

CHAPTER 94A. FIRST TRANSIT FRANCHISE

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94A.01. Franchise Required. No person shall establish, maintain, and operate a public regular route bus transit system and related services upon and along the streets of the City unless such action occurs pursuant to and in compliance with the terms and conditions of a franchise ordinance adopted by the Common Council.

94A.02. Franchise Granted. First Transit, Inc., hereinafter referred to as the grantee, is granted a non-exclusive franchise or privilege to establish, maintain, and operate a public regular route bus transit system and related services upon and along the streets of the City for the period January 1, 2017, through December 31, 2021. (4272, 12/5/16)

94A.03. Routes and Schedules. Subject to the provisions of chapter 221 of the Minnesota Statutes, the council shall by written resolution, establish all routes and schedules to be followed and maintained by the grantee, and all changes, extensions or curtailments of the same shall first be approved by the council by written resolution. Grantee shall have the right to establish temporary routes over any of the streets of the city and run special buses to circuses, fairs, exhibitions, picnics or other public gatherings, either within or without the city, subject to the power of the police department to re-route such special buses when necessary for proper traffic control. Grantee shall be authorized reasonable terminal space at the terminal points of its scheduled routes and shall be permitted to park its buses in such space or spaces for such reasonable time as is necessary to enable it to comply with established schedules, any of the ordinances of the city to the contrary notwithstanding.

94A.04. Rates. The value to be charged the grantee for public bus transportation shall be determined and established by the Minnesota Transportation Regulation Board, or any successor agency of the State.

94A.05. Non-transferability. The grantee cannot sell, transfer or assign any or all of the rights and privileges granted by this franchise without the prior consent of the council evidenced by written resolution.

94A.06. Notice of Termination. No temporary suspension of service by the grantee due to strikes, riots, weather conditions or any other reasonable cause shall constitute a basis for a revocation or termination of this grant of franchise or privilege. Grantee may not wholly discontinue or terminate its activities as a bus line under this franchise without first giving to the council at least 30 days prior written notice of its intention to do so.

94A.07. Buses. Subdivision 1. Licenses. On the first day of January of each year during the term of this franchise, the grantee shall secure a license for each bus then being operated by the grantee under the provisions of this chapter. The fee for each license is \$18.00. Each license shall expire on December 31 of the license year. Each additional

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bus placed in service after January 1 of each year shall be licensed by transferring the license of a bus retired from service or by purchasing a new license and paying therefor that portion of the above specified license fee which the remainder of the license year bears to the entire year.

Subd. 2. Condition. Each bus operated within the city under authority of this franchise shall comply with the following provisions: (a) The name "Rochester Public Transit" shall appear on the sides of the bus in prominent letters; (b) the route name shall be posted on the front and right side of the bus in clear view of passengers waiting to board; and, (c) the name of the driver and number of the bus shall be posted in clear view of boarding passengers.

94A.08. Continuing Authority of Council. Nothing in this chapter shall be construed as limiting or restricting the right of the council to reasonably regulate and control the routing, parking, speed, safety of operation and equipment of the buses, and loading and unloading of passengers by the buses of the grantee; or restricting or limiting the council in the exercise of the general police powers with respect to the regulation of the use of the public streets.

(4066, 5/21/12; 4272, 12/5/16)