



“The Tahoe BlueGO Partnership Provides Safe, Friendly, Convenient, and Innovative Transit Solutions, Enhancing the Quality of Life for Our Resort Community.”

**SOUTH TAHOE AREA TRANSIT AUTHORITY
OPERATIONS AND MAINTENANCE COMMITTEE AGENDA**

BlueGO Staff Telephone: (775) 589-5284
John Andoh, Chair
Rick Angelocci, Vice Chair

Wednesday, September 16, 2009
10:00 AM to 12:00 PM
Tahoe Regional Planning Agency
(Fremont Room)
128 Market Street
Stateline, NV 89449

www.bluego.org

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the Committee without prior notice and are not listed on the AGENDA, no specific answers or response should be expected at this meeting.

Those wishing to address the Committee on any matter for which another opportunity to speak is not provided on the AGENDA but which is within the jurisdiction of the Committee to resolve may address the Chair during the "PUBLIC COMMENT" portion of the AGENDA.

Copies of written documentation relating to each item of business on the AGENDA are on file at the BlueGO offices and are available for public inspection. Information may be obtained by calling (775) 589-5284, TDD/TTY 711, or at our web site: www.bluego.org

I. CALL TO ORDER

II. ROLL CALL

III. GENERAL MATTERS

A. Approval of Agenda of September 16, 2009

IV. PUBLIC COMMENTS

Anyone wishing to address the Committee on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of the Committee to resolve, is requested address the Chair to be heard. When called upon, each speaker should address the President and then upon acknowledgement from the Chair, state his/her name, and address for the record. Each speaker is limited to five (5) minutes. The Committee can not take any action on matters brought up during public comments.

V. CONSENT CALENDAR - NONE


Items listed on the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal or explanation is received from a Committee Member, staff or member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

VI. DISCUSSION MATTERS

- A. MV Transportation Inc Invoices Beyond Start Up Costs
- B. Charter Service
- C. Definition of an Occasion

VII. COMMITTEE MEMBER COMMENTS

VIII. ADJOURNMENT – Next Meeting, To Be Determined By the Committee

 *In accordance with the Americans with Disabilities Act, if you require special assistance to participate in this meeting, please contact BlueGO staff at (775) 589-5284 (voice) or 711 (TDD/TTY) or email landoh@trpa.org.*

In consideration of those with multiple chemical sensitivities or other environmental illness, it is requested that you refrain from wearing scented products and that all cellular phone are turned off. The Chair hereby certifies that this agenda has been posted in accordance with the requirements of the California Government Code and the Nevada Revised Statutes at the Tahoe Regional Planning Agency Offices, South Y Transit Station, Kingsbury Transit Center, Stateline Transit Center and online at www.bluego.org. All members of the public are invited and encourage to participate at the Operations and Maintenance Committee meeting.

South Tahoe Area Transit Authority Operations & Maintenance Committee

Anna Hastie/Harveys Lake Tahoe
Rick Angelocci/City of South Lake Tahoe
Alfred Knotts/Tahoe Transportation District
Travis Lee/Douglas County
Casey Blann/Heavenly Lake Tahoe

Stacy Dingman/Lakeside Inn & Casino
Russ Nygaard/EI Dorado County
Nick Haven/Tahoe Regional Planning Agency
Dan Garrison/The Ridge Resorts
John Andoh/STATA Staff



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Mailing: PO BOX 499, Zephyr Cove, NV 89448
Telephone: (775) 589-5284 - FAX: (775) 588-0917 – Website: www.bluego.org

Discussion Items For The Operations and Maintenance Committee Consideration

A. MV Transportation Inc Invoices Beyond Start Up Costs

MV Transportation has provided staff with invoices as it relates to the transition of transit services from Area Transit Management, Inc and El Camino Trailways to MV. There were many costs associated with the start up that exceed the original start costs paid to MV which includes the following:

- MV Administrative Support - \$89,821.57
- Disputes on Maintenance Billing November - \$1,572.46
- Dispute on Maintenance Billing December - \$1,828.60
- Dispute on Maintenance Billing January - \$1,828.60
- Dispute on Maintenance Billing February - \$6,346.95
- Repair to 3285 - \$2,730.15
- Tire Mounting - \$2,108.11
- Snow Tires - \$50,163.46
- Snow Chains - \$7,067.88
- Relief Cars - \$4,459.61
- Parts over \$500 - \$83,696.36
- Hotel, Travel and Per Diem Costs for Drivers - \$271,519
- Outside Drivers to Meet Service Demands - \$182,419.35

GRAND TOTAL (Estimated): \$705,562.10

Staff has requested Legal Counsel’s assistance in reviewing the contract language to determine what STATA is responsible for and what STATA is not responsible for. Based on the condition of the system, staff believes that some of these charges are legitimate in order to bring the system back into a stable state of repair, however there may be some charges that MV may need to absorb since staff did not agree to, or was stated in the contract, or was a business decision that MV made in order to keep the operation going.

