

Charter Bus Rules – Questions and Answers

Appendix C to Part 604 – Charter Service Questions and Answers

www.fta.dot.gov - (once on the FTA homepage follow: Legislative, Regulations & Guidance; Regulations; Charter Bus Service; Regulations; Questions and Answers)

Listed below are a few (16/69) of the Q&A that we found most helpful. They're listed in order of the specific topic (applicability, definitions, notice, etc.) as identified in FTA Appendix C. Under each subtopic, we have first listed the questions that approve “transit” service followed by the questions that approve “charter” service. Please read the questions carefully. Depending on the question, “no” can mean you are able to provide the service and “yes” can mean that only a charter provider can provide the service.

Subtopic/? #	Question	Answer
Applicability (question 1)	How do I know if these charter regulations apply to my agency?	If your transit agency accepts FTA financial assistance, the charter regulations probably apply. Your next step is to look at the exemptions contained in section 604.2 (“applicability”). If none of these exemptions apply, look at the definition of charter service contained in section 604.3 (“definitions”), and determine if the activity your agency is about to engage in fits within that definition. If yes, then you need to determine whether the activity fits within one of the exceptions contained in subpart B (“Exceptions”). If not, the charter regulations do not apply. Remember you may not provide the service if a registered charter provider indicates an interest in providing the service. <i>This is true even if the registered charter provider does not ultimately reach an agreement with the customer.</i>
Definitions (question 18)	If a transit agency provides service that is irregular or on a limited basis for an exclusive group of individuals, but provides the service free of charge, is the service exempt from the charter regulation?	Yes. As long as the transit agency does not charge a premium fare for the service and there is no third party paying for the service in whole or in part.
(question 23)	Is it considered charter service when the transit authority funds shuttles to and from football games? Regularly scheduled service is suspended on these days, but this service partially followed the existing	No. If the service provided by the public transit agency costs the same as the customary fixed route fare and it is open to the public then it is not charter.

	route and is open to the public at the regular fare.	
(question 24)	Is shuttle service for a one-time event considered charter service, if the service is open to the public, widely advertised, and the itinerary is determined by the transit operator? What if the service has been provided for decades?	No. So long as the transit authority charges its customary fixed route fare for the shuttle service, and there is no third party involvement, then the service is not charter. Widely advertising the service or providing the service for decades has no bearing on whether the service is charter.
(question 26)	Is it charter service when a university pays a public transit agency a fixed charge to allow all faculty, staff, and students to ride the transit system for free	No. So long as the public transit agency provides the service on a regular basis, along a fixed route, and the service is open to the public, the fact that the university may be subsidizing student and faculty rides, does not convert the service to charter.
(question 34)	If a transit agency provides vehicles to a special event, but the event is open to the public, the route is controlled by the transit agency, the route is advertised similarly to the transit agency's regular routes, the buses are not identified as "special service" or any other different markings, and the vehicles got to and from fixed stops in an express bus manner, is this charter?	No. So long as the transit authority does not charge a premium fare for the service and a third party does not pay for ht ervice in whole or in part. Advertising or different markings on the bus are no longer determinative of whether the service is charter.
(question 36)	What if there is no "contract" under the "single contract" factor and the transit agency merely sees a need and provides the charter-type service on its own initiative, is that charter?	No. If a transit agency sees a need and wants to provide service for a limited duration at the customary fixed route fare, then that service is not charter service. The existence of a contract is not longer determinative of whether service is charter service.
(question 20)	Is it charter service when the local transit authority provides event or fair service, that is open to the public, with or without chare, where the transit authority determines the routes and times and it is scheduled for the same time every year, but the Fair Association subsidizes all or part of the costs?	Yes. The fact that the Fair Association pays for the service in whole or in part means the service is charter under section 604.3©(2).

(question 22)	When a transit authority contracts out its smaller accessible vehicles for use during football games to offer service free of charge for persons with disabilities and their escorts, is it charter service?	Yes. Under the facts presented, this type of service falls under the definition of charter service in section 604.3c(1). Since “contracting out” involves a third party, exclusive use, and a negotiated price. This, the transit authority would need to determine whether one of the exceptions under subpart B applies.
(question 27)	Can a transit agency provide service when the customer wants a particular type of equipment such as a (rubber tire) trolley bus, vintage bus, or CNG bus that the private operators do not have?	No. Public transit agencies cannot provide charter service solely based on a customer’s vehicle preferences. FTA only recognizes two categories of vehicles,: buses and vans.
(question 35)	Does FTA consider wait time as a factor, in and of itself, when determining whether service is charter service?	No. Wait time is not, in and of itself, considered a characteristic of charter service.
Notice (question 44)	Must a public transit agency provide notice of all potential charter trips to registered charter providers?	No. A public transit agency needs to provide notice only for charter trips that it is interested in providing. If an exemption or one of the exception s applies, then the public transit would, after providing the service, record the service as required by section 604.12.
(question) 46	May a recipient provide service that allows customers to park at a distant location, like a museum, and then have a transit vehicle take them to a sporting event for a fare that is higher than the normal fixed route fare? May a recipient prevent a private charter operator from providing a similar service from the same starting point to the same destination?	No. In this case, since the recipient charges a premium fare for the service, it meets the definition of charter. In order to provide the service, the recipient must give notice to registered charter providers in accordance with section 604.14. A recipient may not prevent a private charter operator from providing a similar service. This is true whether or not the private charter operator is registered on the FTA Charter Registration Web site.

Complaints & Investigation Process (question 59)	If a customer hosts a large community event and the public transit agency cannot provide service because of the charter regulations and private operators will not provide service because the payment is not sufficient, is there any alternative means or does the service not get provided at all?	A public transit agency may provide the service if, after providing the notice required in section 604.14, no registered charter providers in the transit agency's geographic service area are interested in providing the service.
Miscellaneous (question63)	Are body-on-van chassis vehicles classified as buses or vans under this provision?	Body-on-van chassis vehicles are treated as vans under the regulation.
(question 68)	Do FTA's attorneys have the necessary training to serve as administrative law judges and make rulings on motions, a task that heretofore has not been a part of the day-to-day activities of regional counsel?	Yes. FTA attorneys who have the delegated responsibility to serve as a Presiding Official may rule on motions and will possess the necessary qualifications to carry out their delegated tasks and responsibilities.