

CHAPTER 8840
DEPARTMENT OF TRANSPORTATION
PROGRAM MANAGEMENT DIVISION
SPECIAL TRANSPORTATION SERVICES

INDIVIDUAL ELIGIBILITY			
8840.0100	DEFINITIONS.	8840.1300	APPEAL PROCESS.
8840.0200	AUTHORITY, PURPOSE, AND SCOPE.		OPERATING STANDARDS
8840.0300	ELIGIBILITY CRITERIA.	8840.5100	DEFINITIONS.
8840.0400	INDIVIDUAL CERTIFICATION NUMBER.	8840.5200	AUTHORITY.
8840.0500	APPLICATIONS FOR CERTIFICATION NUMBERS.	8840.5300	SCOPE.
8840.0600	APPLICATION FORMS.	8840.5400	COMPLIANCE.
8840.0700	MENTAL DISABILITY FORM.	8840.5500	CERTIFICATION.
8840.0800	MEDICAL VERIFICATION FORM.	8840.5600	RENEWAL.
8840.0900	FALSE INFORMATION.	8840.5700	INSPECTION.
8840.1000	WINTER SEASON CERTIFICATION.	8840.5800	ENFORCEMENT.
8840.1100	CONDITIONAL CERTIFICATION.	8840.5900	STANDARDS FOR OPERATION OF VEHICLES.
8840.1200	CERTIFICATION APPEALS BOARD.	8840.6000	INSURANCE.
		8840.6100	RECORDS.
		8840.6200	CERTIFICATION OF TRAINING COURSES.
		8840.6300	VARIANCE.

NOTE: Parts 8840.0100 to 8840.1300 are administered by the Regional Transit Board.

INDIVIDUAL ELIGIBILITY

8840.0100 DEFINITIONS.

Subpart 1. **Scope.** Definitions of terms in this part apply to parts 8840.0100 to 8840.1300.

Subp. 2. **Appeal.** "Appeal" means a request for additional review of an application under part 8840.1300 after the initial application has been denied.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of transportation.

Subp. 4. **Disability.** "Disability" means physical or mental impairment.

Subp. 5. **Handicapped.** "Handicapped" means having a physical or mental impairment that limits one or more major life activities.

Subp. 6. **Mainline bus service.** "Mainline bus service" means bus transportation that operates on fixed routes and schedules and is designed to serve the general public.

Subp. 7. **Major life activities.** "Major life activities" means functions such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and caring for oneself.

Subp. 8. **Metro Mobility.** "Metro Mobility" means the project for coordination of special transportation service in the Twin Cities metropolitan area established under Minnesota Statutes, section 174.31, subdivision 1.

Subp. 9. **Motor vehicle.** "Motor vehicle" has the meaning given to it in Minnesota Statutes, section 169.01, subdivision 3.

Subp. 10. **Physical or mental impairment.** "Physical or mental impairment" means any physiological disorder or condition; any anatomical loss; any mental or psychological disorder; and specific learning disabilities. The term describes all diseases that relate to orthopedic, visual, speech, hearing, and mental disorders, such as cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; mental retardation; emotional illness; drug addiction; alcoholism; autism; arthritis; and diabetes.

Subp. 11. **Special transportation service.** "Special transportation service" means motor vehicle transportation provided on a regular basis by a public or

MINNESOTA RULES 1991

9233

SPECIAL TRANSPORTATION SERVICES 8840.0600

private person, designed to serve handicapped persons, elderly persons, and others with special transportation needs who are unable to use mainline bus service.

Subp. 12. **Temporary disability.** "Temporary disability" means a disability expected to last for less than one year.

Subp. 13. **Trained.** "Trained" is a term applied to a person who has acquired the skills to use mainline bus service and is not prevented from doing so by a mental impairment or learning disability.

Statutory Authority: *MS s 473.386 subd 3*

NOTE: Minnesota Statutes, section 174.31, was repealed by Laws of Minnesota 1984, chapter 654, article 4, section 153.

8840.0200 AUTHORITY, PURPOSE, AND SCOPE.

Subpart 1. **Authority.** Parts 8840.0100 to 8840.1300 are adopted pursuant to the requirements of Minnesota Statutes, section 174.31, subdivision 3, paragraph (g).

Subp. 2. **Purpose.** The purpose of parts 8840.0100 to 8840.1300 is to establish criteria to determine who is eligible for Metro Mobility special transportation services.

Subp. 3. **Scope.** Parts 8840.0100 to 8840.1300 apply to persons in the Twin Cities area who request transportation services from the Metro Mobility special transportation project.

Statutory Authority: *MS s 473.386 subd 3*

NOTE: Minnesota Statutes, section 174.31, was repealed by Laws of Minnesota 1984, chapter 654, article 4, section 153.

