

## No. 1991-37

## AN ACT

## HB 1541

Amending the act of August 14, 1991 (P.L.342, No.36), entitled "An act providing for the preservation of the State Lottery Fund; further providing for pharmaceutical assistance for the elderly; further providing for transportation assistance to the elderly; providing for pharmaceutical purchasing; conferring powers and duties upon the Department of Aging, the Department of Revenue, and the Department of Transportation; imposing penalties; and making repeals," further providing for human service shared-ride transportation services for older adults; and providing for grants.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 704 of the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act, is amended to read:

Section 704. Human service shared-ride transportation services for older adults.

(a) Program grants.—The Department of Transportation has the power and duty to administer, utilizing a fixed amount of money from the fund as **[appropriated by the General Assembly] provided through executive authorizations by the Governor**, a program providing shared-ride public transportation services for adults 65 years of age or older. Individuals utilizing shared-ride public transportation services for older adults shall contribute 15% of the individual fare and 85% of the individual fare shall be reimbursed by the fund.

(b) Future options.—

(1) The department, in cooperation with the Department of Transportation, shall conduct a study addressing options for future administration of the shared-ride program. The department shall report its findings to the Aging and Youth Committee of the Senate and the Aging and Youth Committee of the House of Representatives by March 1, 1992.

(2) The department and the Department of Transportation shall conduct a study of the existing shared-ride programs for cities of the first class. The study shall include information on ridership levels, complaints per 1,000 rides, telephone service, public information efforts, no-show analysis, contract enforcement and other concerns identified by the departments. The completed study, with appropriate recommendations for the operation of the shared-ride programs in cities of the first class, shall be submitted to the Aging and Youth Committee, the Appropriations Committee and the Transportation Committee of the Senate and to the Aging and Youth Committee, the Appropriations Committee and the Transportation Committee of the House of Representatives by February 7, 1992. After review of the study, the General Assembly may, by resolution, direct the Department of Transportation to consider, by May 1,

1992, alternate approaches to the provision of shared-ride services in cities of the first class. After submission of the study under this paragraph and before June 30, 1992, the Department of Transportation and contracted providers of shared-ride services in cities of the first class may incorporate recommendations from the study into existing contracts *and shall incorporate the preferred alternate approach into contracts executed thereafter.*

(3) By November 15, 1991, the Department of Transportation shall compare the average shared-ride public transportation ridership levels in cities of the first class for the months of August, September and October in 1990 and 1991. If the average ridership in August, September and October 1991 is not at least 85% of the ridership in the same months of 1990, the Department of Transportation shall deem all contracts relating to shared-ride public transportation in cities of the first class in default and shall cancel all such contracts consistent with the terms of the contract.

(c) Regulations.—The Department of Transportation shall promulgate regulations necessary to carry out the purposes of this section, including regulations that permit limited reimbursement for shared-ride public transportation services providing access to and from public airports. The Department of Transportation, in consultation with the Pennsylvania Public Utility Commission and the department, shall establish reasonable per mile or trip fare limits for purposes of subsection (a). In accordance with section 2203-A(a)(27) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, no regulation shall take effect until submitted to the department for comment.

(d) Coordinated transportation plans.—The Department of Transportation shall require that each transportation provider or designated coordinator, whichever is appropriate, annually develop a coordinated transportation plan which shall include, but not be limited to, any current fixed-route system and shared-ride programs. All plans must be submitted to and approved by the department no later than June 1 of each fiscal year.

(e) Other forms of assistance.—Any eligible claimant whose transportation services are covered in part by any other plan of assistance may be required to receive reduced transportation assistance under the provisions of this chapter.

(f) Entitlement not created.—Nothing in this chapter creates or provides any individual with an entitlement to services. **[It is the intent of the General Assembly that services under this chapter shall be made available only to the extent of the availability and level of appropriations made by the General Assembly.]**

Section 2. The act is amended by adding a section to read:

**Section 705. Grants.**

*Grants may be made under this chapter with reference to any appropriate project, irrespective of when it was first commenced or considered and regardless of whether costs with respect to the project have been incurred prior to the time the grant is applied for or made.*

Section 3. Shared-ride public transportation services provided by transit agencies after August 4, 1991, and before August 14, 1991, shall be reim-

bursed at 90% of the individual fare by the State Lottery Fund. Shared-ride public transportation services provided by transit agencies after August 13, 1991, shall be reimbursed as provided in section 704(a) of the act.

Section 4. This act shall take effect immediately.

APPROVED—The 29th day of October, A. D. 1991.

ROBERT P. CASEY