Staff will have a copy of the prior Agreement with MV and the invoices available for review at the meeting.

Action: To review the invoices and the former Agreement with MV and provide direction to staff on how to handle these invoices.

South Tahoe Area Transit Authority Operations & Maintenance Committee

Anna Hastie/Harveys Lake Tahoe
Rick Angelocci/City of South Lake Tahoe
Alfred Knotts/Tahoe Transportation District
Travis Lee/Douglas County
Casey Blann/Heavenly Lake Tahoe

Stacy Dingman/Lakeside Inn & Casino
Russ Nygaard/El Dorado County
Nick Haven/Tahoe Regional Planning Agency
Dan Garrison/The Ridge Resorts
John Andoh/STATA Staff

B. Charter Service

The STATA Board of Directors approved a charter service policy in June 2008 at the rate of \$80.00 per operating hour as long as the charter request meets the requirements as defined by the Federal Transit Administration (FTA). There have been many requests that may be viewed as “borderline” charter that requires discussion. These include wedding trips, special event shuttles and group trips.

Any of the following features may be characteristic of charter service as defined by the FTA under 49 CFR 604.3(c):

1. Transportation provided by STATA at the request of a third party.
 - A third party pays the transit provider a negotiated price for the group, or
 - Any fares charged to individual members of the group are collected by a third party, or
 - The service is not part of STATA's regularly scheduled service, or is offered for a limited period of time, or
 - A third party determines the origin and destination of the trip as well as scheduling
2. Transportation provided by STATA to the public for events or functions that occur on an irregular basis or for a limited duration
 - A premium fare is charged that is greater than the usual or customary fixed route fare, or
 - The service is paid for in whole or in part by a third party.

The Board has requested review of the FTA Charter Rule, as well as information regarding STATA's compliance in regard to this rule. Legal Counsel has provided a memorandum on this matter.

Attachments include: Memorandum on Charter Rule, STATA Charter Policy, and Charter Policy Presentation.

Action: *To discuss the memorandum provided by Legal Counsel and provide direction to staff.*

C. Definition of an Occasion

As part of the Agreement for the Operation of General Public Fixed Route, Ski Shuttles and Demand Responsive Services, MV is required to provide up to 10 occasions per year for the purposes of public presentation and community events. This cost is covered with MV Transportation fixed fee. The section from the Agreement is quoted below:

D. **MARKETING AND PUBLIC RELATIONS PROGRAM**

1. **Marketing Organization:** *During the term of Agreement, CONTRACTOR will cooperate in marketing and advertising efforts with STATA and other parties. STATA and CONTRACTOR shall jointly develop a Marketing Plan for STATA/BlueGO transit services. CONTRACTOR shall*

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 Dan Garrison/The Ridge Resorts
 John Andoh/STATA Staff

make available appropriate staff and a vehicle if requested for public presentations on approximately ten (10) occasions per year to be determined by STATA at no additional cost to STATA.

The Board of Directors has asked staff to develop a definition of what an "Occasion" is. Staff has discussed the matter with MV Transportation to get their feelings on the matter. Staff believes an Occasion should be the following:

- A community service or event within the BlueGO service area that operates for a period not to exceed 8 hours for the purposes of promoting BlueGO transit services. This event should provide free fares to passengers and may result in the provision of a shuttle service or display of a transit bus with STATA and/or MV staff at a local community event. MV should strive to use a Road Supervisor, Dispatcher or a position within the Fixed Cost Budget to reduce costs associated with the provision of the occasion.
- Should STATA exceed ten occasions and a fixed cost position is not available to operate the 11th or more occasions, STATA shall pay the normal variable rate as defined in the Agreement based on the time that the bus leaves the Bus Garage until the time the bus returns back to the Bus Garage. STATA shall seek a recoup of the cost at its fully allocated rate from the organization requesting participation in a local community event or requesting shuttle service for a local community event.
- A community service or event means events sponsored by local non-profit or governmental agencies that will provide mobility to the community, reduce vehicle miles travel and is open to the general public as prescribed in the Federal Transit Administration (FTA) Charter rule. Such examples include shuttle service to Bijou Bash, tour of community facilities or parking shuttles for local community events.

Action: To discuss the proposal for defining an occasion and present a recommendation to the Board of Directors at the October 2, 2009 meeting.

