



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

038416

IN REPLY PLEASE
REFER TO OUR FILE

February 19, 1999

A-114249

PILLAR MULROY & FERBER
PROFESSIONAL CORPORATION
1106 FRICK BUILDING
PITTSBURGH PA 15219

DOCKETED
FEB 26 1999

RECEIVED
SECRETARY'S BUREAU
99 FEB 22 AM 11:28

Re: Non-Profit Emergency Service of Beaver County, Inc.,
t/d/b/a Medic Rescue

DOCUMENT
FOLDER

Dear Mr. Pillar, Esquire:

This is in response to your letter dated January 26, 1999, addressed to Ms. Frances Walkinshaw of our Technical Review Staff. In your letter, you indicated that you believe that the transportation performed by your client meets the requirements of exemption under 52 Pa. Code §41.11.

Upon review of the circumstances, I find that your client has an agreement with Koppel Steel to transport employees who are injured at its plant. Mr. Hall's injury was urgent, but did not require an ambulance. Your client used a van which was equipped with a wheelchair and oxygen, but not life support systems. After being treated and released, your client returned Mr. Hall to the steel plant. A fee was charged for the service.

66 Pa. C.S. §102(9) exempts any person or corporation who or which furnishes transportation for any injured, ill or dead person. In Chappell v. Pa. P.U.C., 57 Pa. Commonwealth Ct. 17, 425 A.2d 873 (1981), the Commonwealth Court considered this exemption. The Court interpreted that this provision did not exempt *all* transportation of injured or ill persons, it only exempted those persons who require transportation for medical treatment *because* they are injured or ill. They found that the non-emergency transportation of non-ambulatory injured and ill persons to doctors' offices, hospitals, rehabilitation centers and convalescent homes for medical treatment was beyond the Commission's jurisdiction.

In Triage, Inc. v. Pa. P.U.C., 69 Pa. Commonwealth Ct. 230, 450 A.2d 790 (1982), the Court again considered the "injured, ill or dead person" exemption. In that case, Triage applied for a certificate of public convenience to transport handicapped, disabled, elderly, or wheelchair bound persons who required assistance for personal mobility to and from the vehicle, between points in the application area and doctors' offices, clinics, hospitals, laboratories or rehabilitation centers

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in that area. The Court found that this proposed transportation service did NOT fall under the "injured, ill or dead person" exemption. It distinguished Chappell from Triage in that Triage intended to be a taxi service, rather than an ambulance service, and intended to transport ambulatory individuals.

This Commission has addressed the extent of its jurisdiction over the transportation of injured, ill or dead persons in Petition of Tri-State Emergency Systems, Inc., P-961060. In order to be exempt from Commission jurisdiction, it found that the transportation must be provided in "specialized equipment" which requires at least basic life support equipment and oxygen, as well as staffing with medical attendants. See also BTS v. J.J. Serafin, Inc., A-110791C9701.

It appears that the transportation services provided by Medic Rescue fall within the Commission's jurisdiction. The transportation was not performed in a vehicle with a life support system. Furthermore, the return trip from the hospital to the steel plant does not appear to have been made **because** Mr. Hall was injured or ill.

Therefore, as stated in Ms. Walkinshaw's letter to you dated December 18, 1998, continued operations of a similar nature may subject you to penalties which may include the assessment of fines.

Sincerely,



Wendy J. Keezel

Transportation Compliance Chief

Motor Carrier Services and Enforcement

Bureau of Transportation and Safety

pc: Pittsburgh District Office - EO Hawthorne
Tech Review - Frances Walkinshaw

NOTIFICATION OF ADDRESS CHANGE FOR CERTIFICATE; PERMIT AND BROKERAGE LICENSE HOLDERS

COMPANY NAME NON-PROFIT EMERGENCY SVCS OF BEAVER CTY A-00 114249

TRADE NAME MEDIC RESCUE

OLD ADDRESS P O BOX 911

BEAVER FALLS, PA 15010

NEW MAILING ADDRESS 1019 RIVERSIDE DRIVE
BEAVER, PA 15009

TELEPHONE # (724) 728-3621

AUTHORIZED SIGNATURE _____

PLEASE PRINT NAME MARK GIANNETTI

DATE MARCH 8, 1999

(PLEASE ADVISE INSURANCE COMPANY OF THE ABOVE CHANGE OF ADDRESS)

PLEASE RETURN TO:

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF TRANSPORTATION AND SAFETY
INSURANCE UNIT
P O BOX 3265, HARRISBURG PA 17105-3265**

(Rev. 9/1/96)

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BUREAU OF
TRANSPORTATION & SAFETY
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PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: July 25, 2001	2. BUREAU AGENDA NO. SEPT-2001-TSM-0127
3. BUREAU: Transportation & Safety	REP
4. SECTION(S): M. C. S. & E.	5. PUBLIC MEETING DATE:
6. APPROVED BY: Director: Mahan: 7-2496 <i>GM</i> Supervisor: Hoshour: 3-5933 <i>ceft</i>	September 7, 2001
7. PERSONS IN CHARGE: Hawk: 3-1763 <i>ERK</i>	
8. DOCKET NO.: A-00114249	DOCUMENT FOLDER

9. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation

(a) **NON PROFIT EMERGENCY SERVICE OF BEAVER COUNTY
 T/A MEDIC RESCUE
 BRIDGEWATER, DELAWARE COUNTY
 INCREASE IN RATES**

(b) Non Profit Emergency Service of Beaver County t/a Medic Rescue, Bridgewater, Delaware County, furnishing paratransit service in Allegheny, Beaver, Butler, Lawrence and Washington Counties, has filed Tariff Paratransit Pa. PUC No. 2 proposing to increase fares to become effective September 8, 2001.

(c) Staff recommends that tariff Paratransit Pa. PUC No. 2 as filed and further amended by the carrier be permitted to become effective on September 8, 2001.

10. MOTION BY: Commissioner Chm. Thomas

Commissioner Wilson - Yes
 Commissioner Fitzpatrick - Yes
 Commissioner

SECONDED: Commissioner Bloom

CONTENTS OF MOTION: Staff recommendation adopted.