8840.0300 ELIGIBILITY CRITERIA.

A person who requests Metro Mobility service is eligible for the service if the person is unable to walk one-fourth mile or more; or unable to walk up and down the steps of a mainline bus; or unable to wait outdoors for ten minutes or more; or unable to use or learn to use mainline bus service because of a mental impairment or learning disability.

A person with temporary disabilities is not eligible for Metro Mobility service. A person having the double limitations of blindness and deafness is automatically eligible.

Statutory Authority: *MS s 473.386 subd 3*

8840.0400 INDIVIDUAL CERTIFICATION NUMBER.

An individual certification number shall be issued to an applicant found eligible under the criteria set forth in part 8840.0300. No person may use Metro Mobility service without a current certification number.

Statutory Authority: *MS s 473.386 subd 3*

8840.0500 APPLICATIONS FOR CERTIFICATION NUMBERS.

Applicants shall request a certification number on forms provided by the commissioner. Application forms may be obtained from the Metro Mobility Transportation Center. All completed applications shall be delivered or mailed to the Metro Mobility Transportation Center. A determination of eligibility shall be made within 30 calendar days of the receipt of the application and all verification information.

Statutory Authority: *MS s 473.386 subd 3*

8840.0600 APPLICATION FORMS.

Subpart 1. **Information.** Applicants shall submit the following information on the application form:

A. applicant's signature, certifying that all statements on the application form are true, and the date of signature;

B. applicant's name, address, telephone number, and any medical assistance number;

MINNESOTA RULES 1991

8840.0600 SPECIAL TRANSPORTATION SERVICES

9234

C. applicant's weight, date of birth, current Metro Mobility certification number, if any;

D. name and telephone number of person to notify in case of emergency;

E. applicant's disability and how it prohibits use of mainline bus service;

F. applicant's current mode of transportation, other than Metro Mobility; and

G. equipment the applicant uses when traveling outdoors, such as wheelchair, braces, orthopedic cane, walker, crutches, artificial limb, or white cane.

Subp. 2. **Answers.** Applicants shall answer the following questions on the application form, explaining any negative responses to questions in item G, H, or I:

A. Is the applicant blind, deaf, or mentally handicapped? If so, has applicant received training in the use of mainline bus service? If applicant has not received training, why not? Would applicant agree to be trained in the use of mainline bus service? If not, why not? If applicant has received training, is applicant able to use mainline bus service? If not, why not?

B. Does the applicant need an attendant or escort when traveling? Explain.

C. Is the applicant's mobility limitation permanent?

D. Does the applicant need Metro Mobility service for all or only part of the year?

E. Does the applicant require a vehicle with a lift or ramp?

F. Does the applicant use a wheelchair? If so, can the applicant use an automobile or taxi?

G. Can the applicant walk for one-fourth mile in snow and in clear weather?

H. Can the applicant wait outdoors for ten minutes, both in temperatures above 32 degrees Fahrenheit and in temperatures below 32 degrees Fahrenheit?

I. Is the applicant able to walk up and down steps of a mainline bus?

Statutory Authority: *MS s 473.386 subd 3*

8840.0700 MENTAL DISABILITY FORM.

Subpart 1. **Answers.** An additional mental disability form must be submitted for a person with a mental disability that prohibits use of mainline bus service. Applicants must answer the following additional questions:

A. Does the applicant become overly anxious in unusual travel situations?

B. Is the applicant able to compare information cards with such things as signs, bus line numbers, and landmarks?

C. Is the applicant able to ask for and understand assistance if lost?

D. Is the applicant able to follow directions and maintain attention to traveling?

E. Is the applicant able to cross streets in heavy traffic?

Subp. 2. **Names and date.** The mental disability form must include the name of the applicant, name and relationship to applicant of person completing form, and date of completion.

Statutory Authority: *MS s 473.386 subd 3*

8840.0800 MEDICAL VERIFICATION FORM.

Subpart 1. **Submitting.** It is the applicant's responsibility to obtain a medical verification form and send it to the physician, certified physical therapist, or

MINNESOTA RULES 1991

9235

SPECIAL TRANSPORTATION SERVICES 8840.1300

licensed psychologist most knowledgeable regarding applicant's disability. The appropriate physician, certified physical therapist, or licensed psychologist shall complete the form, describing applicant's mobility limitation and explaining how the disability interferes with use of mainline bus service or the ability to learn to use mainline bus service, and submit it to the Metro Mobility Transportation Center.

Subp. 2. **Exemptions.** A medical verification form is not required for persons confined to wheelchairs, or for persons who otherwise because of their disability require lift or ramp service.

Statutory Authority: *MS s 473.386 subd 3*

8840.0900 FALSE INFORMATION.

Persons who provide false information on the certification form, mental disability form, or verification form shall not be issued an individual certification number for use of Metro Mobility special transportation service. If it is found that certification has been granted on the basis of false information given, individual certification shall be revoked.

