

RESOLUTION NO. 2009-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADOPTING THE TRANSIT SERVICES CHARTER POLICY AND ESTABLISHING FULL COST RECOVERY FOR CHARTER SERVICES INCLUDING AN ADDITIONAL ADMINISTRATIVE FEE OF \$50

WHEREAS, the City of Elk Grove is a federal grantee for Federal Transit Administration Section 5307 funds; and

WHEREAS, the City of Elk Grove shall have a Charter Policy in accordance to 49 CFR Part 604; and

WHEREAS, the City of Elk Grove is required to recover its fully allocated service costs and seeks to recover an administrative fee of \$50.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove does hereby adopt the Charter Policy as shown in Exhibit A attached hereto and incorporated herein, which shall supersede any previously adopted charter policies.

NOW, THEREFORE BE IT FURTHER RESOLVED that any charter service costs shall be fully recovered and an administrative fee of \$50 shall be imposed on whoever requests the service.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 8th day of April 2009.



PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:


SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:


SUSAN COCHRAN, CITY ATTORNEY

2009-000

EXHIBIT A: CHARTER POLICY

04/08/2009

SECTION 1 - SCOPE

The City of Elk Grove will accept charter work in compliance with 49 CFR Part 604.

SECTION 2 - POLICY

Definition

- “Charter service” means:
 - (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 (not to exceed 80 hours annually);*
 - 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 a registered charter provider;
- Emergency Preparedness Planning;
- Emergency Response;
- Petitions to the Administrator:
 - Events of Regional or National Significance;
 - Hardship;
 - Discretion.

This definition of “Charter Service” does not include demand response service to individuals or service to transit employees or transit partner agencies when conducting transit business.

*All use by Governmental Officials shall not exceed four (4) hours per occurrence without prior approval of the City Council.

Reporting Requirements

Public transit agencies must report all charter service, including those 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)

SECTION 3 - PROCEDURES

Receipt of Request for Service

When contacted to provide Charter Service as defined above, the request must be received a minimum of six (6) weeks in advance. The request must include:

- Customer name, address, phone number, and email address (if available);
- Requested date and time of service;
- Beginning and Ending addresses;
- Approximate number of passengers;
- Trip itinerary and approximate duration;
- Whether the type of equipment requested is (are) bus(es) or van(s); and
- Whether the City will be required to collect a fare from passengers when boarding and the amount of said fare.

Procedures for registration and notification

1. In order to be contacted by the City of Elk Grove for notice of available charter work, the private charter operator must be registered on Federal Transit Administration's (FTA) Charter Registration Website:

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

2. Qualified Human Service Organizations (QHSO) that does not receive funds from one of the 65 Federal programs must also register on the website to be contacted.

NOTE: 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

When the City of Elk Grove receives a request to provide charter service, the City shall provide the following information via email to the list of registered charter providers by the close of business on the day the City of Elk Grove receives the request, unless the City of Elk Grove received the request after 2 p.m., in which case the notice shall be sent by the close of business the next business day:

- 1) Customer name, address, phone number, and email address (if available);
- 2) Requested date of service;
- 3) Approximate number of passengers;
- 4) Whether the type of equipment requested is (are) bus(es) or van(s);
- 5) Trip itinerary and approximate duration; and
- 6) If the City of Elk Grove will be collecting a fare on behalf of the chartering party that meets the definition of charter service under §604.3(c)(2), the fare the recipient intends to charge for the service.

Records Retention

All e-mail correspondence shall be kept for a minimum of three years from the date sent.

The City of Elk grove shall record Charter Service Hours which are the service hours used to provide the charter and include deadhead and standby time as defined by the FTA.

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-71**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)


I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 8, 2009 by the following vote:

AYES : COUNCILMEMBERS: *Hume, Scherman Cooper, Davis, Detrick*

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*


**Susan J. Blackston, City Clerk
City of Elk Grove, California**