South Tahoe Area Transit Authority Operations & Maintenance Committee

Anna Hastie/**Harveys Lake Tahoe**
Rick Angelocci/**City of South Lake Tahoe**
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SOUTH TAHOE AREA TRANSIT AUTHORITY CHARTER SERVICE POLICY

I. Federal Regulation Regarding Charter Service

Federal regulations define *Charter Service* in the following way:

Transportation using buses or vans, or facilities funded under the Acts of a group of persons who pursuant to a common purpose, under a single contract, at a fixed charge (in accordance with the carrier's tariff) for the vehicle or service, have acquired the exclusive use of the vehicle or service to travel together under an itinerary either specified in advance or modified after having left the place of origin. This definition includes the incidental use of FTA funded equipment for the exclusive transportation of school students, personnel, and equipment. CFR 604.5

A recipient of Federal Transit Administration (FTA) funds cannot offer charter service if there is a private charter operator in the area that is willing and able to provide the type of charter service the FTA recipient could provide. However, federal regulations do provide for some exceptions. Recipients of FTA funds can provide charters to public or private organizations that are exempt from taxation under subsection 501(c) (1), 501(c) (3), 501(c) (4), or 501(c) (19) of the Internal Revenue Code if the organization provides certification of one of the following:

i. (The entity/organization) certifies that it is a government entity or an organization exempt from taxation under subsection 501(c)(1), 501(c)(3), 501(c)(4), or 501(c)(19) of the Internal Revenue Code; there will be a significant number of handicapped persons as passengers on this charter trip; the requested charter trip is consistent with the function and purpose of (the entity/organization); and the charter trip will be organized and operated in compliance with Title VI of the Civil Rights Act of 1964, as amended; and, section 19 of the Federal Mass Transit Act of 1964, as amended, and 49 CFR Part 27; or 45 CFR Part 80.

ii. (The entity/organization) certifies that it is a government entity or an organization exempt from taxation under subsection 501(c)(1), 501(c)(3), 501(c)(4), or 501(c)(19) of the Internal Revenue Code; (The entity/organization) is a qualified social service agency under Appendix A of 49 CFR Part 604, as a recipient of funds, either directly or indirectly, under one or more of the Federal programs listed in Appendix A; the requested charter trip is consistent with the function and purpose of (the entity/organization); and the charter trip will be organized and operated in compliance with Title VI of the Civil Rights Act of 1964, as amended; and, section 19 of the Federal Mass Transit Act of 1964, as amended, and 49 CFR Part 27; or 45 CFR Part 80.

iii. (The entity/organization) certifies that it is a government entity or organization exempt from⁶ taxation under subsection 501(c)(1), 501(c)(3), 501(c)(4), or 501(c)(19) of the Internal Revenue Code; (the entity/organization) either receives or is eligible to receive, either directly or indirectly, from a State or local governmental body public welfare assistance funds for purposes whose implementation may require the transportation of a group of transit-advantaged or transit-dependent persons; following a petition presented by the State in which the entity or organization resides, FTA has determined in writing that an FTA recipient may contract directly with the entity or organization for charter services; the requested charter trip is consistent with the functions and purpose of the entity or organization; and the charter trip will be organized and operated in compliance with Title VI of the Civil Rights Act of 1964, as amended; and, section 19 of the Federal Mass Transit Act of 1964, as amended and 49 CFR Part 27; or 45 CFR Part 80.

iv. (The entity/organization) certifies that it is a government entity or an organization exempt from taxation under subsection 501(c) (1), 501(c) (3), 501(c) (4), or 501(c) (19) of the Internal Revenue Code; more than 50% of the passengers on this charter trip will be elderly; the requested charter trip is consistent with the function and purpose of (the entity/organization); and the charter trip will be organized and operated in compliance with Title VI of the Civil Rights Act of 1964, as amended; and, section 19 of the Federal Mass Transit Act of 1964, as amended, and 49 CFR Part 27; or 45 CFR Part 80.

II. STATA Charter Policy

In accordance with federal regulations, STATA will only provide charter service to entities or organizations that are able to make one of the above certifications or other parties whose needs cannot be met by one of the private operators providing charter service in the BlueGO service area. This policy only applies to buses purchased with FTA funds or services that utilize FTA funding for transit operations.

II a. Availability of Charter Service

Given STATA's peak bus requirements, STATA will generally only charter vehicles in off-peak hours of operation. The origin and destination of all chartered trips must be within the Lake Tahoe Basin, Carson City or Carson Valley.

II b. Eligibility for Charter Service

A party requesting charter service must demonstrate eligibility to do so under this policy by providing STATA with either a signed Charter Exception Certification Form along with certification of tax exempt status or written notification of inability to provide service from all local private charter operators that possess the type of vehicle requested. STATA will provide parties requesting charter service a list of known local operators and the authorized signatories for those operators. Notwithstanding, it will be the requestor's responsibility to fully canvass the available private carrier market and advise STATA that there is no "willing and able" charter provider to perform the work. Requestor shall also provide documentation from the charter provider that is not willing to provide the charter work.

