

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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Chairman  
Commissioner  
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In the Matter of the Proposed Adoption  
of Rules of the Minnesota Public  
Utilities Commission Governing  
Schedule Changes of Common Carriers

STATEMENT OF NEED  
AND REASONABLENESS

DOCKET NO. RRCC-999/R-83-18

4 MCAR § 3.0039 Notice of schedule changes.

A. Change in schedule. This section defines "change in schedule" to mean a change in the time or in the days when a carrier arrives at or departs from either a scheduled stop or a flag stop. It is necessary to define a change in schedule so that affected carriers will know what changes will have to be preceded by notice. It is reasonable to include both scheduled and flag stops within the definition of changes in schedule so that passengers who board or leave a bus at either type of stop will have the opportunity to be made aware of the arrival or departure of busses serving them.

B. Notice. This section states which carriers will be required to give notice of schedule changes, when those carriers will be required to give notice, to whom the notice must be given, and the manner in which notice must be given.

This section places all regular route common carriers providing intrastate passenger service within the scope of the proposed rule. This scope is necessary because those carriers operate according to preestablished schedules which are generally available to the public and upon which the public has come to rely. It is reasonable to limit the scope of the proposed rule to regular route common carriers because other carriers generally do not operate on fixed schedules but upon more specific demands of their customers.

This section requires notice to be given in two circumstances: when the Commission has given a carrier authority (through either a formal or informal written order) to change a schedule for an intrastate passenger route pursuant to M.S. § 221.041, subd. 2, and when a carrier anticipates a schedule change for an intrastate passenger route for which prior Commission approval is not needed due to the provisions of the Bus Regulatory Reform Act of 1982 § 17 (amending 49 U.S.C. § 11501(3) (5))(the Act). In the case of Commission-approved schedule changes, it has been the Commission's practice, on a case-by-case basis, to require adequate public notice of the schedule change. While the Commission may approve the change ex parte, it has believed that due process requires its Order to be noticed to the public and has so required. The Commission believes it is essential that the passengers who will be affected by a schedule change have effective notice of that change. It is reasonable to include this requirement within the proposed rule so that all carriers are treated equitably in the scope and time of notice required. In the case of schedule changes for which prior Commission approval is not required, the Act allows state regulatory bodies to require the carrier to give notice not in excess of 30 days of any schedule change. It is necessary to require the same notice in these cases as in Commission-approved cases so that passengers are treated equitably regardless of the type of route or identity of bus company by which they are served. It is reasonable to require notice in these cases, as is shown by the authority given to state regulatory bodies in the Act.

This section requires notice to be given to the Commission, to the mayor or city clerk of the affected communities, and in the carrier's busses, terminals, agencies, and at flag stops on the affected route. It is necessary to require notice to be given in this manner so that the persons and entities most likely to be concerned with the change will receive the notice. It is reasonable to require notice to the Commission because the Commission is a central point of reference on the operation of common carriers. For cases where the Commission has approved the schedule changes, the Commission can monitor compliance with its Order. In cases where prior Commission approval is not required by Federal statute, notice to the Commission will inform the Commission and enable it to respond to inquiries from citizens concerned by the change. It is also reasonable to require notice to local officials because they are usually concerned with a change in a vital service, such

as passenger transportation, to their community, and to require postings in buses, terminals, agencies and at flag stops because these are direct methods of alerting passengers of impending changes.

This section requires the notice to be given 30 days in advance of the change and to be in the form of a copy of the old and new schedules with a boldface heading "Notice of Change of Schedule on this Route". It is necessary to require 30 days' notice to ensure that the greatest number of passengers will have an opportunity to see the notice before the change takes effect, balanced against the need for the carrier to make changes in an expeditious fashion. Moreover, 30 days is the maximum time permitted by the Act, and using 30 days for Commission-approved changes will maintain consistency between the two types of changes. It is necessary to require the comparison of the old and new schedules and a bold face heading to ensure that the changes are clear to passengers and to allow easy evaluation of the effects of the change. It is reasonable to require this form because it will be simple for the carrier to prepare and should result in the lowest level of customer confusion.

This section requires that the schedule on an individual route be submitted with the notice or display. It is the intention of the Commission that only the particular route affected should be shown here. This is necessary in order to prevent confusion and undue burden upon the part of a community officials and passengers who might otherwise have to search through multiple schedules to find the schedule that serves them. It is reasonable in order that these person will have a reasonable opportunity to learn of the scheduled change affecting themselves.

The Commission concludes that requiring notice as provided in this section will not unduly burden the regular route common carriers involved. In requiring thirty days notice and determining who shall receive that notice, the Commission has balanced the interests of the community served and the passengers using the bus service with the interests of the bus companies in being able to promptly and efficiently make changes in the schedules as contemplated in the respective statutes. The Commission believes that adequate notice to the public is in the interest of the carriers, since accurate information to the public of the operating schedules may be expected to encourage use of the service. The Commission also finds that requiring posting on a route-by-route basis will not unduly burden the carriers who will ordinarily prepare and print their schedules on a route-by-route basis whether or not the schedules are bound into a larger compilation. Further, any additional burden that does fall upon the carrier is certainly outweighed by the convenience and benefit to the affected communities and users who will receive more effective notice.