

**PSTA PROCEDURE 4.03  
CHARTER SERVICE**

**A. PURPOSE**

To ensure Pinellas Suncoast Transit Authority compliance with the new Charter Service regulations contained in 49 CFR Part 604, Final Rule, effective April 30, 2008. The new regulations substantially modifies the previous regulations with the following: A new charter service definition and characteristics; specific exemption; a new web-based registration process; and administrative requirements.

The intent of the new regulations is to define charter services as Transportation requested by a third-party for the exclusive use of a bus or van, for a negotiated price. Second, prohibit public transit operators from using federally equipment and facilities to compete for charter services.

**B. DEFINITION**

The Federal Transit Administration (FTA) prohibits grantees such as PSTA from using federally funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service.

PSTA is allowed to operate community based charter services exempted under the regulations; some irregular or limited duration services; and those that are covered by the exceptions.

The regulations define charter service as follows:

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

C. EXEMPTIONS

The charter service regulations provide for the following six exemptions:

1. Transportation of Employees, Contractors and Government Officials: PSTA is allowed to transport its employees, other transit system employees, transit management officials, transit contractors and official guests, to or from transit facilities or projects within its geographic service area or proposed geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review.
2. Private Charter Operators: Private charter operators that receive, directly or indirectly, Federal financial assistance under section 3038 of TEA 21, as amended, or to non-FTA funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance under any of the programs: Sections 5307, 5309, 5310, 5311, 5316, or 5317 (not applicable to PSTA).
3. Emergency Preparedness Planning and Operation: PSTA is allowed to transport its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, for emergency preparedness planning and operations.
4. Recipients of Funds Under Sections 5310, 5311, 5316 and 5317: Grantees that use Federal financial assistance from FTA, for program purposes only, under Section 5310, 5311, 5316, or 5317.
5. Emergency Response: PSTA is allowed to provide service, up to 45 days, for actions directly responding to an emergency declared by the President, Governor, or Mayor or in an emergency requiring immediate action prior to a formal declaration.
6. Recipients in Non-Urbanized Areas: Grantees in non-urbanized areas for transporting its employees, other transit system employees, transit management officials, and transit contractors and bidders to or from transit training outside its geographic service area (not applicable to PSTA).

The charter service regulations apply to all grantees that receive Federal funds from FTA, whether or not it operates fixed-route service (many rural providers do not and the charter regulations still apply to them). There are no notifications, record keeping or quarterly reporting FTA requirements for these exemptions.

D. IRREGULAR OR LIMITED DURATION SERVICES

The examples of irregular or limited duration services PSTA is allowed to operate under the regulation are as follows:

1. Service that is irregular or on a limited basis for an exclusive group of individuals and provides the service free of charge when a third party requests service. When the transit agency initiates service it is allowed so long as the PSTA does not charge a premium fare for the service and there is no third party paying for the service in whole or in part.
2. Shuttle service for a one-time event if the service is open to the public; the itinerary is determined by the PSTA; PSTA charges its customary fixed route fare; and there is no third party involvement.

3. When a university pays PSTA a fixed charge to allow all faculty, staff, and students to ride the transit system for free. So long as PSTA provides the service on a regular basis, along a fixed route, and the service is open to the public.
4. When PSTA sees a need and wants to provide service for a limited duration at the customary fixed route fare.

E. COMMUNITY –BASED CHARTER SERVICES EXCEPTIONS

PSTA is allowed to operate community-based charter services under the following exceptions:

1. Government Officials: PSTA is allowed to provide charter service (up to 80 service hours annually) to government officials (Federal, State and Local) for official government business, which can include non-transit related purposes, if PSTA:
  - a. Provides the service in its geographic service area;
  - b. Does not generate revenue from the charter service, except as required by law;
  - c. Records the following information after providing such service:
    - i. The government organization's name, address, phone number and e-mail address;
    - ii. The date and time of service;
    - iii. The number of government officials and other passengers;
    - iv. The fee collected, if any; and
    - v. The vehicle number for the vehicle used to provide the service.