Statutory Authority: *MS s 473.386 subd 3*

8840.1000 WINTER SEASON CERTIFICATION.

Persons who require special transportation service during the winter months only are eligible to receive Metro Mobility service from November 1 through April 15. Persons who request winter season certification must submit regular Metro Mobility certification application forms. An applicant found eligible for seasonal certification shall be issued an individual certification number that shows seasonal certification status.

Statutory Authority: *MS s 473.386 subd 3*

8840.1100 CONDITIONAL CERTIFICATION.

Persons who need temporary special transportation service until trained to use mainline bus service are eligible to receive Metro Mobility service for up to 18 months while receiving training. This conditional certification is dependent upon the applicant's agreement to complete training. Conditional certifications must be reviewed individually at six-month intervals.

Persons who request conditional certification must submit regular Metro Mobility certification application forms. An applicant found eligible for conditional certification shall be issued an individual certification number that shows conditional certification status.

Statutory Authority: *MS s 473.386 subd 3*

8840.1200 CERTIFICATION APPEALS BOARD.

The commissioner shall establish a Metro Mobility Certification Appeals Board. The commissioner shall select board members and appoint a chairperson. Duties of members are as described in part 8840.1300. Board members may not alter eligibility criteria.

Statutory Authority: *MS s 473.386 subd 3*

8840.1300 APPEAL PROCESS.

Persons determined to be ineligible for special transportation service by Metro Mobility staff may appeal this initial decision through the following procedure:

A. The applicant shall submit to the manager of the Metro Mobility Transportation Center additional information and explanation regarding the applicant's inability to use mainline bus service. The applicant shall have 30 calendar days from receipt of ineligibility notice to appeal to the Metro Mobility manager.

B. The manager shall review the additional documentation, make the decision, and prepare a written statement of reasons for the decision. Notice of the decision and a copy of the statement must be mailed to the applicant within 30 calendar days of receipt of the appeal.

C. If the applicant is dissatisfied with the manager's decision, the applicant may then appeal to the Metro Mobility Certification Appeals Board within a maximum time period of 30 days. The applicant shall mail a letter to the commissioner requesting a review by the appeals board. The appeals board shall have no more than 30 calendar days to make its decision. The decision of the appeals board is the final agency decision.

D. If the manager of the Metro Mobility Transportation Center or the certification appeals board fails to act by the given deadline, then the applicant shall be automatically certified. If the applicant fails to meet his or her deadline in the appeal process, the finding of ineligibility shall stand.

Statutory Authority: *MS s 473.386 subd 3*

OPERATING STANDARDS

8840.5100 DEFINITIONS.

Subpart 1. **Ambulance.** "Ambulance" has the meaning given to it in Minnesota Statutes, section 144.801, subdivision 2.

Subp. 2. **Attendant.** "Attendant" means a person who assists in the transportation of passengers in special transportation service vehicles, but who does not drive the vehicle.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of transportation.

Subp. 4. **Common carrier.** "Common carrier" means a "regular route common carrier" as defined in Minnesota Statutes, section 221.011, subdivision 9.

Subp. 5. **Disabled.** "Disabled" means handicapped.

Subp. 6. **Elderly.** "Elderly" means age 55 and older.

Subp. 7. **Handicapped.** "Handicapped" means having a physical or mental impairment that limits one or more major life activities.

Subp. 8. **Major life activities.** "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Subp. 9. **Motor vehicle.** "Motor vehicle" has the meaning given to it in Minnesota Statutes, section 169.01, subdivision 3.

Subp. 10. **Municipality.** "Municipality" has the meaning given to it in Minnesota Statutes, section 466.01, subdivision 1.

Subp. 11. **Person.** "Person" means every natural person, firm, partnership, corporation, association, and body politic.

Subp. 12. **Physical or mental impairment.** "Physical or mental impairment" means any physiological disorder or condition or anatomical loss; any mental or psychological disorder and specific learning disabilities and includes but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, mental retardation, emotional illness, drug addiction, and alcoholism.

Subp. 13. **Provider.** "Provider" means a public or private entity or person who operates special transportation service vehicles.

Subp. 14. **Regular basis.** "Regular basis" means providing more than an average of 12 round trips per month in any calendar year in a single vehicle or transporting more than 30 passengers per month, whichever is less.

Subp. 15. **School bus.** "School bus" has the meaning given to it in Minnesota Statutes, section 169.01, subdivision 6.

MINNESOTA RULES 1991

9237

SPECIAL TRANSPORTATION SERVICES 8840.5400

Subp. 16. **Semiambulatory.** "Semiambulatory" means having the ability to walk with difficulty or with the aid of an artificial limb or personal assistance device such as a brace, a cane, a crutch, or a walker.

