

NOTICE OF PROPOSED GUIDANCE DOCUMENT

DTIM BTLRRH 71

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on DTIM BTLRRH 71, USC 49 CFR 604, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website: <https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DTIMBTLRRH71>

2. Mailing written comments to:

Division of Transportation Investment Management
Wisconsin Department of Transportation
4822 Madison Yards Way
PO Box 7913
Madison, WI 53707- 7913

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsindot.gov to allow for ongoing comment.

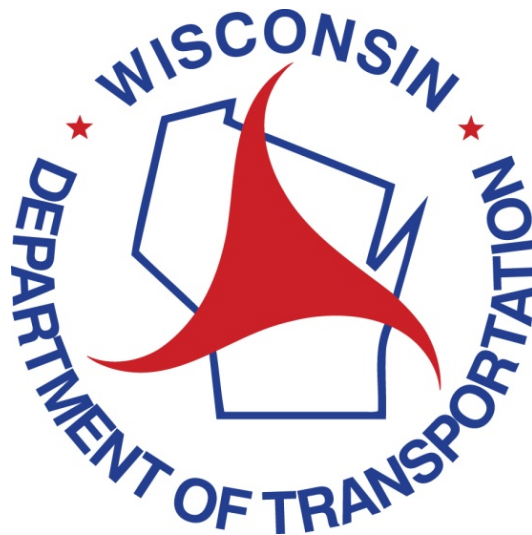
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Wisconsin Department of Transportation

Summary of FTA Charter Service Rule Requirements

October 2017



Introduction

FTA-funded transit systems may provide charter service within their service area subject to meeting certain conditions. These are detailed in FTA's Charter Service Rule (49 CFR 604) and are summarized in this document. The full rule and associated information can be found on FTA's website at:

<https://www.transit.dot.gov/regulations-and-guidance/access/charter-bus-service/charter-bus-service-regulations-0>

In general, a system wishing to provide charter service first needs to determine whether any private charter services *that are properly registered with FTA* would like to provide the service. These **private businesses must receive an opportunity to provide the service before an FTA-funded transit system can agree to do so**. 49 CFR 604 specifies the procedure by which a transit system solicits interest from the private providers, and it is summarized in the following section.

There are two exceptions to the general requirement above, one for service to government officials and another for service to organizations that provide services to disabled, elderly, and/or low income individuals. These exceptions are discussed in further detail in the following section too.

Procedure for providing charter service

If you receive a request to provide charter service, you need to take two prompt actions:

- 1) notify your WisDOT transit program manager of the request; and
- 2) decide whether you want to provide the service.

After notifying WisDOT, no further effort is required if you do not wish to provide the service; simply tell the requesting party that you will not provide the service.

If you wish to provide the service, however, you must follow the steps outlined below.

