

Transportation Coordination Toolkit

November 2005

Motor Carrier Registration Requirements

Topic: Motor Carrier Registration Compliance

Target Audience: Section 5310 agencies, Section 5307 and 5311 Public Transit Systems

Goal: To understand the Federal Motor Carrier Safety Administration Safety Regulation Requirements and the State of Minnesota's motor carrier registration requirements for interstate and intrastate travel.

Issue: Federal Safety Regulations

While this brief is written to primarily address Minnesota's state requirements for registration of commercial motor vehicles, it is also important to note the Federal requirements as well.

The Federal Motor Carrier Safety Administration (FMCSA), created by Congress by the Motor Carrier Safety Improvement Act of 1999 (Pub.L.106-159), is charged with the regulation and safety oversight of motor freight transportation companies. This agency also has regulatory oversight over passenger carriers as well. The FMCSA assumed responsibility previously administered by the Federal Highway Administration (FHWA) and the Interstate Commerce Commission (ICC). The FMCSA's regulatory coverage over passenger transportation carriers extends to public entities, private, for-profit

organizations, and private nonprofit transportation companies that engage in interstate transportation, regardless of whether the entity is a recipient of Federal funds. Minnesota Statute 221.031 adopts these same requirements. Therefore, they apply for most intrastate operations as well.

The following is a summary of the specific Federal Motor Carrier Safety Regulations:

- For vehicles designed to transport 8 to 15 passengers including the driver
 - [390](#) Federal Motor Carrier Regulations, General
 - [391](#) Qualifications of Drivers
 - [392](#) Driving of Commercial Motor Vehicles
 - [393](#) Parts & Accessories Necessary for Safe Operation
 - [395](#) Hours of Service
 - [396](#) Inspection, Repair, Maintenance
- For vehicles designed to transport 16 or more passengers including the driver
 - all those above *plus*
 - Commercial Driver's License (CDL)
 - [382](#) Controlled Substances and Alcohol Use and Testing

Issue: State Registration Requirements

In the late 1970's early 1980's, transportation providers were emerging

in Minnesota at a rapid pace to meet growing needs for non-emergency transportation to medical and social services. Prior to 1979, there were no rules governing the safe provision of these transportation services other than vehicle inspections required by the State Highway Patrol. There were no minimum requirements for driver eligibility and training other than those that might have been required by insurance carriers. In 1979, the first statute was passed by the Minnesota Legislature to address the safety of these transportation services; the first rulemaking to implement the statute followed in 1982. Since that time, revisions have fine tuned, clarified, and increased the requirements and timeline for training as well as specified the providers and services that fall under the statute.

The Minnesota Department of Transportation, Office of Freight & Commercial Vehicle Operations (OFCVO) oversees the rail, freight, ports, waterways, and commercial vehicle operations in the State and regulates adherence to these rules, including the requirement for registration by certain motor carriers operating in or through Minnesota. A legislative change in 2000 eliminated the previous “regular route” and “charter passenger” classifications of for-hire passenger service and replaced them with “Motor Carrier of Passengers” and “Small Vehicle Passenger Service.” The OFCVO defines Motor Carrier of Passengers, as “...persons engaged in the for-hire transportation of passengers in vehicles designed to transport 8 or more passengers, including the driver.” – OFCVO’s Motor Carrier of Passengers Fact Sheet.

The OFCVO has distinguished vehicles designed to transport 8 or more passengers from "Small vehicle passenger service," which, by their definition, is a service provided by a person engaged in the for-hire transportation of passengers in a vehicle designed to transport 7 or fewer persons including the driver.

Small vehicle passenger service is regulated by the cities in which they operate and also by the Metropolitan Airport Commission. (Note: how the different cities regulate this service appears to vary. For further questions on this issue, contact the OFCVO staff at (651) 405-6096).

For purposes of this document, we will only be referring to transportation in vehicles of 8 or more (except for those operators required to register as Specialized Transportation Services (STS). STS providers are addressed later in this document).

Minnesota’s state motor carrier requirements are set forth in *Minnesota Statutes [221.0252](#)*. In addition, the OFCVO has issued an excellent series of Fact Sheets describing both the Federal and State requirements for Motor Carriers of Passengers (for hire).

Note: In general, all passenger carrier operations are subject to the Federal Motor Carrier Safety Administration safety regulations (see previous section on Federal Requirements) as adopted in state statutes or their equivalent, whether registration is required or not.

Issue: Application of Minnesota’s Motor Registration Requirements to Section 5307, 5311, and 5310 Systems

Section 5307 and 5311 systems

Any Section 5307 or 5311 system under contract to, and receiving operating assistance from, either the MetCouncil or Minnesota Department of Transportation (MnDOT) Office of Transit to provide transportation service is not required to register for the service provided as part of the MetCouncil or MnDOT contract. Any “for hire” service provided in vehicles designed to transport 8 or more persons, including the driver, outside the MetCouncil and MnDOT service agreement must follow the regulations for registering, training, inspections, etc. (see MN Stat. §221.022).

Specialized Transportation Services and Section 5310 agencies

The OFCVO also oversees the provision of Specialized Transportation Services to the general public. Specialized Transportation Services is defined in MN Stat. §174.30 to mean “...motor vehicle transportation provided by a person on a regular basis designed to serve individuals who are elderly, handicapped, or disabled and are unable to use regular types of transportation.” —OFCVO STS Fact Sheet. The terms and conditions of these rules can be found in the Minnesota Department of Transportation’s Special Transportation Services Rules, parts 8840.5100 through 8840.6400.