Subp. 17. **Special transportation service.** "Special transportation service" means motor vehicle transportation provided on a regular basis by a public or private person that is designed exclusively or primarily to serve individuals who are elderly, handicapped, or disabled and who are unable to use regular means of transportation.

Subp. 18. **State.** "State" has the meaning given to it in Minnesota Statutes, section 3.732, subdivision 1, clause (1).

Subp. 19. **Variance.** "Variance" means permission to comply in a manner other than that specified.

Subp. 20. **Vehicle.** "Vehicle" means a motor vehicle used to provide special transportation service.

Statutory Authority: *MS s 174.30 subds 2,5*

8840.5200 AUTHORITY.

These standards are adopted pursuant to the requirements of Minnesota Statutes, section 174.30, subdivisions 2 and 5.

Statutory Authority: *MS s 174.30 subds 2,5*

8840.5300 SCOPE.

Subpart 1. **Service criteria.** Except as provided in subparts 2 and 3, the standards set forth in parts 8840.5100 to 8840.6300 apply to special transportation service as defined in part 8840.5100 and provided by a person receiving grants or other financial assistance from the state or federal government, or both, to provide or assist in providing the service.

Subp. 2. **Care facilities.** The standards set forth in parts 8840.5100 to 8840.6300 apply to nursing homes licensed under Minnesota Statutes, section 144A.02, boarding care facilities licensed under Minnesota Statutes, section 144.50, and day care and group home facilities licensed under Minnesota Statutes, chapter 245A:

A. the facility or program provides special transportation as described in subpart 1;

B. the facility or program transports nonresidents on a regular basis; and

C. the facility receives reimbursement other than per diem payments for that service under rules promulgated by the commissioner of human services.

Subp. 3. **Exemptions.** The standards set forth in parts 8840.5100 to 8840.6300 do not apply to transportation provided by:

A. a common carrier operating on fixed routes and schedules;

B. a taxi;

C. a volunteer driver using a private automobile which belongs to the volunteer;

D. a school bus as defined in Minnesota Statutes, section 169.01, subdivision 6; or

E. an ambulance providing ambulance service regulated under Minnesota Statutes, chapter 144. However, these standards apply to ambulances when they are providing special ambulance services.

Statutory Authority: *MS s 174.30 subds 2,5*

History: *L 1984 c 654 art 5 s 58; L 1987 c 209 s 39; 13 SR 1448*

8840.5400 COMPLIANCE.

Subpart 1. **Certificate of compliance required.** No person shall provide special transportation service without a current annual certificate of compliance issued by the commissioner.

MINNESOTA RULES 1991

8840.5400 SPECIAL TRANSPORTATION SERVICES

9238

A. A certificate of compliance shall be issued when the standards set forth in parts 8840.5100 to 8840.6300 have been met.

B. A certificate of compliance shall be issued to a provider who transports an occupied wheelchair in a vehicle only if the vehicle has been issued a current numbered certificate by the commissioner of public safety pursuant to Minnesota Statutes, section 299A.14.

Subp. 2. **License required.** No special transportation service provider shall provide, offer to provide, or represent itself as capable of providing ambulance service unless it is licensed as required by Minnesota Statutes, section 144.802.

Statutory Authority: *MS s 174.30 subds 2,5*

History: *L 1987 c 209 s 39*

8840.5500 CERTIFICATION.

Subpart 1. **Forms.** Application for a certificate of compliance must be made on forms provided by the commissioner. Application forms for certificates of compliance may be obtained from any Department of Transportation district office. All applications must be delivered or mailed to the Minnesota Department of Transportation, Program Management Division, Transportation Building, Saint Paul, Minnesota 55155.

Subp. 2. **Required information.** Applicants shall submit the following information to the commissioner:

- A. A provider application form containing the following information:
- (1) whether the application is new or a renewal;
 - (2) the name, address, telephone number, and area served by the provider;
 - (3) the type of service provided, such as fixed route, route deviation, dial a ride, variable schedule, fixed schedule, or other;
 - (4) whether the passengers served are elderly, handicapped, or disabled;
 - (5) for each vehicle used:
 - (a) make and year;
 - (b) seating capacity; and
 - (c) completed checklists showing whether each vehicle carries the safety equipment required by part 8840.5900, subpart 2, item A;
 - (6) if the vehicle will carry an occupied wheelchair:
 - (a) whether the vehicle is equipped with an approved wheelchair securement device; and
 - (b) the date that the wheelchair securement device was approved by the commissioner of public safety, and the number on the certificate issued by the commissioner of public safety;
 - (7) the name and title of the person who is responsible for the provider's special transportation service; and
 - (8) the name and address of each driver, stating whether each complies with the standards set forth in parts 8840.5100 to 8840.6300.

This information must be provided annually when the application for a certificate of compliance is filed.