Companies operating private charter service in the BlueGO service area that are in need of additional equipment will also be eligible to charter STATA vehicles. The private charter operators will be charged the same rate as other eligible parties chartering STATA vehicles. It will be required that a STATA contractor driver operate the chartered STATA vehicle.

All parties chartering STATA vehicles will be required to sign a liability agreement provided by the STATA.

II c. Capacity – Seating

The seating capacity of STATA vehicles range from 16 to 44 passengers. In compliance with the Americans With Disabilities Act (ADA), STATA is able to provide the following equipment:

1. Kneeling vehicle – The operator can lower the front of the bus to accommodate those requiring assistance to step onto the vehicle.
2. Wheelchair equipped vehicle – STATA vehicles can accommodate and lock in two (2) wheelchairs. When requesting such a vehicle for wheel-chair use, if either of the wheel chair locks are used, (4) seats will be required.

II d. Rate

The hourly rate charged for charter service will be set by the STATA Board of Directors, and will be evaluated and modified (if necessary) on an annual basis. Rates will be established for all vehicles (full size coaches, vans, and trolleys).

The cost of all bridge and highway tolls, entrance charges, and parking expenses shall be added as separate charges to the rate. STATA reserves the right to pass on to the chartering party any increases after initial quotations.

II e. Payments

Upon approval of charter service, an authorized agent of the chartering party will be required to sign a Charter Service Agreement which will list the initial cost estimate. Incidental costs (as described above) may be added after the service has been provided. A deposit established by the STATA Board of Directors of the initial cost estimate is required when the Charter Service Agreement is signed. The chartering party will be invoiced for the balance due after service has been provided.

II f. Time – Computation

The number of hours of charter service will be calculated from the time the chartered vehicle leaves the dispatching point on route to the chartering party's requested point of origin to the time it returns to the bus facility or the point where the vehicle engages in another service.

II g. Claims

1. STATA endeavors to maintain the time of arrival at points of destination but does not guarantee to arrive at or depart from any point at a specific time.
2. STATA shall not be liable for delays caused by accidents, breakdowns, road conditions, storms and other circumstances beyond its control.
3. STATA assigns qualified operators that have been instructed to drive at a speed within limits prescribed by law, and compatible with safe operations.
4. STATA shall not be held responsible for personal property when left on the vehicle by passengers when disembarking.

II h. Operator Assignments

STATA and its contractors reserve the right to assign bus operators to a specific job at all times, and to substitute or replace operators without notice. Wherever possible, requests for specific bus operators will be honored, but cannot be guaranteed.

II i. Equipment – Vehicles

Wherever possible, requests for specific vehicles will be honored, but cannot be guaranteed. Equipment furnished by STATA is thoroughly inspected before assigned to ensure uninterrupted operation. Should mechanical failure of equipment make it necessary for the replacement of a vehicle originally assigned to the service, the replacement vehicle may be of a different type. Every effort shall be made by STATA to provide equipment as similar to the original as possible.

All costs of repairing damage to vehicles resulting from acts of members of the chartering party shall be charged to the chartering party.

II j. Baggage

Baggage will not be checked. Only hand baggage or property in custody of the passengers on the bus will be carried. The amount of such baggage or property carried shall be limited in the amount, weight, and size to the available safe capacity of, or space available on, the vehicle. Any such article that creates, in the opinion of the operator of the vehicle or other STATA employee or contractor, a hazardous condition or is likely to damage the vehicle will not be transported. Inflammable or other dangerous substances or articles shall not be brought on board the vehicle.

II k. Animals

Animals shall not be transported with the exception of a trained “service animal” for the assistance of a passenger with a disability.

III. Vehicle Operation

During charter service STATA contractor operators must be in uniform at all times and must abide by all rules of regular service operation.

IV. Employee Requests

Employees and Contractors of STATA requesting charter service will need to go through the same application process described above. The party on whose behalf the STATA employee or contractor is acting will need to meet the same standards as all applicants. The chartering party will be charged the same hourly rate as all parties. The operator may not donate his/her time. The chartering party must be billed for the service. The driver may elect to donate his/her pay from the service to the chartering party to offset their costs for the service.

V. Public Relations Related Service

STATA can provide special service for any STATA hosted event or for any public relations function directly related to STATA business. The use of STATA vehicles for these events must be requested and approved by the BlueGO Transit Administrator. STATA shall cover the cost of the services.

VI. Volunteer or Donated Services

Other than Public Relations Services and Parade service (described below), all operational expenses will be charged to the recipients of special service. STATA will also not request volunteer drivers for any services.

VII. Other Special Services*VII a. Educational Events*

STATA vehicles may be used for events during which STATA contractor or employees educate groups of people on how to use the BlueGO system.