1. Search FTA's charter registration website for any private providers whose registration applies to your service area.

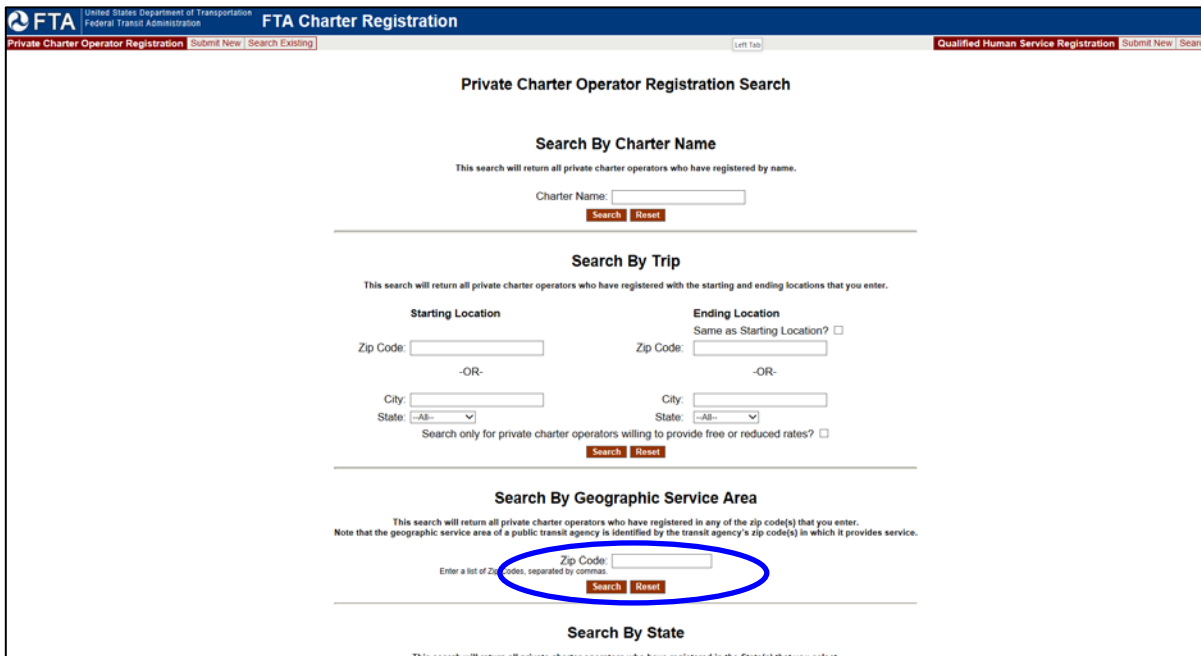
The website address is:

<http://ftawebprod.fta.dot.gov/CharterRegistration/splash-charterregistration.aspx>

Accept the terms to proceed to the website's homepage. On the homepage, select **Search Existing Private Charter Operator Registrations**. (Screen shown below.)



Next, on the private operator registration search page, enter the ZIP code(s) in which you operate, and click **Search**. (Screen shown below.)



Your search results will appear on a page that looks like this:



As of October 2017, roughly 35 private charter operators are registered across Wisconsin.

2. Send an email notification of your interest in providing the proposed charter service to all operators listed in your search results.

The notification needs to include the following information:

- customer name, address, phone number & email address
- requested date(s) of service
- estimated number of passengers
- type of equipment requested (buses or vans)
- trip itinerary & estimated duration

If an email bounces, you need to send your notification to the provider by fax.

If the charter service request involves a third party paying for part or all of the transportation, and the transportation is being provided to the public for events occurring on an irregular basis or for a limited time, the notification also needs to include the fare you intend to charge.

The Charter Service Rule requires you to send the notification the day that you receive the charter service request, or by the following business day, if you receive the request after 2 pm. We recognize that this is not always possible, particularly given that we ask our subrecipients to consult with WisDOT upon receiving a charter service request. Regardless, you should treat these requests as though time is of the essence.

IMPORTANT: You must keep a copy of the email you sent, along with a list of registered charter providers that it was sent to. Use the charter service report at the end of this document (or something like it) to record your process.

3. Determine whether you are legally permitted to provide the service.

If there are no registered charter providers in your service area, you may provide the service. And if there are registered providers, you still may provide the service if you don't hear back from any of them within:

- 72 hours, if the service has been requested for a time within the next 30 days, or
- 14 calendar days, if the service has been requested for a later date.

You may also provide the service after hearing back from any registered providers consistent with the terms of any written agreement you enter into with them. (In other words, you would need an agreement before providing the charter service.) You can draft the agreement any way you like, but it should be signed by both parties and retained in your office. Any party to the agreement can cancel the agreement 90 days after providing notice.

4. Document the charter service you provide.

For each charter service you provide, record the following information:

- name, address, phone number and email address of the group receiving the service
- date and time of service
- number of passengers
- origin, destination, and trip length (mileage and hours)
- fee collected, if any
- vehicle number for each vehicle used

Subrecipients must provide the above information to WisDOT upon conclusion of the service, so that we can include it in a quarterly charter report submitted to FTA.