B. A certificate of insurance which shall be mailed to the Department of Transportation by the applicant's insurer.

Subp. 3. **When granted.** A certificate of compliance must be granted when the applicant complies with the standards set forth in parts 8840.5100 to 8840.6300.

Subp. 4. **Processed in 30 days.** All applications are to be processed and a certificate of compliance issued or denied in writing within 30 days of the receipt

MINNESOTA RULES 1991

9239

SPECIAL TRANSPORTATION SERVICES 8840.5800

of the complete application by the commissioner and receipt of the certificate of insurance.

Subp. 5. Information on certificate. When a certificate is granted, the provider shall be issued a numbered certificate of compliance which lists each certified vehicle and shows the month and year in which the certification expires.

Subp. 6. Record. The commissioner shall maintain a record of all certificates of compliance showing the date issued, renewed, or revoked.

Statutory Authority: *MS s 174.30 subds 2,5*

8840.5600 RENEWAL.

Subpart 1. Certificate renewal form. Thirty to 60 days prior to the expiration of any certificate of compliance, the provider shall request renewal of the certificate on a form provided by the commissioner.

Subp. 2. Written answer. The commissioner shall grant or deny requests for renewal in writing prior to the expiration date of the current certificate.

Subp. 3. New certificate. A new certificate listing each certified vehicle and showing the month and year in which the certification expires shall be issued to the provider.

Statutory Authority: *MS s 174.30 subds 2,5*

8840.5700 INSPECTION.

Subpart 1. Complaint received. Upon receipt of a complaint that any certified provider does not comply with the standards set forth in parts 8840.5100 to 8840.6300, the commissioner shall conduct an inspection of the provider's records and vehicles. The inspection must be conducted within four weeks of receipt of the complaint.

Subp. 2. Record. All complaints must be documented and a record maintained of the name and address of the person making the complaint, the date and reason for the complaint, and the result of the inspection.

Subp. 3. On-site inspection. The commissioner shall conduct the inspection at the provider's office or garage.

Subp. 4. Items examined. Inspections conducted under these standards must comprise:

A. examination of the records listed in part 8840.6100, subpart 1; and

B. examination of the vehicles to determine whether the provider complies with the requirements of part 8840.5900, subpart 2, and may include inspection of any part of the vehicle subject to regulation under Minnesota Statutes, chapter 169, when a complaint has been made about the condition of any component of the vehicle.

Subp. 5. Failure to permit inspection. Failure to permit an inspection as provided in this part is grounds for immediate suspension of the provider's certificate of compliance until the provider permits the inspection.

Statutory Authority: *MS s 174.30 subds 2,5*

8840.5800 ENFORCEMENT.

Subpart 1. Notice. Any provider found in violation of any provision of parts 8840.5100 to 8840.6300 shall be given a 30-day written notice to correct the violation. When the violation threatens the life or safety of passengers, the commissioner shall require the provider to remove the driver or vehicle from operation immediately.

Subp. 2. Violation determination. At the expiration of 30 days, the commissioner may conduct an inspection to determine whether the violation has been corrected. The provider may mail evidence of compliance to the department.

Subp. 3. Suspension. If the violation has not been corrected, the commis-

sioner shall suspend the certificate of compliance until the provider complies with the provisions of parts 8840.5100 to 8840.6300. No suspension shall occur unless the commissioner has held a hearing, after 30 days notice to the provider, at which the provider has had the opportunity to show cause why the certificate of compliance should not be suspended. Repeated violations may result in revocation of the certificate.

Subp. 4. Enforcement hearing. An enforcement hearing conducted under the standards set forth in parts 8840.5100 to 8840.6300 must be conducted in accordance with Minnesota Statutes, chapter 14.

Statutory Authority: *MS s 174.30 subds 2,5*

8840.5900 STANDARDS FOR OPERATION OF VEHICLES.

Subpart 1. Personnel. Standards for personnel are as follows:

A. No driver shall operate a special transportation service vehicle unless that driver:

- (1) has visual acuity of 20/40 in each eye corrected and a field of vision of at least 70 degrees in the horizontal meridian of each eye;
- (2) does not have a hearing loss greater than 30 db in the better ear with or without a hearing aid; and
- (3) has no current medical condition which interferes with the ability to drive safely.

B. Every two years each driver shall obtain, on a form prescribed by the commissioner, a physician's statement that the driver has no current medical condition which interferes with his or her ability to drive safely. This shall be obtained prior to employment as a driver of a special transportation service vehicle. Employees of facilities which are licensed by the Department of Health or the Department of Human Services and required by either of those departments to provide a physician's statement of health on a regular basis may substitute that form or statement for the form required in this section.

C. Each driver shall be able to perform a vehicle safety inspection and each driver and attendant in the case of a vehicle which is staffed by a driver and an attendant, shall be able to assist a passenger into the vehicle and operate a wheelchair lift or ramp if the vehicle is equipped with it.