Charter service hours include both time spent transporting passengers and time spent waiting for passengers. Charter service hours also include "deadhead" hours which is time spent getting from the garage to the origin of the trip and then the time spent from trip's ending destination back to the garage.

2. Qualified Human Service Organization (QHSO): PSTA is allowed to provide charter service to a QHSO for the purpose of serving persons:
  - a. With mobility limitations related to advanced age;
  - b. With disabilities; or
  - c. With low income

If the QHSO receives funding, directly or indirectly, from the programs listed in Appendix A of the regulation, the QHSO is not required to register on the FTA's charter registration Web site. Otherwise, the QHSO is required to register.

PSTA may provide service only if the QHSO is registered at least 60 days before the date of the first request for charter service.

PSTA is required to record the following information after providing such service:

- a. The QHSO's name, address, phone number and e-mail address;
- b. The date and time of service;
- c. The number of passengers;
- d. The origin, destination, and trip length (miles and hours);
- e. The fee collected, if any; and
- f. The vehicle number for the vehicle used to provide the service.

3. Leasing of Equipment and Driver: PSTA is allowed to lease its FTA-funded equipment and drivers to registered charter providers for charter service only if the following conditions exist:
  - a. The private charter operator is registered on the FTA charter registration Web site;
  - b. The registered charter provider owns and operates buses or vans in a charter service business;
  - c. The registered charter provider received a request for charter service that exceeds its available capacity either of the number of vehicles operated or the number of accessible vehicles operated by the registered charter provider; and
  - d. The registered charter provider has exhausted all of the available vehicles of all registered charter providers in PSTA's geographic service area.

PSTA is required to record the following information after leasing equipment and drivers:

- a. The registered charter provider's name, address, telephone number, and e-mail address;
- b. The number of vehicles leased, type of vehicles leased, and vehicle identification numbers; and
- c. The documentation provided is the registered charter provider in support of the four conditions discussed above.

4. No response by Registered Charter Provider: PSTA is allowed to provide charter service, on its own initiative or at the request of a third party, if no registered charter provider responds to the notice issued:
  - a. Within 72 hours for charter service requested to be provided in less than 30 days; or
  - b. Within 14 calendar days for charter service requested to be provided in 30 days or more.

PSTA is not allowed to provide charter service under this exception if a registered charter provider indicates an interest in providing the charter service described in the notice and the registered charter provider has informed PSTA of its interest in providing the service. This is true even if the registered charter provider does not ultimately reach an agreement with the customer.

PSTA is required to record the following information after providing the service:

- a. The group's name, address, phone number and e-mail address;
- b. The date and time of service;
- c. The number of passengers;
- d. The origin, destination, and trip length (miles and hours);
- e. The fee collected, if any; and
- f. The vehicle number for the vehicle used to provide the service.

PSTA is required to provide notice to registered charter providers in PSTA's geographic service area under this exception. The details of the time frame and contents of the notice are discussed under questions 5 and 6.

If a registered charter provider indicates interest in providing charter service to a particular customer and fails to negotiate in good faith with the customer, and PSTA was willing to provide the service, then PSTA can file a complaint against the registered charter provider.

5. Agreement with All Registered Charter Providers: PSTA is allowed to provide charter service directly to a customer consistent with an agreement entered into with all registered charter providers in PSTA's service area. PSTA is allowed to provide charter service up to 90 days without an agreement with the newly registered charter provider in the geographic service area subsequent to the initial agreement. Any parties to an agreement may cancel the agreement after providing a 90-day notice to PSTA.
6. Petition to the Administrator: PSTA may petition the Administrator for an exception to the charter service regulations to provide charter service directly to a customer for:
  - a. Events of regional or national significance;
  - b. Hardship (only for non-urbanized areas under 50,000 in population or small urbanized areas under 200,000 in population); or
  - c. Unique and time sensitive events (e.g., funerals of local, regional or national significance) that are in the public's interest.

