than (12) consecutive hours. However, if a Driver has accepted a passenger prior to the conclusion of the twelfth hour the Driver can complete that trip provided he or she is able to drive safely.

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§10B-17(a)	Fine: \$50	Appearance NOT required
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(b) *Familiarize Employees with Rules and Regulations.*

- (1) Base Owners must ensure that all Drivers (and other employees) are familiar with the rules that govern Driver conduct and aware of any changes made to those rules.
- (2) Base Owners must maintain a current copy of the Commission Rules at the Base for the information of Drivers and employees.

**§10B-18 Records – Trip Record Information (Electronic)**

(a) *Required Information.* Base Owners must not dispatch a Paratransit Vehicle unless it is equipped with an Electronic Trip Record System that electronically collects all of the following trip data:

- (1) The Paratransit Driver’s license number
- (2) The Paratransit Vehicle’s state license plate number
- (3) The date and time of pick-up of each passenger
- (4) The date and time of drop-off of each passenger
- (5) The locations of pick-ups and drop-offs
- (6) Any other entries required by the Commission and local, state or federal law.

*NOTE: The Driver must enter the location, date and time of passenger pick-up and drop-off and any other data that must be collected during the trip; the Base Owner is permitted to make all other entries*

(b) *Transmit Monthly.* All data required under subdivision (a) above must be electronically transmitted to the Commission on a monthly basis.

(c) *Corrections.* The Base Owner must make all necessary corrections and additions to the Electronic Trip Record System.

§10B-18(c)	Fine: \$30	Appearance NOT required
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(d) *No Deletions.* The Base Owner must not permit the electronic trip record data collected in the Paratransit Vehicle to be erased, deleted, altered, changed or obliterated.

§10B-18(d)	Fine: \$30	Appearance NOT required
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**§10B-19      Records – Current Contact Information**

- (a) *Current Mailing Address.* The Mailing Address for a Paratransit Base Station must be either the address of the Base Station or a designated post office box. The Commission will consider any notice or summons sent to the last address given by the Base Owner as sufficient notice.
  
- (b) *24-hour Communication Device.*
  - (1) A Base Owner must maintain a current telephone number on file with the Commission.
  
  - (2) This number must be connected to an answering machine or must be a pager number, answering service number or something similar that allows the Commission to contact the Base Owner on a 24-hour basis.

§10B-19(b)	Fine: \$100	Appearance NOT required
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**§10B-20      Records – Additional Records to be Maintained**

- (a) *Financial and Operational Records.* A Base Owner must maintain complete financial and other operational records for a period of three years. The records must be available to the Commission for inspection and must include the following:
  - (1) The driver’s trip records
  
  - (2) Any workers’ compensation insurance coverage
  
  - (3) Any other documents created or maintained in conjunction with the operation of a Base

§10B-20(a)	Fine: \$50	Appearance NOT required
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**§10B-21      Reporting Requirements**

- (a) *Report Rate Changes.* A Base Owner must file the Rate Schedule with the Commission annually or at least ten (10) days prior to the effective date of any change.

§10B-21(a)	Fine: \$50	Appearance NOT required
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- (b) *Give Drivers Access to Records for Reporting.* A Base Owner must provide a Driver with access to any records (or copies of the records) that the Base is required to maintain, if a Driver is required to bring those records (or copies) to the Commission or any other Government agency.

§10B-21(b)	Fine: \$50	Appearance NOT required
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- (c) *Report Change of Status.* A Base Owner must report any important changes, including a change in the Base address, to the Commission within 72 hours.

§10B-21(c)	Fine: \$50	Appearance NOT required
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**§10B-22 Operations – Rates and Tolls**

- (a) *Must file Rate Schedule.* A Base Owner must not dispatch a Paratransit Vehicle unless the Rate Schedule for the Paratransit Vehicle has been filed with the Commission.
- (b) *Must List Rate Schedule.* The Rate Schedule must include the minimum fare, different fares for different types of paratransit services, portal time, tolls and extra charges, if any.