D. Each driver shall also meet the following criteria:

- (1) possess a driver's license which is valid for the type of vehicle which he or she drives;
- (2) be at least 18 years of age and have not less than one year of experience as a licensed driver; and
- (3) have a driving record clear of revocations, suspensions, and cancellations for the past three years except for suspensions which result from unpaid parking tickets.

E. By January 1, 1982, each driver and attendant shall successfully complete a first aid or emergency care course of not less than four hours which shall include instruction in the following elements:

- (1) treatment of shock;
- (2) control of bleeding;
- (3) airway management;
- (4) prevention and treatment of frostbite and exposure to cold;
- (5) prevention and treatment of heat exhaustion and heat stroke;
- (6) identification of sudden illness such as stroke, heart attack, convulsions, fainting, and seizures; and
- (7) appropriate use of emergency medical assistance services.

F. By January 1, 1982, each driver and attendant who transports passen-

MINNESOTA RULES 1991

9241

SPECIAL TRANSPORTATION SERVICES 8840.5900

gers seated in wheelchairs or who assists passengers in transferring from a wheelchair to a vehicle shall complete a minimum of eight hours training in the techniques of transporting and assisting elderly and physically handicapped passengers which shall include instruction in the following elements:

(1) discussion of characteristics of the aging process and major disabling conditions;

(2) discussion of common assistive devices used by elderly and handicapped persons;

(3) discussion of attitudes toward elderly and handicapped persons which includes the participation of handicapped and elderly persons;

(4) instruction in methods of handling wheelchairs;

(5) instruction in moving, lifting, and transferring passengers;

(6) guidelines for transporting handicapped persons; and

(7) instruction in the operation of lifts, ramps, and wheelchair securement devices if the vehicle to be operated is equipped with them.

G. By January 1, 1982, each driver and attendant who transports elderly and physically handicapped passengers who do not use wheelchairs or who transports passengers who do not transfer from a wheelchair to a seat in the vehicle shall complete a minimum of four hours training in the techniques of transporting and assisting elderly and physically handicapped passengers, which must include instruction in the elements listed in item F, subitems (1) to (3) and (6).

H. Each driver and attendant shall receive instruction in the use of the fire extinguisher.

I. A driver or attendant who has not completed the required training prior to providing special transportation service, shall do so within 90 days after beginning to provide the service. Copies of certificates indicating successful completion of courses must be maintained in the provider's files.

J. Each driver and attendant must successfully complete a refresher first aid or emergency care course every three years. The refresher course shall include instruction in the elements listed in item E.

Subp. 2. Equipment. Standards for vehicle equipment are as follows:

A. Each vehicle when in use must carry the following safety equipment:

(1) One five-pound, dry chemical fire extinguisher, A:B:C type, bearing a tag indicating that it has been serviced within the preceding year.

(2) An emergency first aid kit in a dustproof container, labeled "FIRST AID," and stored in a location visible to the driver. The kit must contain at least the following items:

(a) six four-inch by four-inch sterile gauze pads;

(b) two soft roll bandages three inches to six inches by five yards;

(c) adhesive tape; and

(d) scissors.

(3) A spare tire and jack unless the vehicle is radio-equipped and the provider has a service contract which enables him to summon assistance to change the tire or to summon a substitute vehicle.

(4) An operable flashlight.

(5) If a vehicle carries children who weigh less than 40 pounds, there shall be available in the vehicle a child restraint system which meets the requirements of federal motor vehicle safety standard number 213, Code of Federal Regulations, title 49, section 571.213.

(6) Three emergency warning triangles. Both faces of each triangle shall consist of red reflective and orange fluorescent material. Each of the three sides of the triangular device shall be 17 to 22 inches long and shall be two to three

MINNESOTA RULES 1991

8840.5900 SPECIAL TRANSPORTATION SERVICES

9242

inches wide. The units shall be kept clean and in good repair and stored so as to be readily available when needed.

(7) From October 1 to April 30, each vehicle shall carry an ice scraper and a blanket.

(8) All vehicles with interior fuse boxes shall carry extra electrical fuses.

B. All seats shall be securely fastened to the floor or frame of the vehicle and all vehicles purchased after January 1, 1981 shall have a usable seat belt for each person being transported and for the driver.

C. All ramps shall have a slip-proof surface to provide traction and one end of the ramp shall be secured to the floor of the vehicle when the ramp is in use.

D. A vehicle which is equipped with a wheelchair lift and which carries semiambulatory persons who use the wheelchair lift must be equipped with either a wheelchair lift with an adjustable or removable railing which is 28 inches to 36 inches high on one side of the lift or with a folding wheelchair stored on the vehicle when it is in use.

E. Vehicles which carry occupied stretchers or litters must comply with securement device requirements of the Minnesota Department of Health contained in part 4690.1700.