VII b. Stationary Vehicles

STATA vehicles may be used for any event at which the vehicle will be stationary and no passengers will be carried.

VII c. Parades

STATA vehicles may be used as a feature in a parade if the general public is not being carried and STATA is providing the vehicle free of charge. If STATA is charging for the use of the vehicle and/or the general public will be carried on the vehicle, the parade organizers must complete the charter services application process outlined above. The same hourly rate will be charged for parades as for any other charter service.

VII d. Supplementary Service

If STATA is informed of an event where a group will be boarding at a regular BlueGO stop at a regularly scheduled time and alighting at a BlueGO stop along the route, also at a regularly scheduled time, STATA may add extra vehicles to the trip to handle an overcrowding that may occur. These vehicles will need to be signed as a regular route and must be opened to the public.

VIII. Internal Charter Procedure

The BlueGO Transit Administrator will inform inquirers about STATA's policy and will provide them with an Exception Certification Form and a list of local private operators. If the applicant meets one of the exceptions described above, an authorized agent of the government agency or non-profit organization will need to complete the Charter Exception Certification Form and provide certification of tax-exempt status.

If the party requesting charter service does not meet any of the requirements for an exception, STATA will provide the party with a list of private charter operators providing service in the BlueGO service area. If the party requesting the charter can provide written confirmation that all private operators providing charter service in the BlueGO service area, those possess the type of vehicle requested, are unable to provide the service, STATA will entertain their application for charter service.

The BlueGO Transit Administrator will then determine the eligibility of the applicant. If the BlueGO Transit Administrator deems the applicant ineligible; they will notify the applicant of the decision and the reason for the decision. If the applicant is deemed eligible, vehicle availability for the vehicle type requested during the time and date specified will be confirmed with the operating contractor. STATA may deny any request based on vehicle availability.

The route by which the chartered vehicle will travel will be determined by the STATA and the operating contractor staff person. The route will be described on the Application for Charter Service. The route may not leave the BlueGO service area.



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South Tahoe Area Transit Authority – 128 Market Street, P.O. BOX 5310, Stateline, NV, 89449
Telephone: (775) 589-5284 - FAX: (775) 588-4527 – Website: www.bluego.org

Date:

To:

Dear:

Enclosed please find a copy of the South Tahoe Area Transit Authority (STATA) Charter Service Policy. Federal regulations are very specific about when publicly funded transit operators can and cannot offer charter service. Please review the policy and if you feel your organization is eligible to charter a STATA vehicle please contact me at (775) 589-5284 or via email at jandoh@trpa.org

Sincerely,

John Andoh
BlueGO Transit Administrator



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**SOUTH TAHOE AREA TRANSIT AUTHORITY
CHARTER SERVICE APPLICATION**

Requesting Organization: _____

Address: _____

Authorized Agent: _____

Title: _____

Date of requested service: _____

Origin of trip: Time: _____

Destination of trip: Time: _____

Round trip? Yes No Time of return trip: _____

Purpose of trip: _____

Number of passengers: _____

Number of persons with disabilities passengers: _____

Type of vehicle requested: _____

For STATA use only

Routing: _____

Time leaves garage: _____ Time returns to garage: _____

Availability of type of vehicle requested: Available Not Available

Confirmed by: _____

Operating Contractor: _____

Eligibility (Circle One): Exception Certification with certification of tax exempt status
Private operator notification of inability to provide service

Approved: _____

Denied: _____

Reason for denial: _____

SOUTH TAHOE AREA TRANSIT AUTHORITY CHARTER EXCEPTION CERTIFICATION FORM

Please check mark the statement that applies to your organization:

_____ (The entity/organization) _____ certifies that it is a government entity or an organization exempt from taxation under subsection 501(c) (1), 501(c) (3), 501(c) (4), or 501(c) (19) of the Internal Revenue Code; there will be a significant number of handicapped persons as passengers on this charter trip; the requested charter trip is consistent with the function and purpose of (the entity/organization); and the charter trip will be organized and operated in compliance with Title VI of the Civil Rights act of 1964, as amended; and section 19 of the Federal Mass Transit Act of 1964, as amended, and 49 CFR Part 27; or 45 CFR Part 80.

_____ (The entity/organization) _____ certifies that it is a government entity or an organization exempt from taxation under subsection 501(c)(1), 501(c)(3), 501(c)(4), or 501(c)(19) of the Internal Revenue Code;

_____ (The entity/organization) _____ is a qualified social service agency under Appendix A of 49 CFR Part 604, as a recipient of funds, either directly or indirectly, under on or more of the Federal programs listed in Appendix A; the requested charter trip will be organized and operated in compliance with Tile VI of the Civil Rights Act of 1964, as amended; and, section 19 of the Federal Mass Transit Act of 1964, as amended, and 49CFR Part 27; or 45 CFR Part 80.