#### F. GUIDELINES

Requests for charter service will be forwarded to the Director of Transportation.

1. Upon receiving a request for charter service, PSTA may:
  - a. Decline to provide the service with or without referring the requestor to FTA's charter registration web site; [www.fta.dot.gov/charterregistration](http://www.fta.dot.gov/charterregistration)
  - b. Provide the service under an exception discussed above; or
  - c. Provide notice to registered charter providers as discussed below.
2. If PSTA is interested in providing charter service under the exception "No Response by Registered Charter Provider" discussed above, then upon receipt of a request for charter service, PSTA shall provide e-mail notice to registered charter providers in PSTA's geographic service area in the following manner:
  - a. By the close of business on the day PSTA received the request unless the request was received after 2:00 PM; in which case the notice shall be sent by the close of business the next business day;
  - b. E-mail notice sent to the list of registered charter providers shall include:
    1. Customer name, address, phone number, and e-mail address (if available);
    2. Requested date of service;
    3. Approximate number of passengers;
    4. Type of equipment requested, bus(es) or Van(s);
    5. Trip itinerary and approximate duration; and
    6. The intended fare to be charged for the service.

PSTA shall retain an electronic copy of the e-mail notice and the list of registered charter providers that were sent e-mail notice of the requested charter service for

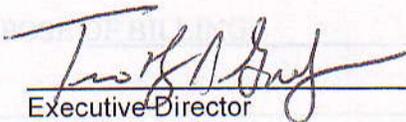
a period of at least three years from the date the e-mail notice was sent. If PSTA receives an “undeliverable” notice in response to its e-mail notice, PSTA shall send the notice via facsimile. PSTA shall maintain the record of the undeliverable e-mail notice and the facsimile sent confirmation for three years.

3. If a request for charter service is approved by the Director of Transportation:
  - a. PSTA Charter Service Report (attachment A) will be completed by the Director of Transportation. The report shall identify which exception PSTA relied upon to provide the service.
  - b. If PSTA charges a fee (as allowed under the exceptions) it will not be less than the fully allocated cost and is charged from garage back to garage with a three hour minimum per bus charge.
  - c. A three hour minimum deposit is required prior to delivery of service.
  - d. The service area is defined as Pinellas, Hillsborough, and western Pasco Counties with at least the origin or destination being in Pinellas County.
  - e. Upon completion of the service, the Transportation Manager will forward a finalized copy of the PSTA Charter Service Report form and the completed Invoice Request form (attachment B) to the Accounts Receivable office. The original PSTA Charter Service Report will be forwarded to the Purchasing Division. The Special Service order (attachment C) forms will be forwarded to the Statistical Data Manager.
  - f. Details about the service provided are documented on the Charter Service Usage form (attachment D) and include: exception, registered charter, provider, date of service, number of days service was provided, the cumulative number of hours service was provided, the cumulative number of buses used to provide the service, the cumulative total miles traveled garage to garage, the cumulative number of passengers carried, and revenues collected for the service provided. Copies will be forwarded to the Director of Planning and Director of Marketing. One copy will remain on file in the Transportation Department.
  - g. If PSTA provides charter service under one or more of the exceptions under this regulation it is required to maintain notices and records in an electronic format for a period of at least three years from the date of service or lease. PSTA may maintain the required records in other formats in addition to the electronic format.
  - h. If PSTA provides charter service under the exceptions, it shall post the required records on the FTA charter web site, through the TEAM system, 30 days after the end of each calendar quarter, as follows:
    1. October 1 to December 31: on January 30<sup>th</sup>;
    2. January 1 to March 31: on April 30<sup>th</sup>;
    3. April 1 to June 30<sup>th</sup>: on July 30; and
    4. July 1 to September 30<sup>th</sup>: October 30.
4. A single document or charter log may include all charter service trips provided during the quarter. PSTA may exclude specific origin to destination information for safety and security reasons. If such information is excluded, the record of the service shall describe the reason why such information was excluded and provide generalized information.

