



National RTAP 101 Webinar Series: Charter Service & School Transportation

November 20, 2013



U.S. Department of Transportation
Federal Transit Administration

101 Webinar Series

- State RTAP Managers' survey 2013
- Basic, easy to understand presentations that can be viewed repeatedly as needed
- Every other month beginning September 2013
- First was on Social Media – recording available on our website
- Future topics may include:
 - Safety and Asset Management in MAP-21
 - Drug and Alcohol Testing
 - Employee Wellness
 - Marketing

Sarah Brodt Lenz

- Greater Minnesota Public Transit Coordinator, MnDOT Office of Transit
- State of Minnesota Non-Emergency Medical Transportation Committee
- National RTAP Review Board Member 2009-2012
- Areas of experience include:
 - Paratransit operations
 - Program development and evaluation
 - Transportation planning
 - Driver training
 - Intelligent Transportation Systems
 - Grants administration



Charter Service and School Transportation: When can do it and when you shouldn't

National RTAP 101 Webinar Series
November 20, 2013



Your most important resources:

FTA Charter Service Regulations

49 CFR Part 604

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title49-vol7/pdf/CFR-2010-title49-vol7-part604.pdf>

FTA School Bus Operations

49 CFR Part 605

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title49-vol7/pdf/CFR-2010-title49-vol7-part605.pdf>



Definition

Charter is:

- Transportation provided by a recipient at the request of a third party for exclusive use at a negotiated price
- Transportation provided by a recipient on an irregular basis for which a premium is charged or the fee is paid for by a third party



Exemptions to applicability

- Transport of transit employees for training purposes
- Transport of employees for emergency preparedness planning and training
- Private operators receiving FTA funding
- FTA funded programs operating for “program purposes”
- Emergency response



What are the charter exceptions?

- Government officials on official government business (80 hour limit/year)
- Qualified human services organizations (QHSOs) serving groups of people who are elderly, disabled or low income for program purposes
- When no registered charter operator responds to a charter request from the recipient



Government officials exception



QHSOs

- **Agency providing services to people**
 - ▶ (1) With mobility limitations related to advanced age;
 - ▶ (2) With disabilities; or
 - ▶ (3) With low income.
- **Agencies receiving funding directly or indirectly through programs listed in Appendix A of 49 CFR Part 604 do not have to register for an exception**



Let's be clear about “program purposes”

- A human services provides transportation for the purpose of benefiting a group of people who participate in the program
- The affiliated transportation services benefit the organization directly






Here's what you can't do with your Section 5311 program buses

When providing service to groups, do not:

- Exclude members of the general public
- Compete with private operators



Here are some scenarios*

- Trip from assisted living facility to community parade, open to public, paid for by facility 
- College students attend a concert, fares charged, bus completely full 
- Social worker at senior residence calls to make arrangements for 10 people to go to a concert using the community dial-a-ride bus, fares paid, open to public 



Demand-response requires care

- Anything that is not fixed route
- Not the same as complementary paratransit
- From many to one, many to many, one to many, etc.
- Generally requires advanced scheduling



What if someone asks you to do a “charter?”

Go to the FTA Website at:

<http://www.fta.dot.gov>

- ↳ Top Requests
- ↳ Legislation and Law
- ↳ Rulemaking
- ↳ [Charter Bus Service](#)
- ↳ Charter Registration Website

This page links to the Charter Registration Website; also Regulations, Resources, and Forms



Keep going, you're almost there....

- ↳ [Charter Registration Website](#)
- ↳ **I accept these terms**
- ↳ **Search Existing Private Charter Registrations**
- ↳ Enter your start and end points, **Search**
- ↳ View your results
- ↳ Right click upper right to copy all e-mails to your clipboard
- ↳ Send an e-mail to all these companies explaining what your plan is



The E-mail must:

- Be sent by close of business on the day the request for the charter is made (2 pm is official time or next day if later than 2)
- Include
 - Customer name, address, phone, and e-mail address
 - Requested date (*and time*) of service
 - Trip itinerary
 - Approximate number of passengers
 - What type of equipment—van or bus—*presumably this covers the accessibility requirements*



Then what happens?