Exceptions

The charter service rule permits public transit systems to provide two types of charter service without consulting any registered private providers:

1. service to government officials for official government business; and
2. service to a "qualified health service organization" (QHSO). A QHSO is an organization whose mission involves providing services to disabled, elderly, and/or low income individuals.

The first exception only applies for trips on which at least one elected or appointed local, state, or federal official is a passenger. It does not apply on trips involving only other government employees.

Before your system provides charter service to a QHSO, you need to verify that the organization either a) receives financial assistance from at least one of the federal programs listed in Appendix A of FTA's charter rule (shown on the next three pages), or b) is registered on FTA's charter service registration website. Verify the latter condition by selecting **Search Existing Qualified Human Service Organization Registrations** on the site's homepage. (Screen shown below.)



Note that FTA generally considers service provided under contract to a social service agency to be public transportation – not charter service – if the service is under the control of the subrecipient, is open door, and the subrecipient can put any rider on the vehicle in addition to the agency's clients.

Beyond the two types of exceptions noted above, subrecipients – working through WisDOT – may petition FTA to allow exceptions under special circumstances, e.g., events of regional or national significance, or when hardships are associated with using a private charter operator

	Federal Program	Agency	Department
1	Food Stamp, Employment and Training Program.	Food and Nutrition Service	Department of Agriculture
2	Voluntary Public School Choice	Office of Innovation and Improvement	Department of Education
3	Assistance for Education of All Children with Disabilities - IDEA	Office of Special Education and Rehabilitative Services	Department of Education
4	Centers for Independent Living	Office of Special Education and Rehabilitative Services	Department of Education
5	Independent Living for Older Individuals Who Are Blind	Office of Special Education and Rehabilitative Services	Department of Education
6	Independent Living State Grants	Office of Special Education and Rehabilitative Services	Department of Education
7	Supported Employment Services for Individuals with Most Significant Disabilities	Office of Special Education and Rehabilitative Services	Department of Education
8	Vocational Rehabilitative Grants	Office of Special Education and Rehabilitative Services	Department of Education
9	Social Service Block Grant	Administration for Children and Families	Department of Health and Human Services
10	Child Care and Development Fund	Administration for Children and Families	Department of Health and Human Services
11	Head Start	Administration for Children and Families	Department of Health and Human Services
12	Refugee and Entrant Assistance Discretionary Grants	Administration for Children and Families	Department of Health and Human Services
13	Refugee and Entrant Assistance State Administered Programs	Administration for Children and Families	Department of Health and Human Services
14	Refugee and Entrant Targeted Assistance	Administration for Children and Families	Department of Health and Human Services
15	Refugee and Entrant Assistance Voluntary Agency Programs	Administration for Children and Families	Department of Health and Human Services
16	State Development Disabilities Council and Protection & Advocacy	Administration for Children and Families	Department of Health and Human Services
17	Temporary Assistance to Needy Families	Administration for Children and Families	Department of Health and Human Services
18	Community Services Block Grant	Administration for Children and Families	Department of Health and Human Services
19	Promoting Safe and Stable Families	Administration for Children and Families	Department of Health and Human Services
20	Developmental Disabilities Projects of National Significance	Administration for Children and Families	Department of Health and Human Services
21	Grants for Supportive Services and Senior Centers	Administration on Aging	Department of Health and Human Services
22	Programs for American Indian, Alaskan Native and Native Hawaii Elders	Administration on Aging	Department of Health and Human Services