Section 5310 systems are generally considered to provide STS service by the nature of the grant and the type of

service being provided and are therefore subject to the registration requirements. However, there are exemptions to the registration requirements. An agency may be exempt from the registration requirements if 1) an agency provides transportation to only its clients and 2) is one of the following types of organizations:

- A nursing home licensed by the Minnesota Department of Health;
- A board & care facility licensed by the Minnesota Department of Health;
- A day care facility licensed by the Department of Human Services;
- A group home facility licensed by the Department of Human Services; or
- A day training and habilitation service licensed by the Department of Human Services.

A recent exception was also added for operations where a day training and habilitation service (DTH) licensed by the Department of Human Services may provide service for another DTH if they transport 15 or fewer persons, including passengers and driver. This exemption does not exempt the DTH from registering as a motor carrier of passengers.

Note: Refer to MN Stat §174.30, subd.1 for the specific exemptions).

The OFCVO has developed a questionnaire to assign the classification of applicants and determine those who may fall under one of the five exemptions. This questionnaire is a requirement of the MnDOT Section 5310 application and can be found on both the MnDOT Office of Transit

website as part of the Section 5310 application, http://www.dot.state.mn.us/transit/5310/application_packet.pdf and the OFCVO website, http://www.dot.state.mn.us/motorcarrier/applications/sts_questionnaire.pdf.

Another excellent resource is the STS Fact sheet developed by the OFCVO which can be found at <http://www.dot.state.mn.us/motorcarrier/factsheets/sts.pdf>.

Issue: Transportation Providers Receiving Reimbursement for transportation under the Minnesota Department of Human Services or other State or Federal sources.

The requirements to register apply to providers of Special Transportation Service (STS) who receive grants or other financial assistance from either the state or the federal government, or both, to provide or assist in providing that service.

Transportation providers receiving reimbursement for transportation under the Minnesota Department of Human Services (also referred to as Specialized Transportation Services or STS) or other State/Federal source must be registered as an STS through the OFCVO unless they meet one of the exceptions mentioned earlier. See the OFCVO STS Fact Sheet referenced above.

Issue: Applicability of the Motor Carrier of Passenger Regulations to Coordinated Services

It is the intent of the OFCVO to ensure that motor passenger service is provided in compliance with all applicable safety

regulations, not to impede the provision of transportation services, either directly or in cooperation with other agencies.

As such, there are no specific requirements for coordinated services. It is the responsibility of each agency to work with the OFCVO and determine their level of compliance with the appropriate regulations. Contact Mike McKay, OFCVO, at (651) 405-6096 or mike.mckay@state.mn.us.

Best Practices

Rochester City Lines (RCL)

RCL is a private transportation provider operating as a sub-contractor to the City of Rochester (which has a contract with the Office of Transit). As the service provider for the City service, RCL is not required to register through the OFCVO. However, they are registered with the OFCVO to provide separate private service that is outside their city operation.

Laidlaw Transit Services, Inc. is a private transportation provider operating as a sub-contractor for Anoka County (which has a contract with the Met Council). As the service provider for the county service, Laidlaw is not required to register through the OFCVO. However, they are registered with the OFCVO to provide STS service for the county in their elderly/disabled dial-a-ride service and for their own for-hire service that is outside their county general public transit operation.

American Red Cross – St. Paul, MN

The American Red Cross is a private non profit organization located in St. Paul, Minnesota. They operate 5310 vehicles

and are classified as a Specialized Transportation Service (STS) both as it relates to Minnesota's Motor Carrier regulations and as a Medicaid provider.

To meet the training requirements as part of their Motor Carrier classification as an STS, the Red Cross has developed a training program to meet the specific Motor Carrier requirements, including but not limited to, training for First Aid, CPR, abuse, Passenger Assistance, and Defensive Driving. These training classes are posted on the Red Cross training website and are available to the public for a modest fee. Many agencies, including those which operate Section 5310 vehicles, take advantage of this training.

For additional information, please contact Sue Olson, American Red Cross, 176 South Robert St., St. Paul, MN 55107, (651)291-4675, or via e-mail at solson@arcstp.org

Minnesota (MN) Masonic Homes – New Hope, Hennepin County, Minnesota

Minnesota (MN) Masonic, New Hope, Hennepin County, Minnesota, is a nonprofit, adult day care organization providing adult day and transportation services to seniors. They currently operate nine Section 5310 vehicles seven days a week providing transportation to not only their participants, but participants of other organizations in the area.

As an adult day center serving only their participants, MN Masonic would not have to register with the Minnesota Department of Transportation (MnDOT) Office of Freight and Commercial Vehicle Operations (OFCVO) as a

Specialized Transportation Service (STS). However, to ensure that their vehicle is used to the maximum extent possible, MN Masonic coordinates the use of its vehicle with the local city, two area churches, three senior co-op's, and a hospital, providing service for seniors to shopping medical appointments, and social and recreational activities.

MN Masonic has successfully navigated the Motor Carrier STS Registration process to be able to provide their coordinated service. Any questions that have arisen are answered by its MnDOT Transit and Motor Carrier representatives. MN Masonic obtains all training except CPR and First Aid from a local American Red Cross chapter and DARTS. CPR and First Aid training is obtained from providers closer to the MN Masonic location to reduce travel costs (Red Cross and DARTS are 45 minutes and 60 minutes, respectively, from the MN Masonic's location.)

For additional information, contact Joyce McIntosh, Director, Minnesota Masonic Homes, at (763-592-2668 or joyce.mcintosh@mnmasonic.org.

References/Resources:

Federal Motor Carrier Safety Administration website, http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsr_guide.htm