5. A training program will be developed for employees and contractors/lessees to use the FTA Charter registration website. This will be an ongoing program with refreshers conducted every two years; or training provided to new contractors on an as needed basis.
6. If necessary, the Director of Planning will request an advisory opinion from the FTA Regional Counsel on a specific charter service request with specific facts regarding the request. The FTA advisory opinion will be the formal position of FTA; and PSTA will be obligated to follow it until it is amended or revoked.
7. The Planning Department will keep a record of all FTA advisory opinions and documentation that the FTA advisory opinion was followed. This includes all cease and desist orders from FTA. If a cease and desist order is rendered, PSTA is required to follow it.
8. The Planning Department will be notified of all charter service exceptions and record each on the TEAM system.

G. PROCEDURE ADMINISTRATION

The overall administration of this procedure rests with the Director of Transportation and Director of Planning.

  
 \_\_\_\_\_  
 Executive Director

3/6/09  
 \_\_\_\_\_  
 Date

CHARTER SERVICE REPORT

PRELIMINARY

FINAL

CLIENT: \_\_\_\_\_

CONTACT: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_ EMAIL: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

EXCEPTION UNDER WHICH SERVICE IS ALLOWED:

- Government Officials       Qualified Human Service Organization
- Leasing of Equipment and Driver       No response by Registered Charter Provider
- Agreement with all Registered Charter Providers       Petition to Administrator

No. of Passengers: \_\_\_\_\_ No. of vehicles required: \_\_\_\_\_ Vehicle No. \_\_\_\_\_

SERVICE REQUIREMENTS:

Date of Service: \_\_\_\_\_

ORIGIN:

Pick Up Time: \_\_\_\_\_ AM / PM Pick Up Location: \_\_\_\_\_

\_\_\_\_\_

Destination: \_\_\_\_\_

Arrival Time: \_\_\_\_\_ AM / PM

Return:

Departure Time: \_\_\_\_\_ AM / PM      Arrival Time: \_\_\_\_\_ AM / PM

Fee for Service: \_\_\_\_\_ Hours @ \_\_\_\_\_

Special Requirements/Driver Instructions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
PSTA Executive Director

\_\_\_\_\_  
Client Representative's Name & Title

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Billing Information for PSTA Use Only:

Actual Total Hours: \_\_\_\_\_

Actual Total Miles: \_\_\_\_\_

Complimentary No Charge: \_\_\_\_\_

Deposit Received: \_\_\_\_\_

***CHARTER SERVICE***

***INVOICE REQUEST***

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

REFERENCE # \_\_\_\_\_

DATE: \_\_\_\_\_

PURPOSE OF BILLING: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
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_____	_____	_____	_____
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_____	_____	_____	_____
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_____	_____	_____	_____
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_____	_____	_____	_____
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_____	_____	_____	_____
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_____	_____	_____	_____
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REQUESTED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

Special Service Order

(Take Hub Readings)

Name of Event: \_\_\_\_\_

Date of Event: \_\_\_\_\_

Operator Name: \_\_\_\_\_

Operator Employee Number: \_\_\_\_\_

Time On: \_\_\_\_\_ Time Off: \_\_\_\_\_ Paytime: \_\_\_\_\_

Bus #: \_\_\_\_\_

Total Number of Passengers: \_\_\_\_\_

Hub Reading Start: \_\_\_\_\_

Hub Reading Finish: \_\_\_\_\_

Total Miles: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Special Service Order

(Take Hub Readings)

Name of Event: \_\_\_\_\_

Date of Event: \_\_\_\_\_

Operator Name: \_\_\_\_\_

Operator Employee Number: \_\_\_\_\_

Time On: \_\_\_\_\_ Time Off: \_\_\_\_\_ Paytime: \_\_\_\_\_

Bus #: \_\_\_\_\_

Total Number of Passengers: \_\_\_\_\_

Hub Reading Start: \_\_\_\_\_

Hub Reading Finish: \_\_\_\_\_

Total Miles: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

