



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Rescinding Policy for Transit Services Outside of Regular Service Operations and Adopting New Charter Policy

MEETING DATE: June 18, 2008

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution rescinding the policy for Transit Services Outside of Regular Service Operations and adopt the new Charter Policy in accordance with changes by the Federal Transit Administration regarding charter service.

BACKGROUND INFORMATION: At the July 18, 2007 meeting, the City Council amended the original policies and procedures for the use of transit services outside regular operations. Included in the adopted policy was specific language identifying the procedure for utilizing the City's transit services for public service events. This spring the Federal Transit Administration revised the statutory regulations regarding charter service and adopted new guidance on charter service.

The new guidance limits transit use for City officials to 80 hours annually and requires all events to be posted to the national database to solicit interested firms to provide the service. The City will be ineligible to perform any service (outside of the 80 hours to City officials and limited service to registered Human Services Organizations) should another provider notify the City it is interested in performing the service. Staff anticipates returning to the City Council in July to adopt the annual list of events the City is willing to provide should no other provider be willing and/or able. The cost of the service shall be equal to the fully-allocated cost of the service (including depreciation) which is currently \$60 per hour.

FISCAL IMPACT: Failure to adopt this required change could result in loss of Federal Transit funding.

FUNDING AVAILABLE: None required.

F. Wally Sandelin
Public Works Director

Attachment
Prepared by Tiffani M. Fink, Transportation Manager
FWS/TMF/pmf
cc: Liz Diaz, General Manager, MV Public Transportation, Inc.

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2008-_____

A RESOLUTION OF THE LODI CITY COUNCIL
RESCINDING THE POLICY FOR TRANSIT SERVICES
OUTSIDE OF REGULAR OPERATIONS AND ADOPTING
CHARTER POLICY

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WHEREAS, the City of Lodi adopted Resolution No. 2003-37 approving the Policy for Transit Services Outside of Regular Operations on March 5, 2003; and

WHEREAS, the City Council approved amendments to the Policy by adopting Resolution No. 2004-119 and Resolution No. 2007-138 on June 17, 2004 and July 18, 2007, respectively; and

WHEREAS, the Federal Transit Administration (FTA) has revised the program guidance for Charter Service; and

WHEREAS, staff recommends rescinding Resolution Nos. 2003-37, 2004-119, and 2007-138, and further recommends adopting the Federal Transit Administration program guidance for Charter Service.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby rescinds Res. Nos. 2003-37, 2004-119, and 2007-138 relating to the policy for Transit Services Outside of Regular Operations; and

BE IT FURTHER RESOLVED, that the City Council hereby adopts the new Charter Policy in accordance with FTA regulations attached hereto marked Exhibit A.

Dated: June 18, 2008

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I hereby certify that Resolution No. 2008-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 18, 2008, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS -
- ABSENT: COUNCIL MEMBERS -
- ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

CHARTER POLICY

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

Definition

- “Charter service” means, but does not include demand response service to individuals:
 - (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 all registered charter provider
 - Petitions to the Administrator:
 - Events of Regional or National Significance
 - Hardship
 - Discretion

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)

Receipt of Request for Service

When contacted to provide Charter Service as defined above, the request must be received a minimum of four (4) 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
- If City of Lodi will be collecting a fare on behalf of the chartering party and if so, what is the fare structure

Procedures for registration and notification

1. In order to be contacted by the City of Lodi for notice of available charter work, the private charter operator must be registered on FTA's Charter Registration Website: <http://www.fta.dot.gov/CharterRegistration>
2. Qualified Human Service Organizations (QHSO) that do 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 Lodi receives a request to provide charter service, we must provide the following information via email:

- (1) Email notice shall be sent to the list of registered charter providers by the close of business on the day the City of Lodi receives the request unless the City of Lodi received the request after 2 p.m., in which case the City of Lodi shall send the notice by the close of business the next business day;
- (2) Email notice sent to the list of registered charter providers shall include:
 - (i) Customer name, address, phone number, and email address (if available);
 - (ii) Requested date of service;
 - (iii) Approximate number of passengers;
 - (iv) Whether the type of equipment requested is (are) bus(es) or van(s); and
 - (v) Trip itinerary and approximate duration; and
- (3) If the City of Lodi will be collecting a fare on behalf of the chartering party that meets the definition of charter service under §604.3(c)(2), the email notice must include 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 Lodi shall record Charter Service Hours which are the service hours used to provide the charter and include deadhead and standby time.