- **Wait for a response**
 - ▶ 72 hours if less than 30 days notice
 - ▶ 14 days if more than 30 days notice
- **If operator responds to the e-mail to do the trip, regardless of the price, then the public transit system **cannot do** the trip**
- **If there are no responses, the transit system can do the trip**
- **Must report charter activities monthly**



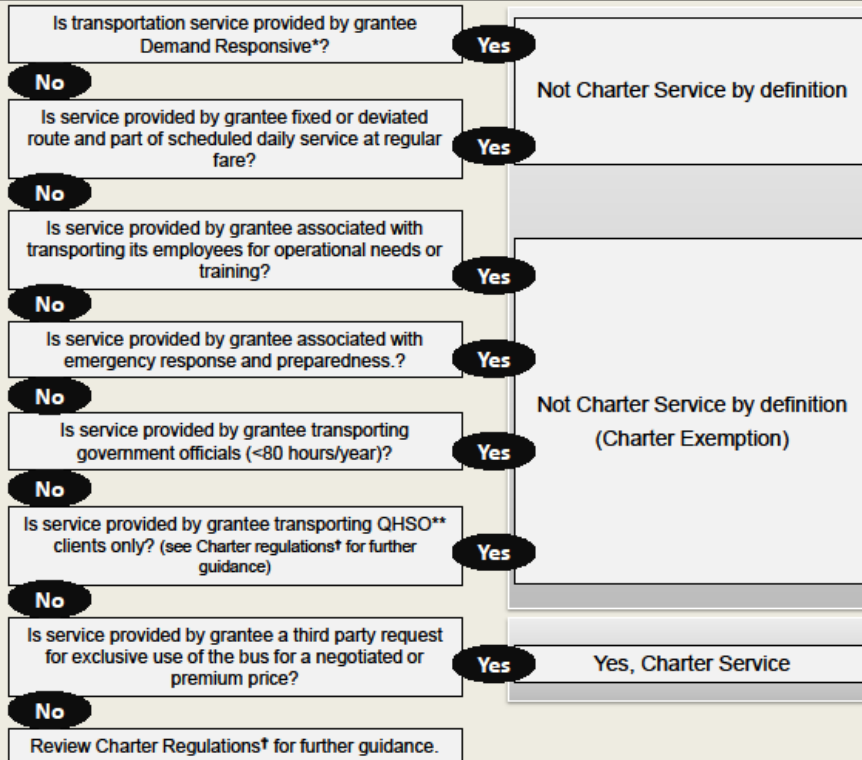
Train dispatch/call takers

- Develop a script for handling group trips
- Do not discuss rate info until you know who you are talking to
 - ▶ What organization are you calling for?
 - ▶ Are there special needs passengers?
 - ▶ How are your planning to pay for the trip?
 - ▶ Have you already called other local bus companies?



SECTION 5311 CHARTER SERVICE IDENTIFICATION FLOW CHART

May 2010



This chart was prepared by DPIT to guide your organization with basic scenarios. Please, rely on the FTA Charter Regulations† for final determination of service if your scenario in review does not meet any of the exceptions above.

*Demand Responsive:
Any Non-fixed route service to individuals that require advanced scheduling by the customer

**Qualifying Human Sources Organization:
Any organization providing service to persons with disabilities, low income, or to the elderly.

† Charter Regulations:
Can be found on the FTA website at: <http://edocket.access.gpo.gov/2008/pdf/08-86.pdf>

Found on the FTA Charter Website noted in previous slide



Can children ride the public transit bus to school?

It depends...

- Federal School Bus Regulations
- Federal Charter Regulations



Can kids ride the regular transit bus to school?

- Yes, it's called tripper service
- Must be
 - ▶ Regularly scheduled
 - ▶ Open to all members of the public
 - ▶ May be modified to accommodate needs of students
 - ▶ May use various forms of fare collection



How is tripper service defined in dial-a-ride systems?

- As long as the student's trip falls within your service plan and you don't exclude the general public, you **can do it**.
- Those systems that operate deviated routes with "demand-response" pickups in named towns consider the whole town to be the bus stop.



What about field trips and school-sponsored activities?

- **No, not if it's exclusive**
- **Follow the charter rules**
- **May do it if**
 - ▶ One or more of the charter exceptions apply
 - ▶ No willing and able charter operator available
 - ▶ Significant number of persons with disabilities



Exclusivity

- Does that mean I can provide exclusive service for students with disabilities?

No

- It can't be exclusive, but it's okay it conforms with charter exemptions.
- The student may also use paratransit service.



Brokered Service

- What if a broker wins the local school bus service contract and wants to subcontract with the public transit system to provide services for students with disabilities?

No

- Any use of the public transit system for exclusive use is prohibited. Charter exceptions apply.



Can the bus stop directly in front of the school?

- All bus stops are accessible to the general public and are marked as such (if applicable)
- Stops cannot be on private property or where access by the public is restricted
- Routes traveled must be part of the system's regular service hours and area



Can I put the school name as the destination on the bus?

- Yes, if that is actually the final destination
- No, if signage such as “school special” would deter the general public from using the bus



What if the school doesn't want to contract with a private operator because it's too expensive?

- Exclusive service may be provided **but not** with any buses or equipment purchased with FTA funds.



How do I know whether there are private operators who can't do school transportation for this particular purpose?