§10B-22	Fine: \$50	Appearance NOT required
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**§10B-23 RESERVED [Operations – E-ZPass]**

**§10B-24 RESERVED [Operations – Miscellaneous Requirements]**

**§10B-25 Vehicle Condition – Inspections**

- (a) *Equipment Must be in Good Working Order.* A Base Owner must not dispatch a Paratransit Vehicle until the Base Owner inspects and reasonably determines that all equipment is in good working order and meets all requirements of the New York State Vehicle and Traffic Law and these Commission Rules.
- (b) *Equipment to be Inspected.* Equipment to be inspected includes, but is not limited to, brakes, tires, lights, signals, wheelchair ramps, fastening devices, and heating and ventilation units.

§10B-25	Fine: \$50-\$500	Appearance NOT required
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**§10B-26 RESERVED [Vehicle Condition – Safety]**

**§10B-27 RESERVED [Vehicle Condition – Miscellaneous]**

**§10B-28 Vehicle – Markings and Advertising**

- (a) *Vehicle Specifications and Markings.* A Base Owner must comply with the Markings Specifications for Paratransit Vehicles.

§10B-28(a)	Fine: \$50	Appearance NOT required
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- (b) *Required ID Marking.* A Base Owner must ensure that each Vehicle affiliated with the Base has a Valid Commission Decal attached to and plainly visible on the exterior of the Vehicle.

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§10B-28(b)	Fine: \$50	Appearance NOT required
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- (c) *Commercial Use Tax Stamp.* A Base Owner must confirm that the vehicle has a commercial use motor vehicle tax stamp attached to the lower right side of the Vehicle windshield, and is plainly visible.

§10B-28(c)	Fine: \$25	Appearance NOT required
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- (d) *Unauthorized Advertising.* A Base Owner must not display advertising on the exterior or interior of a Paratransit Vehicle unless the Base Owner has first obtained Commission authorization.

§10B-28(d)	Fine: \$50	Appearance NOT required
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**§10B-29 Vehicle – Documents Required in Vehicle**

- (a) A Base Owner must only permit the operation and the dispatch of a Paratransit Vehicle when the following are present in the Vehicle:

- (1) The Trip Record
- (2) The Driver's Paratransit Driver's License
- (3) A copy of the registration certificate
- (4) A copy of the Paratransit Vehicle License
- (5) A copy of the individual Vehicle insurance card
- (6) A copy of the lease card or agreement, if any

§10B-29(a)	Fine: \$15 for each violation	Appearance NOT required
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**§10B-30 Vehicle – Equipment**

- (a) *Two-way Radio.* If a Base Owner uses a radio system, the Base Owner must only permit a Paratransit Vehicle to be dispatched and operated when it has a two-way radio in the vehicle.

§10B-30(a)	Fine: \$15	Appearance NOT required
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- (b) *FCC Compliant Two-way Radio.* A Base Owner operating a two-way radio service must instruct the Drivers and other employees on the two-way radio service rules of the Federal Communications Commission.

§10B-30(b)	Fine: \$50-\$150	Appearance REQUIRED
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**§10B-31      RESERVED [Vehicle Equipment – Partitions]**

**§10B-32      RESERVED [Vehicle Equipment – In-Vehicle Camera System]**

**§10B-33      Vehicle Equipment – Electronic Trip Record System**

- (a)    *Install System.* Base Owners must ensure that all Paratransit Vehicles affiliated with the Base are equipped with an Electronic Trip Record System.

§10B-33(a)	Fine: \$250 and suspension until compliance	Appearance NOT required
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- (b)    *System Must be in Good Working Order.* A Base Owner must not dispatch a Paratransit Vehicle unless the Electronic Trip Record System in the Paratransit Vehicle is in good working order.

§10B-33(b)	Fine: \$500	Appearance REQUIRED
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- (c)    *System Malfunction.*

- (1)    The Base Owner must report any malfunction of the electronic trip record system to the Commission’s Safety and Emissions Facility within twenty-four (24) hours of when the Base Owner knew or should have known of the malfunction.

§10B-33(c)(1)	Fine: \$250	Appearance REQUIRED
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- (2)    The Base Owner must dispatch a Paratransit Vehicle in which the Electronic Trip Record System does not work, *only*:

- (i)    For three business days after the malfunction was timely reported to Safety and Emissions.
- (ii)   If a hand-written Trip Record is used in place of the Electronic Trip Record.

§10B-33(c)(2)	Fine: \$250	Appearance REQUIRED
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