_____ (The entity/organization) _____ certifies that it is a government entity or an organization exempt from taxation under subsection 501(c)(1), 501(c)(3), 501(c)(4), or 501(c)(19) of the Internal Revenue Code;

_____ (The entity/organization) _____ either receives or is eligible to receive, either directly or indirectly, from a State or local governmental body public welfare assistance funds for purposes whose implementation may require the transportation of a group of transit-advantaged or transit-dependent persons; following a petition presented by the State in which the entity or organization resides, FTA has determined in writing that an FTA recipient may contract directly with the entity or organization for charter services; the requested charter trip is consistent with the functions and purpose of the entity or organization; and the charter trip will be organized and operated in compliance with Title VI of the Civil Rights Act of 1964, as amended; and, section 19 of the Federal Mass Transit Act of 1964, as amended, and 49 CFR Part 27; or 45 CFR Part 80.

_____ (The entity/organization) _____ certifies that it is a government entity or an organization exempt from taxation under subsection 501(c)(1), 501(c)(3), 501(c)(4), or 501(c)(19) of the Internal Revenue Code; more than 50% of the passengers on this charter trip will be elderly; the requested charter trip is consistent with the function and purpose of (the entity/organization) _____; and the charter trip will be organized and operated in compliance with Title VI of the Civil Rights Act of 1964, as amended; and, section 19 of the Federal Mass Transit Act of 1964, as amended, and 49 CFR Part 27; or 45 CFR Part 80.

I certify that the statement marked above is true about the organization I represent, and that the service requested by the organization I represent will be run in accordance with the above statement.

Signature: _____

Title, Organization: _____

Please return this form to STATA along with Certification of tax exempt status.



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Telephone: (775) 589-5284 - FAX: (775) 588-4527 – Website: www.bluego.org

Date:

Charter Service Provider
Charter Service Provider Address

Dear:

This is to inform you that cannot _____ (Charter
Service Provider) provide a to transport _____

(Vehicle Type) passengers between and _____ (#) _____

(Origin Point) on _____ (Destination Point) _____
(Date)

Thank you for your inquiry. Please contact _____ with any questions
at _____.

Sincerely,

Authorized Signatory

Title



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SOUTH TAHOE AREA TRANSIT AUTHORITY CHARTER SERVICE AGREEMENT

The South Tahoe Area Transit Authority (STATA) will provide _____ (# vehicles and type of vehicle) on _____ (Date) for _____ (Chartering Organization)

The STATA vehicle(s) will pick up passengers at _____ (Pick up point) at (Time) _____ and will drop off passengers at _____ (Drop off point)

The STATA vehicle(s) will then pick up passengers at _____ (Return trip pick up point) _____ at and drop off passengers at (Time and Return trip drop off point) _____

The total number of hours of charter service will be _____ (# of hours)

The agrees to _____ (Chartering Organization) pay \$ _____ (amount) for the above described service.

Breakdown of service charges

_____ Hours at \$ _____ per hour = \$ _____

Tolls and fees \$ _____

Initial cost estimate \$ _____

Deposit \$ _____

STATA reserves the right to pass on to the chartering party any increases after initial quotation.

Signature of Authorized Agent: _____

Title, Organization: _____

Charter Service Final Rule

Charter Rule Highlights

- **New Charter Rule published on January 14, 2008**
- **Rule does not go in effect until April 30, 2008**
- **Goals of the new rule are to increase flexibility, clarity and transparency**
- **FTA created new position to assist with new rule requirements**

Charter Rule Highlights

- **New website**
- **http://www.fta.dot.gov/laws/leg_reg_179.html**
- **Contains the new Charter Rule, Q&A and fact sheet, Charter Registration Website and contact information**

Goals

- **Flexibility**
- **Clarity**
- **Transparency**

What does the new rule do?

- Provides clear exemptions up front
- Revises definition of charter service
- Provides exceptions under which public transit agency may provide charter service
- Allows for Advisory Opinions and Cease and Desist Orders
- Provides a clear complaint and hearing process
- Provides a mechanism for determining remedies in the event of a violation

How do I determine whether the new rule applies?

- Look at the “Applicability” section (49 CFR 604.2) it contains a list of exemptions
- Look at the definition of charter service (49 CFR 604.3(c))
- If the proposed service fits within the definition of charter service, then look to see whether one of the exceptions applies (49 CFR 604.6—604.11)

The new rule is NOT applicable to:

- Recipients moving transit employees for transit purposes
- Private charter operators that receive Federal assistance
 - Does not include private charter operators that “stand in the shoes” of public transit agencies
- Recipients performing emergency preparedness planning and operations
- Recipients responding to immediate emergencies
- Recipients in non-urbanized areas transporting its employees for training purposes
- Recipients of funds from 5310, 5311, 5316, and 5317
 - Can only provide charter service that supports “program purposes”

What's the new definition of charter service?