Subp. 3. Operation. Standards for vehicle operation are as follows:

A. All vehicles must be operated in compliance with Minnesota Statutes, chapter 169, and rules adopted under that chapter.

B. All providers shall conduct or cause to be conducted, a daily visual safety inspection of the following items:

- (1) coolant level;
- (2) lights, turn signals, hazard flashers;
- (3) tires;
- (4) windshield wipers and washer fluid;
- (5) mirrors; and
- (6) fuel level.

C. All providers shall conduct or cause to be conducted a vehicle safety inspection once each week or every 1,000 miles, whichever comes first. The date and mileage at each safety inspection and a notation of needed repairs and replacements shall be made in a driver's logbook which shall be maintained in the vehicle or in the provider's files. The safety inspection shall include inspection of the following items:

- (1) coolant level;
- (2) oil level;
- (3) lights, turn signals, hazard flashers;
- (4) tires and tire pressure;
- (5) brake, parking brake, and brake fluid level, if visible in the engine compartment;
- (6) instrument panel;
- (7) horn;
- (8) windshield wipers and washer fluid;
- (9) fan belt;
- (10) mirrors, inside and outside;
- (11) wheelchair ramps and lifts and lift electrical systems, if applicable; and
- (12) wheelchair or stretcher securement device, if applicable.

MINNESOTA RULES 1991

9243

SPECIAL TRANSPORTATION SERVICES 8840.6000

D. Smoking shall be prohibited in vehicles at all times. A sign stating "NO SMOKING" shall be posted in the vehicle so that it is visible to all passengers.

E. Drivers and passengers shall use seat belts at all times in vehicles which are equipped with them and drivers shall instruct each passenger to use the seat belt. Children who weigh less than 40 pounds shall use approved child restraint systems at all times.

F. When any vehicle is stopped for any emergency purpose or is disabled on the roadway or shoulder of any highway outside a business or residence district during the time when lighted lamps must be displayed, the driver shall promptly place an emergency warning triangle on the roadway on the traffic side of the vehicle ten feet from the vehicle in the direction of approaching traffic. A second emergency warning triangle shall be placed approximately 100 feet from the vehicle in the direction of approaching traffic. If the vehicle is stopped or disabled on any one-way roadway, the driver shall place an additional warning triangle approximately 200 feet from the vehicle in the direction of approaching traffic.

Subp. 4. Maintenance. Standards for vehicle maintenance are as follows:

A. All vehicles shall be maintained in accordance with the manufacturer's recommended maintenance schedule or an improved schedule based on actual vehicle operating conditions.

B. Providers shall correct any deficiency which might interfere with the safe operation of the vehicle before the vehicle is placed in service.

C. Windows and lights shall be kept clean.

D. The interior of vehicles shall be clean and in good repair.

Statutory Authority: *MS s 174.30 subds 2,5*

History: *L 1984 c 654 art 5 s 58*

8840.6000 INSURANCE.

Subpart 1. Minimum coverage. Each provider shall have in effect an insurance plan which provides the following minimum coverage for each vehicle:

A. basic economic loss benefits as required by Minnesota Statutes, chapter 65B;

B. residual liability coverage in the following minimum amounts:

(1) for private providers \$100,000 for bodily injury to or death of any one person in a single accident, subject to a maximum of \$300,000 for bodily injuries to or the death of two or more persons in a single accident, and \$50,000 for destruction of or damage to property in a single accident, or if the policy is written on a single limit basis, \$300,000 per occurrence;

(2) for municipalities \$100,000 for bodily injury to or death of any one person in a single accident, subject to a maximum of \$300,000 for bodily injury to or death of two or more persons in a single accident, and \$50,000 for destruction of or damage to property in a single accident; or

(3) for the state \$100,000 for bodily injury to or death of any one person in a single accident, subject to a maximum of \$500,000 for bodily injury to or death of two or more persons in a single accident, and \$100,000 for destruction of or damage to property in a single accident; and

C. uninsured motorist coverage as required by Minnesota Statutes, chapter 65B.

Subp. 2. Certificate of insurance. Each provider shall obtain a certificate of insurance for the special transportation service vehicles which it operates. The provider's insurer shall mail the certificate of insurance to the Minnesota Department of Transportation, Division of Public Transportation, Transportation Building, Saint Paul, Minnesota 55155. The certificate shall show the vehicles

covered by the policy and the policy limits. The insurer shall notify the department in writing ten days prior to the termination of coverage by either party.

Subp. 3. **Self-insurer.** A provider may qualify as a self-insurer by providing evidence that it has complied with the requirements of Minnesota Statutes, section 65B.48, subdivision 3.