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23	Medicaid	Centers for Medicaid and Medicare	Department of Health and Human Services
24	State Health Insurance Program	Centers for Medicaid and Medicare	Department of Health and Human Services
25	Home and Community Base Waiver	Centers for Medicaid and Medicare	Department of Health and Human Services
26	Community Health Centers	Health Resources and Services Administration	Department of Health and Human Services
27	Healthy Communities	Health Resources and Services Administration	Department of Health and Human Services
28	HIV Care Formula Program	Health Resources and Services Administration	Department of Health and Human Services
29	Maternal and Child Health Block Grant	Health Resources and Services Administration	Department of Health and Human Services
30	Rural Health Care Network	Health Resources and Services Administration	Department of Health and Human Services
31	Rural Health Care Outreach Program	Health Resources and Services Administration	Department of Health and Human Services
32	Health Start Initiative	Health Resources and Services Administration	Department of Health and Human Services
33	Ryan White Care Act Programs	Health Resources and Services Administration	Department of Health and Human Services
34	Substance Abuse Prevention and Treatment Block Grant	Substance Abuse and Mental Health Services Administration	Department of Health and Human Services
35	Prevention and Texas Block Grant	Substance Abuse and Mental Health Services Administration	Department of Health and Human Services
36	Community Development Block Grant	Community Planning and Development	Department of Housing and Urban Development
37	Housing Opportunities for Persons with AIDS	Community Planning and Development	Department of Housing and Urban Development
38	Supportive Housing Program	Community Planning and Development	Department of Housing and Urban Development
39	Revitalization of Severely Distressed Public Housing	Public and Indian Housing	Department of Housing and Urban Development
40	Indian Employment Assistance	Bureau of Indian Affairs	Department of the Interior
41	Indian Employment, Training, and Related Services	Bureau of Indian Affairs	Department of the Interior
42	Black Lung Benefits	Employment Standards Administration	Department of Labor
43	Senior Community Services Employment Program	Employment Standards Administration	Department of Labor

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44	Job Corps	Employment and Training Administration	Department of Labor
45	Migrant and Seasonal Farm Worker	Employment and Training Administration	Department of Labor
46	Native American Employment and Training	Employment and Training Administration	Department of Labor
47	Welfare to Work Grants for Tribes	Employment and Training Administration	Department of Labor
48	Welfare to Work for States and Locals	Employment and Training Administration	Department of Labor
49	Work Incentive Grants	Employment and Training Administration	Department of Labor
50	Workforce Investment Act Adult Services Program	Employment and Training Administration	Department of Labor
51	Workforce Investment Act Adult Dislocated Worker Program	Employment and Training Administration	Department of Labor
52	Workforce Investment Act Youth Activities Program	Employment and Training Administration	Department of Labor
53	Homeless Veterans Reintegration Program	Veterans Employment & Training Service	Department of Labor
54	Veterans Employment Program	Veterans Employment & Training Service	Department of Labor
55	Elderly and Persons with Disability	Federal Transit Administration	Department of Transportation
56	New Freedom Program	Federal Transit Administration	Department of Transportation
57	Job Access and Reverse Commute Program	Federal Transit Administration	Department of Transportation
58	Non-Urbanized Area Program	Federal Transit Administration	Department of Transportation
59	Capital Discretionary Program	Federal Transit Administration	Department of Transportation
60	Urbanized Area Formula Program	Federal Transit Administration	Department of Transportation
61	Automobiles and Adaptive Equipment	Veterans Benefits Administration	Department of Veterans Affairs
62	Homeless Provider Grants	Veterans Benefits Administration	Department of Veterans Affairs
63	Veterans Medical Care Benefits	Veterans Benefits Administration	Department of Veterans Affairs
64	Ticket to Work Program	Social Security Administration	Department of Veterans Affairs

Charter Service Report

Transit Service Receiving Request

Requested Service Description

Requested Service Date(s)

Requesting Organization

Organization Name

Point of Contact (POC)

POC Phone Number

POC Email Address

Date of Request

Did you decline the request?

Yes

No

If no, enter date you notified private providers of the opportunity via email

Record all the private charter providers you contacted on the following pages, or attach a hard copy of the list generated from FTA's Charter Registration website.

Be sure to keep copies of the following documentation for three years:

- Electronic copy of the notification email you sent
- Electronic copy of all "undeliverable" email notices you sent
- Record an any faxes sent