- **“Charter service” means, but does not include demand response service to individuals:**
- **(1) Transportation provided by a recipient at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristic of charter service:**
 - (i) A third party pays the transit provider a negotiated price for the group;
 - (ii) Any fares charged to individual members of the group are collected by a third party;
 - (iii) The service is not part of the transit provider’s regularly scheduled service, or is offered for a limited period of time; or
 - (iv) A third party determines the origin and destination of the trip as well as scheduling; or
- **(2) Transportation provided by a recipient to the public for events or functions that occur on an irregular basis or for a limited duration and:**
 - (i) A premium fare is charged that is greater than the usual or customary fixed route fare; or
 - (ii) The service is paid for in whole or in part by a third party.

Exceptions

- **A public transit agency may provide charter service under the following exceptions:**
 - **Government Officials (new!!!)**
 - **Qualified Human Service Organizations (elderly, persons with disabilities, and low income individuals)**
 - **When no registered charter provider responds to a notice sent by a recipient**
 - **Leasing (must exhaust all available vehicles first)**
 - **By agreement with all registered charter providers**
 - **Petitions to the Administrator:**
 - **Events of Regional or National Significance**
 - **Hardship**
 - **Discretion**

Reporting Requirements

Public transit agencies must report all charter service provided under the following exceptions:

- Government Officials (49 CFR 604.6)
- Qualified Human Service Organizations (49 CFR 604.7)
- Leasing Equipment (49 CFR 604.8)
- When no Registered Charter Provider Responds to a Notice from the Recipient (49 CFR 604.9)

First quarterly report is due July 30, 2008!

Procedures for registration and notification

- In order to take advantage of the new rule's provisions, private charter operators must be registered on FTA's Charter Registration Website:
<http://www.fta.dot.gov/CharterRegistration>
- Qualified Human Service Organizations that do not receive funds from one of the 65 Federal programs included in Appendix A, must also register on the website

Procedures cont.

- **Private charter operators must provide the following information:**
 - (1) Company name, address, phone number, email address, and facsimile number;
 - (2) Federal and, if available, state motor carrier identifying number;
 - (3) The geographic service areas of public transit agencies, as identified by the transit agency's zip code, in which the private charter operator intends to provide charter service;
 - (4) The number of buses or vans the private charter operator owns;
 - (5) A certification that the private charter operator has valid insurance; and
 - (6) Whether willing to provide free or reduced rate charter services to registered qualified human service organizations.

Procedures cont.

- **Qualified Human Service organizations not receiving Federal funds must provide the following information:**
 - Name of organization, address, phone number, email address, and facsimile number;
 - The geographic service area of the recipient in which the qualified human service organization resides;
 - Basic financial information regarding the qualified human service organization and whether the qualified human service organization is exempt from taxation under sections 501(c) (1), (3), (4), or (19) of the Internal Revenue Code, and whether it is a unit of Federal, State or local government;
 - Whether the qualified human service organization receives funds directly or indirectly from a State or local program, and if so, which program(s); and
 - A narrative statement describing the types of charter service trips the qualified human service organization may request from a recipient and how that service is consistent with the mission of the qualified human service organization.
- **A public transit agency may only provide service if the QHSO is registered at least 60 days before the date of the first request for charter service.**

Notification requirements

- **A public transit agency must provide the following information via email:**
 - **(1) Email notice of the request shall be sent by the close of business on the day the recipient receives the request unless the recipient received the request after 2 p.m., in which case the recipient shall send the notice by the close of business the next business day;**
 - **(2) Email notice sent to the list of registered charter providers shall include:**
 - (i) Customer name, address, phone number, and email address (if available);
 - (ii) Requested date of service;
 - (iii) Approximate number of passengers;
 - (iv) Whether the type of equipment requested is (are) bus(es) or van(s); and
 - (v) Trip itinerary and approximate duration; and
 - **(3) If the recipient intends to provide service that meets the definition of charter service under §604.3(c)(2), the email notice must include the fare the recipient intends to charge for the service.**

Toolbox

- Appendix C contains an extensive list of Q&As
- Appendix B contains guidance on reasons for removal from registration website
- Help and other resources are located at: http://www.fta.dot.gov/laws/leg_reg_179.html
- Ombudsman for Charter Services
- Government Officials, Petitions to the Administrator, Advisory Opinions/Cease and Desist Orders, Complaints for Removal, and Complaints all have dockets open in www.regulations.gov

Effective Date of Final Rule

April 30, 2008
(73 FR 2326)

Upcoming Outreach:

Atlanta, GA, May 28-30 (Region IV Conference)

Wilmington, NC, June 1-2 (NCPTA)

Also plan to reach out to private charter operators

Questions?