Statutory Authority: *MS s 174.30 subds 2,5*

8840.6100 RECORDS.

Subpart 1. **Information required.** Each provider shall maintain files containing the following information:

A. for each driver, a driver's application form which contains the following information:

- (1) the name, address, and birthdate of the driver;
- (2) the driver's license number and the class of the license;
- (3) whether the driver has had at least one year of driving experience;
- (4) whether the driver's license has been revoked, suspended, or canceled within the three-year period prior to this application;
- (5) the date on which the driver successfully completed at least four hours of training in first aid as required by part 8840.5900, subpart 1, item E;
- (6) the date on which the driver successfully completed training in the techniques of transporting and assisting elderly and physically handicapped passengers as required by part 8840.5900, subpart 1, item F or G, whichever is applicable; and
- (7) the date and location at which the driver was trained in the use of the fire extinguisher;

B. for each driver, the physician's statement that the driver has no current medical condition which interferes with his or her ability to drive safely;

C. for each attendant, an attendant's application form which contains the following information:

- (1) the name and address of the attendant;
- (2) the date on which the attendant successfully completed at least four hours of training in first aid as required by part 8840.5900, subpart 1, item E;
- (3) the date on which the attendant successfully completed training in the techniques of transporting and assisting elderly and physically handicapped passengers as required by part 8840.5900, subpart 1, item F or G, whichever is applicable; and
- (4) the date and location at which the attendant was trained in the use of the fire extinguisher;

D. all correspondence with the commissioner, including the certificate of compliance;

E. all accident records;

F. a record of all insurance claims arising from the operation of the vehicle;

G. service records for each vehicle indicating the date, the odometer reading, and the nature of the repair or replacement each time the vehicle was serviced; and

H. the driver's logbook for each vehicle, unless the logbook is maintained in the vehicle.

Subp. 2. **Documents required in vehicle.** The following documents shall be maintained in each vehicle:

A. a card showing the name of the insurance company which insures the vehicle and the telephone number of the insurance agent;

MINNESOTA RULES 1991

9245

SPECIAL TRANSPORTATION SERVICES 8840.6300

B. accident report forms; and

C. a card showing local emergency telephone numbers.

Statutory Authority: *MS s 174.30 subds 2,5*

8840.6200 CERTIFICATION OF TRAINING COURSES.

Subpart 1. Commissioner approval. All training courses shall be approved by the commissioner prior to being offered to fulfill the requirements of parts 8840.5100 to 8840.6300.

Subp. 2. Application form. The application for approval of a training course shall be made on a form prescribed by the commissioner.

Subp. 3. Minimum standards. A course shall be approved if it meets the following minimum standards:

A. It shall include instruction in the elements required by these standards.

B. The application shall specify when and where the instructor has previously taught the course.

C. The name, address, employment, and relevant training of the instructor must be shown.

D. The name and address of any institution which is sponsoring the course must be shown.

Subp. 4. Instructors. Standards for instructors are as follows:

A. A first aid course shall be taught by any person who is a licensed physician, registered nurse, licensed practical nurse, a paramedic, an emergency medical technician, a certified first aid instructor, or a physician's assistant.

B. Passenger assistance technique training shall be taught by any person who is a licensed physician, registered nurse, registered physical therapist, registered occupational therapist, public health nurse as defined in Minnesota Statutes, section 145A.02, subdivision 18, or other health professional who has had work experience with physical disabilities, aging, and communication disorders, or by a team which includes one of those persons.

Subp. 5. Written answer. Applications for approval of training courses shall be granted or denied in writing by the commissioner within 30 days of receipt of the complete application.

Statutory Authority: *MS s 174.30 subds 2,5*

History: *L 1987 c 309 s 24*

8840.6300 VARIANCE.

Subpart 1. Elements. The commissioner may grant a variance from any of these rules except part 8840.5400. A variance shall be granted if the applicant shows that:

A. the rationale for the rule or rules in question can be met or exceeded by the specific alternative practice which the applicant proposes to substitute;

B. the application of the rule in question would impose an excessive burden on the applicant; and

C. the granting of the variance will not adversely affect the public health and safety.

Subp. 2. Written answer in 30 days. The commissioner shall set forth in writing the reasons for granting or denying the variance within 30 days of receiving the application. If the variance is denied, the applicant may, within 30 days of receiving notice of the denial, request a contested case hearing.

Subp. 3. Compliance. Any special transportation service provider that is granted a variance shall comply with the alternative practice specified in its successful application for a variance.

MINNESOTA RULES 1991

8840.6300 SPECIAL TRANSPORTATION SERVICES

9246

Subp. 4. Material change in circumstances. Any special transportation service provider that has been granted a variance shall immediately notify the Department of Transportation if any material change occurs in the circumstances which justified granting the variance.

Subp. 5. Revocation of variance. A variance shall be revoked if a material change occurs in the circumstances which justified the variance or if the applicant fails to comply with the alternative practice specified in the application for a variance.

Statutory Authority: *MS s 174.30 subds 2,5*