- Notice in local newspaper
- Notice to all private school bus operators in area
- Opportunity for public hearing



It's complicated...

- Keep a diary of your “non-standard” requests and the action you took.
- If a request to enter into a contract or schedule a group trip doesn't seem right, contact your State DOT or the FTA.
- Remember, many transportation problems are not your problems, they belong to the school. But you can help problem solve.



Resources

- **Federal Transit Administration**
- **Your State Department of Transportation**
- **Your State Department of Education (for school transportation issues)**



For more information, contact your FTA Regional Office:

Region 1 (CT, MA, ME, NH, RI, VT)
53 Broadway, Suite 920
Cambridge, MA
02142-1093
Phone (617) 494-2055
Fax (617) 494-2865

Region 2 (NJ, NY, VI)
One Bowling Green,
Room 429
New York, NY
10004-1415
Phone (212) 668-2170
Fax (212) 668-2136

Region 3 (DC, DE, MD, PA, VA, WV)
1760 Market Street,
Suite 500
Philadelphia, PA
19103-4124
Phone (215) 656-7100
Fax (215) 656-7260

Region 4 (AL, FL, GA, KY, MS, NC, PR, SC, TN)
61 Forsyth Street, S.W.,
Suite 17150
Atlanta, GA 30303
Phone (404) 562-3500
Fax (404) 562-3505

Region 5 (IL, IN, MI, MN, OH, WI)
200 West Adams
Street, Suite 320
Chicago, IL 60606
Phone (312) 353-2789
Fax (312) 886-0351

Region 6 (AR, LA, NM, OK, TX)
819 Taylor Street,
Room 8A36
Fort Worth, TX 76102
Phone (817) 978-0550
Fax (817) 978-0575

Region 7 (IA, KS, MO, NE)
901 Locust Street,
Suite 404
Kansas City, MO 64106
Phone (816) 329-3920
Fax (816) 329-3921

Region 8 (CO, MT, ND, SD, UT, WY)
1200 West Dakota
Avenue, Suite 310
Lakewood, CO
80228-2983
Phone (720) 963-3300
Fax (720) 963-3333

Region 9 (AS, AZ, CA, GU, HI, NV)
201 Mission Street,
Suite 2210
San Francisco, CA
94105-1926
Phone (415) 744-3133
Fax (415) 744-2726

Region 10 (AK, ID, OR, WA)
915 Second Avenue,
Suite 3142
Seattle, WA 98174-1002
Phone (206) 220-7954
Fax (206) 220-7959

Federal Transit Administration

Public Transportation and School Buses

Questions and Answers

Federal transit laws and regulations place limitations on the use of public transportation to transport students to and from school and school-sponsored activities or trips in competition with private transportation providers. This brochure is intended to help transportation providers understand those limitations, as well as the permissible use of public transportation for school students.

U.S. Department of Transportation Federal Transit Administration



400 Seventh Street, S.W.
Washington, D.C. 20590
Phone (202) 366-1936
Fax (202) 366-3809

General Rule Regarding School Transportation*

In general, recipients of Federal Transit Administration grants cannot provide transportation for students and school personnel if that transportation excludes the general public or competes with private school bus operators.

QUESTIONS AND ANSWERS

Question 1: Does the prohibition against providing school bus service apply to school field trips or trips to other school-sponsored activities, like football games?

Answer: Yes. The prohibition against school bus service applies to both home-to-school transportation and transportation for school-sponsored activities or trips. However, an FTA grantee may use buses, facilities, and equipment for the transportation of school students, personnel and equipment for incidental charter bus operations, if one of more of the charter bus service exceptions apply. These include situations where there are no willing and able private charter operators to provide the service, or when the trip involves a significant number of persons with disabilities. For a complete description of the charter bus exceptions, please refer to the charter service regulations (49 CFR 604). They are available on line at <http://www.fta.dot.gov/library/legal/charterservice/index.html>

Question 2: Does the prohibition against providing school bus service apply to transporting children who are participating in Head Start programs?

Answer: No. Head Start transportation is not school bus service; it is transportation to a human service program.

* The complete text of FTA's School Bus Operations regulations, 49 CFR Part 605, can be accessed online at <http://www.fta.dot.gov/library/legal/schoolbus>

U.S. Department
of Transportation
**Federal Transit
Administration**
Office of The Chief Counsel
400 Seventh Street, S.W.
Room 8316
Washington, D.C. 20590



**Contact your local DOT or
FTA Regional Office for
further guidance on
individual situations you may
experience.**



Questions?



Contact Information

National RTAP
5 Wheeling Avenue, Unit B
Woburn, MA 01801
888-589-6821

info@nationalrtap.org

www.nationalrtap.org



Visit us on Facebook!

www.facebook.com/nationalrtap