Region IV Regional Counsel

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Ombudsman for Charter Services

Crystal Frederick

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MEMORANDUM

To: STATA Operations Committee
From: Michael J. McLaughlin
Date: September 15, 2009
Re: Charter Service vs. On-Call Service

The question has arisen whether STATA may provide a n on-call type service requested by a lodging facility to transport its guests to a specified location or whether this type of service constitutes a charter service. The short answer is that the proposed service is not a charter if it meets the requirements set forth below.

The Federal Transit Administration (“FTA”) was established by the Urban Mass Transportation Act of 1964 (the “Act”). The Act provided funds for “mass transportation” purposes, defined as: “transportation by bus or rail or other conveyance, either publicly or privately owned, serving the general public (but not including school buses or charter or sightseeing service) and moving over prescribed routes.” This provision illustrates the balance Congress sought to strike between the public and private sectors of the economy. Congress acted to provide Federal funding for the continued existence of urban fixed route providers by enacting a capital program to acquire private transit companies and establish new public transportation agencies. The charter services provided by private companies were still profitable; accordingly, Congress excluded charter service from the definition of “mass transportation.”

The purpose was to protect private charter operators from competition from transit operators who could underbid private charter operators because of their receipt and use of federal funds.

The threshold issue is whether the proposed service meets the definition of a charter service, which is the key provision in the charter service regulation. The definition identifies what service by public transit agencies is considered charter service. Charter service is defined in the regulation (49 C.F.R. § 604.3(c)) as follows:

“*Charter service*” means, but does not include demand response service to individuals:

(1) Transportation provided by a recipient at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristic of charter service:

(i) A third party pays the transit provider a negotiated price for the group;

Memorandum: STATA Operations Committee
 Charter Rules
 September 15, 2009
 Page 2

(ii) Any fares charged to individual members of the group are collected by a third party;

(iii) The service is not part of the transit provider's regularly scheduled service, or is offered for a limited period of time; or

(iv) A third party determines the origin and destination of the trip as well as scheduling; or

(2) Transportation provided by a recipient to the public for events or functions that occur on an irregular basis or for a limited duration and:

(i) A premium fare is charged that is greater than the usual or customary fixed route fare; or

(ii) The service is paid for in whole or in part by a third party.

Thus, charter service has three components: (1) transportation of a group of persons pursuant to a single contract with a third party; (2) a fixed charge; and (3) according to an itinerary determined by someone other than the public transit agency.

Notably, the definition specifically excludes "demand response service to individuals." The regulation defines "demand response" as "any non-fixed route system of transporting individuals that requires advanced scheduling by the customer, including services provided by public entities, nonprofits, and private providers." (49 C.F.R. § 604.3(g)) Further, the FTA has stated it believes its definition of charter allows transit agencies the flexibility needed to provide public transportation to address traffic mitigation associated with an event, as well as being able to serve community-based public transportation. *Federal Register*, Vol. 73, No. 9, p. 2334. In addition, the FTA has noted that the definition of charter service does not prevent a public transit agency from establishing, on its own, temporary or irregular routes to respond to community demands, however, the nature of such service should be to fulfill a public purpose.

Thus, the definition of charter service includes service by a public transit that is irregular or on a limited basis for a premium fare that is greater than the usual or customary fixed route fare or service for which a third party pays all or part of the costs for the service.

Memorandum: STATA Operations Committee
Charter Rules
September 15, 2009
Page 3

Accordingly, the proposed service should be planned with the charter definition and FTA comments in mind, and should include the following:

- (1) Operate the service as a non-fixed route system of transporting individuals that requires advanced scheduling by the customer (so as to meet the definition of a demand response service);
- (2) Require the fare be paid by the individual passenger, not by the third party requesting the service its guests;
- (3) Make the service a part of STATA's regularly scheduled service;
- (4) Do not make the service exclusive to guests of the third party requesting the service for its guests, *i.e.*, provide additional stops on along the route in order to include members of the public; and
- (5) Do not charge a premium fare, but rather charge the usual or customary fare for demand response service, or less.

Finally, even if the proposed service meets the definition of a charter service, it has been noted that “[a] transit agency always has the option to segregate locally funded and maintained vehicles and use those vehicles to provide charter service.” *Federal Register*, Vol. 73, No. 9, p. 2331. To be clear, however, it is not just purchasing a vehicle with Federal dollars that triggers the application of the charter requirements—housing the vehicle in FTA-funded facilities or using FTA-funded equipment to maintain the vehicle also triggers application of the rule. A complete segregation is necessary to avoid the application of the requirements of this rule.

[end]