

AGENDA ITEM 2 C  
Action Item

**MEMORANDUM**

**DATE:** March 1, 2018

**TO:** El Dorado County Transit Authority

**FROM:** Mindy Jackson, Executive Director

**SUBJECT:** Request for March 21, 2018 Shuttle to Support the World of Outlaws Sprint Car Racing Event

**REQUESTED ACTION:**

**BY MOTION,**

- 1. Approve operation of a special services shuttle to support a March 21, 2018 event at the El Dorado County Fairgrounds Placerville Speedway**
- 2. Approve use of Fiscal Year 2017/18 Marketing Budget funds for the March 21, 2018 special service**

**BACKGROUND**

On February 1, 2018 the El Dorado County Transit Authority (El Dorado Transit) received a request from El Dorado County Supervisor Brian Veerkamp to provide shuttle services for persons attending the March 21, 2018 World of Outlaws Sprint Car Race to be held at the Placerville Speedway. The plan is to open the County government center parking lots at 5:00 PM for parking and offer free shuttles from the bus stop on Fair Lane from 5:00 PM to 10:00 PM. The use of this parking and a shuttle may offer safe alternative transportation, reduce the over-parking impact to surrounding businesses and provide a pleasant experience for El Dorado County residents and out-of-town visitors attending the event.

As a recipient of Federal and State funding for public transportation, El Dorado Transit is subject to both Federal regulations and State statutes relating to the provision of services defined as charters. Charter service is generally defined as transportation provided at the request of a third party, for their exclusive use, for a negotiated price or higher price than the customary fixed route fare (usually collected and/or paid by a third party). The Charter definition excludes typical demand-response services such as Dial-A-Ride, transportation of employees or officials for transit business, some specialized transportation done for human service program purposes and emergency planning or response activities.

Under the Federal Transportation Administration (FTA) Charter Service; Final Rule, CFR 49 Part 604, grantees are prohibited from using federally funded equipment and

facilities to provide charter service, with a few limited exceptions. Updated in 2008, the federal regulations are intended to protect private, for profit charter operators from unfair competition with publicly subsidized transit agencies that can potentially offer charter services at a much lower cost. For the same reason, State Transportation Development Act (TDA) statute Section 99250 also places similar restrictions on the types of charters public transit operators can legally provide as well as the minimum revenue that must be generated from such services.

In addition to the significant restrictions on the scope of charter service that public transit operators are allowed to perform, the Federal regulations include requirements for recordkeeping and quarterly reporting. Grantees must report to the FTA with the specifics of any transportation performed that qualifies as community based charter service, excepted under the regulations.

On June 5, 2008 El Dorado Transit adopted Resolution Number 08-09 (copy attached) defining the local Charter Policy (Policy) as Federal Transit Administration (FTA) *Charter Service; Final Rule 49 CFR, Part 604*, January 14, 2008. The FTA Charter Rule specifically defines a charter as transportation provided for special events or functions that occur on an irregular basis or for a limited time, if the fare charged is higher than the usual or customary fixed route fare; or a third party pays for any part of the cost. Exemptions to the Federal Rule are:

- Transit systems transporting transit employees for the purpose of conducting oversight functions such as inspection, evaluation or review
- Private charter operators receiving federal funds
- Public transit agencies receiving funds under FTA Sections 5310, 5311, 5316 and 5317, so long as the charter service supports “program purposes”
- Planning and operations related to emergency response and preparedness
- Recipients in non-urbanized areas transporting employees for training
- Charters involving transportation of government officials for official business. This exemption is targeted at “government field trips such as visiting a new stadium or wastewater processing facility. It could also mean transporting City Council officials to a site or business officials, accompanied by government officials, touring a city for economic development purposes.” The agency cannot generate revenue from this type of service and must not exceed a total of eighty (80) service hours a year.
- Qualified Human Service Organizations (QHSEO), defined as qualified groups serving the elderly, persons with disabilities and low income individuals, who receive funding from one of the sixty-five (65) Federal programs. Leasing equipment to private charter operators (must exhaust all available vehicles first and the operator must be registered on the FTA’s Charter Registration website)
- By agreement with all registered charter providers
- When no registered charter provider responds to a notice sent by a recipient. If a transit agency wishes to provide charter service, not qualifying under any of the previously mentioned exemptions, it must post a notice of interest via the FTA’s Charter Registration website. If no registered private charter providers respond

with an interest in providing the charter within the specified timeframes – seventy-two (72) hours for trips with thirty (30) day notice or fourteen (14) days for trips with more than thirty (30) day notice – the agency can provide the service. If a registered private operator expresses interest, a transit system cannot provide the service whether the private operator does so or not.

