



Charter Policy	
Date adopted:	Date revised: May 20, 2019

The City of Rock Hill is a direct recipient of federal funds under 49 U.S.C. § 5307 and adheres to the Federal Transit Administration’s Charter Policy, 49 CFR part 604. The City of Rock Hill has agreed, in the annual FTA Certifications and Assurances, that it shall only use FTA-funded vehicles or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 CFR 604, the terms and conditions of which are incorporated herein by reference.

Policy

It is the policy of The City of Rock Hill that it will **not** use federal financial assistance to compete with private operators of intercity charter bus service where such private operators were willing and able to provide the service.

The City of Rock Hill will only perform charter services consistent with 49 CFR part 604, issued on January 14, 2008 and any updates thereto. This policy implements 49 U.S.C. 5323(d), which protects private charter operators from unauthorized competition from recipients of Federal financial assistance under the Federal Transit Laws.

Definitions

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:
 - a. A third party pays the transit provider a negotiated price for the group;
 - b. Any fares charged to individual members of the group are collected by a third party;
 - c. The service is not part of the transit provider’s regularly scheduled service, or is offered for a limited period of time; or
 - d. A third party determines the origin and destination of the trip as well as scheduling;

or

- 1) Transportation provided by a recipient to the public for events or functions that occur on an irregular basis or for a limited duration and:
 - a. A premium fare is charged that is greater than the usual or customary fixed route fare; or
 - b. The service is paid for in whole or in part by a third party.



Geographic service area: the entire area in which a recipient is authorized to provide public transportation service under appropriate local, state, and Federal law.

Program purposes: transportation that serves the needs of either human service agencies or targeted populations (elderly, individuals with disabilities, and or low income individuals); this does not include exclusive service for other groups formed for purposes unrelated to the special needs of the targeted populations identified herein.

Qualified human service organization: an organization that serves persons who qualify for human service or transportation-related programs or services due to disability, income, or advanced age. This term is used consistent with the President's Executive Order on Human Service Transportation Coordination (February 24, 2004).

PROVISION OF CHARTER SERVICE

General

The City of Rock Hill will **not** provide any services that meet the definition of charter service under the regulations unless such services can be provided under one of the following exemptions or the exception listed herein. If a party requesting charter service that does not meet the conditions specified in this policy, personnel from The City of Rock Hill will determine if it is interested in performing the service. If so, the City of Rock Hill will send notice to all private operators registered in the recipient's geographic service area through the FTA charter bus service website (<https://ftawebprod.fta.dot.gov/CharterRegistration/Default.aspx>). The notice sent will conform strictly to the requirement of the charter rule.



PROVISION OF CHARTER SERVICE UNDER AN EXEMPTION

At its discretion, The City of Rock Hill may elect to perform a charter service if it determines that the charter service is subject to the exemptions provided in 49 CFR part 604.2, as follows:

Transport of Transit System Employees

The City of Rock Hill may transport its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, to or from transit facilities or projects within its geographic service area or proposed geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review.

Emergency Preparedness Training

The City of Rock Hill may transport its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, for emergency preparedness planning and operations.

Declarations of Emergency

The City of Rock Hill may transport any group of individuals in direct response to an emergency declared by the President, governor, or mayor or in an emergency requiring immediate action prior to a formal declaration. If the emergency lasts more than 45 days, the recipient shall follow the procedures set out in subpart D of 49 CFR 601.

Non-urbanized Area Training Functions

The City of Rock Hill may transport its employees, other transit system employees, transit management officials, and transit contractors and bidders to or from transit training outside its geographic service area.

Program Purpose

The City of Rock Hill may provide transportation to an organization that is a human service agency or that serves the needs of the following targeted populations:

- 1) Elderly;
- 2) Individuals with disabilities; or
- 3) Low income individuals.



PROVISION OF CHARTER SERVICE UNDER AN EXCEPTION

At its discretion, The City of Rock Hill may elect to perform a charter service if it determines that the charter service is subject to the exceptions provided in 49 CFR part 604.6 through 604.7, as follows:

Governmental Officials Exception

The City of Rock Hill may provide charter service to government officials (Federal, State, and local) for official government business, which can include non-transit related purposes. For all such transports, The City of Rock Hill will:

- 1) Provide the service only in its geographic service area; and
- 2) Not generate revenue from the charter service, except as required by law.

Any service provided under this section shall be limited annually to 80 charter service hours.

Qualified Human Service Organization

The City of Rock Hill may provide charter service to a qualified human service organization (QHSO) for the purpose of serving persons:

- 1) With mobility limitations related to advanced age;
- 2) With disabilities; or
- 3) With low income.

The City of Rock Hill will require that any QHSO submit a form found in Appendix A to this policy to certify that the organization either:

- 1) Receives funding, directly or indirectly, from the programs listed in Appendix A; or
- 2) Has registered on the FTA charter registration website.

Reporting Requirements for Charter Services Provided as an Exception

If The City of Rock Hill provides charter service under the provisions of Sections 3.3.1 or 3.3.2 of this policy, it shall collect and report information as required and at the frequencies required by FTA.

Consultation with FTA

If there is a question as to whether a service request would meet the charter definition or qualify under the provisions of Sections 3.2 or Section 3.2 of this policy, The City of Rock Hill will consult FTA for further guidance.



Appendix A
Qualified Human Service Organization Certification

To be completed by any organization requesting exclusive use of a City of Rock Hill public transit vehicle for charter transportation in support of a program purpose or by a human service agency program.

The _____ (Name of Organization) _____ hereby certifies:

Check one:

Program Purpose Exemption. That we are requesting use of a City of Rock Hill public transit vehicle in charter service that will provide transport *exclusively* to the targeted populations (elderly, individuals with disabilities, and or low income individuals).

OR

Non-Registered QHSO Exception. That we are an organization that provides services to persons who qualify for human service or transportation-related programs or services due to disability, income, or advanced age and that we receive funding, either directly or indirectly, under one or more of the programs listed on the reverse side of this certification.

OR

Registered QHSO Exception. That we are an organization that has been designated as a Qualified Human Service Organization (QHSO) by virtue of our successful registration with the Federal Transit Administration at:

[http://ftawebprod.fta.dot.gov/CharterRegistration/\(S\(daxssj55ep5crwq4k321vq45\)\)/QHSO/QHSONew.aspx](http://ftawebprod.fta.dot.gov/CharterRegistration/(S(daxssj55ep5crwq4k321vq45))/QHSO/QHSONew.aspx)

The criminal provisions of 18 U.S.C. 1001 apply to this certification made in connection with a Federal public transportation program grant authorized in 49 U.S.C. chapter 53. In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the organization are true and correct.

Signature: _____

Name (Typed: _____

Date: _____