## **DISCUSSION**

The current El Dorado Transit Charter Policy as defined in Resolution No. 08-09 (copy attached) incorporates the FTA Final Rule CFR 49 so that currently, El Dorado Transit does not operate any charter service as defined by the Final Rule.

The current Charter Policy is in line with the intention of the Federal regulations however; staff is requesting Board direction on developing Board Policy for special services to clarify allowable special services with regard to charters and to accurately categorize the services subject to the Federal regulations. A revised Policy would also conform to TDA statute requiring that revenue be generated from all authorized charters. The following language appears in TDA Section 99250 (a): “All charter services authorized to be performed by a public transportation system...shall contribute to the reduction of deficits incurred in the operation of scheduled route service.” As further mandated by the statute, allowable community based charters will be charged at direct cost and annual service held to a maximum of ten thousand dollars (\$10,000) in value or 40 vehicles per year, whichever is less.

Although requests for free or charter shuttles are received on a regular basis, the El Dorado Transit Board has not approved any requests for special service due to the policy restriction on charter service and the lack of agency funding for these services.

Absent Board Policy that would allow for a special service the Board may consider this special service if there are resources (funding, operators, staff and vehicles) available on a case-by-case basis. Staff has identified potential funding and reports that operators, staff and vehicles are available.

If the Board approves the World of Outlaws Race shuttle, this would be an opportunity to market El Dorado Transit to potential passengers. The projected cost of an amount not to exceed \$3,500 could be charged to the Fiscal Year 2017/18 marketing budget. This projected cost is based on sixteen (16) hours of service including all vehicle and personnel support. The actual cost of service would be charged to the Marketing Budget/Line Item.

El Dorado Transit would provide shuttle service from 5:00 PM to 10:00 PM on March 21, 2018 from the El Dorado County Library Bus stop to the County Fairgrounds; coordinate with the City of Placerville Police Department for No Parking signage and enforcement at Library Bus Stop; three operators; three buses; one on-site coordinator; one on-call mechanic; support staff for preparing signage and installation and miscellaneous tasks necessary to operate safe, reliable shuttle service.

To summarize staff recommendation:

1. Approve a one-time shuttle for World of Outlaws Race on March 21, 2018
  2. Approve the use of Marketing Budget for the World of Outlaws Race shuttle
- Staff also requests Board direction on revising the current Charter Policy to consider non-charter, special services that comply with federal regulations and state statutes.

**FISCAL IMPACT**

Fiscal Year 2017/18

Marketing Budget	\$3,500.00
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# EL DORADO TRANSIT

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## EL DORADO COUNTY TRANSIT AUTHORITY RESOLUTION NO. 08-09

RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE EL DORADO COUNTY TRANSIT AUTHORITY  
RECOGNIZING FEDERAL REGISTER; CHARTER SERVICE;  
FINAL RULE 49 CFR PART 604 AS POLICY CRITERIA FOR THE  
EVALUATION, ACCEPTANCE, PROCESSING, PROVISION AND  
REPORTING OF ALL CHARTER SERVICES

**WHEREAS**, the El Dorado County Transit Authority (EDCTA) is a public agency providing charter services as allowed per State and Federal guidelines, and

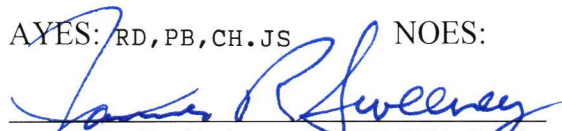
**WHEREAS**, the Federal Transit Administration (FTA) issued its final rule on the governance of transit charters. The *Charter Service; Final Rule 49 CFR, Part 604* published January 14, 2008, and

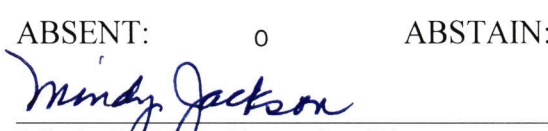
**WHEREAS**, under the *Final Rule*, public transit agencies must report all charter services performed to the FTA, and

**NOW, THEREFORE, BE IT RESOLVED**, the EDCTA recognizes the *Federal Register; Final Rule 49 CFR, Part 604* as policy criteria for the evaluation, acceptance, processing, provision and reporting of all charter services provided by the EDCTA.


**PASSED AND ADOPTED BY THE GOVERNING BOARD OF THE EL DORADO COUNTY TRANSIT AUTHORITY** at a regular meeting of said Board, held on the 5th day of June 2008 by the following vote of said Board:

AYES: RD, PB, CH, JS      NOES:      0      ABSENT:      0      ABSTAIN: RB

  
James R. (Jack) Sweeney, EDCTA Chair

  
Mindy Jackson, Executive Director

APPROVED AS TO FORM:

  
Barbara McDonald, Secretary to the EDCTA Board